

City of Fall River Massachusetts
Office of the City Clerk

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ALISON M. BOUCHARD
CITY CLERK

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FALL RIVER, MA ASSISTANT CITY CLERK

MEETINGS SCHEDULED
VIRTUAL MEETINGS

**MEETINGS WILL BE AVAILABLE FOR VIEWING AT [HTTP://FRGTV.FREDTV.US/](http://FRGTV.FREDTV.US/)
AND CHANNEL 18**

TUESDAY, OCTOBER 27, 2020
AGENDA

6:00 P.M. COMMITTEE ON FINANCE MEETING

1. Citizen Input

Due to the COVID-19 Essential Services Advisory, citizen input must be submitted by email to city_council@fallriverma.org by Tuesday, October 27, 2020 at 3:00 p.m. to be read at the meeting.

2. *Discussion with the Director of Financial Services and a representative of Roselli, Clark & Associates re: findings of the 2019 Year End Independent Audit
3. *Discussion of the proposed Soils Management Project to be conducted by Browning-Ferris Industries, Inc. in conjunction with the City of Fall River

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

PRIORITY MATTERS

1. *Mayor requesting confirmation of the appointment of David J. Marciello, Esq., MPA as City Administrator
2. *Mayor requesting confirmation of appointments/reappointments as follows:
 - a. Luis Ferreira to the Conservation Commission (reappointment)
 - b. Christopher Antao to the Cultural Council (reappointment)
 - c. Donna A. Valente to the Cultural Council (reappointment)
 - d. Kathryn Clarkin to the Library Trustees (reappointment)
 - e. Fran Rachlin to the Library Trustees (reappointment)
3. *Mayor and order requesting acceptance of the provisions of MGL Chapter 59, Section 2A(a) re: Change of Assessment Date from January 1 to July 1
4. *Mayor and order transferring ownership of the Bank Street Armory, 72 Bank Street to the Fall River Redevelopment Authority
5. *Mayor and orders approving Conservation Restrictions with the Buzzards Bay Coalition, Inc. as follows:
 - a. 861 Indian Town Road
 - b. North Side of Yellow Hill Road
6. *Mayor and proposed ordinance establishing a fee schedule for utility poles
7. *Fiscal Year 2021 – Quarter 1 Budget Report

PRIORITY COMMUNICATIONS

8. *Traffic Commission recommending amendments to traffic ordinances

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

One Government Center • Fall River, MA 02722

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

COMMITTEE REPORTS

Committee on Public Safety recommending:

Grant leave to withdraw:

9. *Resolution – Discuss safety concerns on Wilson Road

ORDINANCES – None

RESOLUTIONS

10. *Committee on Economic Development and Tourism convene with City Forester to discuss amenities available at the Southeastern Massachusetts Bioreserve Trails
11. *Committee on Health and Environmental Affairs convene with Administrator of Public Utilities, Dir. of Health and Human Services, Dir. of Community Maintenance and representative of Somerset Board of Selectmen to discuss possible contamination concerns related to the Brayton Point Power Plant Project

CITATIONS – None

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

12. *Order –rescheduling of Committee on Finance and Regular Meetings of the City Council for the months of November and December, 2020

Police Chief's report on licenses:

2020 Taxicab Driver:

13. Anthony J. Cabral

COMMUNICATIONS – INVITATIONS – PETITIONS

14. *Claims
15. Drainlayer License for Equality Construction Works, Inc.
- Planning Board Minutes:
16. September 21, 2020 Meeting
- Zoning Board of Appeals Minutes:
17. June 25, 2020 Meeting
18. June 30, 2020 Meeting
19. July 16, 2020 Meeting
- City Council Meeting Minutes:
20. *Public Hearings – September 8, 2020
21. *Committee on Finance – September 8, 2020
22. *Committee on Finance – September 22, 2020
23. *Regular Meeting of the City Council – September 8, 2020
24. *Regular Meeting of the City Council – September 22, 2020
25. *Asst. Corporation Counsel re: Open Meeting Law Complaint filed by Collin Dias alleging violation by City Council Committee on Finance on September 22, 2020
26. *Communication from Collin Dias re: creation of an Elderly and Disabled Ladder Support program

BULLETINS – NEWSLETTERS – NOTICES

27. Notice of Casualty and Loss at 662 Weetamoe Street

Alison M. Bouchard
City Clerk



ROSELLI, CLARK & ASSOCIATES
CERTIFIED PUBLIC ACCOUNTANTS

FINANCE 2

500 West Cummings Park
Suite 4900
Woburn, MA 01801

Telephone: (781) 933-0073

www.roselliclark.com

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October 27, 2020

The Honorable Mayor and City Council
City of Fall River, Massachusetts

CITY CLERK
FALL RIVER, MA

We have audited the financial statements of the City of Fall River (the "City") as of and for the year ended June 30, 2019. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards (and, if applicable, *Government Auditing Standards* and the Uniform Guidance), as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated July 23, 2019. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Matters

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City are described in the notes to the basic annual financial statements. No new significant accounting policies were adopted and the application of existing policies was not changed during 2019. We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the City's financial statements were:

- Net pension liability, which is actuarially-determined. We audited the fiscal year 2019 Fall River Contributory Retirement System financial statements (as of and for the year ended December 31, 2018) and issued an unmodified report on those financial statements dated August 28, 2019. In connection with that audit, we evaluated the key factors and assumptions used to develop the net pension liability in determining that it is reasonable in relation to the financial statements taken as a whole.
- Net OPEB liability, which is actuarially determined. We evaluated the key factors and assumptions used by the City to develop the net OPEB liability in determining that it is reasonable in relation to the financial statements taken as a whole.

- Management's estimate of the allowance for doubtful accounts is based on historical revenues, historical loss levels, and an analysis of the collectibility of individual accounts. The most significant allowances pertain to the allowances reported in the City's enterprise funds as well as the allowances for uncollectible parking ticket and mortgage receivables. We evaluated the key factors and assumptions used to develop the allowance in determining that it is reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the financial statements pertained to the estimates described above and can be found in the notes to the financial statements.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. A schedule summarizing uncorrected misstatements of the financial statements has been previously provided to management. Management has determined that their effects are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated February 24, 2020.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the City's financial statements or a determination of the type of auditors' opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

As discussed in Note V to the financial statements, a number of prior period adjustments were made to the City's beginning net position. Many of these adjustments were reclassifications between reported funds. Others were accounting differences. We refer you to the audited financial statements for further details.

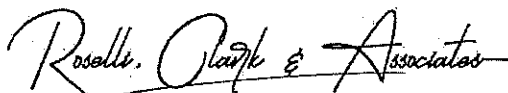
Other Matters

We applied certain limited procedures to the budgetary comparison, pension and OPEB schedules, which are required supplementary information ("RSI") that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

Restriction on Use

This information is intended solely for the information and use of City's governing body and management of the City and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,



Roselli, Clark & Associates
Certified Public Accountants
Woburn, Massachusetts

CITY OF FALL RIVER, MASSACHUSETTS

2019 Post-Audit Conference

Town Council

October 27, 2020

CONTENTS

- Presenter
 - Terenzio Volpicelli, CPA, Partner
- Required Communications
- Current Economic Trends
 - Macro Trends
 - Micro Trends
- Summary of Financial Condition
- Long-Term Obligations
- Q&A

REQUIRED COMMUNICATIONS

- What is a governmental financial statement audit?
- Management's versus auditors' responsibilities
- Significant accounting estimates in the financial statements
 - Total pension liability
 - Total other postemployment benefit (OPEB) liability
 - Allowances for doubtful accounts
- No reportable difficulties/disagreements with management
- Complete required communication letter provided separately

CURRENT MACRO ECONOMIC TRENDS

- U.S. equities and debt markets rocked by COVID-19 in Q1 2020 but have since recovered
- Unemployment rates for the Commonwealth on key dates:
 - December 2019 – 2.8%
 - March 2020 – 2.9%
 - June 2020 – 17.7%
 - September 2020 – 9.6%
- Source: Exec. Office of Labor and Workforce Development
- Statewide regulations surrounding business and municipal/school operations during COVID-19 are fluid
- Election uncertainty

CURRENT MICRO ECONOMIC TRENDS

- Lower FY 2020/2021 revenues than budgeted/forecasted for:
 - Hotel/meal excise taxes
 - Motor vehicle excise taxes (consistently observed throughout MA)
 - User charges
- Commonwealth has committed to level fund FY 2021 state aid
 - Commonwealth's budget hasn't yet been finalized ... unlikely until after the November elections
- Market for municipal general obligation bonds spotty at times
- Additional one-time COVID-19 costs – federal sources to cover

CURRENT MICRO ECONOMIC TRENDS (CONTINUED)

- 1/1/2021 actuarial valuation date for Retirement System
 - Unlikely to meet its targeted return of 7.25% for calendar 2020
 - OPEB investment account will not keep pace with targeted return of 3.75% for FY 2020
- OPEB discount rates for FY 2020 valuation will fall due to effects of declining munibonds and OPEB Plan investment composition
- Cost management and its effect on capital plans/budgets
- Likely lower energy prices due to supply/demand of oil and natural gas

SUMMARY FINANCIAL CONDITION

- Entered FY 2020 with the following general reserves:
 - \$6.5 million in general stabilization
 - \$2.8 million in water/sewer/EMS stabilization
 - \$3.0 million in certified free cash at 7/1/2019 (\$2.2 mm at 7/1/2020)
- FY 2019 revenues exceeded budget by \$1.4 million
- FY 2019 expenditures were \$1.5 million lower than budget
- Reserve ratio of 4.5% at 6/30/19 versus 3.3% at 6/30/18
- Preliminary FY 2020 figures show sizable budget turnbacks
- Moody's rated the 2/2020 general obligation sale A3

LONG-TERM OBLIGATIONS

➤ Two-year trend of long-term obligations (in thousands):

	2018	2019
Governmental Activities		
Temporary notes payable	\$ 10,426	\$ 76,664
Long-term debt	78,184	72,758
Net OPEB liability	464,162	462,172
Net pension liability	293,851	338,712
Sewer, Water & EMS		
Temporary notes payable	\$ 14,566	\$ 22,357
Long-term debt	166,910	168,958
Net OPEB liability	20,349	20,262
Net pension liability	22,021	25,494

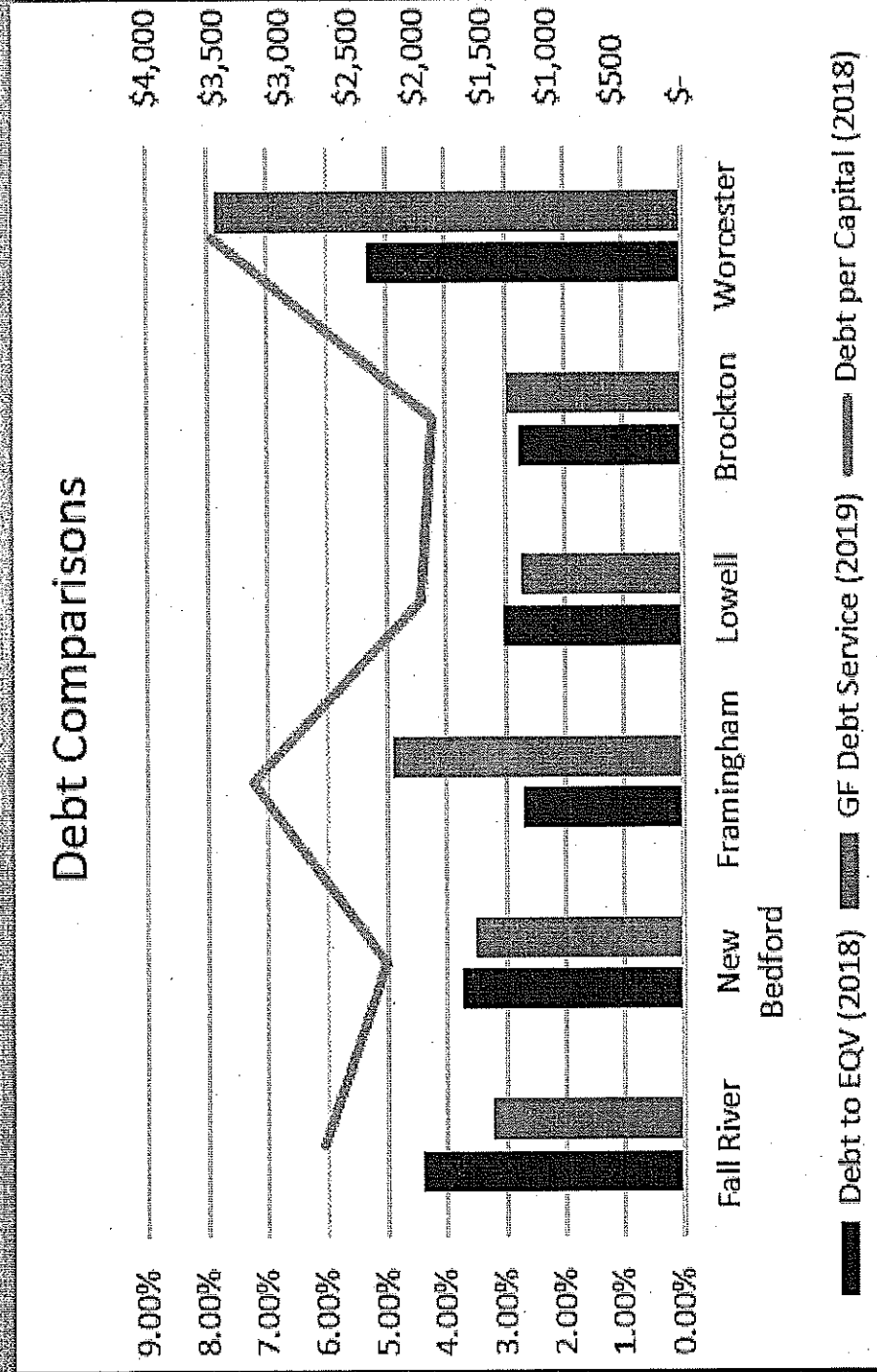
LONG-TERM OBLIGATIONS (CONTINUED)

➤ Funded status for pensions and OPEB as of June 30, 2019 (in thousands)

	<u>Pension*</u>	<u>OPEB</u>
Total liability	\$ 668,392	\$ 482,536
Fiduciary net position	268,999	102
Net liability	<u>\$ 399,393</u>	<u>\$ 482,434</u>
Funded ratio	<u>40.25%</u>	<u>0.02%</u>
* As of 12/31/18 - includes Housing, Vocational School and Redevelopment		

DEBT COMPARISONS

➤ Debt comparisons with neighboring/comparable communities:



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ROSELLI, CLARK & ASSOCIATES
Certified Public Accountants

CITY OF FALL RIVER, MASSACHUSETTS

Report on Examination of
Basic Financial Statements
and Additional Information

Year Ended June 30, 2019



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ROSELLI, CLARK & ASSOCIATES
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INDEPENDENT AUDITORS' REPORT

Honorable Mayor and Honorable Members of the City Council
City of Fall River, Massachusetts

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City of Fall River, Massachusetts, (the "City") as of and for the year ended June 30, 2019 (except for the Fall River Contributory Retirement System, which is as of December 31, 2018) and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents,

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit includes performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Basis for Adverse Opinion on Discretely Presented Component Unit

The financial statements referred to above do not include the financial data for the Fall River Redevelopment Authority, a discretely presented component unit. Accounting principles generally accepted in the United States of America require financial data for component units to be reported with the financial data of the City's primary government unless the City also issues financial statements for the financial reporting entity that include the financial data for its component units. The City has not issued such reporting entity financial statements. Because of this departure from accounting principles generally accepted in the United States of America, the assets, deferred outflows of resources, liabilities, deferred inflows of resources, net position, revenues and expenses of the discretely presented component unit are understated by an amount that has not been determined.

Adverse Opinion

In our opinion, because of the significance of the matter described in the *Basis for Adverse Opinion on Discretely Presented Component Unit* paragraph, the financial statements referred to above do not present fairly the financial position of the discretely presented component unit of the City as of June 30, 2019 or the changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Unmodified Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City as of June 30, 2019, (except for the Fall River Contributory Retirement System, which is as of December 31, 2018) and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

The City's basic financial statements as of and for the year ended June 30, 2018 were audited by others, for which they issued opinions dated March 26, 2019. As discussed in Note V to the basic financial statements, the City restated its previously reported net positions in its government-wide financial statements and proprietary funds financial statements; additionally, beginning balances in the fund balances in the City's governmental funds were also restated. We audited the adjustments described in Note V that were applied to restate the June 30, 2018 basic financial statements. In our opinion, such adjustments are appropriate and have been properly applied. We were not engaged to audit, review or apply any procedures to the June 30, 2018 basic financial statements other than with respect to the adjustments and accordingly, we do not express an opinion or any other form of assurance on the June 30, 2018 basic financial statements taken as a whole.

Other Matters*Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that management's discussion and analysis, and the schedules listed under the required supplementary information section in the accompanying table of contents be presented to supplement the basic financial statements. Such information, although not part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context.

We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued a report dated February 24, 2020 on our consideration of the City's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.



Roselli, Clark and Associates
Certified Public Accountants
Woburn, Massachusetts
February 24, 2020

MANAGEMENT'S DISCUSSION AND ANALYSIS

As the management of the City of Fall River, Massachusetts (the "City"), we offer readers of the City's financial statements this narrative overview and analysis of the financial activities of the City for the fiscal year ended June 30, 2019. We encourage readers to consider the information presented here in conjunction with their review of the basic financial statements, notes to the basic financial statements and required supplementary information.

Financial Highlights

- The City commenced construction of a new high school in fiscal year 2019. The City expects to be reimbursed approximately 80% of eligible construction costs from the Massachusetts School Building Authority, or MSBA, up to a maximum of approximately \$170.3 million. The vast majority of the approximately \$34.6 million in intergovernmental revenues reported in the City's capital projects fund were received from the MSBA for this project in fiscal year 2019.
- The City is currently funding its portion of this school construction project with bond anticipation notes payable, or BANs. At June 30, 2019, over \$60.4 million in BANs were issued and outstanding relative to this project. These BANs have an effective interest rate of approximately 1.85%, inclusive of the effect of nearly \$1 million in BAN premiums.
- The City's liabilities and deferred inflows of resources exceeded its assets and deferred outflows of resources at the close of the most recent fiscal year by approximately \$375.3 million (*total net position*). The City's total net position deficit improved by nearly \$19.6 million year-over-year. The City's governmental activities increased by nearly \$13.6 million while its business-type activities increased by approximately \$6.0 million.
- The City continues to report deficits in unrestricted net position in both its governmental activities and business-type activities. At June 30, 2019, the total deficit in unrestricted net position was approximately \$813.6 million. This deficit is primarily the result of the recording of approximately \$846.6 million in long-term obligations associated with net other postemployment benefits, or OPEB, liabilities and net pension liabilities.
- At the close of the current fiscal year, the City's governmental funds balance sheet reported a combined ending fund balance surplus of approximately \$21.0 million. This represents an increase of approximately \$179,000 from the prior year. Increases in the City's general fund and nonmajor governmental funds were offset by a decrease reported in the City's capital projects fund.
- The general fund reported an approximate \$11.2 million unassigned fund balance at June 30, 2019 and is available for spending at the government's discretion. An additional \$2.0 million was assigned as a reservation for the City's normal purchase order activity.
- The City's total general obligation bond and notes payable debt decreased over \$3.2 million in fiscal year 2019. The City issued approximately \$13.3 million in long-term bonds and notes and repaid approximately \$16.5 million in long-term debt in fiscal year 2019. The City's short-term borrowings, which consist of bond anticipation notes and interim notes from the Massachusetts Clean Water Trust, or MCWT, increased over \$73.9 million in fiscal year 2019 to \$99.0 million at June 30, 2019. The majority of this increase was due to the new high school construction project.

Overview of the Financial Statements

This discussion and analysis are intended to serve as an introduction to the City's basic financial statements. The City's basic financial statements comprise three components: 1) government-wide financial statements, 2) governmental fund financial statements and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

Government-Wide Financial Statements – The government-wide financial statements are designed to provide readers with a broad overview of the City's finances, in a manner similar to a private-sector business.

The statement of net position presents information on all of the City's assets and deferred outflows of resources and its liabilities and deferred inflows of resources, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating.

The statement of activities presents information showing how the government's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused sick pay).

Both of the government-wide financial statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenue (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities of the City include general government, public safety, highways and streets, sanitation, education, health and human services, culture and recreation, community development, fringe benefits and debt service. The business-type activities of the City include sewer, water and emergency medical services, or EMS.

Fund Financial Statements – A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into three categories: governmental funds, proprietary funds and fiduciary funds.

Accounting guidelines distinguish fund balance between amounts that are considered nonspendable, such as fund balance associated with inventories, and other amounts that are classified based on the relative strength of the constraints that control the purposes for which specific amounts can be spent. Beginning with the most binding constraints, fund balance amounts will be reported in the following classifications:

- **Nonspendable**—amounts that cannot be spent because they are either (a) not in spendable form (i.e., inventory or prepaid expenses) or (b) legally or contractually required to be maintained intact.
- **Restricted**—amounts constrained by external parties, constitutional provision, or enabling legislation.
- **Committed**—amounts constrained by a government using its highest level of decision-making authority.

- Assigned—amounts a government intends to use for a particular purpose.
- Unassigned—amounts that are not constrained at all will be reported in the general fund or in other major funds if negative.

Governmental Funds – Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions.

The City maintains several individual governmental funds. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the general fund and capital project funds. Data from the other governmental funds are combined into a single, aggregated presentation.

The City adopts an annual appropriated budget for its general fund. A budgetary comparison schedule has been provided for the general fund to demonstrate compliance with this budget. This schedule has been prepared as required supplementary information and can be found along with its corresponding notes in this report.

Proprietary Funds – Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The proprietary fund financial statements provide separate information for enterprise funds of the sewer, water and EMS activities.

Internal service funds are used to report activities that service all other City departments. The City uses an internal service fund to account for self-insured health insurance claims.

Fiduciary Funds – Fiduciary funds are used to account for resources held for the benefit of parties outside the government. Fiduciary funds are not reflected in the government-wide financial statements because the resources of those funds are not available to support the City's own programs. The accounting used for fiduciary funds is much like that used for proprietary funds.

Notes to the Financial Statements – The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

Government-Wide Financial Analysis

The condensed comparative statements of net position for the two most recent years are as follows:

	Governmental Activities		Business-Type Activities		Total	
	June 30, 2019	June 30, 2018 (a)	June 30, 2019	June 30, 2018 (a)	June 30, 2019	June 30, 2018 (a)
Assets:						
Current and other assets	\$ 143,597,705	\$ 70,729,226	\$ 36,717,921	\$ 32,153,655	\$ 180,315,626	\$ 102,882,881
Capital assets, net	382,317,190	354,268,180	272,501,080	259,132,953	654,818,270	613,401,133
Total Assets	525,914,895	424,997,406	309,219,001	291,286,608	835,133,896	716,284,014
Deferred Outflows of Resources	38,510,541	18,833,239	2,834,169	920,993	41,344,710	19,754,232
Liabilities:						
Long-term liabilities	879,498,083	826,864,567	205,648,439	199,785,116	1,085,146,522	1,026,649,683
Other liabilities	108,835,413	59,220,094	38,728,658	30,901,590	147,564,071	90,121,684
Total Liabilities	988,333,496	886,084,661	244,377,097	230,686,706	1,232,710,593	1,116,771,367
Deferred Inflows of Resources	18,229,223	13,440,364	851,539	680,553	19,080,762	14,120,917
Net Position:						
Net investment in capital assets	311,171,589	264,514,069	89,811,696	81,758,024	400,983,285	346,272,093
Restricted	37,282,762	30,602,489	-	-	37,282,762	30,602,489
Unrestricted	(790,591,634)	(750,810,938)	(22,987,162)	(20,917,682)	(813,578,796)	(771,728,620)
Total Net Position	\$ (442,137,283)	\$ (455,694,380)	\$ 66,824,534	\$ 60,840,342	\$ (375,312,749)	\$ (394,854,038)

(a) Certain restatements were made to the beginning balances; refer to Note V to the financial statements.

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. The City's total net position increased by approximately \$19.5 million from the prior year.

The largest portion of the City's overall net position reflects its investment in capital assets (e.g. land, construction in-progress, buildings, machinery, equipment and vehicles), less any related debt (netted down by those amounts expected to be reimbursed by the Commonwealth of Massachusetts) used to acquire those assets that is still outstanding. The City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the City's investment in its capital assets is reported net of related debt, the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

An additional significant portion of the City's total net position represents resources that are subject to external restrictions on how they may be used. Restricted net position was approximately \$37.3 million at June 30, 2019.

The remaining category represents unrestricted net position, which currently has a deficit balance of approximately \$813.6 million. This deficit is entirely attributable to the City's recognition of net pension and net other postemployment benefits liabilities.

The condensed comparative statements of activities for the two most recent years are as follows:

	Governmental Activities		Business-Type Activities		Total	
	2019	2018	2019	2018	2019	2018
Revenues:						
Program revenues:						
Charges for services	\$ 12,379,838	\$ 9,297,322	\$ 42,769,535	\$ 41,743,502	\$ 55,149,373	\$ 51,040,824
Operating grants and contributions	192,382,896	183,696,876	1,578,325	1,650,445	193,961,221	185,347,321
Capital grants and contributions	40,403,883	2,303,538	4,136,693	314,350	44,540,576	2,617,888
General revenues:						
Property taxes	103,095,757	97,520,690	-	-	103,095,757	97,520,690
Excise taxes	9,905,208	9,379,469	-	-	9,905,208	9,379,469
Intergovernmental	24,639,691	24,756,456	-	-	24,639,691	24,756,456
Other	3,737,276	3,114,680	40,031	-	3,777,307	3,114,680
Total Revenues	<u>386,544,549</u>	<u>330,069,031</u>	<u>48,524,584</u>	<u>43,708,297</u>	<u>435,069,133</u>	<u>373,777,328</u>
Expenses:						
General government	11,253,283	11,111,667	-	-	11,253,283	11,111,667
Public safety	69,511,958	75,220,622	-	-	69,511,958	75,220,622
Education	244,193,909	231,087,491	-	-	244,193,909	231,087,491
Public works	23,691,284	22,300,104	-	-	23,691,284	22,300,104
Health and human services	12,352,752	13,838,163	-	-	12,352,752	13,838,163
Culture and recreation	2,093,930	4,511,319	-	-	2,093,930	4,511,319
Community development	6,344,614	6,511,646	-	-	6,344,614	6,511,646
Interest expense	3,360,722	2,440,873	-	-	3,360,722	2,440,873
Utility and user services	-	-	42,725,392	32,667,432	42,725,392	32,667,432
Total Expenses	<u>372,802,452</u>	<u>367,021,885</u>	<u>42,725,392</u>	<u>32,667,432</u>	<u>415,527,844</u>	<u>399,689,317</u>
Change in Net Position Before Transfers	13,742,097	(36,952,854)	5,799,192	11,040,865	19,541,289	(25,911,989)
Transfers	(185,000)	3,968,509	185,000	(3,968,509)	-	-
Change in Net Position	<u>13,557,097</u>	<u>(32,984,345)</u>	<u>5,984,192</u>	<u>7,072,356</u>	<u>19,541,289</u>	<u>(25,911,989)</u>
Net Position:						
Beginning of year	(455,694,380)	(429,693,814)	60,840,342	62,967,575	(394,854,038)	(366,726,239)
Restatement (a)	-	6,983,779	-	(9,199,589)	-	(2,215,810)
End of year	<u>\$ (442,137,283)</u>	<u>\$ (455,694,380)</u>	<u>\$ 66,824,534</u>	<u>\$ 60,840,342</u>	<u>\$ (375,312,749)</u>	<u>\$ (394,854,038)</u>

(a) Refer to Note V to the financial statements.

Governmental Activities Revenues – Revenues in the City's governmental activities increased nearly \$56.5 million, or 17%, year-over-year. The majority of this increase was due to an approximate \$38.1 million increase in capital grants and contributions. As previously noted, the City began construction on a new high school in fiscal year 2019, a significant portion of which is reimbursed to the City by the MSBA. In fiscal year 2019, the City recognized approximately \$34.2 million in school construction reimbursements from the MSBA.

Operating grants and contributions continue to be the largest revenue source for the City. The largest sources of operating grants and contributions include education reimbursements (Chapter 70 funds) and on-behalf payments made by the Commonwealth to the MTRS for City teachers. As a percentage of total revenues, operation grants and contributions decreased from 56% to 50% in fiscal year 2019. This decrease was an effect of the sharp increase in capital grants and contributions. On a gross dollar basis, operating grants and contributions increased nearly \$8.7 million, or 5%, year-over-year, for which approximately \$7.2 million of this increase pertained to increased Chapter 70 aid.

Property tax revenues increased \$5.6 million, or 6%, year-over-year. There are a number of significant construction and renovation projects within the City, which has resulted in an increase in new growth within its property tax base; these increases, coupled with the statutory property tax rate increases, are the primary contributors to this growth.

No other revenue source exceeded 10% of reported governmental activities' revenues in either fiscal year 2019 or 2018.

Governmental Activities Expenses – Expenses in the City's governmental activities increased nearly \$5.8 million, or 2%, year-over-year. As a percentage of total expenses, education represented 66% and 63% of fiscal year 2019 and 2018 expenses, respectively. This increase was due primarily to a greater amount of benefits being applied to education employees in fiscal year 2019 versus 2018 as well as a 2.2% increase in student enrollment; these increased expenses were reflected in the increase in Chapter 70 aid in fiscal year 2019. Public safety expenses totaled 19% and 20% of fiscal years 2019 and 2018 expenses, respectively. No other expense category exceeded 10% of reported governmental activities' expenses in either fiscal year 2019 or 2018.

Business-Type Activities Revenues – Revenues in the City's business-type activities increased over \$4.8 million, or 11%, year-over-year. Approximately \$3.8 million of this increase was from capital grants and contributions in the City's sewer and water enterprises. The City continues to apply for and receive governmental awards for wastewater and drinking water projects.

Business-Type Activities Expenses – Expenses in the City's business-type activities increased nearly \$10.1 million, or 31%, year-over-year. This sharp increase was due primarily to changes in pension and other postemployment benefits allocations, which resulted in significantly more of these costs being allocated to the business-type activities, particularly EMS.

Government Funds Financial Analysis

As noted earlier, the City uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental Funds – The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. In particular, unassigned fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

As of the close of the current fiscal year, the City's governmental funds balance sheet reported a combined ending fund balance surplus of approximately \$21.0 million, which was relatively consistent with the prior year's ending fund balance.

The general fund is the chief operating fund of the City. At the end of the current fiscal year, unassigned fund balance of the general fund was approximately \$11.2 million, while total general fund balance approached \$13.2 million. As a measure of the general fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. Unassigned fund balance at year end represents approximately 3.8% of total fiscal year 2019 general fund expenditures, while total fund balance was also 4.5% of that same amount.

The City also maintains a major governmental fund to account for its capital projects. This fund operates with a deficit fund balance of approximately \$9.9 million. The City has a number of deficits in capital projects funds, which it expects to fund with the issuance of its general obligations bonds in future periods. The most significant deficits pertained to various streetscape projects as well as the high school construction project, which when combined totaled nearly \$9.1 million of the total unassigned deficit of \$12.3 million at June 30, 2019.

The City's aggregate nonmajor governmental funds include the City's special revenue funds and trust funds. The fund balances in the nonmajor funds increased approximately \$2.4 million in fiscal year 2019 to approximately \$17.8 million at June 30, 2019. This was due primarily to timing of revenues and expenditures.

Proprietary Funds – The City's proprietary funds provide the same type of information found in the government-wide financial statements, but in more detail. At the end of the year, the City's sewer and water funds reported positive net positions of approximately \$69.2 million and \$18.8 million, respectively. The City's EMS fund reports a deficit net position of over \$21.1 million, which was due primarily to the recognition of nearly \$27.4 million in net pension and net other postemployment benefits liabilities at June 30, 2019.

The internal service fund, which is used to account for the financial activity of the City's self-insured medical insurance programs, had a net position of nearly \$9.6 million at June 30, 2019. Of this total, approximately \$6.2 million is reported as restricted as these amounts represent the accumulated surplus from employee withholdings.

Fiduciary Fund – The City's fiduciary fund is comprised of the City's pension trust, other postemployment benefits trust, agency funds and private purpose trust funds. The City's pension and other postemployment benefits trusts are combined for financial reporting purposes. The pension trust has a December 31, 2018 year end, while the other postemployment benefits trust has a June 30, 2019 year end. The combined pension and other employee benefit trust funds decreased nearly \$12.4 million year-over-year. This decrease was due entirely to the losses reported by the Fall River Contributory Retirement System, which like virtually all Massachusetts pension systems reported losses from investment activities for the fiscal year 2019 (calendar year 2018).

The City's private purpose trust funds are insignificant and were relatively unchanged year-over-year.

General Fund Budgetary Highlights

Differences between the original budget and the final amended budget were not significant. For a more detailed analysis, refer to the Schedule of Revenues, Expenditures and Changes in Fund Balance Budget and Actual – General Fund.

Capital Asset and Debt Administration

Capital Assets – The City's investment in capital assets for its governmental and business-type activities as of June 30, 2019 totaled approximately \$654.8 million, net of accumulated depreciation. This investment in capital assets includes land, buildings and system improvements, machinery and equipment and reflects an increase of approximately \$41.4 million as current year additions outpaced depreciation expense.

Additional information on the City's capital assets can be found in the notes to the basic financial statements.

Long-Term Debt – At June 30, 2019, the City’s total general obligation bond and notes payable debt decreased over \$3.2 million to approximately \$241.7 million. The City issued over \$13.3 million in long-term bonds and notes and repaid over \$16.5 million in fiscal year 2019.

The City’s short-term borrowings, which at June 30, 2019 consist of BANs and interim loans from the MCWT, increased from nearly \$25.1 million at June 30, 2018 to \$99.0 million at June 30, 2019. Of this nearly \$74.0 million increase, \$60.0 million pertained to BAN issuances to fund the City’s high school construction project. The City continues to dedicate significant resources to capital projects. The City expects to finance these short-term borrowings with general obligation bonds or MCWT notes payable in future periods.

Moody’s Investors Services assigns the City an A3 credit rating on its general obligation bond obligations.

Economic Factors and Next Year’s Budgets and Rates

- Net state aid in 2020 is expected to be approximately \$134.6 million versus \$125.1 million in 2019.
- Unlike most Massachusetts municipalities, the City’s property tax levy is heavily weighted to commercial and industrial taxpayers. Approximately 37% of the property tax levy is assessed to commercial, industrial and personal property taxes.
- The City maintains “rainy-day funds” in the form of stabilization funds, which at June 30, 2019 total approximately \$6.5 million.
- The Massachusetts Department of Revenue certified approximately \$3.0 million in *free cash* on October 8, 2019.

The above items were considered when the City accepted its budget for fiscal year 2020 in a June 24, 2019 City Council Meeting. The City set its fiscal year 2020 tax rate on November 27, 2019.

Requests for Information

This financial report is designed to provide a general overview of the City’s finances for all those with an interest in the government’s finances. Questions concerning any of the information provided in this report or request for additional financial information should be addressed to the Office of the City Auditor, One Government Center, Fall River, Massachusetts 02722.

CITY OF FALL RIVER, MASSACHUSETTS

STATEMENT OF NET POSITION JUNE 30, 2019

	Governmental Activities	Business-Type Activities	Total
Assets:			
Cash and cash equivalents	\$ 79,023,727	\$ 15,654,635	\$ 94,678,362
Investments	5,269,973	-	5,269,973
Receivables, net of allowances:			
Property taxes	5,917,118	-	5,917,118
Excise taxes	1,902,871	-	1,902,871
Departmental, user charges and other	9,589,133	11,998,995	21,588,128
Intergovernmental	36,010,083	8,377,232	44,387,315
Inventories	-	687,059	687,059
Working capital deposit	5,884,800	-	5,884,800
Land	19,393,900	6,710,229	26,104,129
Construction in-progress	3,063,507	11,301,016	14,364,523
Depreciable capital assets, net	359,859,783	254,489,835	614,349,618
Total Assets	525,914,895	309,219,001	835,133,896
Deferred Outflows of Resources:			
Loss on refunding	1,325,038	35,269	1,360,307
Other postemployment benefits	310	14	324
Pensions	37,185,193	2,798,886	39,984,079
Total Deferred Outflows of Resources	38,510,541	2,834,169	41,344,710
Liabilities:			
Warrants and accounts payable	12,878,258	577,511	13,455,769
Accrued payroll and withholdings	1,889,212	138,266	2,027,478
Health claims incurred but not reported	2,634,024	-	2,634,024
Retainage payable	1,069,434	423,984	1,493,418
Accrued interest	1,767,808	1,752,082	3,519,890
Unearned revenues	985,129	3,384,900	4,370,029
Other liabilities	203,058	-	203,058
Short-term notes payable	76,663,769	22,366,071	99,029,840
Noncurrent liabilities:			
Due within one year	10,744,721	10,085,844	20,830,565
Due in more than one year	879,498,083	205,648,439	1,085,146,522
Total Liabilities	988,333,496	244,377,097	1,232,710,593
Deferred Inflows of Resources:			
Prepaid property taxes	138,078	-	138,078
Other postemployment benefits	16,232,935	711,674	16,944,609
Pensions	1,858,210	139,865	1,998,075
Total Deferred Inflows of Resources	18,229,223	851,539	19,080,762
Net Position:			
Net investment in capital assets	311,171,589	89,811,696	400,983,285
Restricted for:			
Nonexpendable permanent funds	767,625	-	767,625
Expendable permanent funds	2,180,534	-	2,180,534
Federal and state grants	6,781,050	-	6,781,050
Capital projects	2,339,943	-	2,339,943
Community development loans	5,554,031	-	5,554,031
Internal services	9,561,245	-	9,561,245
Other purposes	10,098,334	-	10,098,334
Unrestricted	(790,591,634)	(22,987,162)	(813,578,796)
Total Net Position	\$ (442,137,283)	\$ 66,824,534	\$ (375,312,749)

See accompanying notes to basic financial statements.

CITY OF FALL RIVER, MASSACHUSETTS

STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2019

Functions/Programs	Expenses	Program Revenues			Net (Expenses) Revenues and Changes in Net Position		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Primary Government		
					Governmental Activities	Business-Type Activities	Total
Governmental Activities:							
General government	\$ 11,253,283	\$ 2,170,193	\$ 696,959	\$ -	\$ (8,386,131)	\$ -	\$ (8,386,131)
Public safety	69,511,958	4,919,367	2,869,718	188,576	(61,534,297)		(61,534,297)
Education	244,193,909	1,939,126	174,862,690	35,955,789	(31,436,304)		(31,436,304)
Public works	23,691,284	2,563,283	69,900	4,043,946	(17,014,155)		(17,014,155)
Health and human services	12,352,752	71,921	7,789,988	-	(4,490,843)		(4,490,843)
Culture and recreation	2,093,930	110,316	96,880	215,572	(1,671,162)		(1,671,162)
Community development	6,344,614	605,632	5,996,761	-	257,779		257,779
Interest expense	3,360,722	-	-	-	(3,360,722)		(3,360,722)
Total Governmental Activities	372,802,452	12,379,838	192,382,896	40,403,883	(127,635,835)		(127,635,835)
Business-Type Activities:							
Sewer	21,547,902	22,532,436	1,420,229	3,188,712	\$ 5,593,475	\$ 5,593,475	5,593,475
Water	12,070,133	13,062,848	158,096	947,981	2,098,792		2,098,792
EMS	9,107,357	7,174,251	-	-	(1,933,106)		(1,933,106)
Total Business-Type Activities	42,725,392	42,769,535	1,578,325	4,136,693	5,759,161	5,759,161	5,759,161
Total Primary Government	\$ 415,527,844	\$ 55,149,373	\$ 193,961,221	\$ 44,540,576	\$ 5,759,161	\$ 5,759,161	(121,876,674)
General Revenues:							
Property taxes		103,095,757					
Motor vehicle and other excise taxes		9,905,208					
Grants and contributions not restricted to specific programs		24,639,691					
Penalties and interest on taxes		1,262,814					
Unrestricted investment income		1,342,914					
Other income		1,131,548					
Transfers, net		(185,000)					
Total General Revenues and Transfers		141,192,932					
Change in Net Position		13,557,097					
Net Position:							
Beginning of year (as restated, refer to Note V)		(455,694,380)					
End of year		\$ (442,137,283)					

See accompanying notes to basic financial statements.

CITY OF FALL RIVER, MASSACHUSETTS

FINANCE 2GOVERNMENTAL FUNDS
BALANCE SHEET
JUNE 30, 2019

	General Fund	Capital Projects Fund	Nonmajor Governmental Funds	Total
Assets:				
Cash and cash equivalents	\$ 6,785,425	\$ 57,032,653	\$ 6,458,636	\$ 70,276,714
Investments	1,295,348	-	3,974,625	5,269,973
Receivables, net of allowances:				
Property taxes	5,647,708	-	10,092	5,657,800
Excise taxes	1,902,871	-	-	1,902,871
Departmental, user charges and other	3,404,307	-	5,893,550	9,297,857
Intergovernmental	10,161,906	14,780,246	11,067,931	36,010,083
Total Assets	29,197,565	71,812,899	27,404,834	128,415,298
Total Deferred Outflows of Resources	-	-	-	-
Total Assets and Deferred Outflows of Resources	\$ 29,197,565	\$ 71,812,899	\$ 27,404,834	\$ 128,415,298
Liabilities:				
Warrants and accounts payable	\$ 4,297,810	\$ 3,991,828	\$ 1,601,482	\$ 9,891,120
Accrued payroll and withholdings	1,492,185	-	397,027	1,889,212
Retainage payable	-	1,069,434	-	1,069,434
Other liabilities	202,692	-	366	203,058
Unearned revenues	-	-	985,129	985,129
Bond anticipation notes payable	-	76,663,769	-	76,663,769
Total Liabilities	5,992,687	81,725,031	2,984,004	90,701,722
Deferred Inflows of Resources:				
Prepaid property taxes	138,078	-	-	138,078
Unavailable revenues - property taxes	4,828,690	-	10,092	4,838,782
Unavailable revenues - intergovernmental	-	-	801,550	801,550
Unavailable revenues - other	5,068,020	-	5,829,565	10,897,585
Total Deferred Inflows of Resources	10,034,788	-	6,641,207	16,675,995
Fund Balances:				
Nonspendable	-	-	767,625	767,625
Restricted	-	2,339,943	17,042,463	19,382,406
Assigned	2,017,455	-	-	2,017,455
Unassigned	11,152,635	(12,252,075)	(30,465)	(1,129,905)
Total Fund Balances	13,170,090	(9,912,132)	17,779,623	21,037,581
Total Liabilities, Deferred Inflows of Resources and Fund Balances	\$ 29,197,565	\$ 71,812,899	\$ 27,404,834	\$ 128,415,298

See accompanying notes to basic financial statements.

CITY OF FALL RIVER, MASSACHUSETTS

RECONCILIATION OF TOTAL GOVERNMENTAL FUND BALANCES TO THE STATEMENT OF NET POSITION AS OF JUNE 30, 2019

Total Governmental Fund Balances	\$ 21,037,581
Capital assets used in governmental activities in the statement of net position are not financial resources and, therefore, are not reported in the funds.	382,317,190
Certain receivables and revenues are deferred in the governmental funds as they are not current financial resources. These revenues are accrued under the economic resources basis of accounting.	16,537,917
Assets, liabilities, deferred outflows/inflows of resources and net position of internal service funds established to administer insurance costs are included in the statement of net position. These amounts are not presented in the governmental funds.	9,561,245
Deferred outflows and inflows of resources to be recognized in future expense are not available resources and, therefore, are not reported in the funds:	
Deferred outflows of resources - loss on refunding	1,325,038
Deferred outflows of resources - other postemployment benefits	310
Deferred outflows of resources - pensions	37,185,193
Deferred inflows of resources - other postemployment benefits	(16,232,935)
Deferred inflows of resources - pensions	<u>(1,858,210)</u>
Net effect of reporting deferred outflows and inflows of resources	20,419,396
Interest is accrued on outstanding long-term debt in the statement of net position but not in the funds until due.	(1,767,808)
Long-term liabilities not currently due and payable are reported in the statement of net position and not in the funds:	
Net other postemployment benefits liability	(462,172,119)
Net pension liability	(338,712,023)
Compensated absences	(15,519,873)
Workers' compensation claims	(1,079,800)
Bonds and notes payable	<u>(72,758,989)</u>
Net effect of reporting long-term liabilities	<u>(890,242,804)</u>
Net Position — Governmental Activities	\$ <u>(442,137,283)</u>

See accompanying notes to basic financial statements.

CITY OF FALL RIVER, MASSACHUSETTS

GOVERNMENTAL FUNDS STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES FOR THE YEAR ENDED JUNE 30, 2019

	General Fund	Capital Projects Fund	Nonmajor Governmental Funds	Total
Revenues:				
Property taxes, net of tax refunds	\$ 102,264,543	\$ -	\$ 1,020,573	\$ 103,285,116
Intergovernmental	174,994,679	34,595,257	44,075,124	253,665,060
Motor vehicle and other excise taxes	10,155,235	-	-	10,155,235
Licenses and permits	2,252,458	-	-	2,252,458
Penalties and interest on taxes	1,262,814	-	-	1,262,814
Fines and forfeitures	1,495,260	-	-	1,495,260
Departmental and other revenues	5,778,189	-	3,460,446	9,238,635
Contributions and donations	-	2,054,585	974,900	3,029,485
Investment income	1,017,074	-	213,347	1,230,421
Total Revenues	299,220,252	36,649,842	49,744,390	385,614,484
Expenditures:				
Current:				
General government	4,831,133	638,318	216,532	5,685,983
Public safety	37,370,735	302,541	3,042,925	40,716,201
Education	135,204,802	40,073,448	27,083,175	202,361,425
Public works	15,842,122	3,660,743	3,538,748	23,041,613
Health and human services	2,752,431	177,500	6,163,347	9,093,278
Culture and recreation	1,225,582	458,532	93,209	1,777,323
Community development	-	-	7,170,457	7,170,457
Pension and fringe benefits	64,248,894	-	-	64,248,894
State and county charges	24,502,933	-	-	24,502,933
Debt service:				
Principal	6,273,857	-	263,000	6,536,857
Interest	2,784,269	-	105,916	2,890,185
Total Expenditures	295,036,758	45,311,082	47,677,309	388,025,149
Excess (Deficiency) of Revenues Over (Under) Expenditures	4,183,494	(8,661,240)	2,067,081	(2,410,665)
Other Financing Sources (Uses):				
Proceeds from issuance of long-term debt	-	-	1,643,000	1,643,000
Premium from issuance of bond anticipation notes	-	1,131,548	-	1,131,548
Transfers in	146,114	1,812,205	50,000	2,008,319
Transfers out	(823,953)	-	(1,369,366)	(2,193,319)
Total Other Financing Sources (Uses)	(677,839)	2,943,753	323,634	2,589,548
Change in Fund Balances	3,505,655	(5,717,487)	2,390,715	178,883
Fund Balances:				
Beginning of the year	9,664,435	(4,194,645)	15,388,908	20,858,698
End of the year	\$ 13,170,090	\$ (9,912,132)	\$ 17,779,623	\$ 21,037,581

See accompanying notes to basic financial statements.

CITY OF FALL RIVER, MASSACHUSETTS

RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES YEAR ENDED JUNE 30, 2019

Change in Fund Balances — Total Governmental Funds	\$ 178,883
<p>Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is capitalized and depreciated over their estimated useful lives. Capital asset activity in the current fiscal year included:</p>	
Capital asset additions	50,650,864
Depreciation expense	<u>(15,295,537)</u>
Net effect of reporting capital activity	35,355,327
Revenues in the statement of activities that do not provide current financial resources are not reported as revenues in the governmental funds.	(313,985)
Internal service funds established to administer insurance costs are included in the statement of activities. These activities are not presented in the governmental funds.	1,647,340
<p>The issuance of long-term debt provides current financial resources to the governmental funds, while the repayment of the principal of long-term debt consumes the financial resources of governmental funds. Neither has any effect on net position. Also, the governmental funds report the effect of issuance costs, premiums, discounts and similar items when debt is first issued; whereas these amounts are deferred and amortized in the statement of activities. Differences in the treatment of long-term debt transactions in the current fiscal year included:</p>	
Issuance of long-term debt	(1,643,000)
Repayments of long-term debt	6,536,802
Amortization of deferred loss on refunding	(143,248)
Amortization of bond premiums	<u>531,619</u>
Net effect of reporting long-term debt activity	5,282,173
<p>Some revenues/expenses reported in the statement of activities do not provide/require the use of current financial resources and therefore are not reported as revenues/expenditures in the governmental funds:</p>	
Net other postemployment benefits liability	(14,242,756)
Net pension liability	(13,499,070)
Compensated absences	91,199
Workers' compensation claims	(83,171)
Accrued interest	<u>(858,843)</u>
Net effect of reporting long-term liabilities	<u>(28,592,641)</u>
Change in Net Position — Governmental Activities	\$ <u>13,557,097</u>

See accompanying notes to basic financial statements.

CITY OF FALL RIVER, MASSACHUSETTS

PROPRIETARY FUNDS STATEMENT OF NET POSITION JUNE 30, 2019

	Business-Type Activities				Governmental Activities
	Sewer	Water	EMS	Total	Internal Service Fund
Assets:					
Current Assets:					
Cash and cash equivalents	\$ 12,770,944	\$ 532,334	\$ 2,351,357	\$ 15,654,635	\$ 8,747,013
Receivables, net of allowances:					
User charges and other	4,652,707	5,351,882	1,994,406	11,998,995	550,594
Intergovernmental	313,474	57,901	-	371,375	-
Working capital deposit	-	-	-	-	5,884,800
Inventories	372,315	314,744	-	687,059	-
Total Current Assets	<u>18,109,440</u>	<u>6,256,861</u>	<u>4,345,763</u>	<u>28,712,064</u>	<u>15,182,407</u>
Noncurrent Assets:					
Intergovernmental receivables	7,782,215	223,642	-	8,005,857	-
Land	933,026	5,777,203	-	6,710,229	-
Construction in-progress	11,301,016	-	-	11,301,016	-
Depreciable capital assets, net	173,587,738	79,505,864	1,396,233	254,489,835	-
Total Noncurrent Assets	<u>193,603,995</u>	<u>85,506,709</u>	<u>1,396,233</u>	<u>280,506,937</u>	<u>-</u>
Total Assets	<u>211,713,435</u>	<u>91,763,570</u>	<u>5,741,996</u>	<u>309,219,001</u>	<u>15,182,407</u>
Deferred Outflows of Resources:					
Loss on refunding	35,269	-	-	35,269	-
Other postemployment benefits	1	5	8	14	-
Pensions	199,920	919,634	1,679,332	2,798,886	-
Total Deferred Outflows of Resources	<u>235,190</u>	<u>919,639</u>	<u>1,679,340</u>	<u>2,834,169</u>	<u>-</u>
Liabilities:					
Current Liabilities:					
Warrants and accounts payable	465,878	88,107	23,526	577,511	2,987,138
Accrued payroll and withholdings	10,431	49,065	78,770	138,266	-
Health claims incurred but not reported	-	-	-	-	2,634,024
Retainage payable	423,984	-	-	423,984	-
Accrued interest	1,227,940	524,142	-	1,752,082	-
Unearned revenues	3,384,900	-	-	3,384,900	-
Compensated absences	24,745	66,463	112,805	204,013	-
Short-term notes payable	13,979,635	8,386,436	-	22,366,071	-
Current portion of long-term debt	6,257,033	3,624,798	-	9,881,831	-
Total Current Liabilities	<u>25,774,546</u>	<u>12,739,011</u>	<u>215,101</u>	<u>38,728,658</u>	<u>5,621,162</u>
Noncurrent liabilities:					
Compensated absences	98,983	265,850	451,220	816,053	-
Net other postemployment benefits liability	1,447,303	6,754,081	12,060,859	20,262,243	-
Net pension liability	1,821,032	8,376,749	15,296,672	25,494,453	-
Long-term debt	113,594,255	45,481,435	-	159,075,690	-
Total Noncurrent Liabilities	<u>116,961,573</u>	<u>60,878,115</u>	<u>27,808,751</u>	<u>205,648,439</u>	<u>-</u>
Total Liabilities	<u>142,736,119</u>	<u>73,617,126</u>	<u>28,023,852</u>	<u>244,377,097</u>	<u>5,621,162</u>
Deferred Inflows of Resources:					
Other postemployment benefits	50,834	237,225	423,615	711,674	-
Pensions	9,990	45,956	83,919	139,865	-
Total Deferred Inflows of Resources	<u>60,824</u>	<u>283,181</u>	<u>507,534</u>	<u>851,539</u>	<u>-</u>
Net Position:					
Net investment in capital assets	60,343,522	28,071,941	1,396,233	89,811,696	-
Restricted	-	-	-	-	6,193,348
Unrestricted	8,808,160	(9,289,039)	(22,506,283)	(22,987,162)	3,367,897
Total Net Position	<u>\$ 69,151,682</u>	<u>\$ 18,782,902</u>	<u>\$ (21,110,050)</u>	<u>\$ 66,824,534</u>	<u>\$ 9,561,245</u>

See accompanying notes to basic financial statements.

CITY OF FALL RIVER, MASSACHUSETTS

PROPRIETARY FUNDS STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION FOR THE YEAR ENDED JUNE 30, 2019

	Business-Type Activities				Governmental Activities
	Sewer	Water	EMS	Total	Internal Service Fund
Operating Revenues:					
Charges for services	\$ 22,532,436	\$ 13,062,848	\$ 7,174,251	\$ 42,769,535	\$ -
Employer contributions	-	-	-	-	39,609,541
Employee contributions	-	-	-	-	14,364,470
Reinsurance settlements and other	-	-	-	-	2,755,378
Total Operating Revenues	22,532,436	13,062,848	7,174,251	42,769,535	56,729,389
Operating Expenses:					
Payroll and personnel costs	500,722	1,424,722	4,104,325	6,029,769	-
Operating costs	9,722,099	3,813,344	761,542	14,296,985	-
Depreciation	5,188,408	1,998,125	612,050	7,798,583	-
Employee benefits	1,754,437	3,271,153	3,629,440	8,655,030	55,194,542
Total Operating Expenses	17,165,666	10,507,344	9,107,357	36,780,367	55,194,542
Operating Income (Loss)	5,366,770	2,555,504	(1,933,106)	5,989,168	1,534,847
Nonoperating Revenues (Expenses):					
Intergovernmental	1,420,229	158,096	-	1,578,325	-
Investment income	5,922	5,937	28,172	40,031	112,493
Interest expenses	(4,382,236)	(1,562,789)	-	(5,945,025)	-
Total Nonoperating Revenues (Expenses)	(2,956,085)	(1,398,756)	28,172	(4,326,669)	112,493
Income (Loss) Before Capital Contributions and Transfers	2,410,685	1,156,748	(1,904,934)	1,662,499	1,647,340
Capital Contributions and Transfers:					
Intergovernmental capital contributions	3,188,712	947,981	-	4,136,693	-
Transfers in	-	210,000	-	210,000	-
Transfers out	(25,000)	-	-	(25,000)	-
Total Capital Contributions and Transfers	3,163,712	1,157,981	-	4,321,693	-
Change in Net Position	5,574,397	2,314,729	(1,904,934)	5,984,192	1,647,340
Net Position:					
Beginning of the year (as restated; refer to Note V)	63,577,285	16,468,173	(19,205,116)	60,840,342	7,913,905
End of the year	\$ 69,151,682	\$ 18,782,902	\$ (21,110,050)	\$ 66,824,534	\$ 9,561,245

See accompanying notes to basic financial statements.

CITY OF FALL RIVER, MASSACHUSETTS

PROPRIETARY FUNDS STATEMENT OF CASH FLOWS FOR THE YEAR ENDED JUNE 30, 2019

	Business-Type Activities				Governmental Activities
	Sewer	Water	EMS	Total	Internal Service Fund
Cash Flows from Operating Activities:					
Receipts from user charges	\$ 22,558,631	\$ 12,011,056	\$ 7,862,768	\$ 42,432,455	\$ -
Employee contributions	-	-	-	-	39,058,947
Employer contributions	-	-	-	-	14,364,470
Reinsurance settlements	-	-	-	-	2,755,378
Payments to employees	(2,126,662)	(4,182,522)	(6,647,713)	(12,956,897)	-
Payments to vendors	(9,683,780)	(3,929,737)	(753,720)	(14,367,237)	-
Payments for internal services used	-	-	-	-	(58,793,908)
Net Cash Provided By (Used In) Operating Activities	10,748,189	3,898,797	461,335	15,108,321	(2,615,113)
Cash Flows from Noncapital Financial Activities:					
Proceeds from operating grants	1,420,229	158,096	-	1,578,325	-
Transfers in	-	210,000	-	210,000	-
Transfers out	(25,000)	-	-	(25,000)	-
Net Cash Provided By Noncapital Financing Activities	1,395,229	368,096	-	1,763,325	-
Cash Flows from Capital and Related Financing Activities:					
Proceeds from capital grants	3,464,978	999,489	-	4,464,467	-
Proceeds from the issuance of long-term debt	324,000	4,678,000	-	5,002,000	-
Premiums received on debt issuances	26,000	322,000	-	348,000	-
Acquisition and construction of capital assets	(14,598,944)	(6,255,617)	(312,149)	(21,166,710)	-
Principal repayments on long-term debt	1,333,834	(4,463,699)	(172,462)	(3,302,327)	-
Repayments on short-term debt	5,587,042	2,113,460	-	7,700,502	-
Interest payments	(4,080,236)	(1,418,308)	-	(5,498,544)	-
Net Cash Used In Capital and Related Financing Activities	(7,943,326)	(4,024,675)	(484,611)	(12,452,612)	-
Cash Flow from Investing Activities:					
Investment income	5,922	5,937	28,172	40,031	112,493
Net Cash Provided By Investing Activities	5,922	5,937	28,172	40,031	112,493
Net Change in Cash and Cash Equivalents	4,206,014	248,155	4,896	4,459,065	(2,502,620)
Cash and Cash Equivalents:					
Beginning of the year	8,564,930	284,179	2,346,461	11,195,570	11,249,633
End of the year	\$ 12,770,944	\$ 532,334	\$ 2,351,357	\$ 15,654,635	\$ 8,747,013
Reconciliation of Operating Income (Loss) to Net Cash Provided By (Used In) Operating Activities:					
Operating Income (Loss)	\$ 5,366,770	\$ 2,555,504	\$ (1,933,106)	\$ 5,989,168	\$ 1,534,847
Adjustments to Reconcile Operating Income (Loss) to Net Cash Provided By (Used In) Operating Activities:					
Depreciation expense	5,188,408	1,998,125	612,050	7,798,583	-
Changes in assets, deferred outflows (inflows) of resources and liabilities:					
Receivables and other current assets	122,388	(1,052,960)	688,517	(242,055)	255,606
Warrants payable and other current liabilities	(63,711)	(115,930)	(7,903)	(187,544)	(3,606,844)
Accrued and deferred benefits payable	134,334	514,058	1,101,777	1,750,169	(798,722)
Net Cash Provided By (Used In) Operating Activities	\$ 10,748,189	\$ 3,898,797	\$ 461,335	\$ 15,108,321	\$ (2,615,113)

See accompanying notes to basic financial statements.

FIDUCIARY FUNDS
STATEMENT OF FIDUCIARY NET POSITION
JUNE 30, 2019

	Pension and Other Employee Benefit Trust Funds (a)	Private Purpose Trust Funds	Agency Funds
Assets:			
Cash and cash equivalents	\$ 12,291,214	\$ 9,034	\$ 133,514
Investments at fair value:			
Fixed income securities	-	53,218	-
Equity securities	-	7,501	-
PRIT	243,515,321	-	-
Other investments	1,628,912	-	-
Receivables:			
Contributions	12,264,405	-	-
Other	8,000	-	357,705
Prepaid items	295	-	-
Total Assets	<u>269,708,147</u>	<u>69,753</u>	<u>491,219</u>
Liabilities:			
Warrants and accounts payable	607,377	-	-
Agency liabilities	-	-	491,219
Total Liabilities	<u>607,377</u>	<u>-</u>	<u>\$ 491,219</u>
Net Position:			
Restricted for pensions	268,999,317	-	-
Restricted for other postemployment benefits	101,453	-	-
Held in trust for private purposes	-	69,753	-
Total Net Position	<u>\$ 269,100,770</u>	<u>\$ 69,753</u>	

(a) Includes the net position of the Fall River Contributory Retirement System, which is as of December 31, 2018.

See accompanying notes to basic financial statements.

FIDUCIARY FUNDS
STATEMENT OF CHANGES IN FIDUCIARY NET POSITION
JUNE 30, 2019

	Pension and Other Employee Benefit Trust Funds (a)	Private Purpose Trust Funds
Additions:		
Employer contributions	\$ 47,291,474	\$ -
Employee contributions	7,478,831	-
Other contributions	1,353,096	-
Total contributions	<u>56,123,401</u>	<u>-</u>
Investment income:		
Interest and dividends	7,155,193	2,947
Net (depreciation) appreciation in fair value of investments	(11,779,606)	-
Less investment management fees	(1,402,666)	-
Total net investment income	<u>(6,027,079)</u>	<u>2,947</u>
Other income	53,325	-
Total Additions	<u>50,149,647</u>	<u>2,947</u>
Deductions:		
Benefits and refunds to Plan members:		
Benefits to retirees and survivors	56,802,611	-
Member refunds	629,229	-
Transfers and reimbursements to other systems	4,546,868	-
Administrative expenses:		
Operations payroll and related personnel costs	298,425	-
Other administrative expenses	230,619	-
Total Deductions	<u>62,507,752</u>	<u>-</u>
Change in Net Position	(12,358,105)	2,947
Net Position:		
Beginning of the year	<u>281,458,875</u>	<u>66,806</u>
End of the year	<u>\$ 269,100,770</u>	<u>\$ 69,753</u>

(a) Includes the financial results position of the Fall River Contributory Retirement System, which is as of and for the year ended December 31, 2018.

See accompanying notes to basic financial statements.

CITY OF FALL RIVER, MASSACHUSETTS

NOTES TO BASIC FINANCIAL STATEMENTS
AS OF AND FOR THE YEAR ENDED JUNE 30, 2019**I. Summary of Significant Accounting Policies**

The accompanying basic financial statements of the City of Fall River (the "City") have been prepared in conformity with generally accepted accounting principles ("GAAP") as applied to state and local governments. GAAP is prescribed by the Governmental Accounting Standards Board ("GASB"), which is the primary standard-setting body for state and local government entities. The following is a summary of the more significant policies and practices used by the City.

A. Reporting Entity

The City is located in Bristol County, approximately fifty-three miles south of Boston and seventeen miles southeast from Providence, Rhode Island. The City was incorporated as a town in 1803 and as a city in 1854. The City is governed by an elected Mayor, an appointed City Administrator and a nine-member elected City Council. The City provides governmental services for the territory within its boundaries, including police, ambulance and fire protection, garbage disposal, public education in grades kindergarten to twelve, water and sewer services, street maintenance, community development, a public library, veteran services parks and recreational facilities. The sewer, water and emergency medical services ("EMS") are principally self-funded through user charges.

The component units discussed below are included in the City's reporting entity because of the significance of their operations or financial relationships with the City.

Fall River Contributory Retirement System – The Fall River Contributory Retirement System (the "Retirement System") was established to provide retirement benefits to City employees and the employees of three other related entities. While legally separate, the Retirement System provides services almost entirely to the City. The Retirement System is reported as a pension trust fund in the fiduciary fund financial statements. The audited annual financial statements of the Retirement System at December 31, 2018 are available at the Retirement Office, 21 Father DeValles Boulevard, Suite GR101, Fall River, Massachusetts 02723.

Fall River Redevelopment Authority – The Fall River Redevelopment Authority qualifies as a discretely presented component unit because of its financial relationship to the City. However, the financial statements of the Fall River Redevelopment Authority were not available for inclusion in these basic financial statements. Accordingly, the City's audit opinion has been modified to reflect this GAAP departure.

B. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the primary government and its component units. The effect of material interfund activity has been removed from these statements. Governmental activities, which are principally supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which are primarily supported by user fees. Likewise, the primary government is reported separately from the legally separate component unit for which the primary government is financially accountable.

Separate financial statements are provided for governmental funds, proprietary funds and fiduciary funds, even though the fiduciary funds are excluded from the government-wide financial statements. Major individual government funds and major individual enterprise funds are reported as separate columns in the fund financial statements. Nonmajor funds are aggregated and presented in a single column. Internal service funds and fiduciary funds are reported by fund type.

Major Fund Criteria – Major funds must be reported if both of the following criteria are met:

- 1) The total assets, liabilities, revenues, or expenditures/expenses of an individual governmental or enterprise fund are at least 10% of the corresponding element (assets, liabilities, etc.) for all funds of that category or type (total governmental or total enterprise funds), and
- 2) The total assets, liabilities, revenues, or expenditures/expenses of the individual governmental fund or enterprise fund are at least 5% of the corresponding element for all governmental and enterprise funds combined.

In addition, any other governmental or enterprise fund that management believes is particularly significant to the basic financial statements may be reported as a major fund.

C. Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting as are proprietary funds. Under this method, revenues are recorded when earned and expenses are recorded when incurred. Property taxes are recognized as revenues in the fiscal year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider are met.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include (i) charges to customers or applicants who purchase, use or directly benefit from goods, services or privileges provided by a given function or segment and (ii) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues. The effect of material interfund activity has been removed from the government-wide financial statements.

The governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized when susceptible to accrual (i.e. measurable and available). Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. Expenditures are recorded when the related fund liability is incurred, except for unmatured interest on general long-term debt, which is recognized when due, certain compensated absences, claims and judgments which are recognized when the obligations are expected to be liquidated with current expendable available resources.

The City applies the susceptible to accrual criteria to intergovernmental revenues. In applying the susceptible to accrual concept, there are two types of revenues. In the first, monies must be expended for a specific purpose or project before any amounts will be paid; therefore, revenues are recognized as expenditures are incurred. In the second, monies are virtually unrestricted and are usually revocable only for failure to comply with prescribed requirements. These resources are reflected as revenues when cash is received, or earlier if the susceptible to accrual criteria are met. State aid is accrued as revenue in the year that the funds are appropriated by the Commonwealth of Massachusetts (the "Commonwealth").

The City considers property tax revenues to be available if they are collected within sixty days after the end of the fiscal year. Investment income associated with the current fiscal period is susceptible to accrual and has been recognized as revenue of the current fiscal period. All other revenue items are considered to be measurable and available only when the cash is received and are recognized as revenue at that time.

The government reports the following major governmental funds:

General Fund – is the government's primary operating fund. It accounts for all financial resources of the general government except those required to be accounted for in another fund.

Capital Projects Funds – is used to account for financial resources that are restricted to expenditures for capital outlays.

Nonmajor Governmental Funds – consist of other special revenue and permanent funds that are aggregated and presented in the nonmajor governmental funds column on the governmental funds financial statements. The following describes the general use of these fund types:

The Special Revenue Funds are used to account for the proceeds of specific revenue sources that are restricted or committed to expenditures for specified purposes other than debt service or capital projects.

The Permanent Funds are used to account for financial resources that are restricted to the extent that only earnings, not principal, may be used for purposes that support the governmental programs.

The proprietary fund financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Under this method, revenues are recognized when earned and expenses are recorded when incurred.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues are user charges and fees, while operating expenses consist of salaries, ordinary maintenance, noncapitalizable expenses, indirect costs and depreciation. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

The City reports its sewer, water and EMS activities as proprietary funds. Additionally, the internal service fund, which is used to account for the City's self-insured health insurance activities, is reported as a proprietary fund.

Fiduciary fund financial statements are reported using the economic resources measurement focus and use the accrual basis of accounting. Fiduciary funds are used to account for assets held in a trustee capacity and cannot be used to support the governmental programs.

The City reports the following fiduciary funds:

Pension and Other Employee Benefits Trust Funds – is used to account for the activities of the Retirement System, which accumulates resources for pension benefits to retired City employees, and to accumulate funds for future payments of other postemployment benefits, or OPEB, for retirees such as health and life insurance.

Private Purpose Trust Funds – is used to account for trust arrangements under which the principal in income benefit individuals, private organizations or other governments. This fund is used primarily for scholarships and other charitable purposes.

Agency Fund – is used to account for assets held in a purely custodial capacity.

D. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position/Fund Equity

Deposits and Investments – The City's cash and cash equivalents are considered to be cash on hand, demand deposits and short-term investments with original maturities of three months or less from the date of acquisition. The City reports its investments at fair value. When actively quoted observable prices are not available, the City generally uses either implied pricing from similar investments or valuation models based on net present values of estimated future cash flows (adjusted as appropriate for liquidity, credit, market and/or other risk factors).

The City categorizes its fair value measurements within the fair value hierarchy established by GAAP. This hierarchy is based on valuation inputs used to measure the fair value of the asset or liability. The three levels of the hierarchy are as follows:

- *Level 1* – Inputs are quoted prices in active markets for identical investments at the measurement date.
- *Level 2* – Inputs (other than quoted prices included in Level 1) are either directly or indirectly observable for the investment through correlation with market data at the measurement date and for the duration of the instrument's anticipated life.
- *Level 3* – Inputs reflect the City's best estimate of what market participants would use in pricing the investment at the measurement date.

The remaining investments not categorized under the fair value hierarchy are shown at net asset value ("NAV"). These are investments for which a readily determinable fair value is not available, such as member units or an ownership interest in partners' capital to which a proportionate share of net assets is attributed. Investments at NAV are commonly calculated by subtracting the fair value of liabilities from the fair value of assets.

Receivables – Real estate and personal property taxes are assessed on January 1 every year. Bills are sent quarterly and are due on August 1, November 1, February 1, and May 1, or thirty days

subsequent to the mailing date. Interest accrues on delinquent taxes at the rate of 14% per annum. Property taxes levied are recorded as receivables in the fiscal year of the levy.

Real estate taxes as well as water and sewer usage fees are secured through a lien process within sixty days after the due date and are generally considered 100% collectible. Accordingly, any allowance for uncollectible balances for these receivables is not expected to be significant. All personal property tax, excise tax, user fees and other departmental receivables are shown net of an allowance for uncollectible accounts.

Loans receivable are principally comprised of funds advanced to residents, developers and certain qualified community housing development organizations for the purpose of rehabilitating properties. The City received these funds from the U.S. Department of Housing and Urban Development under community development block grants and other programs for the City. The City secures these promissory notes with a lien; however, these liens are subordinated to other liens such as bank mortgages. Additionally, there are many loan forgiveness covenants within the individual loans. As a result, the City has experienced losses related to these loans. The City recorded an allowance for uncollectible accounts of approximately \$15.0 million at June 30, 2019 relative to these loans receivable.

The City has entered into loan agreements with the Massachusetts Clean Water Trust ("MCWT"), whereby it expects to be subsidized by the MCWT in future years for debt service costs relative to its sewer and water business-type activities until the maturity of these loan agreements. The City is legally obligated for the total amount of the debt; therefore, portions of future debt service subsidies have been recorded as intergovernmental receivables in the accompanying basic financial statements under the sewer and water business-type activities.

Inventories and Prepaid Items – Inventories, which are not material to the City's governmental activities, are considered expenditures at the time of purchase. Inventories of the sewer and water enterprise funds are reported at the lower of cost or market and are accounted for on the first-in, first-out basis.

Certain payments to vendors reflect costs applicable to future accounting periods and may be recorded as prepaid items in both government-wide and fund financial statements.

Capital Assets – Capital assets, which include land, construction in-progress, buildings and improvements, machinery and equipment, vehicles, software and infrastructure (e.g. roads, water and sewer mains, and similar items), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at the estimated fair market value at the date of donation. Interest incurred during the construction phase of capital assets of business-type activities is included as part of the capitalized value of the assets constructed.

All purchases and construction costs over \$10,000 are capitalized at the date of acquisition or construction, respectively, if expected lives are deemed greater than two years. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized.

Capital assets (excluding land and construction in-progress) are depreciated by the City on a straight-line basis over the following estimated useful lives:

Buildings and improvements	10 to 40 years
Vehicles, machinery and equipment	5 to 10 years
Infrastructure	50 years

Interfund Balances – Activity between funds that are representative of lending arrangements outstanding at the end of the fiscal year are referred to as either due to/from other funds or advances to/from other funds. All other outstanding balances between funds are reported as due to/from other funds.

Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as *internal balances*.

Interfund Transfers – During the course of its operations, resources are permanently reallocated between and within funds. These transactions are reported as transfers in and transfers out in the individual fund statements. Transfers between and within governmental and fiduciary funds are eliminated from the governmental activities in the statement of activities. Any residual balances outstanding between the governmental activities and the business-type activities are reported in the statement of activities as transfers, net.

Investment Income – Excluding the permanent funds, investment income derived from major and nonmajor governmental funds is legally assigned to the general fund unless otherwise directed by state law. Investment income of the proprietary funds may be voluntarily assigned to the general fund.

Compensated Absences – It is the City's policy to permit employees to accumulate earned but unused vacation and sick pay benefits. Compensated absence liabilities related to both governmental and business-type activities are normally paid from the funds reporting payroll and related expenditures. Amounts related to these benefits are accrued when incurred in the government-wide and proprietary fund financial statements. A liability for these amounts is reported in governmental funds only if they have matured.

Unearned Revenues – Amounts collected in advance from federal and state grants and sewer user charges are reported as unearned revenues.

Long-Term Debt – Long-term debt is reported as liabilities in the government-wide and proprietary fund statement of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the effective interest method if material. Bond anticipation notes payable are reported net of the applicable bond premium or discount.

In the governmental fund financial statements, the face amount of long-term debt issued is reported as other financing sources. Premiums received on a debt issuance are reported as other financing sources while discounts are reported as other financing uses. Issuance costs are exclusively reported as general government expenditures regardless of whether they are withheld from the actual proceeds.

Deferred Outflows/Inflows of Resources – In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The City reports deferred outflows of resources in its government-wide financial statements relative to other postemployment and pension-related transactions. The City expects to recognize the reported deferred outflows of resources relative to these personnel-related transactions over the next five years.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The City reports deferred inflows of resources in its government-wide financial statements relative to prepaid taxes, other postemployment and pension-related transactions and expects to recognize these amounts over the next five years. The City reports unavailable revenues and prepaid taxes as deferred inflows of resources in its governmental funds financial statements. These amounts are expected to be recognized as an inflow of resources in the period in which the amounts become available.

Fund Equity – In the fund financial statements, fund balance for governmental funds is reported in classifications that comprise a hierarchy based primarily on the extent in which the City is required to honor constraints on the specific purpose for which amounts in the funds can be spent.

Fund balance is reported in five components – nonspendable, restricted, committed, assigned, and unassigned as described below:

Nonspendable represents amounts that cannot be spent because they are either (a) not in spendable form (i.e. inventory or prepaid) or (b) legally or contractually required to be maintained intact such as the corpus of an endowment.

Restricted represents amounts that have constraints placed either externally by third-parties (creditors, grantors, contributors, or laws or regulations of other governments) or by law through constitutional provisions or enabling legislation. Enabling legislation authorizes the City to assess, levy, charge or otherwise mandate payment of resources (from external resource providers) and includes a legally enforceable requirement (compelled by external parties) that those resources be used only for the specific purposes stipulated in the legislation.

Committed represents amounts that can only be used for specific purposes pursuant to formal action of the City Council through City Council Orders, which represent the most binding constraint that give rise to committed fund balance. Those committed amounts cannot be used for any other purpose unless the City Council removes or changes the specified use by taking the same type of action (through City Council Orders) it employed previously to commit those amounts.

Assigned represents amounts that are constrained by the City's intent to be used for specific purposes but are neither restricted nor committed.

Unassigned represents amounts that have not been restricted, committed or assigned to specific purposes within the general fund. The general fund is the only fund that reports a

positive unassigned fund balance amount. Other governmental funds besides the general fund can only report a *negative* unassigned fund balance amount.

The following table reflects the City's fund equity categorizations:

	General Fund	Capital Projects Funds	Nonmajor Governmental Funds	Total Governmental Funds
Nonspendable:				
Nonexpendable perpetual funds	\$ -	\$ -	\$ 767,625	\$ 767,625
Restricted:				
Expendable perpetual funds	-	-	2,180,534	2,180,534
Community preservation	-	1,535,379	1,343,188	2,878,567
Other capital projects	-	804,564	-	804,564
General government	-	-	791,669	791,669
Public safety	-	-	1,546,648	1,546,648
Education	-	-	4,782,051	4,782,051
Public works	-	-	1,109,998	1,109,998
Health and human services	-	-	3,082,829	3,082,829
Culture and recreation	-	-	106,336	106,336
Community development	-	-	2,099,210	2,099,210
Assigned:				
Education	1,113,805	-	-	1,113,805
Public works	403,161	-	-	403,161
Other purposes	500,489	-	-	500,489
Unassigned:				
General stabilization funds	6,537,174	-	-	6,537,174
Unrestricted	4,615,461	(12,252,075)	(30,465)	(7,667,079)
	<u>\$ 13,170,090</u>	<u>\$ (9,912,132)</u>	<u>\$ 17,779,623</u>	<u>\$ 21,037,581</u>

When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, then unrestricted resources (committed, assigned and unassigned) as they are needed. When unrestricted resources (committed, assigned and unassigned) are available for use it is the City's policy to use committed resources first, then assigned, and then unassigned as they are needed. The City has not established financial policies with respect to maintaining minimum fund balance amounts.

Stabilization Funds – The City maintains a general stabilization fund, which may be used for any municipal purpose upon a two-thirds vote of the City Council. The stabilization fund is reported as a component of unassigned fund balance in the general fund. In addition to this general stabilization fund, the City maintains a stabilization fund for each of its three enterprise funds. At June 30, 2019, the balances in the sewer, water and EMS stabilization funds were \$508,623, \$509,655 and \$1,819,157, respectively. These amounts are reported as components of unrestricted net position within these individual funds.

Encumbrances – The City’s encumbrance policy regarding the general fund is to (1) classify encumbrances that arise from the issuance of purchase orders resulting from normal purchasing activity approved by the City Controller as assigned, and (2) classify encumbrances that result from an action of the City Council as committed. Encumbrances of funds already restricted or committed are included within the classification of those fund balances and not reported separately. The City reports \$2,017,455 of encumbrances from normal purchasing activity in the general fund as assigned. There are no encumbrances reported in any other fund.

Net Position – In the government-wide financial statements, net position reported as net investment in capital assets includes capital assets, net of accumulated depreciation, less the principal balance of outstanding debt used to acquire capital assets. Unspent proceeds of capital related debt are not considered to be capital related debt.

Net position is reported as restricted when amounts are not available for appropriation or are legally restricted by outside parties for a specific use. Net position has been restricted for the following:

Nonexpendable permanent funds represent the amounts held in trust for which cannot be expended and are permanently restricted by various trust agreements.

Expendable permanent funds represent the expendable portion of permanent funds, which is restricted based on the individual trust/donor agreements.

Federal and state grants represent assets that have restrictions placed on them from federal and state granting agencies.

Capital projects represents amounts restricted for capital outlays, including the acquisition or construction of capital facilities and other capital assets.

Community development loans represents the value of community development loans, net of allowances for uncollectible loans.

Internal services represent assets restricted for employee health benefits.

Other purposes represent assets that are restricted by donors for specific governmental programs and uses.

E. Excess of Expenditures Over Appropriations and Deficits

The City incurred individual fund deficits in the following funds:

Public safety grants	\$ 30,465
Capital projects:	
Various streetscapes	4,696,466
High School construction	4,382,928
Police station equipment	534,711
B&G department equipment	402,949
MIS department equipment	284,441
Yard waste carts	236,054
Parks and cemetery equipment	235,240
Fire equipment	225,379
Snow, street and lawn equipment	204,296
Tansey/Watson feasibility	203,697
Tansey school repairs	201,828
Outdoor recreation improvements	195,148
Government Center roof	186,112
Voting machines	93,147
Maplewood and Chew Park	51,272
Resiliency Prep/Westfall feasibility	50,000
S&H infrastructure	41,512
Fire stations roofing	21,895
Parks department	<u>5,000</u>
Total capital projects deficits	<u>12,252,075</u>
Total deficits	<u>\$ 12,282,540</u>

These deficits are anticipated to be raised in future years through intergovernmental grant awards or long-term debt issuances.

F. Use of Estimates

The preparation of basic financial statements in conformity with GAAP requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure for contingent assets and liabilities at the date of the basic financial statements and the reported amounts of the revenues and expenditures/expenses during the fiscal year. Actual results could vary from estimates that were used.

II. Detailed Notes to All Funds

A. Deposits and Investments

A cash and investment pool is maintained that is available for use by all funds. Each fund type's portion of this pool is displayed on the balance sheet as cash and cash equivalents. The deposits and investments of trust funds are held separately from those of other funds.

State laws and regulations require the City to invest funds only in preapproved investment instruments which include but are not necessarily limited to bank deposits, money markets, certificates of deposit, U.S. obligations, repurchase agreements, and the State Treasurer's investment pool, which is administered by the Massachusetts Municipal Depository Trust. In addition, the statutes impose various limitations on the amount and length of investments and deposits. Repurchase agreements cannot be for a period of over ninety days, and the underlying security must be a United States obligation. During the fiscal year, the City did not enter into any repurchase agreements.

City (excludes the Retirement System)

Custodial Credit Risk: Deposits – In the case of deposits, this is the risk that in the event of a bank failure, the government's deposits may not be returned to it. The City does not have a deposit policy for custodial credit risk relative to cash holdings. At June 30, 2019, approximately \$16.3 million of the City's bank deposits were not insured by the Federal Depository Insurance Corporation ("FDIC") or other forms of depository insurance and/or collateralization and were therefore exposed to custodial credit risk.

Fair Value Measurements: Investments – The following table presents the City's investments carried at fair value on a recurring basis in the statement of net position at June 30, 2019:

Investments by Fair Value Level	June 30, 2019	Fair Value Measurements Using		
		Level 1	Level 2	Level 3
Debt securities:				
U.S. Treasury notes	\$ 1,045,781	\$ 1,045,781	\$ -	\$ -
U.S. Government agency notes	2,099,612	-	2,099,612	-
Corporate bonds	1,289,498	-	1,289,498	-
Total debt securities	4,434,891	1,045,781	3,389,110	-
Equity securities	837,948	837,948		
Mutual funds	57,853	-	57,853	-
Total investments by fair value level	\$ 5,330,692	\$ 1,883,729	\$ 3,446,963	\$ -

Custodial Credit Risk: Investments – In the case of investments, this is the risk that in the event of the invested party not being able to provide required payments to investors, ceasing to exist, or filing of bankruptcy, the City may not be able to recover the full amount of its principal investment and/or investment earnings. The City does not have a formal investment policy related to custodial credit risk. All of the City's investments are registered in its name and cannot be pledged or assigned. As a result, the City is not exposed to custodial credit risk on its investments.

Interest Rate Risk: Investments – This is the risk that changes in interest rates will adversely affect the market value of an investment. The City does not have formal investment policies that limit investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates. In practice, the City mitigates interest rate risk by managing the duration of its investments.

Concentration of Credit Risk: Investments – The City does not place a limit on the amount that may be invested in any one issuer. At June 30, 2019, no individual investment exceeded 5% of the City's investment balance.

Investment Maturities – At June 30, 2019, the City had the following investments and maturities:

Investment Type	Fair Value	Time Unit Maturity (in years)		
		Less than 1	1 to 5	6 to 10
Debt securities:				
U.S. government obligations and notes	\$ 3,145,393	\$ 522,803	\$ 2,622,590	\$ -
Corporate bonds	1,289,498	224,849	1,064,649	-
Total investments with maturities	4,434,891	\$ 747,652	\$ 3,687,239	\$ -
Other investments:				
Equity securities	837,948			
Mutual funds	57,853			
Total City investments	\$ 5,330,692			

Credit Risk: Investments – This is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. The City has not adopted a formal policy related to credit risk. The following table summarizes the credit ratings assigned by Moody's Investors Service for City investments in fixed income securities at June 30, 2019:

Moody's Rating	U.S. Government Obligations	Corporate Bonds
Aaa	\$ 3,145,393	\$ -
Aa3	-	129,089
A1	-	127,874
A2	-	215,779
Baa1	-	735,297
Baa2	-	81,459
	\$ 3,145,393	\$ 1,289,498

Retirement System (as of December 31, 2018)

Chapter 32 of Massachusetts General Laws (“MGL”) and the Public Employee Retirement Administration Commission (“PERAC”) regulations require the Retirement System to invest funds only in preapproved investment instruments, which include, but are not necessarily limited to bank deposits, money markets, certificates of deposit, U.S. obligations, repurchase agreements, certain corporate bonds, equities and investment pools.

Nearly all (over 99%) of the Retirement System’s investments are invested with the State Commonwealth of Massachusetts’ Pension Reserve Investment Management Board, or PRIM. The specific investment held by the System is the PRIT General Allocation Fund, which consists of a diverse set of investments that includes domestic and international equities and fixed income securities, private debt, private equity, venture, timber and real estate investments. The determination of the fair value of these investments is subjective and the period-end values are reported to the Retirement System as NAV. Investments in the PRIT General Allocation Fund are more liquid than investments in private equity and real estate holdings, but generally cannot be resold to third parties. The Retirement System may liquidate its investment in the PRIT General Allocation Fund at any time with less than thirty days’ notice. Distributions from the PRIT Absolute Fund are received regularly monthly and may be deposited into an accompanying short-term cash investment account.

At December 31, 2018, the System maintained an investment in a private equity fund, whose primary investment objective is to invest in North American limited partnerships. The fair value of this investment is measured using the NAV (or its equivalent) of the Retirement System’s ownership in the partners’ capital. The System is unable to liquidate this investment on its own. However, this fund is currently being liquidated by the investment manager, which is a multi-year process.

Investments Measured at NAV by Asset Class	Fair Value	Unfunded Commitments
PRIT funds	\$ 243,515,321	\$ -
Private equity fund	1,628,912	1,197,140

B. Receivables

Receivables as of June 30, 2019 for the City’s major governmental funds on the aggregate, including applicable allowances for uncollectible accounts, were as follows:

	Gross Amount	Allowance for Uncollectibles	Net Amount
Personal property taxes	\$ 335,907	\$ (141,500)	\$ 194,407
Real estate taxes	1,342,021	-	1,342,021
Tax liens	4,121,372	-	4,121,372
Excise taxes	3,777,371	(1,874,500)	1,902,871
Loans	20,539,984	(14,985,953)	5,554,031
Departmental and other	6,131,826	(2,388,000)	3,743,826
Intergovernmental	36,010,083	-	36,010,083
	<u>\$ 72,258,564</u>	<u>\$ (19,389,953)</u>	<u>\$ 52,868,611</u>

Receivables as of June 30, 2019 for the City's proprietary funds were as follows:

	Gross Amount	Allowance for Uncollectibles	Net Amount
Sewer usage	\$ 4,722,707	\$ (70,000)	\$ 4,652,707
Water usage	6,671,882	(1,320,000)	5,351,882
Ambulance charges	8,093,906	(6,099,500)	1,994,406
Intergovernmental	8,377,232	-	8,377,232
	<u>\$ 27,865,727</u>	<u>\$ (7,489,500)</u>	<u>\$ 20,376,227</u>

Governmental funds report unavailable revenues in connection with receivables for revenues that are not considered to be available to liquidate liabilities of the current period. The following table identifies the components of unavailable revenues in the governmental funds:

	General Fund	Nonmajor Governmental Funds	Total
Personal property taxes	\$ 194,407	\$ -	\$ 194,407
Real estate taxes	512,911	10,092	523,003
Tax liens	4,121,372	-	4,121,372
Excise taxes	1,902,871	-	1,902,871
Loans	-	5,554,031	5,554,031
Departmental and other	3,165,149	275,534	3,440,683
Intergovernmental	-	801,550	801,550
	<u>\$ 9,896,710</u>	<u>\$ 6,641,207</u>	<u>\$ 16,537,917</u>

MCWT Subsidies Receivable – The MCWT subsidies receivable in the sewer and water enterprise funds are expected to be received as follows:

Year Ended June 30,	Sewer			Water		
	Principal Subsidy	Interest Subsidy	Total Subsidy	Principal Subsidy	Interest Subsidy	Total Subsidy
2020	\$ 313,474	\$ 1,327,409	\$ 1,640,883	\$ 57,901	\$ 136,150	\$ 194,051
2021	343,179	1,248,187	1,591,366	59,122	124,166	183,288
2022	369,668	1,186,620	1,556,288	61,913	105,926	167,839
2023	612,922	981,838	1,594,760	70,681	70,779	141,460
2024	622,885	884,549	1,507,434	13,751	35,796	49,547
2025 - 2029	2,888,177	3,742,785	6,630,962	18,175	-	18,175
2030 - 2034	2,945,384	816,741	3,762,125	-	-	-
	<u>\$ 8,095,689</u>	<u>\$ 10,188,129</u>	<u>\$ 18,283,818</u>	<u>\$ 281,543</u>	<u>\$ 472,817</u>	<u>\$ 754,360</u>

The City records the principal subsidies receivable as intergovernmental receivables in its sewer and water enterprises. Interest subsidies are recognized in the year in which the subsidy is received.

School Building Assistance Reimbursement – In 2018, the City executed a school construction agreement with the MSBA related to the City's construction of a new high school. Under the terms of this agreement, the City is eligible for reimbursements of approximately 80% of eligible school construction costs up to a maximum reimbursement of approximately \$165.2 million. The City received approximately \$19.9 million in reimbursements from the MSBA in fiscal year 2019 and recorded an additional \$14.3 million in receivables at June 30, 2019 related to this agreement. These amounts are reported in the City's capital projects fund.

C. Capital Assets

Capital asset activity for the year ended June 30, 2019 was as follows:

Governmental Activities	Beginning Balance (a)	Increases	Decreases	Ending Balance
Capital assets not being depreciated:				
Land	\$ 19,393,900	\$ -	\$ -	\$ 19,393,900
Construction in-progress	3,063,507	39,652,814	-	42,716,321
Total capital assets not being depreciated	22,457,407	39,652,814	-	62,110,221
Capital assets being depreciated:				
Buildings and improvements	433,101,565	913,248	-	434,014,813
Infrastructure	79,444,821	6,542,260	-	85,987,081
Machinery and equipment	67,427,444	3,422,842	-	70,850,286
Vehicles and boats	14,533,930	119,700	-	14,653,630
Total capital assets being depreciated	594,507,760	10,998,050	-	605,505,810
Less accumulated depreciation for:				
Buildings and improvements	(180,343,633)	(10,199,265)	-	(190,542,898)
Infrastructure	(17,110,058)	(2,194,504)	-	(19,304,562)
Machinery and equipment	(60,250,063)	(2,225,182)	-	(62,475,245)
Vehicles and boats	(12,299,550)	(676,586)	-	(12,976,136)
Total accumulated depreciation	(270,003,304)	(15,295,537)	-	(285,298,841)
Total capital assets being depreciated, net	324,504,456	(4,297,487)	-	320,206,969
Total governmental activities capital assets, net	\$ 346,961,863	\$ 35,355,327	\$ -	\$ 382,317,190

(a) Beginning balances were restated; refer to Note V.

Depreciation expense was charged to functions/programs within the City's governmental activities as follows in fiscal year 2019:

General government	\$ 212,091
Public safety	1,393,700
Education	8,574,753
Public works	4,404,785
Culture and recreation	504,270
Community development	205,938
	<u>\$ 15,295,537</u>

FINANCE 2

<u>Business-Type Activities - Combined</u>	<u>Beginning Balance (b)</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Capital assets not being depreciated:				
Land	\$ 5,614,305	\$ 1,095,924	\$ -	\$ 6,710,229
Construction in-progress	-	11,301,016	-	11,301,016
Total capital assets not being depreciated	5,614,305	12,396,940	-	18,011,245
Capital assets being depreciated:				
Buildings and improvements	2,527,449	-	-	2,527,449
Infrastructure	351,710,708	7,620,523	-	359,331,231
Machinery and equipment	3,375,631	196,270	-	3,571,901
Vehicles	4,155,300	952,977	-	5,108,277
Total capital assets being depreciated	361,769,088	8,769,770	-	370,538,858
Less accumulated depreciation for:				
Buildings and improvements	(2,512,830)	(540)	-	(2,513,370)
Infrastructure	(100,270,915)	(6,960,583)	-	(107,231,498)
Machinery and equipment	(2,565,278)	(248,634)	-	(2,813,912)
Vehicles and boats	(2,901,417)	(588,826)	-	(3,490,243)
Total accumulated depreciation	(108,250,440)	(7,798,583)	-	(116,049,023)
Total capital assets being depreciated, net	253,518,648	971,187	-	254,489,835
Total business-type activities capital assets, net	\$ 259,132,953	\$ 13,368,127	\$ -	\$ 272,501,080

<u>Business-Type Activities: Sewer</u>	<u>Beginning Balance (b)</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Capital assets not being depreciated:				
Land	\$ 933,026	\$ -	\$ -	\$ 933,026
Construction in-progress	-	11,301,016	-	11,301,016
Total capital assets not being depreciated	933,026	11,301,016	-	12,234,042
Capital assets being depreciated:				
Buildings and improvements	4,632	-	-	4,632
Infrastructure	252,631,504	2,570,077	-	255,201,581
Machinery and equipment	1,773,995	-	-	1,773,995
Vehicles	753,411	727,851	-	1,481,262
Total capital assets being depreciated	255,163,542	3,297,928	-	258,461,470
Less accumulated depreciation for:				
Buildings and improvements	(4,236)	(66)	-	(4,302)
Infrastructure	(77,350,708)	(5,033,156)	-	(82,383,864)
Machinery and equipment	(1,626,169)	(49,601)	-	(1,675,770)
Vehicles	(704,211)	(105,585)	-	(809,796)
Total accumulated depreciation	(79,685,324)	(5,188,408)	-	(84,873,732)
Total capital assets being depreciated, net	175,478,218	(1,890,480)	-	173,587,738
Total sewer capital assets, net	\$ 176,411,244	\$ 9,410,536	\$ -	\$ 185,821,780

<u>Business-Type Activities: Water</u>	<u>Beginning Balance (b)</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Capital assets not being depreciated:				
Land	\$ 4,681,279	\$ 1,095,924	\$ -	\$ 5,777,203
Capital assets being depreciated:				
Buildings and improvements	2,522,817	-	-	2,522,817
Infrastructure	99,079,204	5,050,446	-	104,129,650
Machinery and equipment	782,571	-	-	782,571
Vehicles	1,271,292	109,247	-	1,380,539
Total capital assets being depreciated	103,655,884	5,159,693	-	108,815,577
Less accumulated depreciation for:				
Buildings and improvements	(2,508,594)	(474)	-	(2,509,068)
Infrastructure	(22,920,207)	(1,927,427)	-	(24,847,634)
Machinery and equipment	(653,084)	(37,613)	-	(690,697)
Vehicles	(1,229,703)	(32,611)	-	(1,262,314)
Total accumulated depreciation	(27,311,588)	(1,998,125)	-	(29,309,713)
Total capital assets being depreciated, net	76,344,296	3,161,568	-	79,505,864
Total water capital assets, net	\$ 81,025,575	\$ 4,257,492	\$ -	\$ 85,283,067
<u>Business-Type Activities: EMS</u>	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Capital assets being depreciated:				
Machinery and equipment	\$ 819,065	\$ 196,270	\$ -	\$ 1,015,335
Vehicles	2,130,597	115,879	-	2,246,476
Total capital assets being depreciated	2,949,662	312,149	-	3,261,811
Less accumulated depreciation for:				
Machinery and equipment	(286,025)	(161,420)	-	(447,445)
Vehicles	(967,503)	(450,630)	-	(1,418,133)
Total accumulated depreciation	(1,253,528)	(612,050)	-	(1,865,578)
Total capital assets being depreciated, net	1,696,134	(299,901)	-	1,396,233
Total EMS capital assets, net	\$ 1,696,134	\$ (299,901)	\$ -	\$ 1,396,233

(b) Reclassifications were made to the beginning balances to conform to current year presentation.

D. Interfund Receivables, Payables and Transfers

The composition of interfund transfers for the year ended June 30, 2019 is as follows:

Transfers Out	Transfers In					
	General Fund	Capital Projects Funds	Nonmajor Governmental Funds	Water	Total	
General Fund	\$ -	\$ 773,953	\$ 50,000	\$ -	\$ 823,953	(1)
Nonmajor Governmental Funds	146,114	1,038,252	-	185,000	1,369,366	(2)
Sewer Enterprise Fund	-	-	-	25,000	25,000	(3)
	<u>\$ 146,114</u>	<u>\$ 1,812,205</u>	<u>\$ 50,000</u>	<u>\$ 210,000</u>	<u>\$ 2,218,319</u>	

- (1) Transfers to capital projects were used to fund capital outlays; transfers to nonmajor governmental funds were used for facilities, demolition, vacant lots and ADA compliance.
- (2) Transfers to general fund were budgeted for specific expenditures; CPA fund transferred \$1,038,252 to capital projects for historical and recreational purposes; \$87,600 was transferred to cemetery capital projects; and CPA transferred \$185,000 to water for dual use land purchase.
- (3) Budgeted transfers to water.

E. Temporary Debt

The City is authorized to borrow on a temporary or short-term basis to fund the following:

Current Operating Costs – Prior to collection of revenues, expenditures may be financed through the issuance of revenue or tax anticipation notes.

Capital Projects and Other Approved Costs – Projects may be temporarily funded through the issuance of bond anticipation notes (“BANs”) or grant anticipation notes. In certain cases, prior to the issuance of these temporary notes, the governing body must take the necessary legal steps to authorize the issuance of the general obligation bonds. Temporary notes may not exceed the aggregate amount of bonds authorized or the grant award amount.

Temporary notes are general obligations of the City and carry maturity dates that are limited by state law. Interest expenditures and expenses for temporary borrowings are accounted for in the general fund and enterprise funds, respectively. Temporary notes activity for the year ended June 30, 2019 was as follows:

FINANCE 2

Type	Interest Rate	Maturity Date	Beginning Balance	Additions	Deductions	Ending Balance
<i>Governmental Activities:</i>						
Bond anticipation note	2.5%	matured	\$ 10,425,722	\$ -	\$ (10,425,722)	\$ -
Bond anticipation note	3.5%	2/7/2020	-	64,915,000	-	64,915,000
Bond anticipation note	3.5%	2/7/2020	-	11,748,769	-	11,748,769
			<u>\$ 10,425,722</u>	<u>\$ 76,663,769</u>	<u>\$ (10,425,722)</u>	<u>\$ 76,663,769</u>
<i>Business-Type Activities - Sewer:</i>						
Bond anticipation note	2.5%	matured	\$ 3,200,000	\$ -	\$ (3,200,000)	\$ -
MCWT interim loans	0.0%	6/30/2020	5,192,593	7,916,614	(7,791,697) *	5,317,510
Bond anticipation note	3.5%	2/7/2020	-	8,662,125	-	8,662,125
Total Sewer			<u>8,392,593</u>	<u>16,578,739</u>	<u>(10,991,697)</u>	<u>13,979,635</u>
<i>Business-Type Activities - Water:</i>						
Bond anticipation note	2.5%	matured	3,090,420	-	(3,090,420)	-
MCWT interim loans	0.0%	6/30/2020	3,182,556	4,876,401	(4,262,941)	3,796,016
Bond anticipation note	3.5%	2/7/2020	-	4,590,420	-	4,590,420
Total Water			<u>6,272,976</u>	<u>9,466,821</u>	<u>(7,353,361)</u>	<u>8,386,436</u>
Total Business-Type Activities			<u>\$ 14,665,569</u>	<u>\$ 26,045,560</u>	<u>\$ (18,345,058)</u>	<u>\$ 22,366,071</u>

* Subsequent to the year end, in October 2019, the City issued \$3.0 million in MCWT notes payable, which were used to retire MCWT interim loans. These MCWT interim loans are reported as long-term debt at June 30, 2019.

BANs issued and outstanding in the City's capital projects and sewer enterprise funds were as follows:

Governmental Activities	Amount	Business-Type Activities	Amount
	Outstanding		Outstanding
High school construction	\$ 60,426,247	MCWT interim loans	\$ 5,317,510
Bedford Street streetscapes	2,450,000	Water/storm water master plan (phases 1 and 2)	4,800,000
East Main Street streetscapes	2,075,000	CSO settlement	1,962,125
Purchase Street streetscapes	1,398,000	Master plan flood control projects	1,900,000
Government Center roof replacement	1,300,000	Total Sewer	<u>13,979,635</u>
Bank Street/Columbia Square streetscapes	1,260,500		
Tansey-Watson School repairs	1,200,000	MCWT interim loans	3,796,016
Sucker Brook crossing	1,000,000	Drinking water (phase 18)	1,500,000
Other governmental purposes	5,554,022	Water system improvements	1,194,400
Total Governmental Activities	<u>\$ 76,663,769</u>	Jefferson Street area land acquisition	1,000,000
		Other water projects	896,020
		Total Water	<u>8,386,436</u>
		Total Business-Type Activities	<u>\$ 22,366,071</u>

F. Long-Term Obligations

The City issues general obligation bonds and notes to provide funds for the acquisition and construction of major capital facilities. General obligation bonds and notes have been issued for both governmental and business-type activities. Additionally, the City incurs various other long-term obligations relative to associated personnel costs.

The following reflects the fiscal year 2019 activity in the City's long-term liability accounts:

Description of Issue	Beginning Balance	Additions	Deductions	Ending Balance	Due Within One Year
<i>Governmental Activities:</i>					
General obligation bonds (a)	\$ 64,648,450	\$ -	\$ (5,925,950)	\$ 58,722,500	\$ 6,018,200
Notes from direct borrowings and placements (a)	7,181,908	1,643,000	(610,842)	8,214,066	610,907
Unamortized bond premiums	6,354,042	-	(531,619)	5,822,423	531,619
Total long-term debt	78,184,400	1,643,000	(7,068,411)	72,758,989	7,160,726
Compensated absences	15,611,072	-	(91,199)	15,519,873	3,103,975
Workers' compensation	996,629	83,171	-	1,079,800	480,020
Net other postemployment benefits liability (b)	464,161,988	30,201,884	(32,191,753)	462,172,119	-
Net pension liability (b)	293,850,728	90,062,443	(45,201,148)	338,712,023	-
Total Governmental Activities	\$ 852,804,817	\$ 121,990,498	\$ (84,552,511)	\$ 890,242,804	\$ 10,744,721
<i>Business-Type Activities - Sewer:</i>					
General obligation bonds (a)	\$ 9,571,200	\$ -	\$ (832,700)	\$ 8,738,500	\$ 849,800
Notes from direct borrowings and placements (a)	108,313,456	7,592,324	(5,049,968)	110,855,812	5,380,286
Unamortized bond premiums	283,923	-	(26,947)	256,976	26,947
Total long-term debt	118,168,579	7,592,324	(5,909,615)	119,851,288	6,257,033
Compensated absences	106,571	17,157	-	123,728	24,745
Net other postemployment benefits liability (b)	1,453,534	94,578	(100,809)	1,447,303	-
Net pension liability (b)	1,575,296	468,839	(223,103)	1,821,032	-
Total Sewer	121,303,980	8,172,898	(6,233,527)	123,243,351	6,281,778
<i>Business-Type Activities - Water:</i>					
General obligation bonds (a)	16,691,632	-	(1,121,866)	15,569,766	1,138,331
Notes from direct borrowings and placements (a)	31,743,413	4,080,279	(2,408,196)	33,415,496	2,473,676
Unamortized bond premiums	133,762	-	(12,791)	120,971	12,791
Total long-term debt	48,568,807	4,080,279	(3,542,853)	49,106,233	3,624,798
Compensated absences	360,243	-	(27,930)	332,313	66,463
Net other postemployment benefits liability (b)	6,783,161	441,364	(470,444)	6,754,081	-
Net pension liability (b)	7,282,329	2,278,226	(1,183,806)	8,376,749	-
Total Water	62,994,540	6,799,869	(5,225,033)	64,569,376	3,691,261
<i>Business-Type Activities - EMS:</i>					
Capital lease obligations	172,462	-	(172,462)	-	-
Compensated absences	443,564	120,461	-	564,025	112,805
Net other postemployment benefits liability (b)	12,112,787	788,149	(840,077)	12,060,859	-
Net pension liability (b)	13,163,104	3,703,765	(1,570,197)	15,296,672	-
Total EMS	25,891,917	4,612,375	(2,582,736)	27,921,556	112,805
Total Business-Type Activities	\$ 210,190,437	\$ 19,585,142	\$ (14,041,296)	\$ 215,734,283	\$ 10,085,844

(a) Reclassifications were made to the beginning balances for the adoption of GASB Statement No. 88.

(b) Beginning balances were restated; refer to Note V.

The long-term liabilities of the governmental activities will be liquidated by the City's general fund. The long-term liabilities of the business-type funds will be liquidated by the individual enterprise fund reporting the long-term liabilities.

General obligation bonds and notes payable outstanding at June 30, 2019 were as follows:

Description of Issue	Interest Rates	Beginning Balance	Additions	Maturities and Deductions	Ending Balance
<i>Governmental Activities:</i>					
General obligation bonds	2.00% - 6.25%	\$ 64,648,450	\$ -	\$ (5,925,950)	\$ 58,722,500
MSBA loans	2.00%	3,826,978	-	(347,912)	3,479,066
HUD loans	1.50%	3,354,930	1,643,000	(262,930)	4,735,000
Total Governmental Activities		71,830,358	1,643,000	(6,536,792)	66,936,566
Add: unamortized bond premium		6,354,042	-	(531,619)	5,822,423
Total Governmental Activities, net		<u>\$ 78,184,400</u>	<u>\$ 1,643,000</u>	<u>\$ (7,068,411)</u>	<u>\$ 72,758,989</u>

Description of Issue	Interest Rates	Beginning Balance	Additions	Maturities and Deductions	Ending Balance
<i>Business-Type Activities - Sewer:</i>					
General obligation bonds	2.00% - 6.25%	\$ 9,571,200	\$ -	\$ (832,700)	\$ 8,738,500
MCWT notes payable	2.00% - 5.12%	108,313,456	7,592,324	(5,049,968)	110,855,812
Total Sewer		117,884,656	7,592,324	(5,882,668)	119,594,312
Add: unamortized bond premium		283,923	-	(26,947)	256,976
Total Sewer, net		<u>118,168,579</u>	<u>7,592,324</u>	<u>(5,909,615)</u>	<u>119,851,288</u>
<i>Business-Type Activities - Water:</i>					
General obligation bonds	2.00% - 6.25%	\$ 16,691,632	\$ -	\$ (1,121,866)	\$ 15,569,766
MCWT notes payable	2.00% - 5.02%	31,743,413	4,080,279	(2,408,196)	33,415,496
Total Water		48,435,045	4,080,279	(3,530,062)	48,985,262
Add: unamortized bond premium		133,762	-	(12,791)	120,971
Total Water, net		<u>48,568,807</u>	<u>4,080,279</u>	<u>(3,542,853)</u>	<u>49,106,233</u>
Total Business-Type Activities, net		<u>\$ 166,737,386</u>	<u>\$ 11,672,603</u>	<u>\$ (9,452,468)</u>	<u>\$ 168,957,521</u>

Debt service requirements on long-term debt at June 30, 2019 are as follows:

Governmental Activities

Year Ended June 30,	General Obligation Bonds		Direct Borrowings and Placements	
	Principal	Interest	Principal	Interest
2020	\$ 6,018,200	\$ 2,148,860	\$ 610,907	\$ 185,419
2021	6,132,300	1,898,867	610,907	194,188
2022	5,632,000	1,643,210	610,907	180,497
2023	5,093,000	1,410,710	610,907	166,810
2024	5,201,000	1,194,010	610,907	153,060
2025 - 2029	23,076,000	3,215,765	3,054,533	552,881
2030 - 2034	6,495,000	630,894	1,315,000	246,970
2035 - 2038	1,075,000	43,941	790,000	41,596
	<u>\$ 58,722,500</u>	<u>\$ 12,186,256</u>	<u>\$ 8,214,066</u>	<u>\$ 1,721,420</u>

Business-Type Activities - Sewer

Year Ended June 30,	General Obligation Bonds		Direct Borrowings and Placements	
	Principal	Interest	Principal	Interest
2020	\$ 849,800	\$ 326,789	\$ 5,380,286	\$ 3,628,477
2021	850,700	294,037	5,657,006	3,527,793
2022	722,000	259,379	5,824,121	3,315,310
2023	736,000	229,469	5,993,976	2,984,079
2024	609,000	197,189	6,170,119	2,749,699
2025 - 2029	2,831,000	641,856	33,725,380	10,455,442
2030 - 2034	2,020,000	209,084	33,771,412	4,117,028
2035 - 2039	120,000	3,600	14,150,925	839,555
2040	-	-	182,586	4,830
	<u>\$ 8,738,500</u>	<u>\$ 2,161,402</u>	<u>\$ 110,855,812</u>	<u>\$ 31,622,212</u>

Business-Type Activities - Water

Year Ended June 30,	General Obligation Bonds		Direct Borrowings and Placements	
	Principal	Interest	Principal	Interest
2020	\$ 1,138,331	\$ 572,005	\$ 2,473,676	\$ 750,042
2021	1,129,161	524,019	2,711,639	730,822
2022	1,104,009	475,812	2,782,234	651,270
2023	1,104,873	428,457	2,853,627	561,689
2024	1,054,755	377,480	2,717,660	474,329
2025 - 2029	5,050,636	1,287,144	10,079,096	1,581,551
2030 - 2034	4,037,498	440,297	6,748,527	711,836
2035 - 2039	950,504	43,808	2,809,209	147,625
2040	-	-	239,829	2,578
	<u>\$ 15,569,766</u>	<u>\$ 4,149,021</u>	<u>\$ 33,415,496</u>	<u>\$ 5,611,742</u>

The following represents authorized and unissued debt at June 30, 2019:

Project	Amount
High School construction project	\$ 263,494,125
Other school projects	27,695,542
Other governmental projects	24,780,062
Sewer projects	127,430,702
Water projects	14,441,340
	<u>\$ 457,841,771</u>

G. Tax Abatements

Commercial and Industrial – The City enters into property tax abatements with local business as an incentive for economic growth. The agreements are commonly referred to as tax increment financing, or TIF, agreements. Under MGL, property owners may be granted property tax abatements of up to 100% of the value of a tax increment for a maximum term of twenty years provided the property is located in a TIF zone. TIF zones are approved by the Massachusetts Economic Assistance Coordinating Council. The City Council must approve all TIF agreements.

For the fiscal year ended June 30, 2019, the City abated property taxes totaling approximately \$3.1 million under this program to nine property owners. Two executed TIF agreements represented over 77% of the entire abatement in the current year. The pertinent details of these TIF agreements were as follows:

\$ 1,552,701 A national online retailer and technology company was provided a 100% property tax abatement, which phases down over a 15-year period to a 25% abatement in fiscal year 2032. In addition to making timely payments of all taxes owed to the City, the property owner committed to the construction of a 1,000,000 square foot facility and make a minimum capital investment of \$50,000,000, which is expected to generate an estimated 500 permanent full-time employees, with preference to local suppliers, vendors and residents.

\$ 810,113 A real estate developer was provided a 100% property tax abatement, which phases down over a 15-year period to a 25% abatement in fiscal year 2026. In addition to making timely payments of all taxes owed to the City, the property owner committed to developing a multiple-use retail mall and make a minimum capital investment of \$25,000,000, which was expected to generate an estimated 200 temporary construction jobs during its development and upwards of 300 permanent full-time jobs upon completion, with preference to local suppliers, vendors and residents.

Residential – As a qualified “gateway city,” the City enters into property tax abatements for residential real properties under the Housing Development Incentive Program, or HDIP. Qualified owners of residential properties in the City may be granted HDIP abatements to stimulate increased residential growth, diversify housing stock, support economic development and promote neighborhood stabilization in designated areas. Property owners may be granted property tax abatements of up to 100% of the value of the tax increment for a maximum term of twenty years. The property tax abatements relative to this program were not significant to the City’s financial position at June 30, 2019.

III. Other Information

A. Retirement System

Pension Plan Description – The City contributes to the Retirement System, a cost-sharing multiple-employer defined benefit pension plan. The Retirement System was established under Chapter 32 of MGL. The Retirement System is administered by the Fall River Retirement Board (the “Retirement Board”). The Retirement Board, subject to MGL and PERAC regulations, has the authority to amend or modify the Retirement System’s funding policies. Stand-alone financial statements for the year ended December 31, 2018 were issued and are available by submitting a request to the Retirement Board, 21 Father DeValles Boulevard, Suite GR101, Fall River, Massachusetts 02723.

Current membership in the Retirement System as of December 31, 2018 was as follows:

Retirees and beneficiaries currently receiving benefits	1,531
Active plan members	1,548
Inactive plan members	414
	<u>3,493</u>

Benefit Terms – Membership in the Retirement System is mandatory for all full-time employees and non-seasonal, part-time employees who, in general, regularly work more than twenty hours per week. Teachers and certain administrative personnel employed by the school department participate in a separate pension plan administered by the Massachusetts Teachers' Retirement System, which is the legal responsibility of the Commonwealth of Massachusetts. Members of the Retirement System do not participate in the federal Social Security retirement system.

Massachusetts contributory retirement system benefits are uniform throughout the Commonwealth. The Retirement System provides for retirement allowance benefits up to a maximum of 80% of a participant's highest three-year or five-year average annual rate of regular compensation, depending on the participant's date of hire. Benefit payments are based upon a participant's age, length of creditable service, level of compensation and job classification.

The most common benefits paid by the Retirement System include normal retirement, disability retirement and survivor benefits.

Normal retirement generally occurs at age 65. However, participants may retire after twenty years of service or at any time after attaining age 55, if hired prior to April 2, 2012 or at any time after attaining age 60 if hired on or after April 2, 2012. Participants with hire dates subsequent to January 1, 1978 must have a minimum of ten years' creditable service in order to retire at age 55. Participants become vested after ten years of service. Benefits commencing before age 65 are provided at a reduced rate. Members working in certain occupations may retire with full benefits earlier than age 65.

Ordinary disability retirement is where a participant is permanently incapacitated from a cause unrelated to employment. Accidental disability retirement is where the disability is the result of an injury or illness received or aggravated in the performance of duty. The amount of benefits to be received in such cases is dependent upon several factors, including the age at which the disability retirement occurs, the years of service, average compensation and veteran status.

Survivor benefits are extended to eligible beneficiaries of participants whose death occurs prior to or following retirement.

Cost-of-living adjustments granted to members of Massachusetts retirement systems granted between 1981 and 1997 and any increases in other benefits imposed by the Commonwealth during those years have been the financial responsibility of the Commonwealth. Beginning in 1998, the funding of cost-of-living amounts became the responsibility of the participating units like the Retirement System.

The Retirement System may be amended or terminated in whole or in part at any time by the Massachusetts Legislature, provided that no such modification, amendment or termination shall be made that would deprive a current member of superannuation pension rights or benefits provided under applicable laws of Massachusetts, if such member has paid the stipulated contributions specified in sections or provisions of such laws. There were no significant changes to the Retirement System's benefit terms in calendar year 2018.

Contributions Requirements – The Retirement Board has elected provisions of Chapter 32, Section 22D (as amended) of Massachusetts General Laws, which require that a funding schedule be established to fully fund the pension plan by June 30, 2040. Under provisions of this law, participating employers are assessed their share of the total retirement cost based on the entry age, normal actuarial cost method.

The City contributed approximately \$27.9 million to the Retirement System in fiscal year 2019, which equaled the actuarially-determined contribution requirement for the fiscal year. The City's contributions as a percentage of covered payroll was approximately 39% in fiscal year 2019.

Net Pension Liability – At June 30, 2019, the City reported a net pension liability of approximately \$364.2 million. The net pension liability was measured as of December 31, 2018 and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. A number of changes were made to the actuarial assumptions in the December 31, 2018 valuation study versus the previous valuation study. The most significant assumption changes included a decrease in the discount rate from 7.50% to 7.25% and changes to mortality tables.

The City's proportion of the net pension liability is based on a projection of the City's long-term share of contributions to the Retirement System relative to the projected contributions of all employers. The City's proportion was approximately 91.1% at December 31, 2018 versus 91.6% at December 31, 2017.

Fiduciary Net Position – The elements of the Retirement System's basic financial statements (that is, all information about the Retirement System's assets, deferred outflows of resources, liabilities, deferred inflows of resources and fiduciary net position) can be found in the Retirement System's full financial statements as of and for the year ended December 31, 2018, which can be obtained by contacting the Retirement Board.

The Retirement System's fiduciary net position was determined using the accrual basis of accounting. The Retirement System's accounting records are maintained on a calendar-year basis in accordance with the standards and procedures established by PERAC. Contributions from employers and employees are recognized in the period in which they become due pursuant to formal commitments, statutory or contractual requirements. Benefit payments (including refunds of employee contributions) are recorded when incurred, regardless of the timing of payment. Investments are reported at fair value; fair value is determined as the price one would receive in an orderly transaction between market participants at a measurement date.

Pension Expense – The City recognized approximately \$42.5 million in pension expense in the statement of activities in fiscal year 2019.

Deferred Outflows of Resources and Deferred Inflows of Resources – At June 30, 2019, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 88,454	\$ -
Changes of assumptions	27,677,989	-
Net difference between projected and actual earnings on pension plan investments	12,217,636	-
Changes in proportion and differences between City contributions and proportionate share of contributions	-	1,998,075
	<u>\$ 39,984,079</u>	<u>\$ 1,998,075</u>

The deferred outflows of resources and deferred inflows of resources are expected to be recognized in the City's pension expense (benefit) as follows:

Year ended June 30,

2020	\$ 14,195,896
2021	7,649,770
2022	7,066,707
2023	9,352,741
2024	(279,110)
	<u>\$ 37,986,004</u>

Actuarial Valuation – The measurement of the Retirement System's total pension liability is developed by an independent actuary. The latest actuarial valuation was performed as of December 31, 2018. The significant actuarial assumptions used in this actuarial valuation included:

Actuarial cost method	Entry age normal
Investment rate of return	7.25% per year, net of expenses (previously 7.5%)
Projected salary increases	Select and ultimate by job group; ultimate rates of 4.25% for group 1 and 4.75% for group 4
Cost of living adjustments	3% on first \$12,000 of benefits
Pre-retirement mortality	The RP-2014 Blue Collar Employees table projected generationally with Scale MP-2018 (gender distinct)
Post-retirement mortality	The RP-2014 Blue Collar Healthy Annuitant table projected generationally with Scale MP-2018 (gender distinct)
Disabled life mortality	The RP-2014 Blue Collar Healthy Annuitant table set forward one year projected generationally with Scale MP-2018 (gender distinct)

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic rates of return for each major asset class included in the Retirement System's target allocation as of December 31, 2018 are summarized below:

Asset Class	Target Allocation	Long-Term
		Expected Rate of Return
Domestic equity	13%	7.62%
International equity - developed markets	13%	7.80%
International equity - emerging markets	5%	9.31%
Hedged equities	8%	6.89%
Core fixed income	15%	3.50% to 4.37%
Value-added fixed income	8%	7.58%
Private equity	13%	11.15%
Real estate	10%	6.43%
Timberland	4%	7.00%
PCS/hedge funds	11%	6.76%

Discount Rate – The discount rate used to measure the total pension liability in the December 31, 2018 actuarial valuation report was 7.25%. The projection of cash flows used to determine the discount rate assumed plan member contributions were made at the current contribution rate and that employer contributions will be made at rates equal to the actuarially-determined contribution rates and the member rate. Based on those assumptions, the Retirement System's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity Analysis – The following presents the City's proportionate share of the net pension liability calculated using the discount rate of 7.25% as well as the City's proportionate share of the net pension liability using a discount rate that is one percentage point lower or one percentage point higher than the current rate:

Current Discount Rate	Net Pension Liability At		
	1% Decrease	Current Rate	1% Increase
7.25%	\$ 429,648,979	\$ 364,206,476	\$ 308,718,273

B. Massachusetts Teachers' Retirement System

Teachers and certain administrative employees of the City's school department participate in the Massachusetts Teachers' Retirement System ("MTRS"), a cost-sharing, multiple employer defined benefit pension plan. MTRS is managed by the Commonwealth on behalf of municipal teachers and municipal teacher retirees. Like the Retirement System, MTRS was established under Chapter 32 of MGL. The Commonwealth's legislature has the authority to amend or modify the MTRS's funding policies.

The Commonwealth is a nonemployer contributor to the MTRS and is legally responsible by statute for all actuarially determined employer contributions and future benefit requirements of the MTRS. Therefore, the City is in a special funding situation as defined under GAAP.

For the year ended June 30, 2019, the Commonwealth contributed \$12,797,113 to the MTRS on behalf of the City. The City's proportionate share of the collective MTRS net pension liability at this reporting date was approximately 0.97%, which was based on the actual, actuarially determined contribution made by the Commonwealth on behalf of the City as a percentage of the total annual contribution made by the Commonwealth on behalf of all employers.

The net pension liability assumed by the Commonwealth on behalf of the City was approximately \$230.8 million at year end.

The pension expense incurred by the Commonwealth on behalf of the City was approximately \$23.4 million for the year ended June 30, 2019. This amount was been recognized by the City as intergovernmental revenue and pension expense in the statement of activities for the year ended June 30, 2019.

C. Other Postemployment Benefits

The City administers a single-employer defined benefit healthcare plan (the "OPEB Plan"). The OPEB Plan provides health and life insurance benefits (other postemployment benefits) to current and future retirees, their dependents and beneficiaries in accordance with Section 20 of Chapter 32B of Massachusetts General Law Chapter 32B.

Specific benefit provisions and contribution rates are established by collective bargaining agreements, state law and City ordinance. All benefits are provided through the City's insurance program. The OPEB Plan does not issue a stand-alone financial report and is presented as a fiduciary fund in the City's financial statements. OPEB Plan disclosures can be found in this footnote disclosure.

Employees Covered by Benefit Terms – The following employees were covered by the benefit terms as of June 30, 2019:

Inactive employees or beneficiaries receiving benefits	3,175
Active employees	2,298
	<u>5,473</u>

Contributions – The contribution requirements of OPEB Plan members and the City are established and may be amended by the City. The City currently contributes 75% of retiree health, dental and life insurance benefits; retirees contribute the remaining 25%. The City currently contributes enough money to the OPEB Plan to satisfy current obligations on a pay-as-you-go basis. Administration costs of the OPEB Plan are paid by the City.

Net OPEB Liability – The City's net OPEB liability was determined using an actuarial valuation as of June 30, 2019 and a measurement date of June 30, 2019. The components of the net OPEB liability of the City at June 30, 2019 were as follows:

Total OPEB liability	\$ 482,535,814
Plan fiduciary net position	<u>(101,453)</u>
Net OPEB liability	<u>\$ 482,434,361</u>
Plan fiduciary net position as a percentage of the total OPEB liability	0.02%

The total OPEB liability in the most recent actuarial valuation was determined using the following key actuarial assumptions applied to all periods included in the measurement, unless otherwise specified:

Valuation date	July 1, 2019
Asset valuation method	Market value of the assets as of the reporting date
Actuarial cost method	Individual entry age normal
Municipal bond rate	3.75% as of June 30, 2019
Single equivalent discount rate	3.75% net of OPEB Plan investment expenses, including inflation
Healthcare cost trend rates	5.00%
Participation	90% of future retirees are assumed to participate in a retiree medical plan
Mortality	Pre-retirement, retiree and beneficiary mortality is represented by the RP-2014 White Collar Mortality with Scale MP-2019, fully generational

The long-term expected rate of return on OPEB Plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of OPEB Plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of arithmetic real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Real Rate of Return
Cash and cash equivalents	100.00%	1.25%
	<u>100.00%</u>	
Real rate of return		1.25%
Inflation assumption		<u>2.50%</u>
Total nominal rate of return		3.75%
Investment expense		<u>0.00%</u>
Net investment return		<u>3.75%</u>

Discount Rate – The discount rate used to measure the total OPEB liability was 3.75%.

Changes in the Net OPEB Liability – The following table summarizes the changes in the net OPEB liability for the year ended June 30, 2019:

	Increase (Decrease)		
	Total OPEB Liability	Plan Fiduciary Net Position	Net OPEB Liability
	(a)	(b)	(a) - (b)
Balances at June 30, 2018	\$ 484,511,470	\$ -	\$ 484,511,470
Changes for the year:			
Service cost	17,671,131	-	17,671,131
Interest	18,524,233	-	18,524,233
Differences in experience	(21,612,546)	-	(21,612,546)
Employer contributions	-	16,658,474	(16,658,474)
Net investment income	-	1,453	(1,453)
Benefit payments	(16,558,474)	(16,558,474)	-
Net changes	(1,975,656)	101,453	(2,077,109)
Balances at June 30, 2019	<u>\$ 482,535,814</u>	<u>\$ 101,453</u>	<u>\$ 482,434,361</u>

Sensitivity Analyses – The following presents the City's net OPEB liability calculated using the current discount rate of 3.75% as well as what the City's net OPEB liability using a discount rate that in one percentage point lower or one percentage point higher than the current rate:

	Net OPEB Liability At		
Current Rate	1% Decrease	Current	1% Increase
3.75%	\$ 563,400,966	\$ 482,434,361	417,675,737

The following presents the City's net OPEB liability calculated using the current healthcare trend rate assumption of 5.0% as well as what the City's net OPEB liability using a healthcare trend rate that in one percentage point lower or one percentage point higher than the current rate:

	Net OPEB Liability At		
Current Rate	1% Decrease	Current	1% Increase
5.00%	\$ 411,834,407	\$ 482,434,361	572,896,724

OPEB Expense and Deferred Outflows/Inflows of Resources Related to OPEB – For the year ended June 30, 2019, the City recognized OPEB expense of approximately \$31.5 million. Deferred outflows of resources and deferred inflows of resources related to OPEB at June 30, 2019 were reported as follows:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Net difference between projected and actual earnings on OPEB Plan investments	\$ 324	\$ -
Differences between expected and actual experience	-	16,944,609
	<u>\$ 324</u>	<u>\$ 16,944,609</u>

Amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized in OPEB expense as follows:

<u>Year Ended June 30,</u>	
2020	\$ (4,667,856)
2021	(4,667,856)
2022	(4,667,856)
2023	<u>(2,940,717)</u>
	<u>\$ (16,944,285)</u>

Investment Custody – In accordance with Massachusetts General Laws, the City Treasurer is the custodian of the OPEB Plan. OPEB Plan assets may be invested and reinvested by the custodian consistent with the prudent investor rule. OPEB Plan assets must be segregated from other funds and not be subject to the claims of any general creditor of the City.

Investment Policy – The City Council adopted an investment policy for the City's OPEB Plan. The investment policy seeks to pursue an investment strategy that reduces risk through the prudent diversification of its investment portfolio of assets across a broad selection of distinct investment asset classes. Additionally, the OPEB Plan invests its funds in permissible investments as stipulated by the Commonwealth.

Investment Rate of Return – For the year ended June 30, 2019, the annual money-weighted rate of return on investments, net of investment expense, was 2.31%. The money-weighted rate of return expresses investment performance, net of investment expense, adjusted for the changing amounts actually invested.

D. Pension and Other Employee Benefit Trust Funds

The City reports pension and other postemployment benefits trust funds in a single column in the Statement of Fiduciary Net Position and Statement of Changes in Fiduciary Net Position in the fiduciary funds. The City's OPEB Plan does not issue stand-alone financial statements and must be reported separately.

The Statement of Fiduciary Net Position of the City's pension and other employee benefit trust fund at June 30, 2019 was comprised as follows:

	Fall River Contributory Retirement (a)	OPEB Trust	Pension and Other Employee Benefit Trust Funds
Assets:			
Cash and cash equivalents	\$ 12,189,761	\$ 101,453	\$ 12,291,214
Investments at fair value:			
PRIT	243,515,321	-	243,515,321
Other investments	1,628,912	-	1,628,912
Receivables:			
Contributions	12,264,405	-	12,264,405
Other	8,000	-	8,000
Prepaid items	295	-	295
Total Assets	<u>269,606,694</u>	<u>101,453</u>	<u>269,708,147</u>
Liabilities:			
Warrants and accounts payable	607,377	-	607,377
Total Liabilities	<u>607,377</u>	<u>-</u>	<u>607,377</u>
Net Position:			
Restricted for pensions	268,999,317	-	268,999,317
Restricted for other postemployment benefits	-	101,453	101,453
Total Net Position	<u>\$ 268,999,317</u>	<u>\$ 101,453</u>	<u>\$ 269,100,770</u>

(a) As of December 31, 2018.

The Statement of Changes in Fiduciary Net Position of the City's pension and other employee benefit trust fund as of and for the year ended June 30, 2019 was comprised as follows:

	Fall River Contributory Retirement (a)	OPEB Trust	Pension and Other Employee Benefit Trust Funds
Additions:			
Employer contributions	\$ 30,633,000	\$ 16,658,474	\$ 47,291,474
Employee contributions	7,478,831	-	7,478,831
Other contributions	1,353,096	-	1,353,096
Total contributions	39,464,927	16,658,474	56,123,401
Investment income:			
Interest and dividends	7,153,740	1,453	7,155,193
Net depreciation in fair value of investments	(11,779,606)	-	(11,779,606)
Less investment management fees	(1,402,666)	-	(1,402,666)
Total net investment income	(6,028,532)	1,453	(6,027,079)
Other income	53,325	-	53,325
Total Additions	33,489,720	16,659,927	50,149,647
Deductions:			
Benefits and refunds to Plan members:			
Benefit payments to retirees and survivors	40,244,137	16,558,474	56,802,611
Member refunds	629,229	-	629,229
Transfers and reimbursements to other systems	4,546,868	-	4,546,868
Operations payroll and related personnel costs	298,425	-	298,425
Other administrative expenses	230,619	-	230,619
Total Deductions	45,949,278	16,558,474	62,507,752
Change in Net Position	(12,459,558)	101,453	(12,358,105)
Net Position:			
Beginning of the year	281,458,875	-	281,458,875
End of the year	\$ 268,999,317	\$ 101,453	\$ 269,100,770

(a) As of and for the year ended December 31, 2018.

E. Risk Financing

General – The City is exposed to various risks of loss related to general liability; torts; theft of; damage to and destruction of assets; errors and omissions; and natural disasters for which the City carries commercial insurance. The amount of claim settlements has not exceeded insurance coverage in any of the previous three years.

Group Health Insurance Plan – The City maintains a reinsured cost reimbursement program, which covers the group health insurance requirements of a majority of City employees (the “Insurance Plan”). The Insurance Plan is essentially a self-insurance program and employee claims in excess of \$225,000 are reinsured by the Insurance Plan. The Insurance Plan is administered by Blue Cross Blue Shield of Massachusetts, who acts as a claims processor and a transfer of risk does not occur between the City and Blue Cross Blue Shield of Massachusetts. City employees and retirees currently contribute 25% of health care costs; the remainder is paid by the City.

The City accrues an amount representing claims incurred but not reported (“IBNR”), which is based on a retrospective review of claims paid. At June 30, 2019, the amount of the liability for IBNR health insurance claims totaled \$2,634,024. This liability is the best estimate based on available information. In the government-wide financial statements, the City reports the activities of the Insurance Plan in the Internal Service Fund where revenues are recorded when earned and expenses are recorded when the liability is incurred.

Changes in the reported liability for the past two fiscal years are as follows:

	2019	2018
Balance — beginning of year	\$ 3,432,746	\$ 2,888,524
Claims and changes in estimates	54,395,820	55,410,286
Claims paid	<u>(55,194,542)</u>	<u>(54,866,064)</u>
Balance — end of year	<u>\$ 2,634,024</u>	<u>\$ 3,432,746</u>

Workers’ Compensation – The City is self-insured for its workers’ compensation activities, which are accounted for in the funds incurring the expenditures. Workers’ compensation claims are administered by a third-party and are funded on a pay-as-you-go basis from annual appropriations. The City does not maintain any form of reinsurance for workers’ compensation. The estimated future workers’ compensation liability is based on history and injury type.

Changes in the reported liability for the past two fiscal years are as follows:

	2019	2018
Balance — beginning of year	\$ 996,629	\$ 1,462,415
Claims and changes in estimates	570,314	646,976
Claims paid	<u>(487,143)</u>	<u>(1,112,762)</u>
Balance — end of year	<u>\$ 1,079,800</u>	<u>\$ 996,629</u>

Unemployment Insurance – The City is also self-insured for its unemployment compensation. The City’s liability for unemployment claims is not material at June 30, 2019 and was therefore not reported in these basic financial statements.

F. Commitments

The City is party to a number of contracts in the execution of its day-to-day operations. The City commenced a significant school building construction project in fiscal year 2019, a significant portion of which is expected to be reimbursed by the MSBA. At June 30, 2019, the primary contractor for this project had an approximate \$35.9 million remaining contract balance on this construction contract.

G. Contingencies

General – During its day-to-day operations, the City is party to certain legal claims, which are subject to many uncertainties. The outcome of individual litigation matters in these situations cannot be reasonably estimated. Although the amount of liability, if any, in these situations at June 30, 2019 cannot be determined, management believes that the resulting liability, if any, should not materially affect the basic financial statements of the City at June 30, 2019.

Appellate Tax Board – The City has pending cases filed with the Massachusetts Appellate Tax Board of the Commonwealth of Massachusetts (“ATB”). Assessed property values for residential real estate, commercial real estate and personal property contested by taxpayers in ATB approximated \$0.6 million, \$86.4 million and \$55.0 million, respectively, at June 30, 2019. As the outcome in these matters cannot be determined (or even estimated), no provision has been made in the City’s financial statements. However, the City does not believe that any adjustments to these property tax assessments will materially impact the financial statements.

Grants – Other amounts received or receivable from grantor agencies are subject to audit and adjustment by grantor agencies, principally the federal and state governments. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable funds. The amount, if any, of expenditures which may be disallowed by the grantor cannot be determined at this time although the City expects such amounts, if any, to be immaterial.

Arbitrage – The City is subject to certain Federal arbitrage laws in accordance with long-term borrowing agreements. Failure to comply with the rules could result in the payment of penalties. The City does not believe it has failed to comply with any of these agreements.

Allowance for Uncollectible Accounts – Management’s estimate of allowances for uncollectible accounts involves judgment. Management evaluates the collectability of receivables by analyzing historical revenues, historical loss levels as well as the collectability of individual accounts. Should management’s estimates prove to be incorrect, the City may be required to recognize additional bad debt charges, which may have a material effect on the City’s financial position and results of operations.

H. Economic Dependence

During the year ended June 30, 2019, approximately 58% of total general fund revenues were recognized from the Commonwealth or other governmental agencies.

IV. Implementation of GASB Pronouncements

A. Current Year Implementations

In November 2016, the GASB issued GASB Statement No. 83, *Certain Asset Retirement Obligations*. The objective of the Statement was to address accounting and financial reporting for certain asset retirement obligations that have legally enforceable liability associated with the retirement of a tangible capital asset. The provisions of this Statement became effective in fiscal year 2019 and did not have a material impact on the City's financial statements.

In April 2018, the GASB issued GASB Statement No. 88, *Certain Disclosures Related to Debt, Including Direct Borrowings and Direct Placements*. The objective of this Statement was to improve the information that is disclosed in notes to government financial statements related to debt, including direct borrowings and direct placements. It also clarified which liabilities governments should include when disclosing information related to debt. The provisions of this Statement became effective in fiscal year 2019 and did not have a material impact on the City's financial statements.

B. Future Year Implementations

In January 2017, the GASB issued GASB Statement No. 84, *Fiduciary Activities*. The objective of the Statement is to improve guidance regarding the identification of fiduciary activities for accounting and financial reporting purposes and how these activities should be reported. The provisions of this Statement are effective for financial reporting periods beginning after December 15, 2018 (fiscal year 2020). The City is currently evaluating whether adoption will have a material impact on the financial statements.

In June 2017, the GASB issued GASB Statement No. 87, *Leases*. This Statement redefines the manner in which long-term leases are accounted and reported. The provisions of this Statement are effective for financial reporting periods beginning after December 15, 2019 (fiscal year 2021). The City is currently evaluating whether adoption will have a material impact on the financial statements.

In June 2018, the GASB issued GASB Statement No. 89, *Accounting for Interest Cost Incurred Before the End of a Construction Period*. This statement establishes accounting requirements for interest costs incurred before the end of a construction period. The provisions of this Statement are effective for financial reporting periods beginning after December 15, 2019 (fiscal year 2021). The City is currently evaluating whether adoption will have a material impact on the financial statements.

In August 2018, the GASB issued GASB Statement No. 90, *Majority Equity Interest – An Amendment of GASB Statements No. 14 and No. 61*. The objective of this Statement is to improve the consistency and comparability of reporting a government's majority equity interest in a legally separate organization and to improve the relevance of financial statement information for certain component units. The provisions of this Statement are effective for financial reporting periods beginning after December 15, 2018 (fiscal year 2020). The City is currently evaluating whether adoption will have a material impact on the financial statements.

In May 2019, the GASB issued GASB Statement No. 91, *Conduit Debt Obligations*. The objective of this Statement is to standardize the reporting of conduit debt obligations by issuers by clarifying the existing definition of conduit debt obligation, among other matters. The provisions of this Statement are effective for financial reporting periods beginning after December 15, 2020 (fiscal year 2022). The City is currently evaluating whether adoption will have a material impact on the financial statements.

V. Restatements

The following tables illustrate restatements made to the City's June 30, 2018 net position:

	Governmental	Business-Type Activities			
	Activities	Sewer	Water	EMS	Total
Net position at June 30, 2018 — as reported	\$ (462,678,159)	\$ 62,009,913	\$ 14,839,484	\$ (6,809,466)	\$ 70,039,931
Reallocate net pension liabilities	6,753,985	(303,880)	1,293,264	(7,743,369)	(6,753,985) *
Reallocate net OPEB liabilities	1,807,977	(325,334)	3,169,638	(4,652,281)	(1,807,977) *
Reclassify capital projects	-	2,281,903	(2,281,903)	-	- *
Record previously unrecorded capital assets, net	313,676	-	-	-	-
Restate MCWT debt subsidies receivable	-	(85,317)	(552,310)	-	(637,627)
Adjust revenue recognition	(1,891,859)	-	-	-	-
Net position at June 30, 2018 — as restated	<u>\$ (455,694,380)</u>	<u>\$ 63,577,285</u>	<u>\$ 16,468,173</u>	<u>\$ (19,205,116)</u>	<u>\$ 60,840,342</u>

* The net effect between governmental and business-type activities is \$0.

The City began reporting its capital projects funds as a major governmental fund in fiscal year 2019; previously, these funds were aggregated with other nonmajor governmental funds in the governmental funds financial statements. Accordingly, a deficit fund balance of \$4,194,645 was reclassified from nonmajor governmental funds to the newly reported capital projects fund at June 30, 2018.

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CITY OF FALL RIVER, MASSACHUSETTS

REQUIRED SUPPLEMENTARY INFORMATION CITY PENSION PLAN

SCHEDULE OF THE CITY'S PROPORTIONATE SHARE OF THE NET PENSION LIABILITY

(dollar amounts are in thousands)

	Year Ended June 30,				
	2019	2018	2017	2016	2015
City's proportion of the net pension liability	91.19%	91.65%	91.62%	91.77%	91.87%
City's proportionate share of the net pension liability	\$ 364,206	\$ 315,871	\$ 325,819	\$ 320,487	\$ 284,610
City's covered payroll	\$ 70,729	\$ 66,384	\$ 67,582	\$ 67,691	\$ 65,494
City's proportionate share of the net pension liability as a percentage of its covered payroll	514.9%	475.8%	482.1%	473.5%	434.6%
Plan fiduciary net position as a percentage of the total net pension liability	40.2%	45.0%	41.3%	40.7%	44.2%

SCHEDULE OF THE CITY'S CONTRIBUTIONS TO THE PENSION PLAN

(dollar amounts are in thousands)

	Year Ended June 30,				
	2019	2018	2017	2016	2015
Actuarially determined contribution	\$ 27,933	\$ 26,278	\$ 24,715	\$ 23,288	\$ 21,965
Contributions in relation to the actuarially determined contribution	27,933	26,278	24,715	23,288	21,965
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -	\$ -
City's covered payroll	\$ 70,729	\$ 66,384	\$ 67,582	\$ 67,691	\$ 65,494
Contributions as a percentage of covered payroll	39.5%	39.6%	36.6%	34.4%	33.5%

	2014	2013	2012	2011	2010
Actuarially determined contribution	\$ 21,142	\$ 20,341	\$ 19,709	\$ 16,500	\$ 15,741
Contributions in relation to the actuarially determined contribution	21,142	20,341	19,709	16,500	15,741
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -	\$ -
City's covered payroll	\$ 66,972	\$ 63,813	\$ 61,002	\$ 57,405	\$ 55,505
Contributions as a percentage of covered payroll	31.6%	31.9%	32.3%	28.7%	28.4%

These schedules are presented to illustrate the requirement to show information for ten years. However, until a full ten-year trend is completed, information is presented for those years in which information is available.

See accompanying independent auditors' report.

CITY OF FALL RIVER, MASSACHUSETTS

REQUIRED SUPPLEMENTARY INFORMATION
 MASSACHUSETTS TEACHERS RETIREMENT SYSTEM PENSION PLAN

SCHEDULE OF THE COMMONWEALTH'S PROPORTIONATE SHARE OF THE NET PENSION LIABILITY
 (dollar amounts are in thousands)

	2018	2017	Year Ended June 30, 2016	2015	2014
Commonwealth's proportion of the collective net pension liability	100.0%	100.0%	100.0%	100.0%	100.0%
Town's proportionate share of the collective net pension liability	0.0%	0.0%	0.0%	0.0%	0.0%
Commonwealth's proportionate share of the collective net pension liability	\$ 23,711,289	\$ 22,885,391	\$ 22,357,928	\$ 20,489,643	\$ 15,896,354
Commonwealth's actuarially determined contribution	\$ 1,314,783	\$ 1,235,515	\$ 1,124,583	\$ 1,021,930	\$ 937,379

Contributions to the MTRS are the responsibility of the Commonwealth of Massachusetts. Accordingly, the Town has not recognized any portion of the net pension liability relative to Town employees covered under the MTRS pension plan.

These schedules are presented to illustrate the requirement to show information for ten years. However, until a full ten-year trend is completed, information is presented for those years in which information is available.

See accompanying independent auditors' report.

CITY OF FALL RIVER, MASSACHUSETTS

REQUIRED SUPPLEMENTARY INFORMATION
OTHER POSTEMPLOYMENT BENEFITS PLAN

SCHEDULE OF CHANGES IN NET OPEB LIABILITY AND RELATED RATIOS

	Year Ended June 30,		
	2019	2018	2017
Total OPEB Liability:			
Service cost	\$ 17,671,131	\$ 16,910,173	\$ 16,181,984
Interest	18,524,233	17,840,488	17,225,742
Differences between actual and expected experience	(21,612,546)	-	-
Benefit payments	(16,558,474)	(17,985,206)	(17,504,615)
Net Change in Total OPEB Liability	(1,975,656)	16,765,455	15,903,111
Total OPEB Liability:			
Beginning of year	484,511,470	467,746,015	451,842,904
End of year (a)	\$ 482,535,814	\$ 484,511,470	\$ 467,746,015
Plan Fiduciary Net Position:			
Contributions	\$ 16,658,474	\$ 17,985,206	\$ 17,504,615
Net investment income	1,453	-	-
Benefit payments	(16,558,474)	(17,985,206)	(17,504,615)
Net Change in Plan Fiduciary Net Position	101,453	-	-
Plan Fiduciary Net Position:			
Beginning of year	-	-	-
End of year (b)	\$ 101,453	\$ -	\$ -
Net OPEB Liability — End of Year (a) - (b)	\$ 482,434,361	\$ 484,511,470	\$ 467,746,015
Plan Fiduciary Net Position as a Percentage of the Total OPEB Liability	0.02%	0.00%	0.00%
Covered payroll	\$ 131,440,087	\$ 118,880,105	\$ 114,860,005
Net OPEB Liability as a Percentage of Covered Payroll	367.04%	407.56%	407.23%

This schedule is presented to illustrate the requirement to show information for ten years. However, until a full ten-year trend is completed, information is presented for those years in which information is available.

See accompanying independent auditors' report.

CITY OF FALL RIVER, MASSACHUSETTS

REQUIRED SUPPLEMENTARY INFORMATION OTHER POSTEMPLOYMENT BENEFITS PLAN

SCHEDULE OF CONTRIBUTIONS

	Year Ended June 30,		
	2019	2018	2017
Actuarially determined contribution	\$ 52,279,891	\$ 50,901,043	\$ 48,999,260
Contributions in relation to the actuarially determined contribution	(16,658,474)	(17,985,206)	(17,504,615)
Contribution deficiency (excess)	\$ 35,621,417	\$ 32,915,837	\$ 31,494,645
Covered payroll	\$ 131,440,087	\$ 118,880,105	\$ 114,860,005
Contribution as a percentage of covered payroll	12.67%	15.13%	15.24%

Notes to Schedule:

Valuation date	June 30, 2019
Asset valuation method	Market value of the assets as of the reporting date
Actuarial cost method	Individual entry age normal
Municipal bond rate	3.75% as of June 30, 2019
Single equivalent discount rate	3.75% net of OPEB Plan investment expenses, including inflation
Healthcare cost trend rates	5.0% per annum
Mortality	Pre-retirement, retiree and beneficiary mortality is represented by the RP-2014 White Collar Mortality table with Scale MP-2019, fully generational

SCHEDULE OF INVESTMENT RETURNS

	Year Ended June 30,		
	2019	2018	2017
Annual money-weighted rate of return, net of investment expenses	2.31%	N/A	N/A

This schedule is presented to illustrate the requirement to show information for ten years. However, until a full ten-year trend is completed, information is presented for those years in which information is available.

See accompanying independent auditors' report.

CITY OF FALL RIVER, MASSACHUSETTS

REQUIRED SUPPLEMENTARY INFORMATION SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE BUDGET AND ACTUAL - GENERAL FUND FOR THE YEAR ENDED JUNE 30, 2019

	Budgeted Amounts		Actual		Actual	Positive
	Original	Final	Budgetary	Encumbrances	Budgetary	(Negative)
	Budget	Budget	Amounts		Adjusted	Variance
Revenues :						
Property taxes, net of tax refunds	\$ 101,568,172	\$ 101,568,172	\$ 102,264,543		\$ 102,264,543	\$ 696,371
Intergovernmental	151,885,599	151,885,599	151,607,663		151,607,663	(277,936)
Motor vehicle and other excise taxes	9,577,300	9,577,300	10,155,235		10,155,235	577,935
Licenses and permits	2,376,390	2,376,390	2,252,458		2,252,458	(123,932)
Penalties and interest on taxes	1,411,000	1,411,000	1,262,814		1,262,814	(148,186)
Fines and forfeitures	1,550,000	1,550,000	1,495,260		1,495,260	(54,740)
Departmental and other revenues	5,819,073	5,819,073	5,778,189		5,778,189	(40,884)
Investment income	115,000	115,000	916,553		916,553	801,553
Total Revenues	274,302,534	274,302,534	275,732,715		275,732,715	1,430,181
Expenditures:						
General government	8,627,769	7,502,769	7,187,283	\$ 46,880	7,234,163	268,606
Public safety	38,510,794	39,156,688	38,540,453	289,202	38,829,655	327,033
Education	110,391,682	113,000,122	111,817,785	1,113,805	112,931,590	68,532
Public works	16,167,290	17,083,246	16,386,296	403,161	16,789,457	293,789
Health and human services	3,236,030	3,236,030	2,752,431	50,500	2,802,931	433,099
Culture and recreation	1,247,801	1,247,801	1,225,582	5,407	1,230,989	16,812
Pension and fringe benefits	69,041,573	67,135,285	66,955,784	108,500	67,064,284	71,001
State and county charges	25,497,448	24,502,933	24,502,933	-	24,502,933	-
Debt service	9,068,126	9,068,126	9,058,126	-	9,058,126	10,000
Total Expenditures	281,788,513	281,933,000	278,426,673	\$ 2,017,455	280,444,128	1,488,872
Other Financing Sources (Uses):						
Transfers in	7,012,454	7,620,894	7,601,485		7,601,485	(19,409)
Transfers out	(60,000)	(893,953)	(893,953)		(893,953)	-
Total Other Financing Sources (Uses)	6,952,454	6,726,941	6,707,532		6,707,532	(19,409)
(Deficiency) Excess of Revenues and Other Financing Sources Over Expenditures/Use of Prior Year Budgetary Fund Balance	(533,525)	(903,525)	\$ 4,013,574		\$ 1,996,119	\$ 2,899,644
Other Budgetary Items:						
Prior year encumbrances	533,525	533,525				
Free cash	-	370,000				
Total Other Budgetary Items	533,525	903,525				
Net Budget	\$ -	\$ -				

See notes to required supplementary information.

See accompanying independent auditors' report.

CITY OF FALL RIVER, MASSACHUSETTS

NOTES TO REQUIRED SUPPLEMENTARY INFORMATION YEAR ENDED JUNE 30, 2019

Budgetary Basis of Accounting

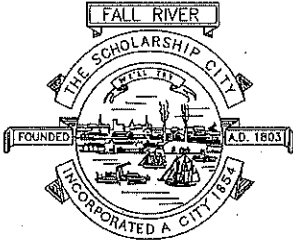
An annual budget is legally adopted for the general fund and enterprise funds. The City Mayor presents an annual budget to the City Council, inclusive of estimated revenues and other financing sources and uses. The City Council, which may amend and/or reject the budget or individual line items within the budget, adopts the expenditure budget by majority vote. At the close of each fiscal year, unencumbered appropriation balances lapse and revert to unassigned fund balance. Unspent funds from continuing appropriations such as capital articles are carried forward into the subsequent fiscal year and are available for spending.

Expenditures, in general, may not legally exceed the level of spending (i.e., salaries, expenses and capital) authorized for an appropriation account. However, the City is statutorily required to pay debt service and certain other amounts regardless of whether such amounts are appropriated.

The City adopts an annual budget for the general fund in conformity with the guidelines described above. The City Auditor is responsible to ensure that budgetary control is maintained in the manner in which the appropriations were voted by City Council. Budgetary control is exercised through the City's accounting system.

The City's general fund is prepared on a basis of accounting other than GAAP. The "actual" results column of the Schedule of Revenues, Expenditures and Changes in Fund Equity – Budgetary Basis is presented on a budgetary basis to provide meaningful comparison with the budget. A complete reconciliation is provided below:

	Basis of Accounting Differences	Fund Perspective Differences	Total
Revenues — statutory basis			\$ 275,732,715
On-behalf payments	\$ 23,387,016	\$ -	23,387,016
Stabilization investment income	-	100,521	100,521
Revenues — GAAP basis	<u>\$ 23,387,016</u>	<u>\$ 100,521</u>	<u>\$ 299,220,252</u>
Expenditures — statutory basis			\$ 278,426,673
On-behalf payments	\$ 23,387,016	\$ -	23,387,016
Transfer treatment - OPEB contributions	-	70,000	70,000
Transfer treatment - indirect costs	-	(6,846,931)	(6,846,931)
Expenditures — GAAP basis	<u>\$ 23,387,016</u>	<u>\$ (6,776,931)</u>	<u>\$ 295,036,758</u>
Net transfers — statutory basis			\$ 6,707,532
Stabilization transfers	\$ -	\$ (608,440)	(608,440)
Transfer treatment - OPEB contributions	-	70,000	70,000
Transfer treatment - indirect costs	-	(6,846,931)	(6,846,931)
Net transfers — GAAP basis	<u>\$ -</u>	<u>\$ (7,385,371)</u>	<u>\$ (677,839)</u>



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

FINANCE **3**

RECEIVED

2020 OCT 22 P 2:42

CITY CLERK
FALL RIVER, MA

October 22, 2020

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

RE: Presentation from Browning-Ferris regarding the Soil Project

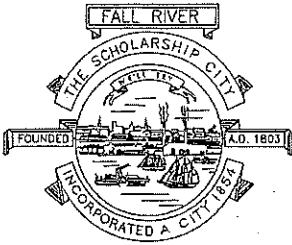
Dear Honorable Council Members:

Browning-Ferris Industries, Inc. (MA), in conjunction with the City of Fall River, are proposing to conduct a Soils Management Project at the BFI Fall River Landfill in accordance with MassDEP Policy # COMM-15-01, *Interim Policy on the Re-Use of Soil for Large Reclamation Projects*. The project is being proposed as a joint venture between BFI and the City because a portion of the Landfill to be used for this project is situated on land owned by the City of Fall River that was recently closed and capped. This project is similar to the past soil project. The purpose of this project is to grade a portion of the closed Landfill with suitable soils in preparation for a post-closure use of the Landfill. These soils would be brought to the Landfill from off-site sources following stringent soils acceptance criteria. Representatives from Republic would like to brief the Council on this project and have asked to appear to answer any questions of the Council.

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

Best Regards,

Paul E. Coogan
Mayor



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2020 OCT 22 P 2:43

PAUL E. COOGAN
Mayor

CITY CLERK _____
FALL RIVER, MA

October 22, 2020

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

Dear Members of the Honorable Council:

I hereby respectfully request confirmation of the following appointment:

Name: David J. Marciello, Esq., MPA

Address: 23 Cedar Street
Rehoboth, MA 02769

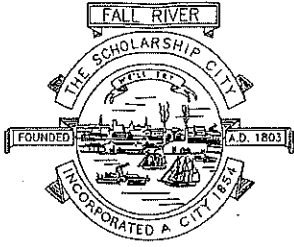
To: City Administrator

Salary: \$140,000.00 annually

Expiration Date: December 31, 2021

Sincerely,

Paul E. Coogan
Mayor



City of Fall River
Massachusetts
Office of the Mayor

2a

PAUL E. COOGAN
Mayor

October 14, 2020

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

Dear Members of the Honorable Council:

I hereby respectfully request confirmation of the following appointment:

Name: Luis Ferreira

Address: 3547 North Main Street
Fall River, MA 02720

To: Conservation Commission

Salary: Non Paid

Expiration Date: October 14, 2023

Replacing: n/a

Sincerely,

Paul E. Coogan
Paul E. Coogan
Mayor

CITY CLERK
FALL RIVER, MA

2020 OCT 15 A 10:49

RECEIVED



City of Fall River
Massachusetts
Office of the Mayor

26

PAUL E. COOGAN
Mayor

CITY CLERK
FALL RIVER, MA

2020 OCT 15 A 10:49

RECEIVED

October 14, 2020

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

RE: Cultural Council

Mr. President and Members of the Honorable Council:

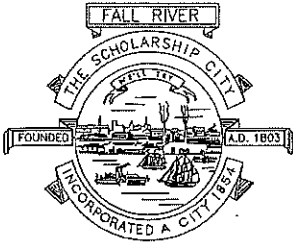
I hereby request the confirmation of the City Council for the following reappointment:

Christopher Antao
1510 Highland Avenue
Fall River, MA 02720

as a member of the Cultural Council, with a term commencing 10/14/2020 and expiring 10/14/2023.

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Mayor



City of Fall River
Massachusetts
Office of the Mayor

2C

PAUL E. COOGAN
Mayor

CITY CLERK
FALL RIVER, MA

2020 OCT 15 A 10:49

RECEIVED

October 14, 2020

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

RE: Cultural Council

Mr. President and Members of the Honorable Council:

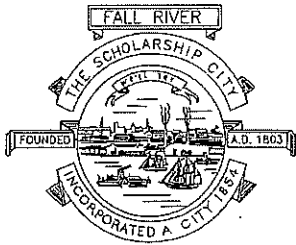
I hereby request the confirmation of the City Council for the following reappointment:

Donna a. Valente
136 Garden Street
Fall River, MA 02720

as a member of the Cultural Council, with a term commencing 10/14/2020 and expiring 10/14/2023.

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Mayor



City of Fall River
Massachusetts
Office of the Mayor

2d

RECEIVED

2020 OCT 22 P 2:42

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

October 22, 2020

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

Dear Members of the Honorable Council:

I hereby respectfully request confirmation of the following reappointment:

Name: Kathryn Clarkin

Address: 479 Harvard Street
Fall River, MA 02720

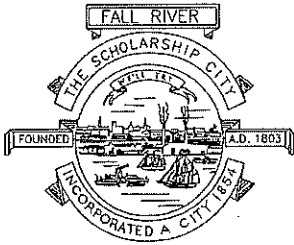
To: Library Trustees

Salary: Non-paid

Expiration Date: October 1, 2021

Sincerely,

Paul E. Coogan
Mayor



City of Fall River
Massachusetts
Office of the Mayor

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2020 OCT 22 P 2:42

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

October 22, 2020

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

Dear Members of the Honorable Council:

I hereby respectfully request confirmation of the following reappointment:

Name: Fran Rachlin

Address: 1170 Wilson Road, Unit #5
Fall River, MA 02720

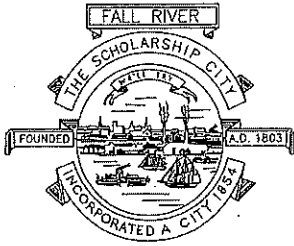
To: Library Trustees

Salary: Non-paid

Expiration Date: October 1, 2021

Sincerely,

Paul E. Coogan
Paul E. Coogan
Mayor



City of Fall River
Massachusetts
Office of the Mayor

3

RECEIVED

2020 OCT 21 A 9:28

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

October 20, 2020

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

RE: Change of Assessment Date from January 1 to July 1

Dear Honorable Council Members:

As you know, Chapter 59, Section 2A provides that the Assessors are to determine the fair cash valuation of all real estate in Fall River as of January 1st. However, Section 2A(a) contains a local acceptance provision that over 208 municipalities in Massachusetts have already accepted which moves the Assessment date from January 1st to July 1st. This allows these communities to include the new construction that typically takes place in the Spring in the assessment for the Fiscal Year beginning July 1st rather than waiting an entire year to include that new construction in the assessed value of the property.

Based on a recommendation from the Assessors, I would like to request that the City Council vote to accept the provisions of Chapter 59, Section 2A(a) effective in Fiscal Year 2022. I have included a draft Order with this communication.

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

Best Regards,

Paul E. Coogan
Mayor

City of Fall River, *In City Council*

ORDERED, that the City of Fall River hereby accepts the provisions of the third sentence of Chapter 59, Section 2A(a), also set forth in Chapter 653, Section 40 of the Acts of 1989, which provides that buildings and other things erected on or affixed to land during the period beginning on January second and ending on June thirtieth of the fiscal year preceding that to which the tax relates shall be deemed part of such real property as of January first to commence with Fiscal Year 2022.

BE IT FURTHER ORDERED, that the City Clerk shall provide the required notification to the Massachusetts Department of Revenue informing them of the City of Fall River's acceptance of said provisions.



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

2020 OCT 22 and 23, 2021
Board of Assessors

PAUL E. COOGAN
Mayor

CITY CLERK _____
FALL RIVER, MA _____

RICHARD A. GONSALVES, MAA, CHAIRMAN
NANCY L. HINOTE, MAA
RICHARD B. WOLFSON

Hon. Paul Coogan, Mayor
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mr. Mayor

General Laws Chapter 59, Section 2A provides that the Assessors are to determine the fair cash valuation of all real estate in Fall River as of January 1st. However, Section 2A(a) contains a local acceptance provision that over 208 municipalities in Massachusetts have already accepted which moves the Assessment Date from January 1st to July 1st. This allows these communities to include the new construction that typically takes place in the spring in the assessment for the Fiscal Year beginning July 1st rather than waiting an entire year to include that new construction in the assessed value of the property.

Please accept this letter as a request from this office and the Board of Assessors that you consider this recommendation, and after consideration, request that the City Council vote to accept the provisions of Chapter 59, Section 2A(a) effective in Fiscal Year 2022.

Please contact me if you have any questions or comments. Thank you for your consideration of this request.

Sincerely,

Nelia M. Raposo, MAA
Administrative Assistant to the Board of Assessors



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

4
RECEIVED

2020 OCT 21 A 9:28

CITY CLERK
FALL RIVER, MA

October 20, 2020

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

RE: Transfer of the Armory to the Redevelopment Authority

Dear Honorable Council Members:

The City Council approved the Fall River Downtown Urban Renewal Plan on April 12, 2019 and the Commonwealth of Massachusetts approved it on August 1, 2019. Under the Downtown Urban Renewal Plan, the Fall River Redevelopment Authority (the "RDA") envisions the revitalization of Fall River's historic downtown by reuniting the two halves of the downtown that were severed by the construction of Route I-195. The redevelopment of the Bank Street Armory, 72 Bank Street, Fall River can be an integral part of the success of this Urban Renewal Plan. The RDA is uniquely positioned to oversee the conveyance of the Bank Street Armory in a manner that not only conforms to the existing Preservation Restrictions on the property, but also supports the Downtown Urban Renewal Plan and enhances Fall River's historic downtown.

This correspondence is a request that the City of Fall River transfer the Bank Street Armory, 72 Bank Street (Parcel ID #N10-0048) to the Fall River Redevelopment Authority pursuant to the terms of a Memorandum of Agreement to be executed by the City and the RDA.

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

Best Regards,

Paul E. Coogan
Mayor

City of Fall River, *In City Council*

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ORDERED, that the Fall River City Council authorizes the transfer of the Bank Street Armory, located at 72 Bank Street, Fall River (Parcel ID #N10-0048) to the Fall River Redevelopment Authority pursuant to the terms of a Memorandum of Agreement to be executed by the City and Redevelopment Authority.



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

5a+b

RECEIVED

2020 OCT 22 P 1:20

CITY CLERK _____
FALL RIVER, MA

October 22, 2020

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

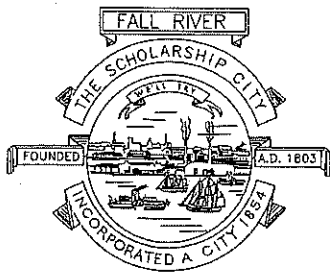
Dear Councilors:

Your approval of the attached Conservation Restrictions with the Buzzards Bay Coalition respectfully requested. These restrictions are for the parcels of land purchased by the Water Department on Yellow Hill and Indian Town Road. The Watuppa Water Board voted to accept said restrictions at the Board meeting of October 21, 2020.

Sincerely,

Paul E. Coogan
Mayor

Attachments



PAUL E. COOGAN
Mayor

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



PAUL J. FERLAND
Administrator

October 22, 2020

The Honorable Paul E. Coogan, Mayor
One Government Center
Fall River, MA 02722

RE: Buzzards Bay Coalition, Inc., Conservation Restrictions
Yellow Hill and Indian Town Road land

Dear Mayor Coogan:

It is respectfully requested that the attached Conservation Restrictions be submitted to the City Council for review and approval. Approval is needed in order to proceed with the finalization and recordings of said restrictions.

Please contact me if you need any further information.

Sincerely,

Paul J. Ferland, EIT
Adm. Community Utilities

PJF/omc
Attachment

City of Fall River, In City Council

ORDERED, by the City Council of the City of Fall River, that the Mayor be and is hereby authorized to grant the attached Conservation Restriction to Buzzards Bay Coalition, Inc. for land located at 861 Indian Town Road.

5a

Grantor: CITY OF FALL RIVER
Grantee: BUZZARDS BAY COALITION, INC.
Property Address: 861 Indian Town Road
Fall River, Massachusetts
Title Reference: Book 9702 at Page 155
Bristol County (Fall River District) Registry of Deeds

CONSERVATION RESTRICTION

to

Buzzards Bay Coalition, Inc.

Water Department Lands (Desmarais), Indian Town Road, Fall River

Fall River CR # 5

The **CITY OF FALL RIVER**, a political subdivision of the Commonwealth of Massachusetts, acting by and through its Watuppa Water Board, a duly constituted and empowered board of the City of Fall River by the authority of Massachusetts General Laws ("MGL") Chapter 40, §§ 39B, 39E and 41, with an address of One Government Center, Fall River, Massachusetts 02722, being the sole owner and for its successors and assigns ("Grantor"), acting pursuant to §§ 31-33 of Chapter 184 of the MGL, grants with QUITCLAIM COVENANTS to **BUZZARDS BAY COALITION, INC.**, a Massachusetts non-profit corporation, with an address of 114 Front Street, New Bedford, Massachusetts 02740 and its permitted successors and assigns ("Grantee"), for charitable consideration as this conveyance is to be considered and characterized as a gift, IN PERPETUITY AND EXCLUSIVELY FOR WATER SUPPLY PROTECTION AND CONSERVATION PURPOSES, the following described Conservation Restriction (the "Conservation Restriction") on land located in Fall River, Bristol County, Massachusetts containing the entirety of a 16.07 acre parcel of land ("Premises") being more particularly described in Exhibit A and depicted in Exhibit B, both of which exhibits are attached hereto and incorporated by reference.

Grantee is a publicly-supported, tax-exempt non-profit organization dedicated to the restoration, protection and sustainable use and enjoyment of Buzzards Bay and its watershed through education, conservation, research and advocacy, with a watershed protection program working to preserve and conserve natural areas for natural resource protection, aesthetic, scientific and educational purposes. Grantee has received a letter dated April 14, 2004 from the Internal

5a

Revenue Service, a copy of which is on file at the offices of said Grantee, to the effect that Grantee is not a private foundation within the meaning of § 509(a) of the Internal Revenue Code of 1986.

I. PURPOSES.

This Conservation Restriction is defined in, and authorized by, §§ 31-33 of Chapter 184 of the MGL and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for water supply protection and conservation purposes, in a natural, scenic and undeveloped condition. It is further the intent of the Grantor and Grantee to protect in perpetuity the associated uplands and wetlands for protection of the North Watuppa Pond watershed, to permit appropriate passive public recreational activities, to protect critical wildlife habitat and to prevent any use or change of the Premises that would materially impair or interfere with the conservation and preservation values ("Conservation Values") of the Premises.

The acquisition of the Premises by the Grantor was accomplished through the use of Community Preservation Act funds as authorized by Chapter 44B of the MGL ("CPA") and the use of which, by Section 12 of Chapter 44B of the MGL, requires the imposition of this Conservation Restriction. The use of such CPA funds was authorized by an Order of the City of Fall River City Council on August 15, 2018, a certified copy of which is attached hereto as Exhibit C and attached hereto and incorporated by reference.

The Conservation Values include the following:

- (1) Protection of Natural Setting. The protection of the Premises contributes to the overall protection of the scenic and natural character of eastern Fall River with some 620 feet of undeveloped frontage on Indian Town Road. The Premises will become part of the Southeastern Massachusetts Bioreserve which is some 13,600 acres of protected properties in Fall River, Freetown and Dartmouth making up one of the largest expanses of unfragmented forest in Eastern Massachusetts. The Premises abuts The Trustees of Reservations' 516 acre Copicut Woods property and is across Indian Town Road from the Grantor's Watuppa Reservation. Protection of the Premises adds to the assemblage of protected open space in the immediate area while preventing land use conversion of these critical lands within the Bioreserve.
- (2) Protection of Water Quality. The Premises will be added to the Grantor's Watuppa Reservation, a portion of some 8,500 acres of protected watershed lands, which protects North Watuppa Pond, and other surface waters, as a source of clean drinking water for Fall River and other communities. Conservation of the Premises will prevent residential development and the attendant impacts (wastewater management, runoff pollution, impervious surfaces and fertilizer/pesticide use) commonly associated with such development.
- (3) Protection of Wildlife Habitat. The entire Premises is mapped and classified as either Core Habitat or Critical Natural Landscape by the Massachusetts Natural Heritage and Endangered Species Program ("NHESP") via its BioMap2 project. Areas so identified

5a

indicate that the land is critical to maintaining the integrity of the Commonwealth's ecological resources and its biodiversity. In addition, protection of the Premises will provide needed buffer to abutting lands that are mapped as Priority Habitat for Rare Species.

- (4) Furtherance of Government Policy, Fall River. Protection of the Premises is consistent with, and furthers, the Grantor's current Open Space and Recreation Plan (2017) which includes the following goals and objectives:
- Preserve, protect and add to the open space assets of the City (Open Space, Goal 1),
 - Develop a method of prioritization for the acquisition of property/open space (OS, Objective H),
 - Complete the protection strategy for vulnerable water resource assets (OS, Objective I) and
 - Cultivate and sustain partnerships with conservation, open space and recreation agencies, organizations and interests (Implementation, Objective E).

In addition, protection of the Premises supports the Grantor's Master Plan's (2009-2030) goals and objectives:

- Enhance the Southeastern Massachusetts Bioreserve as a Watershed Protection district, as a recreational resource and as a critical ecosystem (Natural Resources, Open Space and Recreation, Goal 1),
- Maintain and improve protection of North Watuppa and Copicut water supply and East Fall River watershed lands (NR, OS&R, Objective 1(a)) and
- Continue to seek protection for the remaining unprotected areas in the Bioreserve (NR, OS&R, Objective 1(b)).

Lastly, protection of the Premises would support the land protection priorities of the Fall River Water District which identified the Premises as important to protect in part or in whole in 2013.

- (5) Furtherance of Government Policy, Massachusetts. Conservation of the Premises is in furtherance of the clearly defined governmental policies of the Commonwealth of Massachusetts to encourage land conservation as exhibited by the enactment of the Community Preservation Act (Chapter 44B of the MGL). Conservation of the Premises is also consistent with, and will further the goals of, the South Coast Rail Economic Development and Land Use Corridor Plan Update (2013) which identifies regionally significant Priority Protection Areas where land should be conserved and protected. The entirety of the Premises is located within Priority Protection Area 95-8 (Bio Reserve and Water Resource Protection Area).
- (6) Article 97. This Conservation Restriction will preserve and protect the Conservation Values of the Premises consistent with the spirit and intent of the protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

5a

These and other Conservation Values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report further defined in Paragraph XIV(H), below.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES.

A. Prohibited Acts and Uses.

Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, solar panel, solar array, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
3. Placing, filling, storing, burying or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree or other vegetation cuttings generated off-site, waste or other substance or any material whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying trees, grasses or other vegetation;
5. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat or archaeological conservation;
6. Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e. fire, police, ambulance, other government officials) in carrying out their official duties or as necessary for the mobility impaired;
7. Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted) and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
8. The use of the Premises for more than *de minimis* commercial recreation, business, residential or industrial use;
9. The disruption, removal or destruction of the stone walls or granite fence posts on the Premises; and

5a

10. Any other use of the Premises or activity which is inconsistent with the purpose of this Conservation Restriction or which would materially impair its Conservation Values.

B. Reserved Rights and Exceptions.

The Grantor reserves the right to conduct or permit the following activities and uses ("Reserved Rights") on the Premises, but only if such uses and activities do not materially impair the Conservation Values or purposes of this Conservation Restriction:

1. Permits. The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with the then current Zoning By-Laws of the City of Fall River, the Wetlands Protection Act (§ 40 of Chapter 131 of the MGL) and all other applicable federal, state and local laws, rules, regulations and permits. The inclusion of any Reserved Right in this Paragraph II.B. requiring a permit from a public agency does not imply that Grantee or the Commonwealth of Massachusetts takes any position on whether such permit should be issued.
2. Passive Recreation. Walking, running, cross-country skiing, non-motorized boating, picnicking, birding, hunting, non-motorized biking, hiking, general flora and fauna observation and other non-motorized outdoor passive recreational activities and the use of power-driven mobility devices by persons who have mobility impairments to be operated on wood roads and trails to extent possible.
3. Environmental Education and Research. Activities associated with environmental education and research including study, survey, monitoring and investigation of natural resources.
4. Public Use/Enjoyment Amenities. With prior written approval of the Grantee, the construction of small scale structures accessory to the use of the Premises as an open space reservation by visitors and all meant to enhance the use and enjoyment of the Premises by the public, such as, and including but not limited to, picnic tables, benches, Premises bounds, sight-pervious fences that do not impede the passage of wildlife, gates, signs, bogboards, boardwalks, viewing platform(s) and informational kiosks and/or bulletin boards.
5. Trails/Paths/Woods Roads/Parking Lot. The construction, maintenance, marking and use of new and existing unpaved walking trails and footpaths on the Premises, provided the Grantor provides notice to the Grantee prior to exercising its right to construct new walking trails and footpaths. The maintenance, marking and use of existing woods roads on the Premises substantially in their present condition or with such improvements as are reasonably necessary for their continued use, including use by motor vehicles necessary for the Reserved Rights set forth herein. With prior written approval from the Grantee, the construction, maintenance, marking and use of new unpaved woods roads or the extension of existing woods roads reasonably necessary for the Reserved Rights set forth herein. With prior written approval from the Grantee, the construction, maintenance, marking and use of a pervious surface parking lot located along the Indian Town Road

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frontage and designed to accommodate up to ten (10) vehicles to enhance access to the Premises. All exercising of this Reserved Right shall be in consultation with NHESP and shall take into account sensitive areas.

6. Stone Walls. The maintenance and repair of existing stone walls and, as designed, the construction, only in the uplands of the Premises, of new stone walls of similar type, style and size or the removal or alteration of existing stone walls.
7. Vegetation Management. In accordance with generally accepted forest, coastal, open field, and other natural community management and ecological restoration practices, selective removing of trees and brush, pruning and cutting to: (i) prevent, control or remove hazards, or damage from disease, insects, invasive/noxious/nuisance plant or animal species or fire; (ii) promote and manage natural communities; (iii) as necessary in carrying out the Reserved Rights described in this Paragraph II(B) and (iv) maintain and preserve the present condition of the Premises, including vistas, trails, stone walls, woods roads and open fields, if any, all as documented in the Baseline Documentation Report (see Paragraph XIV(H) below). This can include mowing, mechanical removal of woody vegetation, prescribed burning, animal grazing, and chemical use but only if said use is designed and applied to affect the target species and not nearby non-target species.
8. Motorized Vehicles. The use of motorized vehicles and equipment as necessary in support of the Reserved Rights herein. The exercising of this Reserved Right does not permit the outdoor storage of motorized vehicles.
9. Brush Piles/Composting. The stockpiling, composting and occasional burning, during non-nesting seasons (generally October 1 through March 31) of stumps, trees, brush, slab wood, limbs or similar biodegradable materials originating on the Premises, provided that such activities are conducted in locations where they will not impair the Conservation Values or purposes (including scenic values) of this Conservation Restriction. No such activities shall allow for the creation of "stump dumps" nor take place closer than one hundred (100) feet from the Premises boundary or any wetland, waterbody or stream. All exercising of this Reserved Right shall take into account sensitive areas.
10. Wildlife Habitat Restoration and Improvement. With prior written approval of the Grantee, activities or measures designed to restore native terrestrial, wetland and aquatic biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat and rare/endangered species. This could include, but is not limited to: 1) wetland restoration, 2) removal of non-native species and 3) establishing indigenous/native species.
11. Forestry. In accordance with generally accepted forestry management practices, the cutting and harvesting of trees for any purpose as such may be consistent with the purpose of this Conservation Restriction, including without limitation commercial-timber production, but only if carried out in accordance with a forest management plan ("Forest Management Plan") conforming at least to the minimum standards set forth in the Massachusetts Forest Cutting Practices Act (Massachusetts General Laws Chapter 132, or its successor) prepared by a Massachusetts licensed professional forester ("Licensed

Forester”) and approved by the Grantee, the Massachusetts Department of Conservation and Recreation (or its successor) and any other required state agencies.

The Forest Management Plan shall include provisions designed to minimize soil erosion, conserve surface and groundwater quality, scenic views, wildlife habitat and protect the Conservation Values of the Premises. Grantee’s approval of the Forest Management Plan cannot be unreasonably withheld.

The Forest Management Plan shall be effective for a ten (10) year period and shall be resubmitted once every ten (10) years as necessary if additional timber harvests occur. All cutting plans and designated access routes shall avoid any stone structures or historical or cultural resources and shall be reasonably required to prevent any damage thereto. All cutting operations shall be supervised by a Licensed Forester.

12. Archaeological Investigations. The conduct of archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official).
13. Signs. The erection, maintenance and replacement of signs with respect to public access rules, interpretation, regulations, hunting, trespass, parking, trail access, identity of the Grantor, Grantee and other conservation partners, and the protected Conservation Values.
14. Site Restoration. Any work undertaken in conjunction with the Reserved Rights described in this Paragraph II(B) shall seek to minimize disturbance to the Conservation Values and other natural features within the Premises that may be impacted as a result of exercising of any of the Reserved Rights described herein. Upon completion of any site work performed in conjunction with the Reserved Rights described in this Paragraph II(B), any disturbed areas shall be restored substantially to the conditions with respect to soil material, grade, and vegetated ground cover as documented in the Baseline Documentation Report (see Paragraph XIV(H) below), as applicable, or in conformance with the conditions with respect to soil material, grade, and vegetated ground cover that existed prior to said work, if said work is done in any area not documented in the Baseline Documentation Report.
15. Best Management Practices. The exercise of any right reserved by Grantor under this Paragraph II(B) that results in any more than the *de minimis* surface alterations shall follow, when available and if applicable, established, up to date, and regionally-applicable Best Management Practices or similar standards developed by a governmental agency or other entity with known expertise in the area of practice and designed to protect the natural features potentially affected by the action(s).

C. Notice and Approval.

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Whenever notice to, or approval by, Grantee is required, Grantor shall notify Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) calendar days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Routine maintenance shall not require notification.

Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) calendar days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity complies with this Conservation Restriction and shall not materially impair the purposes or Conservation Values of this Conservation Restriction and shall, in all cases, be final and controlling. Failure of Grantee to respond in writing within sixty (60) calendar days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after sixty (60) calendar days' notice to Grantee, the requested activity is not prohibited herein and the activity will not materially impair the purposes or Conservation Values of this Conservation Restriction.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the Conservation Values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction against the Grantor or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred and the violation was the direct cause of an action taken by, or with the acquiescence of, the Grantor. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

B. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation

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Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability.

By acceptance of this Conservation Restriction, Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by Grantee or its agents.

D. Acts Beyond Grantor's Control.

Nothing contained in this Conservation Restriction shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including, but not limited to, fire, flood, storm and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

IV. ACCESS.

The Conservation Restriction hereby conveyed does not grant to Grantee, to the public generally, or to any other person any right to enter upon the Premises except as follows:

1. There is hereby granted to the public the right to enter upon the Premises at its own risk in a reasonable manner year-round from dawn to dusk for passive outdoor recreational uses such as those described in Paragraph II(B) (but not motorized uses, including motorbiking or the use of off-road all-terrain vehicles, but allowing motorized wheelchairs and other power-driven mobility devices for persons with mobility impairments in accordance with and subject to the limitations of law), subject to Grantor's reasonable rules and regulations governing use of the Premises and provided that such activities are consistent with the Conservation Values and purposes of this Conservation Restriction.

2. The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises, upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with, or to enforce, this Conservation Restriction. The Grantor also grants to the Grantee, after notice or a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including, but not limited to, the right to perform a survey of boundary lines.

3. There is hereby granted to Grantee the right to erect, and from time to time replace, at appropriate locations near the boundaries of the Premises mutually agreed upon, suitable signs identifying Grantee as the holder of this Conservation Restriction.

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V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this Conservation Restriction can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph V(B), subject, however, to any applicable law which expressly provides for a different disposition of proceeds and after complying with the terms of any gift, grant or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

B. Grantor and Grantee agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is equal to the proportionate value that this Conservation Restriction, determined at the time of the donation, bears to the value of the unrestricted property at that time. Such proportionate value of the Grantee's property right shall remain constant. If any occurrence gives rise to an extinguishment or other release of the Conservation Restriction under applicable law, the Grantor and Grantee shall be reimbursed from the proceeds, once recovered, for their respective share of reasonable legal or other expenses, if any, associated with the recovery of said proceeds. The remaining proceeds, once recovered, shall first be used to satisfy the terms of any gift, grant or funding requirements including the Community Preservation Act (Chapter 44B of the MGL) with the balance then being distributed as directed above to be used in a manner consistent with the Conservation Values or purposes of this Conservation Restriction.

C. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and Grantee shall be first paid out of any recovered proceeds, and the remaining proceeds shall be distributed, after complying with the terms of any gift, grant or funding requirements, in accordance with Paragraph V(B) above. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purpose set forth herein.

VI. ASSIGNABILITY

A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments. The Grantee is authorized to record or file any notices or

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instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction, and the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree to execute any such instruments upon request.

- C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable except in the following instances:

As a condition of any assignment, Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the assignee is not an owner of the fee in the Premises; that the assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder; and that the assignee is eligible to receive this Conservation Restriction under § 32 of Chapter 184 of the MGL. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Premises, including a leasehold interest, and to notify the Grantee not less than twenty (20) calendar days prior to the execution of such transfer. Failure to do so shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after its ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations. Any new owner shall familiarize themselves with the information contained in the Baseline Documentation Report (see Paragraph XIV.H. below).

VIII. ESTOPPEL CERTIFICATES

Upon request by Grantor, Grantee shall within forty-five (45) calendar days execute and deliver to Grantor any document, including an estoppel certificate which certifies Grantor's compliance or non-compliance with any obligation of Grantor contained in this Conservation Restriction and which otherwise evidences the status of this Conservation Restriction as may be requested by Grantor.

IX. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned and

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committed the monitoring and enforcement of this Conservation Restriction to another qualified non-fee owner organization within the meaning of § 170(h)(3) of the Internal Revenue Code of 1986, as amended, and § 32 of Chapter 184 of the MGL, which organization has among its purposes, the conservation and preservation of land and water areas, to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or §§ 31-33 of Chapter 184 of the MGL, or successor statutes. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the Conservation Values and purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and the terms of any gifts, grants or funding requirements. Any amendment shall be recorded in the Bristol County (Fall River District) Registry of Deeds.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective only when Grantor and Grantee have executed it and the administrative approvals required by § 32 of Chapter 184 of the MGL have been obtained, and it has been recorded, or if registered land, it has been registered, in a timely manner in the Bristol County (Fall River District) Registry of Deeds.

XII. NOTICES

All correspondence related to this Conservation Restriction must be sent to the parties at the addresses listed below. If any notice is returned as undeliverable, notices must be sent to a current address if a current address can be determined.

Grantor: City of Fall River Water Department
One Government Center
Fall River, Massachusetts 02722

Grantee: Buzzards Bay Coalition, Inc.
114 Front Street
New Bedford, Massachusetts 02740

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XIII. GENERAL PROVISIONS

- A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.
- B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purpose of §§ 31-33 of Chapter 184 of the MGL. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.
- C. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.
- D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.
- E. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

XIV. MISCELLANEOUS

- A. Pre-existing Rights of the Public. Approval of this Conservation Restriction pursuant to § 32 of Chapter 184 of the MGL by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.
- B. Indemnification; Hold Harmless. Grantor shall hold harmless, indemnify and defend Grantee and its members, directors, officers, employees, agents and contractors and the heirs, personal representatives, successors and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands or judgments, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition or other matter related to or occurring on or about the Premises, regardless of cause, unless due solely to the negligence of any of the Indemnified Parties; and (2) the obligations specified in Paragraphs XIV.C. and XIV.D., below.

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- C. Maintenance and Upkeep Costs. Grantor shall retain all responsibilities and shall bear all costs and liabilities of any kind related to ownership, operation, upkeep and maintenance of the Premises, including maintenance of adequate comprehensive general liability insurance coverage or such like liability insurance coverage as may be appropriate from time to time. Upon request, Grantor will supply a certificate of such insurance to Grantee. Grantor shall keep the Premises free of any liens arising out of work performed for, materials furnished to or obligations incurred by Grantor.
- D. Taxes. Grantor shall pay before delinquency all taxes, assessments, fees and charges of whatever description levied on, or assessed against, the Premises by competent authority (collectively "Taxes"), including any Taxes imposed upon, or incurred as a result of, this Conservation Restriction and shall furnish Grantee with satisfactory evidence of payment upon request.
- E. Executory Limitation. If Grantee shall cease to exist or to be a qualified organization under § 170(h) of the Internal Revenue Code of 1986, as amended, or to be authorized to acquire and hold conservation easements under the statutes of the Commonwealth of Massachusetts, and a prior assignment is not made pursuant to Paragraph VI, then Grantee's rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law (i.e., in accordance with the cy pres or other appropriate doctrine) and with due regard to the requirements for an assignment pursuant to Paragraph VI.
- F. Title Warranty. Grantor warrants that Grantor has good title to the Premises, that the Grantor has the right to convey this Conservation Restriction and that the Premises is free and clear of any encumbrances. Grantor also warrants that Grantor has no actual knowledge of a release or threatened release of hazardous substances or wastes on the Premises.
- G. Subordination of Liens. Any mortgage or lien arising after the recording of this Conservation Restriction must be subordinated to the terms of this Conservation Restriction. Any liens, mortgages, easements or other clouds on title existing prior to the recording of the Conservation Restriction must be subordinated to the Conservation Restriction or otherwise appropriately dealt with prior to recording the Conservation Restriction.
- H. Baseline Documentation Report. In order to: (a) establish the present condition of the Premises and the Conservation Values thereon which are protected by this Conservation Restriction, (b) to enable the Grantee to monitor future uses of the Premises and (c) to assure compliance with the terms hereof, the Grantor and Grantee agree and acknowledge that the natural characteristics, ecological features and physical and man-made conditions of the Premises as of the recording of this Conservation Restriction will be documented in an inventory (including reports, maps, photographs and other documentation) of the relevant features and conditions of the Premises (the "Baseline Documentation Report") and that said inventory is an accurate representation of the present condition of the Premises. Grantor and Grantee agree that the conditions of the Premises could change as

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a result of natural processes or through Grantor's exercising of rights reserved in Paragraph II(B) of this Conservation Restriction. Grantee may use the Baseline Documentation Report in enforcing provisions of this Conservation Restriction, but is not limited to the use of the Baseline Documentation Report to show a change of conditions. Verified originals of the Baseline Documentation Report will be deposited with the Grantor and in the permanent records of the Grantee. If the originals of said Baseline Documentation Report are subsequently destroyed by casualty or other circumstance, other evidence may be offered by the parties to establish the condition of the property as of the date this Conservation Restriction is recorded. The Baseline Documentation Report is incorporated into this Conservation Restriction by reference as if stated herein.

I. No Deed Excise Stamps. This instrument is not a deed. It does not purport to transfer a fee interest to the Grantee. No Massachusetts deed excise stamps are affixed hereto as Grantor is a municipality of the Commonwealth and none are required by Section I of Chapter 64D of the MGL.

J. Attachments.

Attached hereto and incorporated herein by reference are the following:

Grantor City of Fall River Watuppa Water Board signature page
Grantee Buzzards Bay Coalition, Inc. signature page
Approval by City of Fall River City Council
Approval by the Mayor of the City of Fall River
Approval of the Massachusetts Secretary of Energy and Environmental Affairs

Exhibit A: Legal Description of Premises
Exhibit B: Reduced Copy of Plan of Premises
Exhibit C: Fall River City Council CPA Order
Exhibit D: Fall River CPA Open Space Award Agreement
Exhibit E: Fall River City Council CR Approval Vote

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ACCEPTANCE OF GRANT

At a meeting held on January 28, 2020, Buzzards Bay Coalition, Inc. voted to authorize the acceptance of the above Conservation Restriction from the City of Fall River, acting by and through its Watuppa Water Board, which is accepted this _____ day of _____, 2020.

BUZZARDS BAY COALITION, INC.

Mark Rasmussen, President, duly authorized

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF _____

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared Mark Rasmussen, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he was duly authorized and signed it voluntarily for its stated purpose as the President of Buzzards Bay Coalition, Inc.

Notary Public for Massachusetts
My Commission Expires: _____

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**APPROVAL OF CITY OF FALL RIVER
CITY COUNCIL**

The undersigned, President of the City Council of the City of Fall River, hereby certifies that at a public meeting duly held on _____, 2020, a majority of the City Council voted to approve the foregoing Conservation Restriction from the City of Fall River, acting by and through its Watuppa Water Board to Buzzards Bay Coalition, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts.

Cliff Ponte, President

**COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BRISTOL**

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared Cliff Ponte, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he was duly authorized and signed it voluntarily for its stated purpose as the President of the City Council of the City of Fall River, Massachusetts.

Notary Public for Massachusetts
My Commission Expires: _____

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**APPROVAL BY THE MAYOR OF THE
CITY OF FALL RIVER**

Pursuant to a vote of the City Council of the City of Fall River on _____, 2020, the undersigned, Mayor of the City of Fall River, approves of the above Conservation Restriction from the City of Fall River, acting by and through its Watuppa Water Board to Buzzards Bay Coalition, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts this _____ day of _____, 2020.

Paul E. Coogan, Mayor

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BRISTOL

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared Paul E. Coogan, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he was duly authorized and signed it voluntarily for its stated purpose as the Mayor of the City of Fall River, Massachusetts.

Notary Public for Massachusetts

My Commission Expires: _____

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**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from the City of Fall River, acting by and through its Watuppa Water Board, to Buzzards Bay Coalition, Inc., has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2020

Kathleen A. Theoharides
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss:

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared Kathleen A. Theoharides, and proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public: John M. Gioia
My Commission Expires: January 23, 2026

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EXHIBIT A

Legal Description of Premises

The land subject to this Conservation Restriction, referred to herein as the Premises, is located in Fall River, Bristol County, Commonwealth of Massachusetts and is described as follows:

Beginning at a concrete bounds on the easterly sideline of Indian Town Road at the northwesterly corner of the land herein described;

Thence by land of Phillips as shown on a plan recorded in Plan Book 146 at Page 63, the following courses, S 43°11'21" E a distance of 101.35 feet to a concrete bound;

Thence S 77°14'18" E a distance of 190.43 feet to a concrete bound;

Thence N 51°19'00" E a distance of 68.48 feet to a concrete bound;

Thence by land now or formerly of Joerres and Martin S 76°36'36" E a distance of 521.70 feet to an iron pipe found in a ring of stones;

Thence by the same course by land now or formerly of Kathleen and Ed Pacheco S 76°36'36" E a distance of 532 feet, more or less, to a bound on the easterly sideline of Proprietors Way so-called;

Thence by Proprietors Way S 23°25'19" W a distance of 469 feet, more or less, to land of Massachusetts Land Conservation Trust;

Thence N 76°36'36" W a distance of 1,659.09 feet, more or less, to a point on the easterly sideline of Indian Town Road;

Thence by the sideline of Indian Town Road N 52°05'20" E a distance of 591.61 feet to a point, which is the point of beginning.

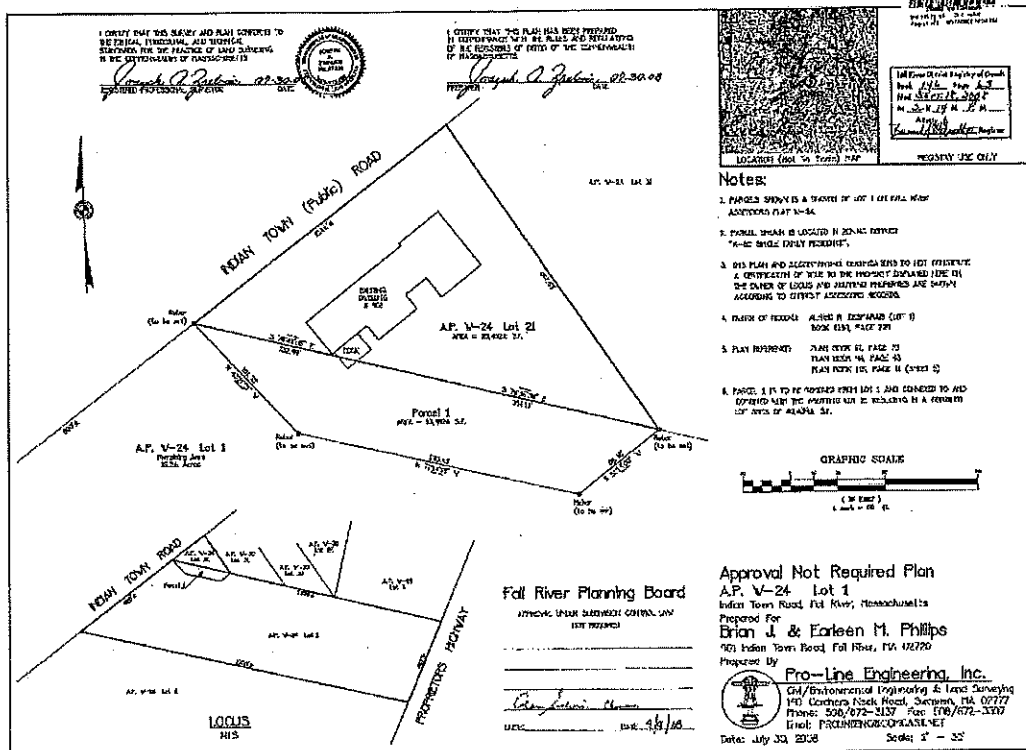
Having an area of 699,861 square feet, 16.07 acres, more or less.

Being the same property conveyed to the City of Fall River by deed of Alfred R. Desmarais dated February 6, 2019 and recorded February 6, 2019 in Deed Book 9702 at Page 155 in the Bristol County (Fall River District) Registry of Deeds, a reduced copy of which is attached hereto as Exhibit B.

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EXHIBIT B

Sketch Plan of Premises



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EXHIBIT C

Fall River City Council Approval of CPA Funding

(7 pages)

5a

EXHIBIT D

CPA Open Space Award Agreement

(4 pages)

5a

EXHIBIT E

Fall River City Council CR Approval Vote

(1 page)

5a

Grantor:

City of Fall River, Watuppa Water Board

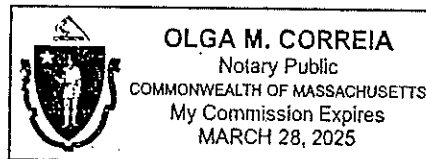
Robert Pearson
Robert Pearson, Chair

Oct 21st 2020
Date

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF Bristol

On this 21 day of October, 2020, before me, the undersigned notary public, personally appeared Robert Pearson, Chair of the Watuppa Water Board, as aforesaid, proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as Chair of the Watuppa Water Board.

Olga M. Correia
Notary Public for Massachusetts
My Commission Expires: 3/28/2025



City of Fall River, *In City Council*

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ORDERED, by the City Council of the City of Fall River, that the Mayor be and is hereby authorized to grant the attached Conservation Restriction to Buzzards Bay Coalition, Inc. for vacant land located on the North Side of Yellow Hill Road.

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Grantor: CITY OF FALL RIVER
Grantee: BUZZARDS BAY COALITION, INC.
Property Address: Vacant Land on the North Side of Yellow Hill Road
Fall River, Massachusetts
Title Reference: Book 9719 at Page 131
Bristol County (Fall River District) Registry of Deeds

CONSERVATION RESTRICTION

to

Buzzards Bay Coalition, Inc.

Water Department Lands (Costa-Mello), Yellow Hill Road, Fall River

Fall River CR # 4

The **CITY OF FALL RIVER**, a political subdivision of the Commonwealth of Massachusetts, acting by and through its Watuppa Water Board, a duly constituted and empowered board of the City of Fall River by the authority of §§ 39B, 39E, and 41 of Chapter 40 of the Massachusetts General Laws, with an address of One Government Center, Fall River, Massachusetts 02722, being the sole owner and for its successors and assigns ("Grantor"), acting pursuant to §§ 31-33 of Chapter 184 of the Massachusetts General Laws, grants with QUITCLAIM COVENANTS to **BUZZARDS BAY COALITION, INC.**, a Massachusetts non-profit corporation, with an address of 114 Front Street, New Bedford, Massachusetts 02740, and its permitted successors and assigns ("Grantee"), for charitable consideration as this conveyance is to be considered and characterized as a gift, IN PERPETUITY AND EXCLUSIVELY FOR WATER SUPPLY PROTECTION AND CONSERVATION PURPOSES, the following described Conservation Restriction ("Conservation Restriction") on land located in Fall River, Bristol County, Massachusetts containing the entirety of two parcels totaling 37.58 acres ("Premises"), and being more particularly described in Exhibit A and depicted in Exhibit B, both of which exhibits are attached hereto and incorporated by reference.

Grantee is a publicly-supported, tax-exempt non-profit organization dedicated to the restoration, protection and sustainable use and enjoyment of Buzzards Bay and its watershed through education, conservation, research and advocacy, with a watershed protection program working to preserve and conserve natural areas for natural resource protection, aesthetic, scientific and educational purposes. Grantee has received a letter dated April 14, 2004 from the Internal

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Revenue Service, a copy of which is on file at the offices of said Grantee, to the effect that Grantee is not a private foundation within the meaning of § 509(a) of the Internal Revenue Code of 1986.

I. PURPOSES.

This Conservation Restriction is defined in, and authorized by, §§ 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for water supply protection and conservation purposes, in a natural, scenic and undeveloped condition. It is further the intent of the Grantor and Grantee to protect in perpetuity the associated uplands and wetlands for protection of the Copicut Reservoir watershed, to permit appropriate passive public recreational activities, to protect critical wildlife habitat and to prevent any use or change of the Premises that would materially impair or interfere with the conservation and preservation values ("Conservation Values") of the Premises.

The acquisition of the Premises by the Grantor was accomplished through the use of Community Preservation Act funds as authorized by Chapter 44B of the Massachusetts General Laws ("CPA") and the use of which, by Section 12 of Chapter 44B of the Massachusetts General Laws, requires the imposition of this Conservation Restriction. The use of such CPA funds was authorized by an Order of the City of Fall River City Council on August 15, 2018, a certified copy of which is attached hereto as Exhibit C and attached hereto and incorporated by reference.

The Conservation Values include the following:

- (1) Protection of Natural Setting. The protection of the Premises contributes to the overall protection of the scenic and natural character of eastern Fall River with some 500 feet of undeveloped frontage on Yellow Hill Road. The Premises will provide buffer to the Southeastern Massachusetts Bioreserve which is some 13,600 acres of protected properties in Fall River, Freetown and Dartmouth making up one of the largest expanses of unfragmented forest in Eastern Massachusetts. The property abuts existing conservation land held by the Fall River Conservation Commission (63 acres to the north); the Massachusetts Land Conservation Trust (16 acres to the northwest) and the Fall River Water Department (1.7 acres to the east). Protection of the Premises adds to the assemblage of protected open space in the immediate area while preventing land use conversion of these critical lands buffering the Bioreserve.
- (2) Protection of Water Quality. The Premises will be added to the Grantor's Copicut Reservation, a portion of some 8,500 acres of protected watershed lands, which protects Copicut Reservoir, and other surface waters, as a source of clean drinking water for Fall River and other communities. In addition, the entire Premises is designated as "Emergency Water Supply Watershed" for Lake Noquochoke which serves as an emergency water supply for Fall River. The Premises also includes a portion of a Zone A Surface Water Supply Protection Area given its proximity to the Copicut River. Conservation of the Premises will prevent residential development and the attendant

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impacts (wastewater management, runoff pollution, impervious surfaces and fertilizer/pesticide use) commonly associated with such development.

- (3) Protection of Rare Species Habitat. The entire Premises is mapped and classified as Priority Habitat for Rare Species by the Massachusetts Natural Heritage and Endangered Species Program ("NHESP") via its BioMap2 project. Specifically, the Premises is designated as habitat for Marbled Salamander (State Threatened) and eastern Box Turtle (State Species of Special Concern). Areas so identified indicate that the land is critical to maintaining the integrity of the Commonwealth's ecological resources and its rare species habitat.
- (4) Furtherance of Government Policy, Fall River. Protection of the Premises is consistent with, and furthers, the Grantor's current Open Space and Recreation Plan (2017) which includes the following goals and objectives:
- Preserve, protect and add to the open space assets of the City (Open Space, Goal 1),
 - Develop a method of prioritization for the acquisition of property/open space (OS, Objective H),
 - Complete the protection strategy for vulnerable water resource assets (OS, Objective I) and
 - Cultivate and sustain partnerships with conservation, open space and recreation agencies, organizations and interests (Implementation, Objective E).

In addition, protection of the Premises supports the Grantor's Master Plan's (2009-2030) goals and objectives:

- Enhance the Southeastern Massachusetts Bioreserve as a Watershed Protection district, as a recreational resource and as a critical ecosystem (Natural Resources, Open Space and Recreation, Goal 1),
- Maintain and improve protection of North Watuppa and Copicut water supply and East Fall River watershed lands (NR, OS&R, Objective 1(a)) and
- Continue to seek protection for the remaining unprotected areas in the Bioreserve (NR, OS&R, Objective 1(b)).

Lastly, protection of the Premises would support the land protection priorities of the Fall River Water District which identified the Premises as important to protect in part or in whole in 2013.

- (5) Furtherance of Government Policy, Massachusetts. Conservation of the Premises is in furtherance of the clearly defined governmental policies of the Commonwealth of Massachusetts to encourage land conservation as exhibited by the enactment of the Community Preservation Act (Chapter 44B of the Massachusetts General Laws). Conservation of the Premises is also consistent with, and will further the goals of, the South Coast Rail Economic Development and Land Use Corridor Plan Update (2013) which identifies regionally significant Priority Protection Areas where land should be conserved and protected. The entirety of the Premises is located within Priority Protection Area 95-8 (Bio Reserve and Water Resource Protection Area).

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- (6) Article 97. This Conservation Restriction will preserve and protect the Conservation Values of the Premises consistent with the spirit and intent of the protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

These and other Conservation Values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report further defined in Paragraph XIV(H), below.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES.

A. Prohibited Acts and Uses.

Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, solar panel, solar array, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
3. Placing, filling, storing, burying or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree or other vegetation cuttings generated off-site, waste or other substance or any material whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying trees, grasses or other vegetation;
5. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat or archaeological conservation;
6. Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e. fire, police, ambulance, other government officials) in carrying out their official duties or as necessary for the mobility impaired;
7. Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted) and no portion of the Premises may be used towards building or development requirements on this or any other parcel;

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8. The use of the Premises for more than *de minimis* commercial recreation, business, residential or industrial use;
9. The disruption, removal or destruction of the stone walls or granite fence posts on the Premises; and
10. Any other use of the Premises or activity which is inconsistent with the purpose of this Conservation Restriction or which would materially impair its Conservation Values.

B. Reserved Rights and Exceptions.

The Grantor reserves the right to conduct or permit the following activities and uses ("Reserved Rights") on the Premises, but only if such uses and activities do not materially impair the Conservation Values or purposes of this Conservation Restriction:

1. Permits. The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with the then current Zoning By-Laws of the City of Fall River, the Wetlands Protection Act (§ 40 of Chapter 131 of the Massachusetts General Laws) and all other applicable federal, state and local laws, rules, regulations and permits. The inclusion of any Reserved Right in this Paragraph II.B. requiring a permit from a public agency does not imply that Grantee or the Commonwealth of Massachusetts takes any position on whether such permit should be issued.
2. Passive Recreation. Walking, running, cross-country skiing, non-motorized boating, picnicking, birding, hunting, non-motorized biking, hiking, general flora and fauna observation and other non-motorized outdoor passive recreational activities and the use of power-driven mobility devices by persons who have mobility impairments to be operated on wood roads and trails to extent possible.
3. Environmental Education and Research. Activities associated with environmental education and research including study, survey, monitoring and investigation of natural resources.
4. Public Use/Enjoyment Amenities. With prior written approval of the Grantee, the construction of small scale structures accessory to the use of the Premises as an open space reservation by visitors and all meant to enhance the use and enjoyment of the Premises by the public, such as, and including but not limited to, picnic tables, benches, Premises bounds, sight-pervious fences that do not impede the passage of wildlife, gates, signs, bogboards, boardwalks, viewing platform(s) and informational kiosks and/or bulletin boards.
5. Trails/Paths/Woods Roads/Parking Lot. The construction, maintenance, marking and use of new and existing unpaved walking trails and footpaths on the Premises, provided the Grantor provides notice to the Grantee prior to exercising its right to construct new walking trails and footpaths. The maintenance, marking and use of existing woods roads on the Premises substantially in their present condition or with such improvements as are reasonably necessary for their continued use, including use by motor vehicles necessary

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for the Reserved Rights set forth herein. With prior written approval from the Grantee, the construction, maintenance, marking and use of new unpaved woods roads or the extension of existing woods roads reasonably necessary for the Reserved Rights set forth herein. With prior written approval from the Grantee, the construction, maintenance, marking and use of a pervious surface parking lot located along the Yellow Hill Road frontage and designed to accommodate up to ten (10) vehicles to enhance access to the Premises. All exercising of this Reserved Right shall be in consultation with NHESP and shall take into account sensitive areas.

6. Stone Walls. The maintenance and repair of existing stone walls and, as designed, the construction, only in the uplands of the Premises, of new stone walls of similar type, style and size or the removal or alteration of existing stone walls.
7. Vegetation Management. In accordance with generally accepted forest, coastal, open field, and other natural community management and ecological restoration practices, selective removing of trees and brush, pruning and cutting to: (i) prevent, control or remove hazards, or damage from disease, insects, invasive/noxious/nuisance plant or animal species or fire; (ii) promote and manage natural communities; (iii) as necessary in carrying out the Reserved Rights described in this Paragraph II(B); and (iv) maintain and preserve the present condition of the Premises, including vistas, trails, stone walls, woods roads, and open fields, if any, all as documented in the Baseline Documentation Report (see Paragraph XIV(H) below). This can include mowing, mechanical removal of woody vegetation, prescribed burning, animal grazing, and chemical use but only if said use is designed and applied to affect the target species and not nearby non-target species.
8. Motorized Vehicles. The use of motorized vehicles and equipment as necessary in support of the Reserved Rights herein. The exercising of this Reserved Right does not permit the outdoor storage of motorized vehicles.
9. Brush Piles/Composting. The stockpiling, composting and occasional burning, during non-nesting seasons (generally October 1 through March 31) of stumps, trees, brush, slab wood, limbs or similar biodegradable materials originating on the Premises, provided that such activities are conducted in locations where they will not impair the Conservation Values or purposes (including scenic values) of this Conservation Restriction. No such activities shall allow for the creation of "stump dumps" nor take place closer than one hundred (100) feet from the Premises boundary or any wetland, waterbody or stream. All exercising of this Reserved Right shall take into account sensitive areas.
10. Wildlife Habitat Restoration and Improvement. With prior written approval of the Grantee, activities or measures designed to restore native terrestrial, wetland and aquatic biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat and rare/endangered species. This could include, but is not limited to: 1) wetland restoration, 2) removal of non-native species and 3) establishing indigenous/native species.
11. Forestry. In accordance with generally accepted forestry management practices, the cutting and harvesting of trees for any purpose as such may be consistent with the

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purpose of this Conservation Restriction, including without limitation commercial-timber production, but only if carried out in accordance with a forest management plan ("Forest Management Plan") conforming at least to the minimum standards set forth in the Massachusetts Forest Cutting Practices Act (Massachusetts General Laws Chapter 132, or its successor) prepared by a Massachusetts licensed professional forester ("Licensed Forester") and approved by the Grantee, the Massachusetts Department of Conservation and Recreation (or its successor) and any other required state agencies.

The Forest Management Plan shall include provisions designed to minimize soil erosion, conserve surface and groundwater quality, scenic views, wildlife habitat and protect the Conservation Values of the Premises. Grantee's approval of the Forest Management Plan cannot be unreasonably withheld.

The Forest Management Plan shall be effective for a ten (10) year period and shall be resubmitted once every ten (10) years as necessary if additional timber harvests occur. All cutting plans and designated access routes shall avoid any stone structures or historical or cultural resources and shall be reasonably required to prevent any damage thereto. All cutting operations shall be supervised by a Licensed Forester.

12. Archaeological Investigations. The conduct of archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official).
13. Signs. The erection, maintenance and replacement of signs with respect to public access rules, interpretation, regulations, hunting, trespass, parking, trail access, identity of the Grantor, Grantee and other conservation partners, and the protected Conservation Values.
14. Site Restoration. Any work undertaken in conjunction with the Reserved Rights described in this Paragraph II(B) shall seek to minimize disturbance to the Conservation Values and other natural features within the Premises that may be impacted as a result of exercising of any of the Reserved Rights described herein. Upon completion of any site work performed in conjunction with the Reserved Rights described in this Paragraph II(B), any disturbed areas shall be restored substantially to the conditions with respect to soil material, grade, and vegetated ground cover as documented in the Baseline Documentation Report (see Paragraph XIV(H) below), as applicable, or in conformance with the conditions with respect to soil material, grade, and vegetated ground cover that existed prior to said work, if said work is done in any area not documented in the Baseline Documentation Report.
15. Best Management Practices. The exercise of any right reserved by Grantor under this Paragraph II(B) that results in any more than the *de minimis* surface alterations shall follow, when available and if applicable, established, up to date, and regionally-applicable Best Management Practices or similar standards developed by a governmental

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agency or other entity with known expertise in the area of practice and designed to protect the natural features potentially affected by the action(s).

C. Notice and Approval.

Whenever notice to, or approval by, Grantee is required, Grantor shall notify Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) calendar days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Routine maintenance shall not require notification.

Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) calendar days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity complies with this Conservation Restriction and shall not materially impair the purposes or Conservation Values of this Conservation Restriction and shall, in all cases, be final and controlling. Failure of Grantee to respond in writing within sixty (60) calendar days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after sixty (60) calendar days' notice to Grantee, the requested activity is not prohibited herein and the activity will not materially impair the purposes or Conservation Values of this Conservation Restriction.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the Conservation Values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction against the Grantor or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred and the violation was the direct cause of an action taken by, or with the acquiescence of, the Grantor. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

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B. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability.

By acceptance of this Conservation Restriction, Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by Grantee or its agents.

D. Acts Beyond Grantor's Control.

Nothing contained in this Conservation Restriction shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including, but not limited to, fire, flood, storm and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

IV. ACCESS.

The Conservation Restriction hereby conveyed does not grant to Grantee, to the public generally, or to any other person any right to enter upon the Premises except as follows:

1. There is hereby granted to the public the right to enter upon the Premises at its own risk in a reasonable manner year-round from dawn to dusk for passive outdoor recreational uses such as those described in Paragraph II(B) (but not motorized uses, including motorbiking or the use of off-road all-terrain vehicles, but allowing motorized wheelchairs and other power-driven mobility devices for persons with mobility impairments in accordance with and subject to the limitations of law), subject to Grantor's reasonable rules and regulations governing use of the Premises and provided that such activities are consistent with the Conservation Values and purposes of this Conservation Restriction.

2. The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises, upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with, or to enforce, this Conservation Restriction. The Grantor also grants to the Grantee, after notice or a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate

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any violation hereof, including, but not limited to, the right to perform a survey of boundary lines.

3. There is hereby granted to Grantee the right to erect, and from time to time replace, at appropriate locations near the boundaries of the Premises mutually agreed upon, suitable signs identifying Grantee as the holder of this Conservation Restriction.

V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this Conservation Restriction can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph V(B), subject, however, to any applicable law which expressly provides for a different disposition of proceeds and after complying with the terms of any gift, grant or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

B. Grantor and Grantee agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is equal to the proportionate value that this Conservation Restriction, determined at the time of the donation, bears to the value of the unrestricted property at that time. Such proportionate value of the Grantee's property right shall remain constant. If any occurrence gives rise to an extinguishment or other release of the Conservation Restriction under applicable law, the Grantor and Grantee shall be reimbursed from the proceeds, once recovered, for their respective share of reasonable legal or other expenses, if any, associated with the recovery of said proceeds. The remaining proceeds, once recovered, shall first be used to satisfy the terms of any gift, grant or funding requirements including the Community Preservation Act (Chapter 44B of the Massachusetts General Laws) with the balance then being distributed as directed above to be used in a manner consistent with the Conservation Values or purposes of this Conservation Restriction.

C. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and Grantee shall be first paid out of any recovered proceeds, and the remaining proceeds shall be distributed, after complying with the terms of any gift, grant or funding requirements, in accordance with Paragraph V(B). If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purpose set forth herein.

VI. ASSIGNABILITY

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- A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.
- B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction, and the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree to execute any such instruments upon request.
- C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable except in the following instances:

As a condition of any assignment, Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the assignee is not an owner of the fee in the Premises; that the assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder; and that the assignee is eligible to receive this Conservation Restriction under § 32 of Chapter 184 of the Massachusetts General Laws. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Premises, including a leasehold interest, and to notify the Grantee not less than twenty (20) calendar days prior to the execution of such transfer. Failure to do so shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after its ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations. Any new owner shall familiarize themselves with the information contained in the Baseline Documentation Report (see Paragraph XIV(H) below).

VIII. ESTOPPEL CERTIFICATES

Upon request by Grantor, Grantee shall within forty-five (45) calendar days execute and deliver to Grantor any document, including an estoppel certificate which certifies Grantor's compliance or non-compliance with any obligation of Grantor contained in this Conservation Restriction and which otherwise evidences the status of this Conservation Restriction as may be requested by Grantor.

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IX. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned and committed the monitoring and enforcement of this Conservation Restriction to another qualified non-fee owner organization within the meaning of § 170(h)(3) of the Internal Revenue Code of 1986, as amended, and § 32 of Chapter 184 of the Massachusetts General Laws, which organization has among its purposes, the conservation and preservation of land and water areas, to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or §§ 31-33 of Chapter 184 of the Massachusetts General Laws, or successor statutes. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the Conservation Values and purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and the terms of any gifts, grants or funding requirements. Any amendment shall be recorded in the Bristol County (Fall River District) Registry of Deeds.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective only when Grantor and Grantee have executed it and the administrative approvals required by § 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded, or if registered land, it has been registered, in a timely manner in the Bristol County (Fall River District) Registry of Deeds.

XII. NOTICES

All correspondence related to this Conservation Restriction must be sent to the parties at the addresses listed below. If any notice is returned as undeliverable, notices must be sent to a current address if a current address can be determined.

Grantor:

City of Fall River Water Department

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One Government Center
Fall River, Massachusetts 02722

Grantee: Buzzards Bay Coalition, Inc.
114 Front Street
New Bedford, Massachusetts 02740

XIII. GENERAL PROVISIONS

- A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.
- B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purpose of §§ 31-33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.
- C. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.
- D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.
- E. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

XIV. MISCELLANEOUS

- A. Pre-existing Rights of the Public. Approval of this Conservation Restriction pursuant to § 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.
- B. Indemnification; Hold Harmless. Grantor shall hold harmless, indemnify and defend Grantee and its members, directors, officers, employees, agents and contractors and the heirs, personal representatives, successors and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages,

expenses, causes of action, claims, demands or judgments, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition or other matter related to or occurring on or about the Premises, regardless of cause, unless due solely to the negligence of any of the Indemnified Parties; and (2) the obligations specified in Paragraphs XIV(C) and XIV(D), below.

- C. Maintenance and Upkeep Costs. Grantor shall retain all responsibilities and shall bear all costs and liabilities of any kind related to ownership, operation, upkeep and maintenance of the Premises, including maintenance of adequate comprehensive general liability insurance coverage or such like liability insurance coverage as may be appropriate from time to time. Upon request, Grantor will supply a certificate of such insurance to Grantee. Grantor shall keep the Premises free of any liens arising out of work performed for, materials furnished to or obligations incurred by Grantor.
- D. Taxes. Grantor shall pay before delinquency all taxes, assessments, fees and charges of whatever description levied on, or assessed against, the Premises by competent authority (collectively "Taxes"), including any Taxes imposed upon, or incurred as a result of, this Conservation Restriction and shall furnish Grantee with satisfactory evidence of payment upon request.
- E. Executory Limitation. If Grantee shall cease to exist or to be a qualified organization under § 170(h) of the Internal Revenue Code of 1986, as amended, or to be authorized to acquire and hold conservation easements under the statutes of the Commonwealth of Massachusetts, and a prior assignment is not made pursuant to Paragraph VI, then Grantee's rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law (i.e., in accordance with the cy pres or other appropriate doctrine) and with due regard to the requirements for an assignment pursuant to Paragraph VI.
- F. Title Warranty. Grantor warrants that Grantor has good title to the Premises, that the Grantor has the right to convey this Conservation Restriction and that the Premises is free and clear of any encumbrances. Grantor also warrants that Grantor has no actual knowledge of a release or threatened release of hazardous substances or wastes on the Premises.
- G. Subordination of Liens. Any mortgage or lien arising after the recording of this Conservation Restriction must be subordinated to the terms of this Conservation Restriction. Any liens, mortgages, easements or other clouds on title existing prior to the recording of the Conservation Restriction must be subordinated to the Conservation Restriction or otherwise appropriately dealt with prior to recording the Conservation Restriction.
- H. Baseline Documentation Report. In order to: (a) establish the present condition of the Premises and the Conservation Values thereon which are protected by this Conservation Restriction, (b) to enable the Grantee to monitor future uses of the Premises and (c) to

assure compliance with the terms hereof, the Grantor and Grantee agree and acknowledge that the natural characteristics, ecological features and physical and man-made conditions of the Premises as of the recording of this Conservation Restriction will be documented in an inventory (including reports, maps, photographs and other documentation) of the relevant features and conditions of the Premises (the "Baseline Documentation Report") and that said inventory is an accurate representation of the present condition of the Premises. Grantor and Grantee agree that the conditions of the Premises could change as a result of natural processes or through Grantor's exercising of rights reserved in Paragraph II.B. of this Conservation Restriction. Grantee may use the Baseline Documentation Report in enforcing provisions of this Conservation Restriction, but is not limited to the use of the Baseline Documentation Report to show a change of conditions. Verified originals of the Baseline Documentation Report will be deposited with the Grantor and in the permanent records of the Grantee. If the originals of said Baseline Documentation Report are subsequently destroyed by casualty or other circumstance, other evidence may be offered by the parties to establish the condition of the property as of the date this Conservation Restriction is recorded. The Baseline Documentation Report is incorporated into this Conservation Restriction by reference as if stated herein.

- I. No Deed Excise Stamps. This instrument is not a deed. It does not purport to transfer a fee interest to the Grantee. No Massachusetts deed excise stamps are affixed hereto as Grantor is a municipality of the Commonwealth and none are required by Section I of Chapter 64D of the Massachusetts General Laws.
- J. Attachments.

Attached hereto and incorporated herein by reference are the following:

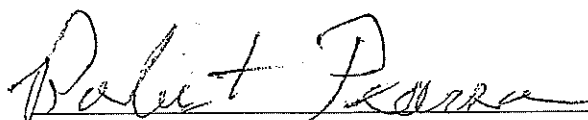
Grantor City of Fall River Watuppa Water Board signature page
 Grantee Buzzards Bay Coalition, Inc. signature page
 Approval by City of Fall River City Council
 Approval by the Mayor of the City of Fall River
 Approval of the Massachusetts Secretary of Energy and Environmental Affairs

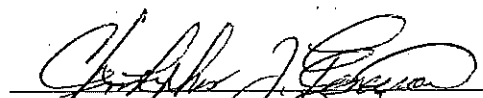
Exhibit A: Legal Description of Premises
 Exhibit B: Reduced Copy of Plan of Premises
 Exhibit C: Fall River City Council CPA Order
 Exhibit D: Fall River CPA Open Space Award Agreement
 Exhibit E: Fall River City Council CR Approval Vote


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As approved by an Order of the City of Fall River City Council dated August 15, 2018 attached hereto as Exhibit C and a Community Preservation Act Open Space Award Agreement between the City of Fall River Community Preservation Committee and the City of Fall River Department of Community Utilities attached hereto as Exhibit D and incorporated herein by reference and at a public meeting held on _____, 2020, the City of Fall River, acting by and through a majority of its Watuppa Water Board, voted to authorize the conveyance of the above Conservation Restriction to Buzzards Bay Coalition, Inc. as required by Chapter 44B of the Massachusetts General Laws (Community Preservation Act) which conveyance is executed this 21st day of October, 2020.

CITY OF FALL RIVER
WATUPPA WATER BOARD

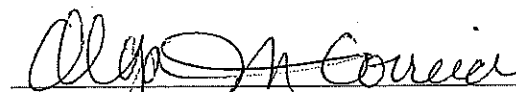

Robert Pearson, Chair

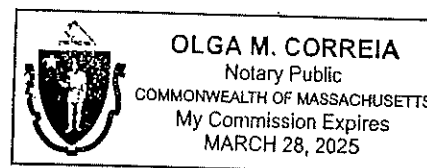

Christopher Ferreira, Vice Chair


Robert Pinnell, Secretary

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF Bristol

On this 21 day of October, 2020, before me, the undersigned notary public, personally appeared the above signed members of the City of Fall River Watuppa Water Board, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the people whose names are signed on the preceding or attached document, and who acknowledged to me that they were duly authorized and signed it voluntarily for its stated purpose as a majority of the Watuppa Water Board of the City of Fall River.


Notary Public for Massachusetts
My Commission Expires: 3/28/2025



5b

ACCEPTANCE OF GRANT

At a meeting held on January 28, 2020, Buzzards Bay Coalition, Inc. voted to authorize the acceptance of the above Conservation Restriction from the City of Fall River, acting by and through its Watuppa Water Board, which is accepted this _____ day of _____, 2020.

BUZZARDS BAY COALITION, INC.

Mark Rasmussen, President, duly authorized

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF _____

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared Mark Rasmussen, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he was duly authorized and signed it voluntarily for its stated purpose as the President of Buzzards Bay Coalition, Inc.

Notary Public for Massachusetts
My Commission Expires: _____

5b

**APPROVAL OF CITY OF FALL RIVER
CITY COUNCIL**

The undersigned, President of the City Council of the City of Fall River, hereby certifies that at a public meeting duly held on _____, 2020, a majority of the City Council voted to approve the foregoing Conservation Restriction from the City of Fall River, acting by and through its Watuppa Water Board, to Buzzards Bay Coalition, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts.

Cliff Ponte, President

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BRISTOL

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared Cliff Ponte, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he was duly authorized and signed it voluntarily for its stated purpose as the President of the City Council of the City of Fall River, Massachusetts.

Notary Public for Massachusetts
My Commission Expires: _____

5b

**APPROVAL BY THE MAYOR OF THE
CITY OF FALL RIVER**

Pursuant to a vote of the City Council of the City of Fall River on _____, 2020, the undersigned, Mayor of the City of Fall River, approves of the above Conservation Restriction from the City of Fall River, acting by and through its Watuppa Water Board, to Buzzards Bay Coalition, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts this _____ day of _____, 2020.

Paul E. Coogan, Mayor

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BRISTOL

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared Paul E. Coogan, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he was duly authorized and signed it voluntarily for its stated purpose as the Mayor of the City of Fall River, Massachusetts.

Notary Public for Massachusetts
My Commission Expires: _____

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**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from the City of Fall River, acting by and through its Watuppa Water Board, to Buzzards Bay Coalition, Inc., has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2020

Kathleen A. Theoharides
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss:

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared Kathleen A. Theoharides, and proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public: John M. Gioia
My Commission Expires: January 23, 2026

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EXHIBIT A

Legal Description of Premises

The land subject to this Conservation Restriction, referred to herein as the Premises, is located in Fall River, Bristol County, Commonwealth of Massachusetts and is described as follows:

Lot 2 and Lot 4 shown on a plan entitled "Approval Not Required Plan of Land in Fall River, MA, Map W-38, Lot 50", prepared for City of Fall River by SITEC, Inc. dated August 29, 2018 and recorded in Plan Book 162 at Page 65 in the Bristol County (Fall River District) Registry of Deeds.

Being the same property conveyed to the City of Fall River by deed of Agnes Croteau dated March 5, 2019 and recorded March 5, 2019 in Book 9719 at Page 131 in the Registry aforesaid.

Exhibit B

Reduced Copy of Plan of the Premises

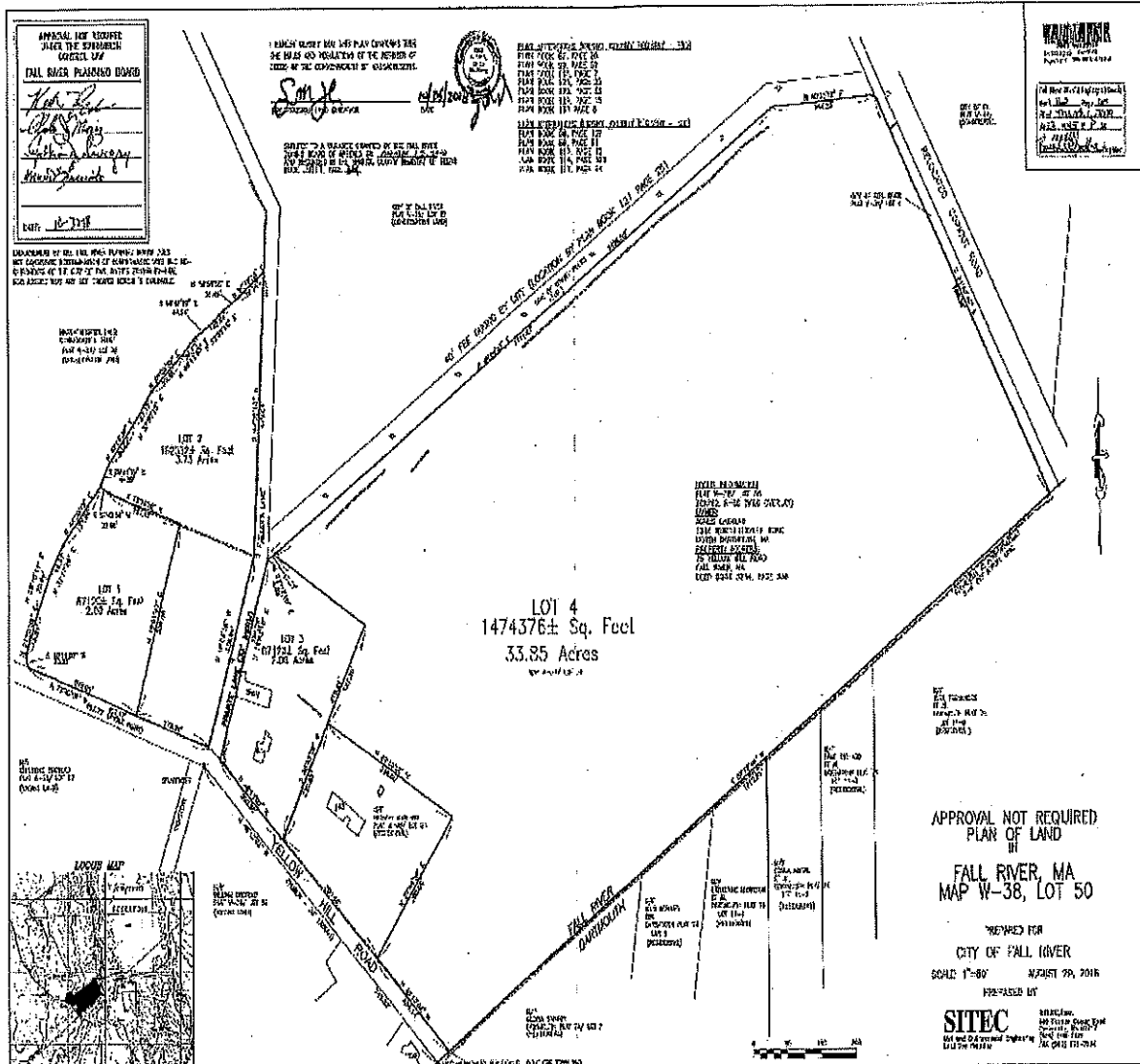


Exhibit C

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City of Fall River, In City Council

ORDERED, that the attached 2018 final report, submitted by the Community Preservation Committee, be and the same is hereby approved.

In City Council, August 15, 2018

Adopted, eliminating \$150,000 from
Historic Resources Preservation Projects
(Elks Lodge)

A true copy. Attest:

Alison M. Bouchard

City Clerk

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**COMMUNITY PRESERVATION COMMITTEE
FINAL REPORT 2018
FY19 Project & Funding Recommendations**

Adoption and Preparation

The Citizens of Fall River approved the adoption of the community Preservation Act in the November 2012 election. 57.9% of the voters in the election cast ballots in support of its local adoption. The Community Preservation Committee was formed in October 2013 and held its first meeting on October 28, 2013. The membership of the Community Preservation Committee includes two members appointed by the Mayor, two members appointed by the City Council, a representative from the Housing Authority, a representative from the Historic Commission, a representative from the Planning Board, a representative from the Conservation Commission and a representative from the Park Board

Mayor Appointee

- James Souza
- John Francoeur

City Council Appointee

- Kenneth Pacheco
- Antone Dias

Housing Authority

- Vacant

Historic Commission

- Kristen Cantara Oliveira

Planning Board

- Charles Moniz

Conservation Commission

- John Brandt

Park Board

- Victor Farias

A TRUE COPY

ATTEST:

Alison M. Bouchard

CITY CLERK

The Community Preservation Committee has developed a local CPA Plan, established the application and hearing process and has become familiar with the statute, GL Ch. 44B and applicable rules. The Community Preservation Committee continues to work closely with the Executive Director of the Community Preservation Coalition as a resource for technical guidance on the implementation of this Act. The Committee frequently utilizes the resources of the Community Preservation Coalition on matters that require clarification. A website and Facebook has been developed and remains updated for public access. Materials are available through the website as well as at the Community Preservation Committee office at Government Center. As required by statute, the CPC held its annual meeting in August 2016. This public meeting was preceded by legal notices published in the Fall River Herald News. The annual meeting was an opportunity for the public to offer opinions as to the projects and general procedures. In addition, to the annual public hearings, members of the public have been recognized at each of the CPC's meetings. The identity of the speakers and their comments are documented in the Committee's minutes and the Fall River Government TV video's. No member of the public wishing to address the Community Preservation Committee has ever been denied the opportunity to express his/her views. The effectiveness of the efforts by the Community Preservation Committee to advertise the availability of these funds is evidenced by the fact that for 2018 28 applications were received.

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In 2017 (FY18), the Community Preservation Committee recommended and the City Council approved funding for 11 projects. Since the inception of the Community Preservation Committee tools have been implemented. Award agreements have been drafted and financial protocols have been developed. Work on private projects have been completed. Some projects have been delayed due to weather, overruns and change in staffing. It is expected that projects will be completed by fall.

Colorful signs have been purchased and placed at construction sites throughout the city. The signs indicate that the work is being conducted because of the Community Preservation Act funding.

The Application Process

Hearings on Eligibility

The Community Preservation Committee adopted a two-step application process. This process was followed during the 2018 funding cycle. The first part of the process involves an application for eligibility due on September 1st. Upon receipt of each application for eligibility the Committee scheduled an eligibility hearing and sent notification to each applicant.

During the 2018 funding cycle eligibility hearings were held

October 5, 2017 - Regular Meeting

Eligibility Projects

ELIGIBILITY APPLICATIONS	
PRIVATE	PROJECT #
Lafayette Durfee House	0001
Little Theatre of Fall River	0002
Maritime Museum	0003
Citizens for Citizens	0004
Academica Club	0005
8084 North Main Street	0006
Eagle Event Center	0007
Park View Condo Assoc.	0008
Cultural Center	0009
Fall River Fire Museum	0010
Elks Lodge/200 Bank St.	0011

October 24, 2017 - Regular Meeting

Eligibility Projects

City of Fall River/Boat Ramp	0012
City of Fall River/Central Fire Station	0013
City of Fall River/Park Wires	0014
City of Fall River/Park Building Kennedy Park	0015
City of Fall River/Lower Kennedy Park - Granite Wall	0016
Fall River Park Dept/Private Francis Green	0017
Fall River Park Dept/Bike Path Study	0018

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School Dept. Administration Bldg.- Window Restoration	0019
City of Fall River-Free Quequechan River Study	0020
City of Fall River-Environmental Education & Discovery Center	0021
City of Fall River/Water Dept.-Land Acquisition	0022
City of Fall River/Water Dept.- Land Acquisition	0023
City of Fall River/Water Dept.- Land Acquisition	0024
City of Fall River/Water Dept.- Land Acquisition	0025
City of Fall River/Water Dept.- Land Acquisition	0026
Capital Theatre	0027
Stanley Street Fire Station Roof	0028

The first purpose of these eligibility hearings was for the Committee to determine if the application met the criteria for funding. The Community Preservation Act allows funding for projects involving Open Space, Historic Preservation, Outdoor Recreation and Community Housing. Within each category there are rules involving permissible funding.

The Community Preservation Committee considered the eligibility of each project even when a presenter did not appear. The secondary purpose of these hearings was for the Committee to become familiar with the projects through applicant presentations. The committee members had frequent questions for these presenters. Ultimately 28 projects qualified

Hearings for Funding

The Community Preservation Committee scheduled funding hearings for projects
March 15, 2018

- a. 2018-1 - Lafayette / Durfee House
- b. 2018-2 - Little Theater of Fall River
- c. 2018-3 - Maritime Museum at Battleship Cove HVAC System
- d. 2018-4 - CFC Children's Home / 427 Robeson Street
- e. 2018-5 - Academica Handicap Accessibility & Sprinkler System
- f. 2018-7 - Eagle Event Center ADA Compliance Project

March 28, 2018

- g. 2018-9 - Cultural Center Roof
- h. 2018-10 - Anawan No. 6 (Fire Museum) Restoration Project
- i. 2018-11 - Former Elks Lodge - 200 Bank Street
- j. 2018-12 - City of Fall River - Boat Ramp
- k. 2018-13 - City of Fall River - Central Fire Station Roof
- l. 2018-14 - City of Fall River - Park Wires
- m. 2018-15 - City of Fall River - Park Building
- n. 2018-16 - City of Fall River - Granite Wall - Lower Kennedy Park

April 3, 2018

- a. 2018-17 - Private Joseph Francis Green
- b. 2018-18 - Niagara Neighborhood Bike Path Study

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- c. 2018-19 – Fall River Public Schools Window Restoration Project
 - d. 2018-22 – Bioreserve Conservation Land Acquisition Project #1
 - e. 2018-23 – Bioreserve Conservation Land Acquisition Project #2

Emergency Projects

At the April 3, 2018 meeting Stanley Street Fire Station project was presented for Emergency funding.

Ultimately the Committee determined that additional information was needed along with a copy of exterior conditions and structural study report. This project will be discussed and reviewed at a future meeting. It was agreed and voted that the Stanley Street Fire Station will be included in the funding round along with the other FY19 projects.

No other emergency projects came before the committee.

Each of the applicants received notification of the hearing date. The applicants had the opportunity to supplement their earlier presentations and to submit additional materials. The Committee members also used this opportunity to ask many questions of each applicant. All proposals were considered even when a presenter did not appear for the hearing.

Final Projects submitted for Funding round

Out of the 28 projects that met eligibility a total of 20 projects made it to the funding round.

Private Projects

Lafayette Durfee House
Little Theater of Fall River
Maritime Museum
CFC Children's Home
Academica Club
Eagle Event Center
Cultural Center
Anawan No. 6 (Fall River Fire Museum)
Former Elks Lodge (200 Bank Street)

Public Projects

Boat Ramp (Bicentennial Park)
Central Fire Station
Park Wires
Park Building (Kennedy Park)
Granite Wall (Kennedy Park/Bradford Avenue)
Private Joseph Francis Green
Niagara Neighborhood Bike Path Study
Fall River Public Schools Window Restoration
Bioreserve Conservation Land Acquisition Project #1
Bioreserve Conservation Land Acquisition Project #2
*Stanley Street Fire Station

*During the final phase of funding Stanley Street Fire Station was withdrawn from for funding from the Fall River Fire Dept.

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The Voting Process

Committee member Antone Dias worked on the tier-voting ballot. This ballot allowed each committee member to rate each project a 1 (high interest), 2 (moderate interest) or a 3 (low interest). Each committee member completed this ballot after the hearings for funding had been concluded. Mr. Dias then compiled the votes. The votes on these ballots were non-binding but were useful in informing the discussion on each project for the first phase of the Funding round on May 5, 2018.

At its meeting on May 5, 2018 the CPC vetted the projects in the order in which they were voted on by the committee members. Each project was discussed and a dollar amount for funding was determined for the 2nd phase of the funding round.

It was determined that the Bioreserve Conservation Land Acquisition Project #2 was not eligible for CPC funds after a determination made by the Community Preservation Coalition.

Committee members re-calculated their score sheets based on information from the May 5, 2018 meeting.

The final funding phase meeting was scheduled for May 9, 2018 where the CPC committee voted on the final projects and determined the amount of funds to recommend to the City Council.

The final projects for recommendation are:

FY19 CPC FINAL PROJECT RECOMMENDATIONS			
PRIVATE	CATEGORY	AMOUNT	
Lafayette Durfee House	Historic Preservation	186,000.00	
Anawan #6 (Fall River Fire Museum)	Historic Preservation	172,930	
Little Theatre	Historic Preservation	95,937	
Elks Lodge	Historic Preservation	150,000	
Academica	Historic Preservation	250,000	
Eagle Event Center	Historic Preservation	80,000	
		934,867.00	
PUBLIC			
Central Fire Station	Historic Preservation	200,000	
Private Joseph Francis Greet	Historic Preservation	13,000	
Granite Wall/Lower Kennedy Park (Bradford Avenue)	Historic Preservation	30,000	
Bio Reserve Project #1 (10-year bond)	Open Space & Recreation	78,000	(10-year bond)
Niagara Bike Path	Open Space & Recreation	45,000	
		366,000	
Total of 11 projects funded			
6 Private Project		934,867	
5 Public Projects		366,000	
Total Funding		1,300,867	
Historic Preservation	9		
Open Space & Recreation	2		

Each item to be considered a separate appropriation

Conclusion

The Community Preservation Committee encouraged applications and followed an open and extended review process. Public input was and will continue to be encouraged. The Committee considered many factors in

making these final recommendations. Among the factors that the Committee considered was geographic diversity so that the funded projects benefit all areas of the city. A number of other factors influences these final recommendations. In the Historic Preservation category, the urgency of repairs was a compelling factor, see, e.g., Central Fire Station, Granite Wall @ Lower Kennedy Park (Bradford Avenue). The importance of preserving, protecting and honoring a war memorial at the Private Joseph Francis Green. Other important factors that were considered was the benefits to the public and the preservation of historic properties. In the Open Space & Recreation category, the importance of protecting land in the Blo Reserve and the fact that it is referenced in the Master Plan on several occasions as well as continued work on our city bike paths. There were no applications in the Housing category this year.

The Community Preservation Committee respectfully requests that the following, considered recommendations be approved:

The Categories are as follows:

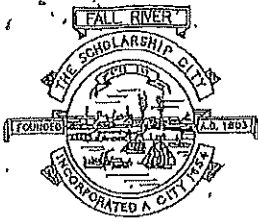
CPC FY19 FUNDING RECOMMENDATIONS		
CATEGORY	AMOUNT	NOTES
Community Housing.	0	This Category was not fully funded. (10% of Dedicated funds)
Open Space & Recreation		
Blo Reserve Project #1 (10-year bond)	Open Space & Recreation	78,000 (first year)
Nlagara Bike Path	Open Space & Recreation	45,000
SUB TOTAL		123,000
Historic Preservation		
Lafayette Durfee House	Historic Preservation	186,000.00
Anawan #6 (Fall River Fire Museum)	Historic Preservation	172,930.
Little Theatre	Historic Preservation	95,937
Elks Lodge	Historic Preservation	150,000
Academica	Historic Preservation	250,000
Eagle Event Center	Historic Preservation	80,000
Central Fire Station	Historic Preservation	200,000
Private Joseph Francis Greet	Historic Preservation	13,000
Granite Wall/Lower Kennedy Park (Bradford Avenue)	Historic Preservation	30,000
SUB TOTAL		1,177,867.00
Open Space & Recreation		123,000
Historic Preservation		1,177,837
Mt. Hope Bike Path (year 2 bond)		60,000
TOTAL		1,360,837

Totalling (11) new projects funded for a total of \$1,300,837 of which Blo Reserve is a (10) year bond. Also included is the Mt. Hope Bike Path of which is a (5) year bond at \$60,000 bringing the total to 1,360,837

Total for this 2018-year (FY19 Projects) were (11) projects and the Mt. Hope Bike Path (5) year bond-totalling \$1,360,837

Exhibit D

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City of Fall River Massachusetts Community Preservation Committee

JASIEL F. CORREIA II
Mayor

CITY OF FALL RIVER COMMUNITY PRESERVATION ACT OPEN SPACE AWARD AGREEMENT

JAMES SOUZA
Chairman
ANTONE DIAS
Vice-Chairman

This award agreement is made between the City of Fall River, through its Community Preservation Committee, One Government Center, Fall River acting by and through the Fall River Dept. of Community Utilities and the recipient, City of Fall River, One Government Center, Fall River, MA 02722. The purpose of this grant agreement is to implement the following award:

Grantee: Terrance Sullivan, Director
City of Fall River, Dept. of Community Utilities

Project Description: The applicant, Mike Labossiere, City of Fall River, Dept. of Community Utilities, sought funds for:

\$780,000.00 (\$78,000.00 per year for 10 years - 10 Year Bond)

Land Acquisition:

- 16.00 acres Indian Town Road
- 38.50 acres Yellow Hill Road

Located in the Bio Reserve, Fall River, MA 0272

Refer to Funding Application for details

Date of City Council Approval: August 23, 2018

This award is subject to the following terms and conditions:

Award: The City of Fall River, Community Preservation Committee, agrees to award the recipient the amount of \$780,000.00 (Seven Hundred and Eighty Thousand Dollars).

\$78,000.00 per year for 10 years - 10 Year Bond) for land acquisition:

- 16.00 acres Indian Town Road
- 38.50 acres Yellow Hill Road

Project Application: The project application which had been submitted to the Fall River Community Preservation Committee (herein after also referred to as Fall River C.P.C.) is incorporated into this document by reference.

1. Term: The term of this award is one year which begins on the date of execution of this agreement. All of the work described in this award agreement must be completed by the completion date, October 30, 2019, unless the Fall River Community Preservation Committee grants an extension for good cause.

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Funds not utilized on this project must be returned to the Fall River Community Preservation Fund Reserve and will be made available for future appropriation to other recipients.

2. Budget: Prior to starting any work, the recipient must submit a complete project budget that accounts for (1) the expenditure of funds awarded under this award agreement and (2) all other sources of funding, if necessary, to complete the project. The recipient will not expend any award funds unless sufficient sources of funding have been secured to complete the work and the project budget has been approved by the Fall River CPC.
3. Reports: The recipient will provide a written report on the progress of the project to the Fall River CPC every three months. A final report shall be filed with the Fall River CPC within thirty days of completion of the project.

All documents, including any photographs or videos, submitted to the Fall River Community Preservation Committee shall become the property of the City of Fall River and shall be available to the public under the Massachusetts Public Records Law.

4. Deed Restrictions: Restrictions are legal documents that place limitations on the use of a property. These restrictions apply to all future owners of the property and can't easily be changed or removed by subsequent owners.

Section 12a of the Community Preservation Act requires that a permanent restriction be placed on any "real property interest" acquired using CPA funds to ensure that the property continues to be used for the applicable CPA purpose. Given this statutory requirement, a CPA project involving acquisition of any real property interest is technically not complete until the restriction is approved by the appropriate state agency and filed at the Registry of Deeds.

For Open Space Conservation and Outdoor Recreation Projects:
Conservation Restrictions

Approved by the MA Executive Office of Energy and Environmental Affairs (EOEEA)

Every project that involves an award for Open Space Conservation and Outdoor Recreation Projects: Must be approved by the MA Executive Office of Energy and Environmental Affairs (EOEEA).

Note: It is the policy of the CPC that all projects funded through CPA require a Deed Restriction.

Recipient is required to file a Deed Restriction, provided by the CPC with the Fall River Register of Deeds, within 90 days of this signing. A request for an extension of this time may be requested for unforeseen conditions out of the control of either the grantor or of the grantee

5. Compliance with Laws and Agreement: Recipient understands and accepts that this award is made pursuant to the Community Preservation Act MGL Ch 44B and compliance with

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the provisions of that statute is implicit in this agreement. The recipient also agrees to comply with all requirements of this award agreement.

6. Permits and Licenses: It is the obligation of the recipient to obtain all permits and licenses necessary for implementation of the project. No local permit or license is waived by granting of this award.

7. No Liability of City: By making this award, the City of Fall River, does not accept any liability for any acts, omissions or errors associated with this project. Recipient agrees to indemnify the City of Fall River from all claims, suits or demands resulting from implementation of this project.

The issuance of a Building Permit will require those pulling permit to be licensed/insured etc.

The recipient is responsible for confirming that all contractors are appropriately licensed and insured. Additionally, the recipient is responsible for confirming that appropriate bidding procedures are followed and that terms of employment are in compliance with the law.

8. Community Preservation Act Awareness: If applicable, the recipient agrees to allow a sign to be posted on the property during the period of this agreement until thirty days after its completion. Recipient shall also identify that the project was funded through the City of Fall River Community Preservation Act in its written materials about the project, including all press releases and brochures.

9. No Assignment: This agreement may not be assigned without the written approval of the City of Fall River.

10. Entire Agreement: The agreement constitutes the entire agreement between the parties and may be amended only in writing executed by both parties. The signatory avers that he has authority to execute this agreement on behalf of the recipient.

5b

Grantor:

Name

Date _____

Grantees:

Name _____

Duly Authorized.

Date _____

Grantee:

Name (City Administrator

Duly Authorized

Date _____

Jasiel F. Correia II, Mayor:

Date _____

Joseph Macy, Corporation Counsel

Date _____

· ATTEST:

CITY CLERK

5b

EXHIBIT E

Fall River City Council CR Approval Vote

(1 page)

56

Grantor:

City of Fall River, Watuppa Water Board

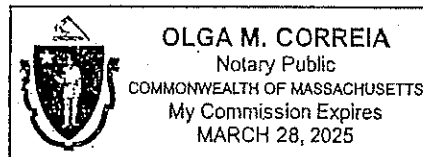
Robert Pearson
Robert Pearson, Chair

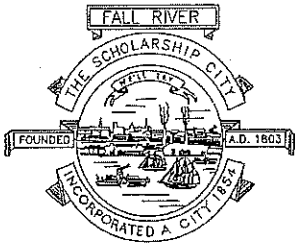
Oct 21st 2020
Date

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF Bristol

On this 21 day of October, 2020, before me, the undersigned notary public, personally appeared Robert Pearson, Chair of the Watuppa Water Board, as aforesaid, proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as Chair of the Watuppa Water Board.

Olga M Correia
Notary Public for Massachusetts
My Commission Expires 3/28/2025





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

RECEIVED

2020 OCT 22 P 1:20

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

October 22, 2020

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

City Council President and Members of the Honorable Council,

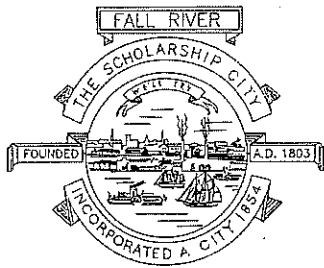
I respectfully submit for the Council's approval the attached proposed ordinance for purposes of establishing a fee schedule for authorizations to install telecommunications and appurtenances on utility poles within the City of Fall River.

Thank you for your every consideration with this request.

Respectfully,

Paul E. Coogan
Mayor

PC/amos



City of Fall River Massachusetts
Office of the City Clerk

6

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

October 21, 2020

The Honorable Paul Coogan, Mayor
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mr. Mayor:

Attached please find a proposed ordinance to be submitted to the City Council for purposes of establishing a fee schedule for authorizations to install telecommunications and appurtenances on utility poles.

This proposal comes as a result of the City's approvals granted to New Cingular Wireless PCS, LLC d/b/a AT&T as well as Mobilitie, LLC to construct and maintain telecommunications wires and appurtenances, including fiber optic cable(s), remote nodes, pole top antennas, underground conduits or fiber cables, to be attached to existing and new utility poles.

As part of the City's negotiated terms, orders listing a one-time non-recurring fee, an annual fee, as well as a fine for the company's failure to notify the City of abandoned facilities were previously approved and need to be established in ordinance.

The approval of this ordinance will allow this office to collect the renewing authorization fee on an annual basis starting in January 2021.

Your approval and submission to the City Council is respectfully requested.

Should you have any questions or concerns, please feel free to contact me.

Sincerely,

Alison M. Bouchard
City Clerk

Enc.

City of Fall River, *In City Council*

6

BE IT ORDAINED, by the City Council of the City of Fall River, as follows:

That Chapter 2 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Administration, be amended as follows:

By inserting in Sec. 2-453 (26) in Appendix A-Fee Schedule, which section relates to fees charged by the City Clerk's office, the following:

26)	Pole authorization for small wireless facilities attached to a new or replacement utility pole	\$ 1,000.00
	Pole authorization for small wireless facilities attached to an existing pole or structure – up to five (5) small wireless facilities	\$ 500.00
	Additional small wireless facility over five (5) on an existing pole or structure	\$ 100.00
	Annual fee (renewing authorization) per small wireless facility	\$ 270.00
	Fine for company's failure to notify the City within ninety (90) days that facility was abandoned	\$ 50.00

8



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 13, 2020

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

RECEIVED
2020 OCT 15 P 4:39
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 30, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

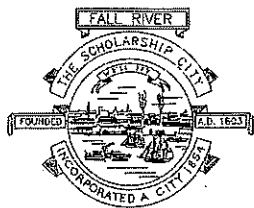
By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Center Street	West	Starting at a point 33 feet south of South Main Street, for a distance of 20 feet southerly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 8, 2020

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

RECEIVED
2020 OCT 15 P 4:38
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 30, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Conant Street	South	Starting at a point 23 feet west of Whipple Street, for a distance of 20 feet westerly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA

Parking Clerk

CITY CLERK
FALL RIVER, MA

2020 OCT 15 P 4:38

RECEIVED

October 8, 2020

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 30, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Fielden Street	East	Starting at a point 57 feet south of McGowan Street, for a distance of 20 feet southerly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 13, 2020

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

RECEIVED
2020 OCT 15 P 4:39
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

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Section: 387 **Handicapped Parking**

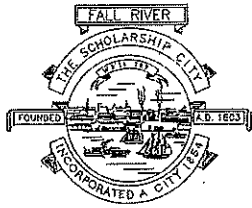
By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Hall Street	North	Starting at a point 260 feet east of Church Street, for a distance of 20 feet easterly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 13, 2020

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

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2020 OCT 15 P 4:39
CITY CLERK
FALL RIVER, MA

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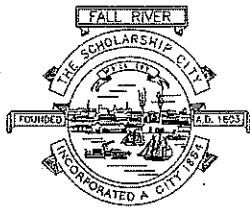
By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Horton Street	South	Starting at a point 253 feet west of Barlow Street, for a distance of 20 feet westerly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 8, 2020

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

CITY CLERK
FALL RIVER, MA

2020 OCT 15 P 4:38

RECEIVED

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 30, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Kellogg Street	East	Starting at a point 33 feet north of Hamlet Street, for a distance of 20 feet northerly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 8, 2020

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

RECEIVED
2020 OCT 15 P 4:39
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 30, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Last Street	North	Starting at a point 20 feet west of South Main Street, for a distance of 20 feet westerly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 13, 2020

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 30, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Last Street	North	Starting at a point 155 feet west of South Main Street, for a distance of 20 feet westerly.

Very truly yours,

Laura Ferreira
Parking Clerk

RECEIVED
2020 OCT 15 P 4:46
CITY CLERK
FALL RIVER, MA



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 8, 2020

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

RECEIVED
2020 OCT 15 P 4:38
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 30, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

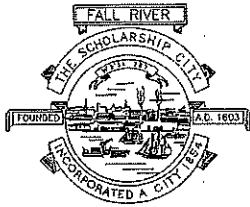
By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Linden Street	West	Starting at a point 130 feet north of Bank Street, for a distance of 20 feet northerly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 13, 2020

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

RECEIVED
2020 OCT 15 P 4:40
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 30, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Lindsey Street	East	Starting at a point 60 feet north of Norfolk Street, for a distance of 20 feet northerly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 8, 2020

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 30, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street

Side

Location

Locust Street

North

Starting at a point 119 feet east of Danforth Street,
for a distance of 20 feet easterly.

Very truly yours,

Laura Ferreira
Parking Clerk

RECEIVED
2020 OCT 15 P 4:39
CITY CLERK
FALL RIVER, MA



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 13, 2020

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

RECEIVED
2020 OCT 15 P 4:40
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

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That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387

Handicapped Parking

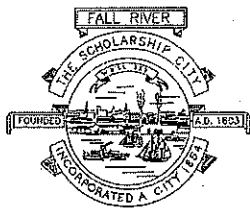
By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Maple Street	North	Starting at a point 62 feet west of School Street, for a distance of 20 feet westerly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 8, 2020

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

RECEIVED
2020 OCT 15 P 4:39
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 30, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Peckham Street	South	Starting at a point 15 feet east of Vale Street, for a distance of 20 feet easterly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 13, 2020

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

RECEIVED
2020 OCT 15 P 4:39
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

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That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Tecumseh Street	South	Starting at a point 60 feet east of Lawrence Street, for a distance of 20 feet easterly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 8, 2020

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

RECEIVED
2020 OCT 15 P 4:38
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

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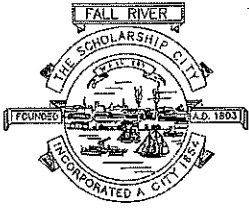
STRIKE OUT

Name of Street	Side	Location
Whipple Street	West	Starting at a point 130 south of Middle Street, for a distance of 20 feet southerly.

Very truly yours,

Laura Ferreira
Parking Clerk

Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 8, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

RECEIVED
2020 OCT 14 P 4:41
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 30, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

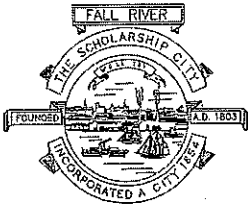
INSERT

Name of Street	Side	Location
Albion Street	West	Starting at a point 33 feet south of Bedford Street, for a distance of 20 feet southerly.

Nelson Araujo
3 Albion Street
Fall River, MA 02723

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 8, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

RECEIVED
2020 OCT 14 P 4:41
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 30, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387

Handicapped Parking

By inserting in proper alphabetical order the following:

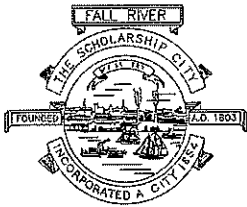
INSERT

Name of Street	Side	Location
Barnaby Street	West	Starting at a point 144 feet north of Lincoln Street, for a distance of 20 feet northerly.

Debra J. Higson
264 Barnaby Street
Fall River, MA 02720

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 8, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

RECEIVED
2020 OCT 14 P 4:40
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 30, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Buffinton Street	North	Starting at a point 435 feet west of Coggeshall Street, for a distance of 20 feet westerly.

Patricia Soares
152 Buffinton Street
Fall River, MA 02721

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 8, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

RECEIVED
2020 OCT 14 P 4:40
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

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Section: 387 **Handicapped Parking**

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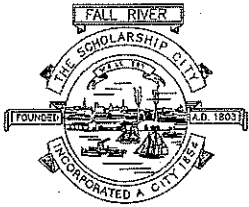
INSERT

Name of Street	Side	Location
Grant Street	West	Starting at a point 190 feet north of Division Street, for a distance of 20 feet northerly.

Alan Makin
179 Grant Street
Fall River, MA 02721

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 8, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

RECEIVED
2020 OCT 14 P 4:40
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

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That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
John Street	West	Starting at a point 76 feet north of Rodman Street, for a distance of 20 feet northerly.

Claribel Suarez
43 John Street
Fall River, MA 02721

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 8, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

RECEIVED
2020 OCT 14 P 4:41
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 30, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
South Beach Street	East	Starting at a point 104 feet south of Oliver Street, for a distance of 20 feet southerly.

Escolastica Moniz
458 S. Beach Street
Fall River, MA 02724

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 8, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

RECEIVED
2020 OCT 14 P 4:40
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

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That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Walnut Street	North	Starting at a point 124 feet east of Hanover Street, for a distance of 20 feet easterly.

Maria Pessoa
770 Walnut Street
Fall River, MA 02720

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

8

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

October 8, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

CITY CLERK
FALL RIVER, MA

2020 OCT 14 P 4:40

RECEIVED

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, September 30, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Whipple Street	West	Starting at a point 49 feet north of Osborn Street, for a distance of 20 feet northerly.

Natercia Furtado
431 Whipple Street
Fall River, MA 02724

Very truly yours,

Laura Ferreira
Parking Clerk

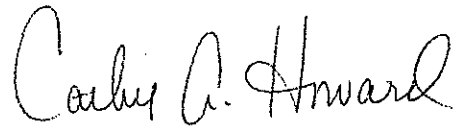
CITY OF FALL RIVER

9

To the City Council

Councillors:

The Committee on Public Safety, at a meeting held on October 13, 2020, voted unanimously to recommend that the accompanying resolution be granted leave to withdraw.



Assistant Clerk of Committees

City of Fall River, *In City Council*

(Councilor Linda M. Pereira)

WHEREAS, many residents of Wilson Road have concerns regarding a significant increase in large commercial trucks using this road to access the Industrial Park area, and

WHEREAS, these large commercial trucks should be accessing this area using exit 10 (formerly exit 8B) Innovation Way, Fall River – Freetown from Route 24 and not traveling city streets, now therefore

BE IT RESOLVED, that the Committee on Public Safety convene with the Director of Traffic to discuss this public safety concern, and

BE IT FURTHER RESOLVED, that area businesses communicate to trucking companies the proper routes to travel to access their location.

In City Council, July 14, 2020
Adopted

A true copy. Attest:

Alison M. Bouchard
City Clerk

10

City of Fall River, *In City Council*

(Councilor Linda M. Pereira)

WHEREAS, part of the 16,000 acre Southeastern Massachusetts Bioreserve is located in Fall River, and

WHEREAS, the Bioreserve is managed in a manner to preserve the functionality of its large-scale ecosystem and promote biodiversity, conservation, water protection, scientific, educational and recreational opportunities, and

WHEREAS, the City of Fall River has a total of 22 miles of hiking trails that are available for public use, now therefore

BE IT RESOLVED, that the Committee on Economic Development and Tourism convene with the City's Forester to discuss the amenities available at the Southeastern Massachusetts Bioreserve Trails.

City of Fall River, *In City Council*

(Councilor Christopher M. Peckham)

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WHEREAS, the Brayton Point Power Plant in Somerset, Massachusetts is located along the Mount Hope Bay, and

WHEREAS, there has been an extensive redevelopment project taking place at Brayton Point Power Plant that has raised many concerns with possible contamination in the Mount Hope Bay from the work being conducted, and

WHEREAS, the City of Fall River shares the waterways with our neighbors in the Town of Somerset, now therefore

BE IT RESOLVED, that the Committee on Health and Environmental Affairs convene with the Administrator of Community Utilities, the Director of Health and Human Services, the Director of Community Maintenance and a representative from the Town of Somerset Board of Selectmen to discuss this matter.

ORDERED, that the City Council Committee on Finance and Regular Meetings of the City Council scheduled for the months of November and December, 2020 be and the same are hereby cancelled and rescheduled to the following dates:

November 17

December 1

December 15

MetLife Auto & Home
Subrogation Warwick
P.O. Box 2204
Charlotte, NC 28241-2204



14

10/12/2020

City Of Fall River
Attn: City Clerk
One Government Center, 2nd Fl Room 227
Fall River, MA 02723

Our Customer: Sandra Coe
Our Claim Number: SLM23751
Date of Accident: 05/23/2019
Your Customer: City Of Fall River
Your Claim Number: Sandra I Coe-insured

Dear City Of Fall River,

SECOND REQUEST FOR STATUS

- () Enclosed is the documentation that you requested.
- () Please call the undersigned upon receipt of this letter.
- (X) Please provide a status on our subrogation claim. I have left prior voice mail messages, but have not received a response.
- () Final request for contact prior to arbitration, collections, or attorney referral.

Sincerely,

John Demelim
METROPOLITAN PROPERTY AND CASUALTY INSURANCE COMPANY
SUBROGATION ADJUSTER, Phone: 800-634-9740 Ext: 6161
Fax: 855-273-2740

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

RECEIVED
2020 OCT 19 P 12:13
CITY CLERK 19-767
FALL RIVER, MA

10-20-2020

Law Dept. copy & orig. ✓

City Clerk ✓

Police ✓

City Council ✓

PAYMENT RECEIPT

9/17/2020

Guarantor:
Patient: Cynthia Grandfield
Guarantor Acct: 567750
Payment Date: 9/17/2020

Receipt Number: 1524053
Payment Dept: 10086001,
Attn Provider: MOORES, CRAIG R
Location: FRR ORTHOPEDICS

Account #	Appt/Admit Date	Type	Source	Reference	Payment
Future	9/17/2020	Copay	Credit Card	05315D Visa x3484	\$30.00

Total Amount: \$30.00

Signature: _____

10-20-2020
City Clerk ✓
City Council ✓
Law Dept ✓
DPW ✓

CITY CLERK
FALL RIVER, MA
10-20-2020

2020 OCT 19 P 12:14

RECEIVED

Chambers Law Office

Richard C. Chambers, Jr.
Joseph Spinale
John Rauseo
Janice Stanziani †
Matthew Littleton *
Robert Joost *
Paralegal *
Of Counsel †

Tel: (781) 581-2031
Fax: (781) 581-8449

220 Broadway, Suite 404
Lynnfield, MA 01940

www.ChambersLawOffice.com

RECEIVED

OCT -9 P 12:24

FALL RIVER, MA

October 6, 2020

**SENT VIA CERTIFIED MAIL 7017 1450 0000 1344 1057, RETURN RECEIPT
REQUESTED AND EMAIL lawoffice@fallriverma.org**

Mayor Paul Coogan
Mayor Fall River
One Government Center, Room 619
Fall River, MA 02722

**SENT VIA CERTIFIED MAIL 7017 1450 0000 1344 1064, RETURN RECEIPT
REQUESTED**

City Council of Fall River
One Government Center, Room 221
Fall River, MA 02722

**SENT VIA CERTIFIED MAIL 7017 1450 0000 1344 1071, RETURN RECEIPT
REQUESTED**

Chief John Lynch
Chief of Fall River Fire Department
140 Commerce Drive
Fall River, MA 02720

Re: *Mr. Michael O'Reagan*

Dear Mayor Coogan,

**THIS NOTICE OF CLAIM IS HEREBY SENT TO YOU PURSUANT TO THE
PROVISIONS OF CHAPTER 258 OF THE MASSACHUSETTS GENERAL LAWS.**

Please be advised that this office represents Mr. Michael O'Reagan ("Mr. O'Reagan") in his claims against the City of Fall River and Fall River Fire Chief John Lynch ("Chief Lynch"). This notice of claim is hereby sent to you pursuant to the provisions of Chapter 258 of the Massachusetts General Laws. Mr. O'Reagan contends that Chief Lynch disclosed personal medical information without his permission. This conduct was committed by Chief Lynch, on or

14

Rene G. Brown
Attorney at Law

105 Bank Street
Fall River, MA 02720
TEL: (508) 646-0202
FAX: (508) 676-6600

Admitted in MA

October 5, 2020

City of Fall River
Clerk Office
1 Government Center
Fall River MA 02720

RECEIVED
2020 OCT 13 P 12:35
CITY CLERK #20-57
FALL RIVER, MA

Re: Damage Tire Reimbursement Request

To whom it may concern:

I was traveling in the area of Ray Street headed to my Weetamoe house with my trailer. There is ongoing construction in the area. The rear tire of the trailer blew out on a piece of debris/metal on the roadway.

I immediately had it repaired. Enclosed is a copy of the receipt. I forwarded a copy to your office but I can supply the original if necessary. Kindly forward reimbursement at your convenience.

Feel free to contact me anytime.

Sincerely,

Rene G. Brown

10-13-2020
City Clerk ✓
City Council ✓
Law Dept. ✓
DPW ✓

14
RECEIVED

2020 OCT 21 P 3:09

City of Fall River
Notice of ClaimCITY CLERK: #20-56
FALL RIVER, MA

1. Claimant's name: Daniel P. Ciullo
2. Claimant's complete address: 434 Reading Street, Fall River, MA
3. Telephone number: Home: 774-488-6281 Work: 774-488-6281
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
City tree fell on my car in a windstorm
5. Date and time of accident: 09/30/2020 6:30 Amount of damages claimed: \$ 500.00 / deductible
6. Exact location of the incident: (include as much detail as possible):
Southside side of Reading Street at 434 Reading Street. Car parked in front of house.
7. Circumstances of the incident: (attach additional pages if necessary):
Car was parked in front of house. Heavy wind collapsed one big branch which fell on my car.
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
Preferred Mutual Ins. Co. One Preferred Way, New Berlin, NY 13411

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

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

Date: 10-8-2020Claimant's signature: Daniel P. Ciullo

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 ☒ DPWDate: 10/21/2020

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, September 8, 2020 at 5:55 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Bradford L. Kilby, Pam Laliberte-Lebeau, Trott Lee,
Christopher M. Peckham, Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: Richard Bernier, 191 North Eastern Avenue, Fall River, MA
Joann Bentley, 229 Highcrest Road, Fall River, MA

The President called the meeting to order at 5:56 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearings was to hear all persons interested and wishing to be heard on the following:

Curb Removals

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be opened.

1. Kevin Swist, 403 Albert Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
403 Albert Street	15'	15'	0'	30'

The petitioner is requesting the removal of 15 feet of curbing to the existing 15 foot driveway opening to allow for additional access.

The President then directed the proponents to be heard and no one came forward. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be closed.

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be opened.

2. Master Builder Ministries, Inc., 54 Bedard Street, Fall River, MA, for the removal of curbing as follows:

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	Existing Driveway Opening	Curb to be Removed	Curb to be Replaced	New Driveway Opening
St. Joseph Street	27' 6"	3' 6"	0'	31'
Bedard Street	0'	26'	0'	26'
Notre Dame Street	0'	28'	0'	28'
Total	27' 6"	57' 6"	0'	85'

This proposed work will improve access to the property and does not cause a significant adverse effect to off street parking in that area.

The President then directed the proponents to be heard and Richard Bernier came forward. Mr. Bernier stated that he was the Pastor at Master Builder Ministries. He stated that he submitted a site plan review that was approved by the City to allow for adequate parking and compliance to zoning regulations. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted that the hearing be closed.

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the hearing be opened.

3. Patricia Charette, 1077 County Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
1077 County Street removal on Eaton Street	18'	16'	0'	34'

The petitioner is requesting the removal of 16 feet of curbing to the existing 18 foot driveway opening to allow for additional access. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

The President then directed the proponents to be heard and no one came forward. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted that the hearing be closed.

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted that the hearing be opened.

4. Brian Costa, 145 Dickinson Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
145 Dickinson Street	25'	19' 5"	0'	44' 5"

The petitioner is requesting the removal of 19 feet 5 inches of curbing to the existing 25 foot driveway opening to allow for additional access. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

The President then directed the proponents to be heard and no one came forward. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted that the hearing be closed.

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be opened.

5. Nuno DaSilva, 370 Grattan Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
370 Grattan Street	16'	16'	0'	32'

The petitioner has an existing 16 foot driveway opening and is requesting the removal of an additional 16 feet of curbing on the east side of the property for additional access.

The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

The President then directed the proponents to be heard and no one came forward. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted that the hearing be closed.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be opened.

6. Joann Bentley, 229 Highcrest Road, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
229 Highcrest Road	29'	16'	0'	45'

The petitioner is requesting the removal of 16 feet of curbing to the existing 29 foot driveway opening to allow for additional access. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

The President then directed the proponents to be heard and Joann Bentley came forward. Ms. Bentley stated that she is not adding to the existing driveway opening on the east side her property. She stated that she is requesting an additional opening on the west side of the property to create a semi-circular driveway. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted that the hearing be closed.

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted that the hearing be opened.

7. Paulo A. Gouveia, 54 Nightingale Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
54 Nightingale Street	16'	18'	0'	34'

The petitioner is requesting the removal of 18 feet of curbing to the existing 16 foot driveway opening to allow for additional access. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

The President then directed the proponents to be heard and no one came forward. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received.

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the hearing be closed.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be opened.

8. Bruno DaCruz, 879 Pearce Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
879 Pearce Street	22' 8"	16'	0'	38' 8"

The petitioner has an existing 22 foot 8 inch driveway opening on the Stetson Street side of the property, and is requesting the removal of 16 feet of curbing for an additional driveway opening on Pearce Street. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

The President then directed the proponents to be heard and no one came forward. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received.

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be closed.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be opened.

9. Rui Sobreiro, 655-657 Robeson Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
655-657 Robeson Street	14'	12'	0'	26'

The petitioner is requesting the removal of 12 feet of curbing to the existing 14 foot driveway opening to allow for additional access. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

The President then directed the proponents to be heard and no one came forward. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received.

On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be closed.

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be opened.

10. Jasmine Investments, LLC, 242 Stafford Road, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
242 Stafford Road	22'	16'	0'	38'

The petitioner is requesting the removal of 16 feet of curbing to extend the existing 22 foot curb cut within the property. The installation does not represent a significant restriction to on street parking and would increase off-street parking availability for the property.

The President then directed the proponents to be heard and no one came forward. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be closed.

Pole Location

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be opened.

11. Massachusetts Electric Company for one new pole location as follows:

Pleasant Street

One (1) new pole location

The petitioner requests to install a 35 foot pole approximately 50 feet north of existing pole #10. This pole will be as a stub/guy pole to allow for future overhead primary extending down Front Street. In accordance with Plan No. 29560958 dated July 14, 2020.

The President then directed the proponents to be heard and no one came forward. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted that the hearing be closed.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 6:08 p.m.

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk

COMMITTEE ON FINANCE

MEETING: Tuesday, September 8, 2020 at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Bradford L. Kilby, Pam Laliberte-Lebeau, Trott Lee,
Christopher M. Peckham, Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: Mary Sahady, Director of Financial Services
John Perry, Director of Community Maintenance

The chair called the meeting to order at 6:08 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, persons are allowed to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance.

The City Clerk read communications received from city residents, copies of which are attached hereto and made a part of these minutes.

1. Citizens' Input

Preservation Society of Fall River, 263 Pine Street – Enforcement of the Purchase and Sales Agreement for the former Police Station located at 158 Bedford Street

Council President Cliff Ponte requested a letter be sent by Attorney Matthew J. Thomas to the Preservation Society of Fall River to address their concerns on behalf of the City Council.

Collin Dias, 560 Ray Street – Tree stumps and financial affairs of Fall River

Marcy Ytkin, 624 Mohawk Drive – Legal opinion from Attorney Laura Kirshenbaum, Rose Law Partners LLP regarding the Fall River Board of Park Commissioners

Council President Cliff Ponte requested the letter be referred to Corporation Counsel to address the legal opinion provided by Attorney Laura Kirshenbaum, Rose Law Partners LLP.

The following attendees provided Citizen's Input in person:

Bill Desmarais, 22 Alty Street – Naming of the Veterans' Center in honor of Kenneth Boyer

Larry Beirola, 108 Kennedy Street – Naming of the Veterans' Center in honor of Kenneth Boyer

Paul K. Pacheco, 141 Marchand Street – Naming of the Veterans' Center in honor of Kenneth Boyer

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to waive the rules to allow for a non-resident to speak.

Kenn Boyer, 92 Reed Road, Westport, MA – Naming of the Veterans' Center in honor of Kenneth Boyer

On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted to waive the rules to allow for a non-resident to speak.

Dann Boyer, 94 Pamela Drive, Swansea MA - Naming of the Veterans' Center in honor of Kenneth Boyer

2. Discussion of FY 2021 Municipal Budget

Councilor Shawn E. Cadime asked if any changes have been made to the proposed budget since the last meeting on August 31, 2020, and Council President Cliff Ponte said there have not been any changes. The Director of Financial Services stated that she has been working with the Mayor on a summary of the initiatives that will save on expenses and generate new revenue. She stated that the Administration will be proposing fee increases in both the Traffic and Building Divisions. She further stated that there could be a significant savings in disposal costs if solid waste removal for businesses as eliminated. She stated the Director of Community Maintenance and Councilor Michelle M. Dionne have been working together to reconcile the businesses that are receiving removal services to those listed in the EZ Disposal contract. The Director of Financial Services stated that EZ Disposal is performing an audit of what businesses they are servicing and once all the information has been compiled it will be presented to the Mayor to determine if going forward removal services will no longer be provided to those businesses. She further stated that there is already an ordinance in place referencing trash removal for businesses, and if the Mayor decides to stop servicing those businesses, it could begin as early as November 1, 2020. The Director of Financial Services stated that they are also discussing whether or not to continue solid waste pick up for six family residences and larger. She indicated that properties of that size are considered commercial properties or businesses, which could have the potential savings of \$250,000 - \$300,000 annually. She also stated that they are reviewing data claims for post 65 non-Medicare eligible participants and seeking other potential health care plans that could increase some benefits but also provide a savings to the City, as well as looking into adding an additional HMO plan. The Director of Financial Services stated that she has been working with the Director of Traffic and they are looking to amend the fees to current traffic ordinances, as well as proposing some new traffic ordinances. The Director of Financial Services stated that they will be proposing the installation of 40 parking meters on Sixth Street, and adding meters on South Main Street near St. Anne's Hospital. She further stated that in some areas they would like to install kiosks and purchase digital heads for meters to accept credit cards. The Director of Financial Services said they are also looking to increase the bulky items fee. Currently the fee is \$12.00 for three items, and they are considering to increase the fee to \$36.00 for three items which would be an increase in revenue of approximately \$150,000.00 annually. She also stated that the Administration and the Inspectional Services Division have been working on an analysis of the building permits. She stated that Fall River's permit fees are very low in comparison to other communities. She stated that the Director of Code Enforcement would need to work with the Committee on Ordinances and Legislation to amend fees for building permits as well as other permits such as electrical and plumbing. Lastly, the Director of Financial Services stated that the Administration is also considering the implementation of a trash fee. She said there still needs to be more discussion held in regards to what the fee should be, how much revenue could be generated and when it could be implemented. The Director of Financial Services, also stated that the Proposed FY 2021 Municipal Budget has not changed since she last met with the Committee on Finance. She stated that they are utilizing \$1 million dollars of CARES funding for transportation, they have funded the Police and Fire Departments to have the ability to allow both Chiefs to staff their compliments to their requested recommendations, and they have reduced health insurance costs by \$1.5 million dollars.

Councilor Pam Laliberte-Lebeau stated that it is upsetting to hear that there is a narrative in the community that the Administration and the City Council are divided. She stated that was not the

case and that they are elected to do a job for the betterment of the community. She stated that she did not want to see cuts made to the budget. She would rather see ways to create revenue and savings. Councilor Pam Laliberte-Lebeau stated that in 2011 a program was introduced where residents could purchase pink recycling bins and a portion of the funds went to charity. At that time, many businesses also participated in the program to purchase the pink bins and at the time of delivery, trash barrels were also delivered to the businesses. She stated that through an investigation conducted by Councilor Michelle M. Dionne, there are between 200-300 businesses that receive solid waste pick-up, even though it is stated in ordinance that businesses are not to receive that service. The Director of Financial Services confirmed that was correct. Councilor Pam Laliberte-Lebeau stated that businesses should stop receiving the service which would then create a savings in the solid waste fees. She then stated the City paid \$50,000 in overtime for police details at the Holy Ghost Feast. She stated that the organization should be responsible in paying their own police details just like other businesses would. She said that she is in favor of increasing the traffic fees and the installation of more meters, as well as increasing bulky item fees to become more in line with neighboring communities. Councilor Pam Laliberte-Lebeau stated that she informed the Administration that in order for her to feel comfortable on approving the budget she wanted to see savings and an increase in revenue, and applauded the work Councilor Michelle M. Dionne has done in order to find savings within solid waste disposal.

Councilor Trott Lee stated that the City pays approximately \$89,000 in rental fees and asked if there was a way to reduce the amount. The Director of Financial Services stated that there are three rental locations on Rodman Street, Seabury Street and Montaup Street that are used to store equipment for various departments. The Director of Financial Services stated that the Director of Facilities Maintenance has discussed wanting to find a location to construct a metal building large enough to store all the items that are held in the three rental facilities. Councilor Trott Lee stated the rental fee for the South End Library is approximately \$30,000 annually. The Director of Financial Services stated that the Library was closed for some time due to COVID-19. The Main branch is now open but the South End Branch still remains closed. She said due to the pandemic, the Administration has discussed reducing the hours of operation and staffing. She said that many events held at the Library are no longer able to take place due to COVID-19 restrictions. She stated that a reduction in hours could potentially save approximately \$100,000. The Director of Financial Services stated that the Administration is exploring all areas to save on expenses and generate revenue. Councilor Trott Lee stated that he is opposed to the implementation of a per unit trash fee and would like to find alternative sources to increase revenue.

Councilor Michelle M. Dionne asked how large of a facility would be needed to accommodate the storage needs of the City. The Director of Community Maintenance stated to construct a 30 foot by 100 foot steel building, it was estimated to cost approximately \$100,000.00. He stated that the Department of Community Maintenance (DCM) facility could accommodate the construction of a metal space building, however they do not have the funds available to construct such a facility. Councilor Michelle M. Dionne then stated that she has been discussing solid waste services and recycling with the Director of Community Maintenance. She said there are many ordinances related to solid waste removal and they are exploring different avenues for solid waste removal for six family residences and large. She stated that they are trying to be fair and equitable while trying to raise revenue for the City and do what is best for the taxpayer. The Director of Community Maintenance stated that they are trying to do what is best for the entire community and all options need to be fully vetted. He further stated that when a decision is made as to which direction the City will be taking, it may not be well received by constituents, and requested that the City Council help support the decision.

Councilor Shawn E. Cadime asked the Director of Financial Services if there were any changes to the one-time use of free cash. The Director of Financial Services stated there was no change made and it was still \$2 million dollars. The Director of Financial Services stated that the Department of Revenue (DOR) will not allow any new fees that are put into place to be used when they certify the tax recap in November. She further stated that there was a possibility that they may finish the year and not need the \$2 million dollars, however when preparing to present a budget appropriation, revenue sources must be provided that will support the appropriation order so that the Department of Revenue is able to certify the tax rate. The Director of Financial Services stated that the Department of Local Services (DLS) has been extremely conservative in the last few years, and have not been in favor of allowing communities to use a source of revenue that does not have any historical data. Councilor Shawn E. Cadime then expressed his displeasure that it took rejecting the budget to have a discussion on generating new revenues. The Director of Financial Services disagreed with his statement and said the Administration has been working diligently with various departments on savings and increase revenues. Councilor Shawn E. Cadime stated it is very difficult to support a budget that uses one-time funds. He said they need to get on the path to having good government, and in order to do so, a sustainable budget needs to be built, and a plan needs to be in place to build and generate revenue. Councilor Shawn E. Cadime then asked when the implementation of ending solid waste removal for business would start since the ordinances are in place. The Director of Community Maintenance stated that they are currently working to identify the businesses that are being serviced, and the implementation could begin as early as November 1st. He said there is active discussions with the Administration as to how they will be handling six family residences. The Director of Community Services stated that the ordinance indicates that the collection of solid waste includes a six family residence. He said they are exploring different options as to how they could go about the solid waste removal for those units, and could not provide a definitive timeframe as to when that would be implemented. Councilor Shawn E. Cadime asked if the proposed \$10.00 per unit trash fee was per quarter or monthly. The Director of Community Maintenance stated it would be per month per unit. A single family unit would pay \$120.00 annually, where a three family unit would pay \$360.00 and so forth.

Councilor Leo O. Pelletier asked if it would be the responsibility of the landlord to pay the trash fee or the generator of the trash. The Director of Community Maintenance stated the responsibility would be the property owner's. Councilor Leo O. Pelletier stated that a six family residence would be required to pay \$720.00 annually. The Director of Community Maintenance said he is not diminishing the costs many homeowners have, but feels that \$720.00 is manageable for a service that nearly every other community in the Commonwealth of Massachusetts pays for. Councilor Leo O. Pelletier agreed and feels that six family units should be looked at as a business, and he is also in favor of increasing traffic fees. He stated many department heads indicated that they are short staffed and he hopes by finding savings and increases in revenue, there will be more ability to support staffing the departments in the future. He further commented that he is pleased that the Police Department and Fire Department would be funded appropriately and that the new Purchasing Agent has done a remarkable job at selling surplus items at auction. He will support the budget.

Councilor Linda M. Pereira stated that the matters regarding solid waste removal is not something that can be solved quickly. She stated there are many different opinions and ideas. Some people prefer using bags so they pay for what they put out, versus a per unit fee, and said further discussion should be held. Councilor Linda M. Pereira said she is not in favor of taking \$1.5 million dollars from health care. She said the Administration should explore the use of solar panels, and install them on city owned property to aid in reducing electricity costs, and parking meters should be converted to accept credit cards. She further stated that there are residents that

owe back taxes. She suggested that the Administration look at the possibility of waiving the interest fees on the back taxes in order to provide some relief to struggling property owners, which may then encourage them to make payments. She said that the community becomes very upset when fees or property taxes are raised, but they also do not like not being provided with services that they need and it becomes a difficult task to try and find a balance.

Councilor Pam Laliberte-Lebeau stated that the City Council has a line item in their budget for legal counsel. She said that Attorney Alan J. Rumsey is in need of assistance in the Office of the Corporation Counsel, and suggested that the City Council President speak to the Mayor and Corporation Counsel to discuss the use of the City Council legal funds to provide counsel to the City Council, as well as assist Attorney Alan J. Rumsey. The Director of Financial Services stated that she feels that Corporation Counsel would be very interested in having that discussion. Councilor Pam Laliberte-Lebeau stated that the City Administrator position needs to be filled. She stated that the position is being offered with an annual salary of \$140,000. She said that many other communities offer a higher paying salary for the same position. She stated that the Superintendent of Schools earns approximately \$200,000.00 annually to oversee the schools, and feels that in order to get high quality candidates to oversee the operations of the City, they should explore increasing the salary. Councilor Linda M. Pereira stated she was in agreement with both of Councilor Pam Laliberte-Lebeau's suggestions.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adjourn at 8:02 p.m.

List of documents and other exhibits used during the meeting:

Citizens' Input Communications

Agenda packet (attached)

DVD of meeting

Southeastern Massachusetts Building Permit Fees as of February 28, 2020

Revised and Updated Rational and Plan - Fiscal Years Ending June 2021 and Beyond

Rentals report from Councilor Trott Lee

Purchasing Agent Online Bidding List


Assistant Clerk of Committees

SEPTEMBER 8, 2020

COMMUNICATIONS

SUBMITTED

FOR

CITIZENS' INPUT

The Preservation Society of Fall River

P: 508-673-4841 E: psfallriver@gmail.com Web: psfallriver.org



August 24, 2020

Dear members of the City Council,

With a purchase and sale agreement already signed for the former Central Police Station at 158 Bedford Street, members of the Preservation Society request additional details on what processes are in place for municipal follow-up and enforcement of the purchase and sale agreement.

In the past, purchase and sale agreements for city sales of historic buildings have also included conditions to ensure project completion or that the city is properly compensated, if otherwise. Unfortunately, a lack of oversight and follow through has allowed for multiple properties to fall short of their promised redevelopment proposals without consequence.

As witnessed with the missing purchase and sale agreements for the N.B. Borden School and Healy School, conditions of sale and provisions to protect the city only extend as far as the city's follow-up and enforcement of the purchase and sale agreement.

It is with that in mind that the Preservation Society requests more information on what processes are in place to ensure the city's best interests are protected.

Sincerely,

The Preservation Society of Fall River, Inc.
Board of Directors
508-361-2714

RECEIVED
2020 AUG 24 A 10:16
CITY CLERK
FALL RIVER, MA

9/8/2020

Mail - City_Council@fallriverma.org

RECEIVED

21

[EXTERNAL] Citizens Input

2020 SEP -8 P 3: 02

Collin Dias <collind00@aol.com>

CITY CLERK _____
FALL RIVER, MA

Tue 9/8/2020 2:59 PM

To: City Clerk <city_clerks@fallriverma.org>; City Council <City_Council@fallriverma.org>; Leite, Ines <ileite@fallriverma.org>;

Citizens Input Fall River City Council 9/8/20 Meeting

Collin Dias
560 Ray Street Fall River, Massachusetts 02720

Topic: Tree Stumps and Financial Affairs of Fall River

Good afternoon Council President and members of the city council,

I wanted to speak on some items that are on the agenda for today.

First of all, I understand there is a resolution for the committee on health and environmental affairs to meet with a representative of the Urban Tree Commission and others to discuss tree stumps. I know the mayors office is working to fill in members of the urban tree commission, as they currently only have one member, I think this resolution should be tabled to give the administration time to fill in the board with qualified members.

Secondly, I want to give some input on the financial affairs of our city. They obviously do not look well given this pandemic. This city was placed in this situation over the faults of the prior administration by removing multiple sources of revenues for political gain, and there were multiple misappropriations of funds and wasteful spending. We still have the same chief financial officer who placed our city in this awful financial situation, Mary Sahady. Mrs. Sahady has been in the oversight over the removal of multiple sources of revenue, and had placed our city in a poor financial situation. For the betterment of this community, Mary Sahady must resign.

Lastly, this city needs to make a capital investment in order to bring in further revenues for this community. This council should work with Mr. Perry and the DCM, along with the Mayor to create a transfer station, which can be converted into a gasification plant. We can Regionalize Fall River to the trash market. This will bring in a strong source of revenue for our community, which in turn will lead to tax and fee breaks for our city's residents.

Best regards,

- Collin Dias

Sent from my iPhone

21

ROSE

LAW PARTNERS LLP

ONE BEACON STREET, 23RD FLOOR
BOSTON • MASSACHUSETTS • 02108

WWW.ROSE-LAW.NET

ALAN D. ROSE
ALAN D. ROSE, JR.
MEREDITH WILSON DOTY
JUDITH R. SIZER
B. AIDAN FLANAGAN
LAURA B. KIRSHENBAUM
SAMMY S. NABULSI
JOHN D. ARNOLD

TEL: 617/536-0040
FAX: 617/536-4400

August 11, 2020

Re: Fall River Board of Park Commissioners

To Whom It May Concern:

I was asked to evaluate whether the mayor of Fall River has the power to unilaterally terminate or remove a commissioner on the Board of Park Commissioners. On the basis of the following research and analysis, in my opinion, the answer to this question is that the mayor of Fall River cannot unilaterally terminate or remove a commissioner prior to the expiration of the commissioner's term, and that this power is reserved to the city council.

I reviewed the August 3, 2020, Legal Opinion of Fall River Corporation Counsel Alan J. Rumsey, in which he opined that the mayor of Fall River does have the authority to unilaterally remove a commissioner. Attorney Rumsey's opinion was premised on the provisions of G.L. c. 43, § 54, and Kaczmarksi v. Mayor of Springfield, 346 Mass. 432 (1963). I must respectfully disagree with Attorney Rumsey's opinion, as it is my opinion that this statute and case are inapplicable to Fall River's form of municipal government. In Kaczmarksi, the court explained that the Springfield mayor, in removing commissioners, was acting under G.L. c. 43, § 52 and 54, which were incorporated into Springfield's charter upon Springfield's adoption of the Plan A charter set forth in G.L. c. 43. Fall River, in contrast, does not have a Plan A charter as set forth in G.L. c. 43, thus Fall River's charter does not incorporate the charter provisions of G.L. c. 43, including § 54. Instead, Fall River operates under a home rule charter. Accordingly, G.L. c. 43, § 54, does not apply and does not give the mayor of Fall River the power to unilaterally remove commissioners.

I have reviewed other applicable provisions of Fall River's municipal law and charter, as well as G.L. c. 45, § 2, which sets forth the city council's authority to remove a commissioner by two-thirds vote. In the course of my review and research, I have found no other references to the mayor's authority to remove commissioners prior to the expiration of their terms. In the absence of an explicit grant of authority to remove a commissioner prior to the expiration of his or her

ROSE

LAW PARTNERS LLP

term, it is my opinion that the mayor lacks such authority. Furthermore, I reviewed Article 10, Section 10-1 of Fall River's charter, which states, "All general laws . . . of or pertaining to Fall River . . . that are in force when this charter takes effect, and not specifically or by implication repealed by this charter, shall continue in full force and effect until amended or repealed" Given that the charter explicitly sets forth the mayor's executive powers (3-2), the mayor's powers of appointment (Section 3-3), the mayor's power to remove certain city officials (section 3-5), and that these provisions make no mention of the mayor's power to remove members of city boards, it is my opinion that any such power has been repealed by implication upon adoption of this version of Fall River's charter.

It is my understanding that the mayor of Fall River has sent removal letters purporting to terminate or remove two sitting commissioners prior to the expiration of their terms and that the mayor intends to appoint replacement commissioners. Given the questionable legality and effectiveness of the mayor's removal of the two sitting commissioners, I caution that any action of the Board that relies on the participation of the new members to the exclusion of the prior members risks being invalidated.

Thank you for the opportunity to assist in answering this question. Please feel free to contact me with any questions.

Very truly yours,

/s/Laura Kirshenbaum

COMMITTEE ON FINANCE

MEETING: Tuesday, September 22, 2020 at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Bradford L. Kilby, Pam Laliberte-Lebeau, Trott Lee,
Christopher M. Peckham, Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: Mary Sahady, Director of Financial Services
John Perry, Director of Community Maintenance

The chair called the meeting to order at 6:00 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, persons are allowed to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance.

The City Clerk read communications received from city residents, copies of which are attached hereto and made a part of these minutes.

1. Citizens' Input

Collin Dias, 560 Ray Street – Mary Sahady resignation and trash costs
Erica Scott-Pacheco, 1510 Highland Avenue – Zoning Board of Appeals
CJ Ferry, 300 Buffinton Street – TIF and TIE Agreements

2. Resolution to discuss and review solid waste and recycling

Councilor Michelle M. Dionne asked the Director of Community Maintenance how the City has advanced with regards to solid waste and recycling. The Director of Community Maintenance stated that currently he is gathering information to review the various options. He then stated that he is not prepared to make a presentation tonight, but is working on all the various possibilities and also reviewing various policies of other cities and towns. He also stated that he is reviewing all associated costs for the collection of solid waste and recycling. The Director of Community Maintenance then stated that the collection of solid waste and recycling from businesses is also being reviewed, along with residences with 6 units that may be considered commercial properties. Councilor Michelle M. Dionne then stated that various other communities are being reviewed that are in similar situations, such as not having a pay-as-you-throw program or a household fee. The Director of Community Maintenance stated that there are 351 communities in the Commonwealth of Massachusetts and of those there are only 44 communities that do not have a pay-as-you-throw program, a household unit fee for the removal of trash and recycling or a combination of both. He then stated that most of the 44 communities are affluent communities that can afford to dispose of their trash without fees or they have infrastructure in place to handle

the disposal, such as a landfill. He also stated that the City does not have a landfill or transfer station to assist with the costs associated with the collection of solid waste and recycling, so the City needs to research all possibilities.

Councilor Michelle M. Dionne then asked the Director of Community Maintenance for an update on the plan to remove the blue recycling carts from Fall River Housing Authority properties. The Director of Community Maintenance stated that he has been in contact with Timothy Barrow, the Executive Director for the Fall River Housing Authority, regarding the removal of the blue recycling carts from Housing Authority properties. He then stated that Mr. Barrow is in the process of obtaining proposals from solid waste companies for the collection of recycling from the various properties. Mr. Perry then stated that once that process is complete, the Fall River Housing Authority will determine how recycling will be collected from the various properties and notify the City to either remove the recycling carts or determine payments to be made to the City of Fall River. Councilor Michelle M. Dionne then stated that she will await the decision from the Fall River Housing Authority, as she understands that the process will take time and as long as the process is moving forward, she is agreeable to allowing sufficient time to ensure the process is done correctly. Councilor Trott Lee stated that there should also be discussions regarding the storage of solid waste and recycling carts. The Director of Community Maintenance stated that there was a time when the carts were stored outside at the Lewiston Street Facility and there were many problems with this method. He also stated that in the future the construction of a storage facility will need to be discussed for the storage of carts and other necessary equipment that is weather sensitive. Councilor Trott Lee then stated that there will need to be an information dissemination process regarding businesses that may no longer have their recycling picked up by the City and this may cause an increase of carts to be stored as they are returned to the City. He then asked the Director of Community Maintenance if businesses would be able to retain having the City collect their solid waste and recycling if the business paid a fee for the service. The Director of Community Maintenance stated that these are discussions that need to be had, whether these services will still be provided by the City and if so how much will be charged. Councilor Trott Lee then stated that fees will need to be researched and discussed because the City does not want to overcharge businesses but it also does not want to be severely undercharging. Councilor Leo O. Pelletier asked the Director of Community Maintenance what the cost would be to erect a storage building approximately 30 or 50 feet by 100 feet. The Director of Community Maintenance stated that it would cost approximately \$130,000.00 to \$150,000.00 to construct a storage facility of this size. Councilor Leo O. Pelletier then asked how much the City is paying in the rental of storage space per year. The Director of Financial Services stated that the City is spending \$62,400.00 per year on the rental of storage space as follows:

- Rodman Street - \$19,200.00
- Seabury Street - \$30,000.00
- Montaup Street - \$13,200.00

Councilor Leo O. Pelletier then stated that he believes that the City should construct a storage facility, since it would be paid for in 2 or 3 years with the amounts the City is currently paying in rental fees. He then asked the Director of Community Maintenance if the parcel of property on Bay Street that was transferred to the City could be used to construct a storage facility. The Director of Community Maintenance stated that the Bay Street location cannot be used to construct a storage facility because a brook crosses the parcel. Councilor Linda M. Pereira asked the Director of Community Maintenance if any of the 44 communities that do not have any fees for solid waste collection are gateway communities. The Director of Community Maintenance stated that he would need to check those statistics of all the communities, but he does know that New Bedford does not have any fees for solid waste collection but has a transfer station and an active landfill. Councilor Linda M. Pereira then asked the Director of Community

Maintenance how many years New Bedford will be able to utilize their landfill. The Director of Community Maintenance stated New Bedford has approximately 15 years remaining in the life of their landfill. Councilor Linda M. Pereira then stated that she would like to see more educational outreach to the residents regarding regulations for recycling. She also stated that the Department of Community Maintenance facility on Lewiston Street is in need of cleaning and renovations. Councilor Michelle M. Dionne asked the Director of Community Maintenance if he had obtained any information on machinery that would grind mattresses and sofas to reduce the amount of space required for disposal. The Director of Community Maintenance stated that he had not yet researched this equipment. He also stated that he would share the information on this machinery once obtained.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 6:34 p.m.

List of documents and other exhibits used during the meeting:

Citizens' Input Communications

Agenda packet (attached)

DVD of meeting


Catherine A. Taylor
Clerk of Committees

SEPTEMBER 22, 2020

COMMUNICATIONS

SUBMITTED

FOR

CITIZENS' INPUT

22

City Council

From: Collin Dias <collind00@aol.com>
Sent: Monday, September 21, 2020 12:57 PM
To: City Clerk; Leite, Ines; City Council
Subject: [EXTERNAL] Citizens Input Fall River City Council

CITY CLERK
FALL RIVER, MA

2020 SEP 21 P 1:04

RECEIVED

Citizens input Fall River City Council meeting 9/22/2020
Collin Dias, 560 Ray Street, Fall River, Massachusetts 02720
Topic: Mary Sahady Resignation and Trash Costs

Good afternoon council President and members of the city council,

I wish to discuss the financial affairs of our city and the cost of trash and solid waste. I wish to continue the city wide call for the resignation of our acting city administrator, Mary Sahady. It was said in the last council meeting that I said Mrs. Sahady should resign. I do not believe Mrs. Sahady *should* resign, I believe Mrs. Sahady must resign. This is for the betterment of our community. This city does not deserve any more misinformation, dishonesty to the city council, and financial decisions being made for political benefit and not for Fall River. This is exactly what this city administrator / CFO has done for the last half a decade. Fall River deserves better, and I cannot wait for the city administrator position to be permanently filled.

I also agree with Councilor Cadime, Mrs. Sahady should not be apart of the housing authority, that would be a violation of our city charter.

On another note, we need to discuss how crucial it is to implement a transfer station in our community. Mr. Carlos Ceaser and now Councilor Michelle Dionne worked for months to collect signatures for the voters to decide if this city wants a transfer station. And the voters decided we want a transfer station overwhelmingly. Although the vote was quote on quote "non binding", i would say any vote by our voters is automatically binding, and this council and city has a sworn duty to honor the vote made by our constituents. I hope this city can begin constructing plans for a transfer station. I placed an item on the agenda for tonight regarding a transfer station, and I hope my item can be transferred to a committee for discussion, and not placed on file, that would be very disheartening for the city. We should also look into other ways we can reduce the contamination that goes into our recycling. We need strict enforcement and compliance with all of the waste that goes into our recycling. We need to increase fines. We need to assure compliance with all our city's ordinances. I also believe the composting program, as proposed by Councilor Lee and John Perry, as long as we have a city wide marketing and education campaign, will be a great benefit to Fall River.

Thank you very much for your time,

Respectfully submitted,

- Collin Dias

Sent from my iPhone

22

RECEIVED

2020 SEP 22 A 11:30

City Council

From: Erica Scott-Pacheco <ericaascott@gmail.com>
Sent: Tuesday, September 22, 2020 11:26 AM
To: City Council
Subject: [EXTERNAL] Citizen's Input Submission for Tonight's Meeting

CITY CLERK
FALL RIVER, MA

Good morning Colleen,

I hope you are safe and healthy. Below please find my submission to be read at tonight's meeting. Please confirm receipt! Thank you.

Best,
Erica

Citizens Input Submission by Erica Scott-Pacheco
9/22/20

To the Honorable Fall River City Council:

The Zoning Board of Appeals are appointed by the Mayor and confirmed by your honorable body, the City Council. I write today to ask, why did the Zoning Board of Appeals deny a blood plasma donation business that would have created 50-70 jobs? How does this denial make any sense, at a time when Massachusetts is experiencing crushing unemployment, worst in the country? How does the Zoning Board of Appeals explain its decision to leave the former Ocean State Job Lot building vacant, when a business wants to come in and provide economic development and job opportunities to our city in that very space?

Fall River historically has higher unemployment than the state overall. Fifty to seventy good jobs at a brand new medical facility would be a great addition to the growing medical field, a top employment sector in our city. We desperately need good paying jobs for our residents!

I feel motivated to write in today, because I have first hand knowledge of exactly what goes on at a blood plasma center. I personally donated blood plasma while I was a broke grad student. Many grad students donated to make ends meet. The professors and teachers educating your kids today may have donated!

Let me explain the donation process. It requires a mandatory physical exam and blood test to make sure you don't have any communicable disease. You have to show proof of residency and not have any tattoos within the last year. It is a very safe and sanitary process that takes about 90 minutes. And yes, you are compensated for your time (and its 1099 taxable income). A blood plasma donation center does not "bring in drug users or homeless people" as some keyboard warriors claim. Personally, I would welcome a new blood plasma donation center to our city. Our residents need the jobs. Does the Zoning Board of Appeals have a better plan to provide good jobs and economic development? If so, let's hear it. Thank you.

Sincerely,
Erica Scott-Pacheco
1510 Highland Ave.
508-821-6008

22

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Erica Scott-Pacheco
eascott@post.harvard.edu
508.821.6008

22

CJ FERRY, R.N., PHN

RECEIVED

September 22, 2020

2020 SEP 22 P 2:47

Fall River City Council
Government Center
One Government Center
Fall River MA 02722

CITY CLERK _____
FALL RIVER, MA

Re: Citizens Input
TIFs / TIEs

Council President, members of the City Council:

I am providing input today regarding the approval of anymore TIFs or TIEs here in the city of Fall River.

I have forwarded to your email addresses several reports showing that TIFs and TIEs do not benefit the cities, towns or the States in which they are offered and do not provide long term economic development opportunities or results. In a North Carolina State University study, "We found that, in almost all instances, these corporate tax incentives costs states millions of dollars-if not more-and the returns were minimal." "In fact, the combination of costly tax incentives and limited returns ultimately left the states in worse financial condition than they were to begin with." In a Princeton Economic Study, it was found that State and local governments spend considerable revenue on business tax incentives. In terms of local economic effects, however, we find limited evidence that subsidized firms have employment spillovers in the local economy. With multiple studies showing the ineffectiveness of these tax incentives and the fact that they cost communities more in the long run the City Council needs to reassess the value and expense of these tax incentives.

These tax incentives do not make the money that these tax incentives waive go away, those tax dollars are still included in the city assessment and as such the cost for these incentives are transferred to the residential and commercial taxpayers. In a city where the taxpayer and business are already overburdened by increased taxes and fees, does it make sense to once again hit the taxpayer up for more money so a developer or commercial enterprise benefit at the cost

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, September 8, 2020 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Bradford L. Kilby, Pam Laliberte-Lebeau, Trott Lee,
Christopher M. Peckham, Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: None

President Cliff Ponte called the meeting to order at 8:02 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor and appropriation order of \$312,689,650.00 for Fiscal Year 2021
Council President Cliff Ponte stated that he will not be supporting the budget due to a lack of durability and sustainability. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was voted 5 yeas, 4 nays to adopt the Fiscal Year 2021 Municipal Budget with Councilors Shawn E. Cadime, Michelle M. Dionne, Trott Lee, and President Cliff Ponte voting in the negative.

Approved, September 9, 2020, Paul E. Coogan, Mayor

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was unanimously voted to take item #34 out of order.

ORDERS – MISCELLANEOUS

34. Order requesting the naming of the Veteran's Center located at 755 Pine Street in honor of Kenneth Joseph Boyer

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the order renaming the Veteran's Center.

Approved, September 9, 2020, Paul E. Coogan, Mayor

PRIORITY MATTERS

2. Mayor and order requesting renewal of the contract with Roselli, Clark and Associates to conduct the independent audit for FY2020

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to adopt the order.

3. *Mayor requesting confirmation of the reappointment of Mary Sahady to the Housing Authority

A motion to confirm the reappointment was made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, and on a roll call vote, the motion was objected by Councilor Shawn E. Cadime, and laid on the table in accordance with the Charter.

4. Mayor requesting confirmation of the appointment of Jose M. Barbosa to the Traffic Commission

Councilor Pam Laliberte-Lebeau asked if this appointment would pose a conflict with the Charter because Mr. Barbosa is an employee of the City and the City Charter states that more than one position cannot be held. The City Clerk stated that according to a legal opinion from the prior Administration and Corporation Counsel the decision to hold more than one position could be approved by a vote of the City Council. Councilor Pam Laliberte-Lebeau requested that the current Corporation Counsel render a legal opinion on this matter. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to table the matter.

PRIORITY COMMUNICATIONS

5. Traffic Commission recommending amendments to traffic ordinances

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

6. School Department Chief Operations Officer and the Building and Facilities Work and Improvement Report

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the report be accepted and placed on file.

COMMITTEE REPORTS

Committee on Health and Environmental Affairs recommending:

Grant leave to withdraw:

7. *Resolution – Proposed digital billboards

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted that the matter be granted leave to withdraw.

8. *Communication – City resident regarding sewage treatment plant odors

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted that the communication be granted leave to withdraw.

Referral to the Committee on Ordinances and Legislation:

9. Resolution – Trash receptacles at drive-thru establishments, as amended

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted to refer the resolution to the Committee on Ordinances and Legislation.

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

10. *Proposed Ordinance – Traffic, Handicapped Parking

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Trott Lee, it was voted 9 yeas that the proposed ordinance be accompanied by an emergency preamble. On a

further motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained.

Approved, September 9, 2020, Paul E. Coogan, Mayor

First Reading:

11. *Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the proposed ordinance be passed through first reading.

Referral to Corporation Counsel:

12. Proposed Ordinance – Solid waste updates

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the proposed ordinance to Corporation Counsel.

13. Resolution – Establish an oversight committee to annually report on the finances, efficiencies, and needs of City Departments

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the resolution to Corporation Counsel.

14. Resolution and Proposed Ordinance regarding an Abutters Lot Program

On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the resolution and proposed ordinance to Corporation Counsel.

15. Communication – Request for the authorization to enact a Compost Recycling Program

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the communication to Corporation Counsel to prepare a proposed ordinance.

Grant leave to withdraw:

16. Proposed Ordinance – Strike out “Official City Bag” from solid waste

On a motion made by Councilor Trott Lee and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the item be granted leave to withdraw.

ORDINANCES

Second reading and enrollment:

17. Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was unanimously voted to pass the ordinance through second reading and enrollment.

On a further motion made by Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the proposed ordinance be passed to be ordained.

Approved, September 9, 2020, Paul E. Coogan, Mayor

18. Proposed Ordinance – EMT Basic Position

On a motion made by Councilor Trott Lee and seconded by Councilor Linda M. Pereira, it was unanimously voted to pass the ordinance through second reading and enrollment.

On a further motion made by Councilor Christopher M. Peckham and seconded by Councilor Linda M. Pereira, it was unanimously voted that the proposed ordinance be passed to be ordained.

Approved, September 9, 2020, Paul E. Coogan, Mayor

RESOLUTIONS

19. Committee on Finance convene with Corporation Counsel and a representative of the Administration to discuss procedures for removal/appointment of Board members
Councilor Linda M. Pereira stated that the resolution should be referred to the Committee on Ordinances and Legislation and not the Committee on Finance because there are no financial aspects involved. She stated that the majority of board member positions are not paid positions. Councilor Michelle M. Dionne stated that as the sponsor of the resolution she felt that the discussion should be held in the Committee on Finance to be discussed with all nine Councilors. She further stated that appointments are confirmed by the full Council and felt that this discussion should be held with the full Council. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 8 yeas, 1 nay to adopt the resolution, with Councilor Linda M. Pereira voting in the negative.
20. Committee on Health and Environmental Affairs convene with the Dir. Of Community Maintenance, Dir. Of Cemetery and Trees, and representatives from the Board of Park Commissioners and Urban Tree Commission to discuss tree stump removals
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the resolution.
21. Committee on Finance convene to discuss scheduling of future meetings in an effort to limit agenda items
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Pam Laliberte-Lebeau, to adopt the resolution, it was voted 1 yea, 8 nays with Councilor Linda M. Pereira voting in the affirmative, and the motion failed to carry.
22. Committee on Economic Development and Tourism convene with a representative from MassDevelopment to discuss the Transformative Development Initiative
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the resolution.

CITATIONS – None

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted to take items #23 through #33 together.

ORDERS – HEARINGS**Curb removals:**

23. Kevin Swist, 403 Albert Street – total of 30' at 403 Albert Street
24. Master Builder Ministries, Inc., 54 Bedard Street – total of 85' at Bedard Street, St. Joseph Street and Notre Dame Street
25. Patricia Charette, 1077 County Street – total of 34' at 1077 County Street removal on Eaton Street
26. Brian Costa, 145 Dickinson Street – total of 44' 5" at 145 Dickinson Street
27. Nuno DaSilva, 370 Grattan Street – total of 32' at 370 Grattan Street
28. Joann Bentley, 229 Highcrest Road – total of 45' at 229 Highcrest Road
29. Paulo A. Gouveia, 54 Nightingale Street – total of 34' at 54 Nightingale Street
30. Bruno DaCruz, 879 Pearce Street – total of 38' 8" at 879 Pearce Street
31. Rui Sobreiro, 655-657 Robeson Street – total of 26' at 655-657 Robeson Street
32. Jasmine Investments, LLC, 242 Stafford Road – total of 38' at 242 Stafford Road

Pole Location:

33. Massachusetts Electric Company – New pole location on Pleasant Street
On a motion made by Councilor Trott Lee and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt items #23 through #33.
Approved, September 9, 2020, Paul E. Coogan, Mayor

ORDERS – MISCELLANEOUS

35. Light order – Corner of North Ogden Street and Bedford Street pole #372
On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the order.
Approved, September 9, 2020, Paul E. Coogan, Mayor
36. Police Chief's report on licenses:
Taxicab Drivers:
 Omar Awer Michael V. Friedlander David T. Rioux
 Anthony J. Winbush Mostafa Yakoob
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the order.
37. Auto Repair Shop License Renewals:
 Manuel Ferreira, J&S Auto Sales and Repair, Inc., located at 178 Aberdeen Street
 Jody Oliveira, Ground Earth, Inc., located at 232 Lapham Street
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the order.
Approved, September 9, 2020, Paul E. Coogan, Mayor
38. Transfer auto repair shop license no. 306 located at 1741 Stafford Road from Paul B. Faria d/b/a A and R Auto, to Ground Earth, Inc.
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the order.
Approved, September 9, 2020, Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

39. Claims
On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the claims to Corporation Counsel.
40. Drainlayer Licenses:
 a. Dixon, Incorporated
 b. Foley Excavation LLC
 c. Thermo-Mechanical Systems Corp.
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted to approve the drainlayer licenses.
Approved, September 9, 2020, Paul E. Coogan, Mayor
- On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was unanimously voted to take items #41 through #44 together.*
41. Planning Board Minutes – July 13, 2020 Meeting
- City Council Meeting Minutes:
42. Public Hearings – August 11, 2020

43. Public Hearings – August 24, 2020

44. Committee on Finance – July 14, 2020

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to approve items #41 through #44.

A motion was made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, to take items #45 through #47 together, but later was withdrawn by Councilor Bradford L. Kilby.

45. Communication from Jason Rosati, CFO, Walter A. Furman Co., LLC, requesting the City relinquish rights, title, and interest in a portion of Center Street

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to refer the communication to the Planning Board.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to take item #46 and item #47 together.

46. Communication from Collin Dias requesting the creation of a task force to examine revenue/costs affecting the City and its taxpayers and ways to improve government

47. Communication from Collin Dias re: Town of Gosnold

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted that items #46 and #47 be accepted and placed on file.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle Dionne, it was unanimously voted to take items #48 and #49 together and refer the items to Corporation Counsel.

48. Open Meeting Law Complaint filed by Collin Dias re: alleged violation by City Council Committee on Finance on June 28, 2020

49. Open Meeting Law Complaint filed by Collin Dias re: alleged violation by City Council Committee on Health and Environmental Affairs on August 19, 2020

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to take items #50 through #53 together and accept and place them on file.

50. Assistant Corporation Counsel response to Open Meeting Law complaint filed by Collin Dias re: City Council Committee on Finance Meeting of July 28, 2020

51. Assistant Corporation Counsel original and modified response to Open Meeting Law Complaint filed by Collin Dias re: City Council Meeting of July 14, 2020

52. Attorney General's Office response to Asst. Corporation Counsel re: Open Meeting Law complaint filed by Collin Dias regarding the City Council Meeting of June 23, 2020

53. Attorney General's Office acknowledgment of Open Meeting Law complaint filed by Collin Dias re: City Council Meeting of July 14, 2020

BULLETINS – NEWSLETTERS – NOTICES – None

The Council President called for a two minute recess to allow documents to be signed at 8:45 p.m. and reconvened at 8:47 p.m.

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 8:48 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:

Mison M. Bouchard

City Clerk

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, September 22, 2020 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Bradford L. Kilby, Pam Laliberte-Lebeau, Trott Lee,
Christopher M. Peckham, Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: Attorney Kenneth Fiola, Jr., Executive Vice President, Bristol County
Economic Development Consultants, 139 South Main Street, Suite 400

President Cliff Ponte 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.

PRIORITY MATTERS

1. Mayor and order rescinding the September Continuing Appropriation Budget for Fiscal Year 2021

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order.

Approved, September 23, 2020, Paul E. Coogan, Mayor

2. Mayor requesting approvals as follows:

- a. Order – TIF Amendment for Demoulas Super Markets, Inc. – 375 Wm. S. Canning Boulevard

Councilor Christopher M. Peckham stated that the Tax Increment Financing (TIF) Agreements should be monitored for compliance. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted to waive the rules to allow the Executive Vice President of the Bristol County Economic Development Consultants to answer questions. Attorney Kenneth Fiola, Jr., Executive Vice President of the Bristol County Economic Development Consultants stated that the City of Fall River has approved approximately 75 TIF Agreements beginning in 2003. The City requires all companies that have been granted a TIF Agreement to file quarterly reports with the City of Fall River. He also stated that through the years a few TIF Agreements have been rescinded due to non-compliance. Councilor Michelle M. Dionne asked Attorney Kenneth Fiola, Jr. for the length of a TIF Agreement. Attorney Kenneth Fiola, Jr. stated that a TIF Agreement is for a minimum of 5 years or a maximum of 20 years. Councilor Michelle M. Dionne then asked for the number of TIF Agreements that are still active. Attorney

Kenneth Fiola, Jr. stated that he did not bring that information with him, but his best guess is that between 5 and 10 agreements are still active. Councilor Michelle M. Dionne asked for information on the TIF Agreement for Demoulas Super Markets, Inc. Attorney Kenneth Fiola, Jr. stated that the item is an amendment for the current TIF Agreement and does not create any additional savings. He then stated that this amendment is basically to update the language to reflect the correct wording on their deed. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order.
 Approved, September 23, 2020, Paul E. Coogan, Mayor

b. TIF Agreement for Seafox Holdings LLC – 0 Airport Road

Councilor Michelle M. Dionne stated that she will not be supporting any of the TIF or TIE Agreements on tonight's agenda. Attorney Kenneth Fiola, Jr. stated that in some instances without the TIF Agreement the businesses would not be able to expand. Councilor Christopher M. Peckham also stated that he will not be supporting any of these TIF or TIE Agreements. Attorney Kenneth Fiola, Jr. stated that Hutchens Holding III, LLC began with 30 employees and presently have close to 400 employees. Councilor Shawn E. Cadime stated that at the inception of TIF Agreements they were meant for Urban Renewal Projects. He then stated that he would like to have a sheet for each TIF or TIE Agreement with the highlights of the agreement and the repercussions if the agreement is not approved. President Cliff Ponte then asked Attorney Kenneth Fiola, Jr. to include a sheet with each TIF or TIE Agreement listing the pros and cons of the agreement. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was voted 7 yeas, 2 nays to adopt the resolution, with Councilors Michelle M. Dionne and Christopher M. Peckham voting in the negative.
 Approved, September 23, 2020, Paul E. Coogan, Mayor

c. TIF Agreement for Hutchens Holding III, LLC – Innovation Way - Lot 1 (a portion of Fall River Assessors Map W-19, Parcel 185)

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was voted 7 yeas, 2 nays to adopt the resolution, with Councilors Michelle M. Dionne and Christopher M. Peckham voting in the negative.
 Approved, September 23, 2020, Paul E. Coogan, Mayor

d. TIE Agreement for JNK Realty, LLC – 1168 Highland Avenue

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was voted 6 yeas, 2 nays, 1 abstention to adopt the resolution, with Councilors Michelle M. Dionne and Christopher M. Peckham voting in the negative and President Cliff Ponte abstaining.
 Approved, September 23, 2020, Paul E. Coogan, Mayor

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to take item #14 out of order.

14. Structure over a public way – Thyme Blossom Coffee & Tea requesting a wooden platform, tables, chairs and heaters within two parking spaces on Purchase Street
 On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to approve the application.

3. Mayor requesting the confirmation of the following appointments/reappointments:

a. Timothy S. Campos to the Board of Election Commissioners

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to confirm the appointment.

b. Joseph Rioux to the Cultural Council

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted to confirm the appointment.

c. David J. Dennis to the Board of Election Commissioners (reappointment)

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to confirm the appointment.

4. Mayor requesting the confirmation and reappointment of Mary L. Sahady to the Housing Authority (objected to on 9-8-20)

The City Clerk stated that this appointment is to correct the term of office. The appointment to the Housing Authority is a five year term. She then stated that Mrs. Sahady was originally appointed to the Housing Authority in 2013 with a term to expire in 2018. Mrs. Sahady was then reappointed in 2015 with a term to expire in 2020, but the reappointment should have occurred in 2018 to expire in 2023. She then stated that this will correct the term. On a motion made by Councilor Trott Lee and seconded by Councilor Leo O. Pelletier, it was unanimously voted to confirm the reappointment.

PRIORITY COMMUNICATIONS

5. Traffic Commission recommending amendments to traffic ordinances

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

6. Board of Election Commissioners re: official results of State Primary held on September 1, 2020

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the communication be accepted and placed on file.

COMMITTEE REPORTS – None

ORDINANCES

Second reading and enrollment:

7. Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to pass the proposed ordinance through second reading and enrollment.

On a further motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the proposed ordinance be passed to be ordained.

Approved, September 23, 2020, Paul E. Coogan, Mayor

RESOLUTIONS

8. Committee on Finance convene to discuss funding for construction of storage area/facility

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the resolution.

CITATIONS – None

ORDERS – HEARINGS**Curb removals:**

9. Michael Massoud, 383 Bayview Street – total of 32' at 383 Bayview Street (removal on Bailey Street)

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

Approved, September 23, 2020, Paul E. Coogan, Mayor

10. Andre Soares, 853 Eastern Avenue – total of 27' at 853 Eastern Avenue

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

Approved, September 23, 2020, Paul E. Coogan, Mayor

ORDERS – MISCELLANEOUS**Auto Repair Shop License Renewal:**

11. John Cordeiro d/b/a J&J Auto Repair located at 635 Warren Street

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

Approved, September 23, 2020, Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

12. Claim

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted to refer the claims to Corporation Counsel.

City Council Meeting Minutes:

13. Committee on Finance – August 11, 2020

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to approve the minutes.

15. Communication from Collin Dias re trash costs and creation of transfer station

On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the communication be accepted and placed on file.

16. Assistant Corporation Counsel response to Open Meeting Law complaint filed by Collin Dias re: August 19, 2020 meeting of the City Council Committee on Health and Environmental Affairs

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the communication be accepted and placed on file.

BULLETINS – NEWSLETTERS – NOTICES – None**TABLED MATTERS**

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was unanimously voted to lift the matter from the table.

17. Mayor and order re: CPC 2020 final report - \$54,900 from Open Space/Recreation for the Bioreserve Conservation Land Acquisition

A motion was made by Councilor Linda M. Pereira and seconded by Councilor Pam Laliberte-Lebeau to deny the order. Councilor Linda M. Pereira stated that these funds are to purchase 29 acres of land for the Bioreserve and questioned the need to purchase the parcel when the parcel of land is land locked. Councilor Michelle M. Dionne requested that a representative of the Community

Preservation Committee as well as Attorney Matthew Thomas and Corporation Counsel Alan Rumsey be invited when this item is discussed in Committee. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the matter to the Committee on Real Estate.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to lift the matter from the table.

18. Mayor and order rescinding July and August continuing appropriation budgets for FY 2021

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

Approved, September 23, 2020, Paul E. Coogan, Mayor

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to lift the matter from the table.

19. Mayor requesting confirmation of the appointment of Jose M. Barbosa to the Traffic Commission

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to confirm the appointment.

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: SEPTEMBER 22, 2020

OTHER POTENTIAL MATTERS (to be acted upon if recommendations are received)

Committee on Public Works and Transportation recommending:

6a. Request for street opening in pavement less than five years old at 522 Buffinton Street
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 7 yeas, 2 abstentions to approve the request, as amended, with Councilors Pam Laliberte-Lebeau and Cliff Ponte abstaining. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was unanimously voted to send a letter to the Administration requesting that a list of all streets that were paved less than 5 years ago be placed on the City website (copy of said letter is attached hereto and made a part of these minutes).
Approved, September 23, 2020, Paul E. Coogan, Mayor

Committee on Ordinances and Legislation recommending:

6b. Proposed Ordinance – Traffic, miscellaneous

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the proposed ordinance be passed through first reading, as amended.

6c. Proposed Ordinance – Executive Administrative Assistant to the Chief of Police

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was unanimously voted that the proposed ordinance be passed through first reading.

Council President Cliff Ponte called for a two minute recess to allow documents to be signed at 8:04 p.m. and reconvened at 8:06 p.m.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adjourn at 8:06 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

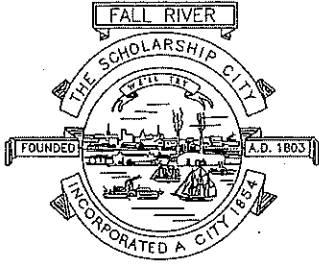
DVD of meeting

Purchase Street Parklet Project Description

A true copy. Attest:

Glison M Bouchard

City Clerk



City of Fall River Massachusetts
Office of the City Clerk

24

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

September 25, 2020

Honorable Paul E. Coogan
Mayor
One Government Center
Fall River, MA 02722

Dear Mayor Coogan,

At a meeting of the City Council held on Tuesday, September 22, 2020, a discussion was held relative to street opening requests for pavement less than five years old.

Following that discussion, and on a motion made and seconded, it was unanimously voted, to request that a list of streets that are in moratorium be placed on the City Website and also be made available in the Building Inspector's Office to assist residents with planning any property upgrades that would require opening a street.

Thank you in advance for your assistance.

Sincerely,

Alison M. Bouchard
City Clerk

/ct

25

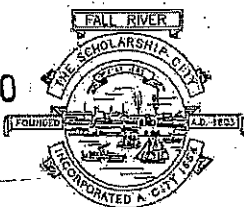
City of Fall River
Office of the Corporation Counsel

PAUL E. COOGAN
Mayor

RECEIVED

2020 OCT 14 P 1:40

CITY CLERK
FALL RIVER, MA



ALAN J. RUMSEY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

October 14, 2020

Collin Dias
560 Ray St.
Fall River, MA 02720

Via email: Collind00@aol.com

RE: Open Meeting Law Complaint against Fall River City Council Committee on Finance
Date of Alleged Violation: September 22, 2020

Dear Mr. Dias:

This response is provided pursuant to G.L. c. 30A, § 24 and 940 CMR 29.00 et seq., in response to your Open Meeting Law Complaint against the Fall River City Council Committee on Finance which alleges the following:

On 9/22/2020 the Fall River City Council Committee on Finance held a public meeting at the Fall River Government Center. During this meeting there was citizens input. I was one of the individuals who submitted citizens input via email, along with several others. During my citizens input I discussed my dissatisfaction with the financial affairs of our city, which I believed would be corrected with the resignation of a public official. I also went on to discuss the need for a transfer station in our community, the council's requirement to respect a vote taken by the voters, and the focus to increase fines when there are violations of our trash ordinances. Right after my citizens input specifically, a quorum of the council committee on finance discussed ideas and strategies to censure parts or total citizens input the council did not agree with, and ways to what members of the community can discuss in future citizens input.

This violates the open meeting law by:

1. A quorum of the council committee on Finance discussed ways to limit and redact parts of the citizens input without it being on the agenda for the meeting. This is in violation of Open Meeting Law section 20(b).
2. This violation Governor Bakers March 12th executive order, which calls for the compliance with all local and state law regarding citizen participation. The council limiting participation violates the city charter.

The City received your Complaint on September 23, 2020. On September 24, 2020 this office requested and was granted an extension from the Attorney General's office, to answer your complaint until the Committee on Finance could convene for their next scheduled meeting. On October 13, 2020, the Committee on Finance met to review your complaint and voted to delegate authority to this office to respond. In preparing a response, this office has reviewed the September 22, 2020 posted Agenda and Minutes, the October 13, 2020 posted Agenda, and reviewed the Committee on Finance video starting at 4:20 minutes (<https://www.youtube.com/watch?v=oAk8sVBXh8o>)

The Posted Agenda for the September 22, 2020 Committee on Finance Meeting

The Committee on Finance's posted Agenda for the September 22, 2020 meeting contained two items: "1. Citizen Input [and] 2. Resolution to discuss and review solid waste and recycling (adopted 8-11-2020)."

Open Meeting Law, G.L. c. 30A, §§18-25

You allege that the Committee on Finance violated Section 20(b) of the Open Meeting Law, G.L. c. 30A. Section 20(b) provides as follows:

Section 20. [Meetings of a Public Body to be Open to the Public; Notice of Meeting; Remote Participation; Recording and Transmission of Meeting; Removal of Persons for Disruption of Proceedings].

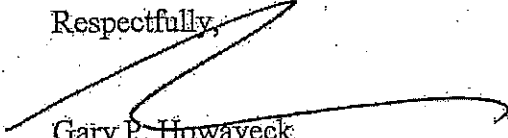
(b) Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.

G.L. c. 30A, §20(b).

Your allegations do not constitute a violation of 20(b) or the governor's order. Further, you mischaracterize what was said at the meeting. You noted that at the meeting the committee "discussed ways to limit and redact parts of the citizens input without it being on the agenda for the meeting." This is not true. At the meeting, after the city clerk read aloud your inaccurate and possibly slanderous letter, Councilor Laliberte-Lebeau simply questioned council president whether it is appropriate to allow a citizen to publically "bash" public officials without notifying the public employee so that the public employee may adequately respond to such comments. It was your letter that generated a responsive discussion. As a result of Councilor Laliberte-Lebeau's question, Council President Ponte suggesting reading such public input statements before the meeting to safeguard there was no slander of any department heads and if there was slander noted in the public input statement, that part of the statement would not be read (such slanderous sections would be stricken).

We consider this matter closed. Please note that you have the right to appeal to the Massachusetts Attorney General - Division of Open Government.

Respectfully,


Gary P. Howayeck
Assistant Corporation Counsel

Enclosures

Cc: Mira Netsy, MA Office Attorney General-Division of Open Government
via email: Mira.Netsky@mass.gov
Fall River City Council Committee on Finance

*emailed to Councilors
copy to Bellows
10-14-09*

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**OPEN MEETING LAW COMPLAINT FORM**

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

RECEIVED

2020 SEP 23 P 12:43

Please note that all fields are required unless otherwise noted.

CITY CLERK
FALL RIVER, MA**Your Contact Information:**First Name: Collin Last Name: DiasAddress: 560 Ray StreetCity: Fall River State: MA Zip Code: 02720Phone Number: 7747076790 Ext. _____Email: Collind00@aol.com

Organization or Media Affiliation (if any): _____

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☐ StateName of Public Body (including city/town, county or region, if applicable): Fall River City Council Committee on Finance

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: 9/22/2020

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 9/22/2020. The Fall River City Council Committee on Finance held a public meeting at the Fall River Government Center. During this meeting there was citizens input. I was one of the individuals who submitted citizens input via email, along with several others. During my citizens input I discussed my dissatisfaction with the financial affairs of our city, which I believed would be corrected with the resignation of an public official. I also went on to discuss the need for a transfer station in our community, the councils requirement to respect a vote taken by the voters, and the focus to increase fines when there are violations of our trash ordinances. Right after my citizens input specifically, a quorum of the council committee on finance discussed ideas and strategies to censure parts or total citizens input the council did not agree with, and ways to what members of the community can discuss in future citizens input.

This violates the open meeting law by:

1. A quorum of the council committee on Finance discussed ways to limit and redact parts of citizens input without it being on the agenda for the meeting. This is a violation of Open Meeting Law section 20 (b).
2. This violation Governor Bakers March 12th executive order, which calls for the compliance with all local and state law regarding citizen participation. The council limiting participation violations the city charter.

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.

Future compliance with the Open Meeting Law

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: Colin [Signature]

Date: 9/23/2020

Noted by Public Body	Noted by AGO
Date Received by Public Body	Date Received by AGO

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Whereas, The Center for Disease Control and Prevention (CDC) records that 1/3 of seniors will fall off a latter and step stool, 7 million of those falls result in serious injuries, and 27,000 seniors will die from said injuries which result from a fall from a latter or step stool

Whereas, The Fall River Fire Department has ladders, step-stools, and able bodied people to use them

Now be it resolved, the Fall River City Council Public Safety Committee convene at a future meeting and invite a representative of the Fire Department and the administration to discuss the creation of an "Elderly & Disabled Latter Support" program to provide essential only ladder services to elderly and disabled individuals in the City of Fall River

RECEIVED

2020 OCT 14 P 2:44

CITY CLERK
FALL RIVER, MA