

City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2020 SEP 18 P 12:21

ALISON M. BOUCHARD
CITY CLERK

CITY CLERK _____ INÊS LEITE
FALL RIVER, MA ASSISTANT CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

TUESDAY, SEPTEMBER 22, 2020

AGENDA

4:00 P.M. COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION MEETING

5:00 P.M. COMMITTEE ON ORDINANCES AND LEGISLATION MEETING (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION MEETING IF IT RUNS PAST 5:00 P.M.)

5:55 P.M. PUBLIC HEARINGS (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON ORDINANCES AND LEGISLATION MEETING IF IT RUNS PAST 5:55 P.M.)

Curb Removals

1. Michael Massoud, 383 Bayview Street, Fall River, MA, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
383 Bayview Street removal on Bailey Street	16'	16'	0'	32'

The petitioner has an existing 16 foot driveway on Bayview Street and is requesting the removal of an additional 16 feet of curbing for a separate driveway opening on the Bailey Street side of the property.

The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

2. Andre Soares, 853 Eastern Avenue, Fall River, MA, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
853 Eastern Avenue	12'	15'	0'	27'

The petitioner has an existing 12 foot driveway and is requesting the removal of an additional 15 feet of curbing for a separate driveway opening.

The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

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

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

1. Citizen Input
2. *Resolution to discuss and review solid waste and recycling (adopted 8-11-2020)

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

PRIORITY MATTERS

1. *Mayor and order rescinding the September Continuing Appropriation Budget for Fiscal Year 2021
2. *Mayor requesting approvals as follows:
 - a. Order – TIF Amendment for Demoulas Super Markets, Inc. – 375 Wm. S. Canning Boulevard
 - b. TIF Agreement for Seafox Holdings LLC – 0 Airport Road
 - c. TIF Agreement for Hutchens Holding III, LLC – Innovation Way - Lot 1 (a portion of Fall River Assessors Map W-19, Parcel 185)
 - d. TIE Agreement for JNK Realty, LLC – 1168 Highland Avenue
3. *Mayor requesting the confirmation of the following appointments/reappointments:
 - a. Timothy S. Campos to the Board of Election Commissioners
 - b. Joseph Rioux to the Cultural Council
 - c. David J. Dennis to the Board of Election Commissioners (reappointment)
4. *Mayor requesting the confirmation and reappointment of Mary L. Sahady to the Housing Authority (objected to on 9-8-20)

PRIORITY COMMUNICATIONS

5. *Traffic Commission recommending amendments to traffic ordinances
6. *Board of Election Commissioners re: official results of State Primary held on September 1, 2020

COMMITTEE REPORTS – None

ORDINANCES

Second reading and enrollment:

7. *Proposed Ordinance – Traffic, Miscellaneous

RESOLUTIONS

8. *Committee on Finance convene to discuss funding for construction of storage area/facility

CITATIONS – None

ORDERS – HEARINGS

Curb removals:

9. Michael Massoud, 383 Bayview Street – total of 32' at 383 Bayview Street (removal on Bailey Street)
10. Andre Soares, 853 Eastern Avenue – total of 27' at 853 Eastern Avenue

ORDERS – MISCELLANEOUS

Auto Repair Shop License Renewal:

11. John Cordeiro d/b/a J&J Auto Repair located at 635 Warren Street

COMMUNICATIONS – INVITATIONS – PETITIONS

12. *Claim

City Council Meeting Minutes:

13. *Committee on Finance – August 11, 2020

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

15. *Communication from Collin Dias re trash costs and creation of transfer station

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

BULLETINS – NEWSLETTERS – NOTICES – None

TABLED MATTERS

17. *Mayor and order re: CPC 2020 final report - \$54,900 from Open Space/Recreation for the Bioreserve Conservation Land Acquisition (tabled 8-11-20)

18. *Mayor and order rescinding July and August continuing appropriation budgets for FY 2021 (tabled 8-31-20)

19. *Mayor requesting confirmation of the appointment of Jose M. Barbosa to the Traffic Commission (tabled 9-8-20)


City Clerk

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:

Request for street opening in pavement less than five years old at 522 Buffinton Street

Committee on Ordinances and Legislation recommending:

Proposed Ordinance – Traffic, miscellaneous

Proposed Ordinance – Executive Administrative Assistant to the Chief of Police

(Councilor Michelle M. Dionne)

WHEREAS, relief to the taxpayer and the operating budget of the City of Fall River is a number one priority, and

WHEREAS, the fiscal year 2021 and 2022 budgets will be extremely challenging in terms of budgetary requirements and funding, and

WHEREAS, solid waste disposal and the handling of recyclables has become increasingly more expensive, and

WHEREAS, solid waste and recycling represents a significant impact on the operating budget and taxpayer funding of said budget, now therefore


BE IT RESOLVED, that the Committee on Finance discuss and review the costs associated with the disposal of solid waste, recyclables, and yard waste, and

BE IT FURTHER RESOLVED, that the Committee on Finance discuss and review solid waste and recycling compliance with City Ordinance, and

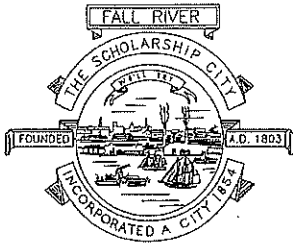
BE IT FURTHER RESOLVED, that this matter be referred to the Committee on Ordinances and Legislation for further review and action after discussion in the Committee on Finance.

In City Council, August 11, 2020
Adopted.

A true copy. Attest:



City Clerk



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2020 SEP 17 P 3:49

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

September 17, 2020

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

RE: Rescinding September's Continuing Appropriation Budget

Dear Honorable Council Members:

I respectfully request to rescind effective 9/08/2020 September's Continuing Appropriation Budget of \$40,441,630 approved on August 31, 2020. The FY21 Municipal Budget was approved on September 8, 2020.

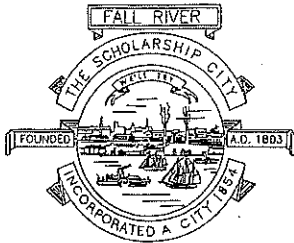
If you have any questions or concerns regarding this, please feel free to contact me.

Best Regards,

Paul E. Coogan
Mayor

City of Fall River, *In City Council*

ORDERED, that the continuing appropriation budget for the month of September in the amount of \$40,441,630 for Fiscal Year 2021 is hereby rescinded effective September 8, 2020.



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

2a-d

RECEIVED

2020 SEP -1 A 9:42

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

August 31, 2020

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

Dear Council President Ponte:

Attached for your information, review and City Council action, please find one amended TIF Agreement for Demoulas Super Markets Inc., respective Local Tax Incentive Economic Assistance Coordinating Council Applications and Draft TIF Agreements for the Hutchens Holdings III LLC and Seafox Holding Company LLC and a Tax Increment Exemption (TIE) agreement for JNK Realty LLC.

With regard to Demoulas Super Markets Inc, the City of Fall River is simply cleaning up TIF language to reflect the final property transaction and there are not any changes or added benefits or incentives to the original TIF Agreement. The respective TIF applications for Hutchens Holdings III and Seafox Holding Company LLC., (see project descriptions below) both companies are seeking real property tax relief from the Fall River City Council and Commonwealth of Massachusetts Economic Assistance Coordinating Council through a Local Tax Incentive Economic Assistance Application. Upon approval of these projects by the City Council, the City Council Resolution, TIF Agreement and all other corresponding documents will be forwarded to the State of Massachusetts' Economic Assistance Coordinating Council for final approval and issuance of State Investment Tax Credits.

Hutchens Holdings III LLC:

To meet the continued demand for temperature controlled warehousing, demand for more square footage is outpacing the current capacity availability. To meet this demand Hutchens Holdings III LLC has purchased a 24.75 acre plot of land in the SouthCoast Technology Park to construct a 200,000 square foot building with 23 loading docks. The new facility will employ an estimated 35 full time people upon full operation. The expected cost of the project is \$20 million dollars. Local TIF incentive for the payment of real estate taxes in accordance with an incremental ten (10) year schedule. The securing of a Local TIF Agreement and EDIP Investment State Tax Credits are essential to the overall project success as Covid has shed a layer of uncertainty on production and demand for seafood and perishable product consumption.

Their affiliate company Raw Seafoods company currently employs 365 people and their other 120,000 s/f cold storage facility employs an additional 30 people.

Seafox Holding Company LLC:

The project tenant, Nantucket Sound Seafood LLC will be responsible for the job creation and retention. Nantucket Sound Seafood LLC owns its own boats and processes over 100,000 bushels of product each year

and regenerates 1,500,000 pounds of meat, which is sold in custom orders for markets in and out of the United States. In addition to working closely with all governmental agencies, Nantucket Sound Seafood complies with all regulating agencies including NOAA, SAFIS, and the Massachusetts Department of Public Health.

The proposed project will consist of the construction of a 12,000 square foot, two level building which will contain office space, seafood processing and seafood packing space. Given the current state of Covid and the challenges facing the fishing industry in general, the securing of a local five (5) year TIF on the new real estate value being created as well as EDIP Investment Tax Credits are essential to this project. In these trying economic times, business expenses continue to mount while the prospects of past historic revenues are uncertain. Nevertheless, to the extent that these incentives can be secured, the company is fully committed to moving this project forward.

JNK Realty LLC:

JNK Realty LLC intends to utilize the Housing Development Incentive Program (HDIP) offered through the Massachusetts Department of Housing and Community Development (DHCD) to create 34 residential housing rental units at the former Adams House property located at 1168 Highland Avenue, Fall River, MA. Pursuant to M.G. L. Chapter 40V, 100% of the units will qualify for market rate rents and the total project cost is estimated to be \$13,500,000.

The redevelopment project seeks to preserve this historically significant structure while also providing additional market rate and workforce housing options to the citizens of Fall River and those seeking residence within Fall River. Specifically, the 3.5 acre lot will be subdivided into five lots: one lot that will include the subject property for redevelopment and four single family house lots. The Adams House building itself will be redeveloped to create 26 market rate housing units and 8 one bedroom workforce housing units which will be offered for rent at 80% AMI.

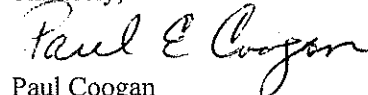
Approval of this TIE will enable the developer to tap into and Massachusetts DHCD State Housing Development Improvement Program (HDIP) tax credits. The HDIP is designed to assist developers in creating market rate residential units in gateway cities as a way to help the community build and diversify its housing stock, spur economic development and enhance neighborhood stability.

With regard to the proposed TIE for JNK Realty LLC, the proposed TIE is in keeping with previously approved TIE's for all market rate housing projects in the city. Like each TIE previously approved TIE, this TIE represents a ten (10) year term and an 80% tax exemption for years 1 – 5 and a 20% tax exemption for years 6 – 10.

The TIF Board, established by City Council ordinance met on August 27, 2020 and unanimously approved all the above referenced projects. As such, I respectfully request that the City Council also look favorably upon these applications and approve them as presented and subject to EACC approval.

Thank you for your time and attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,



Paul Coogan
Mayor

Attachments

cc: City Council Members

City of Fall River, In City Council

ORDERED, that the City Council of the City of Fall River hereby approves the Amendment of the Tax Increment Financing Agreement dated March 24, 2016, by and between the City of Fall River, acting through its Tax Increment Financing Board, and Demoulas Super Markets, Inc., 875 East Street, Tewksbury, Massachusetts, 01876, for property located at 375 Wm. S. Canning Blvd., and shown on the Fall River Assessors Map as Parcel ID# D19-9202, which Amendment was approved by the Tax Increment Financing Board on August 27, 2020 and recommended for approval to the City Council, subject to EACC approval, and

BE IT FURTHER ORDERED, that the Mayor, as Chairman of the Tax Increment Financing Board, is hereby authorized to execute said Amendment, and all documents necessary to effectuate said Amendment in forms acceptable to the Corporation Counsel.

2a

TAX INCREMENT FINANCING AGREEMENT AMENDMENT

BY AND BETWEEN

THE CITY OF FALL RIVER

AND

DEMOULAS SUPER MARKETS, INC

This Agreement made this day of , 2020, by and between the **CITY OF FALL RIVER**, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, acting through its Tax Increment Financing Board, having a principal place of business at One Government Center, Fall River, Massachusetts, 02722, (hereinafter called the "CITY"), and **DEMOULAS SUPER MARKETS, INC.**, a corporation with a principal place of business at 875 East Street, Tewksbury, Massachusetts, 01876 (hereinafter called the "COMPANY"), and amends the Tax Incentive Increment Financing Agreement by and between the CITY and the COMPANY dated March 24, 2016 (hereinafter the "2016 TIF"). This Agreement shall take effect immediately upon final approval by the Massachusetts Economic Assistance Coordinating Council on , 2020.

Whereas, the CITY and the COMPANY executed the 2016 TIF on March 24, 2016, and pursuant to the 2016 TIF, the COMPANY agreed to develop a state-of-the-art Market Basket supermarket at 375 William S. Canning Boulevard, Fall River, Massachusetts (hereinafter "the FACILITY") resulting in the investment of approximately \$16 Million and the creation and retention of seventy-five (75) new full-time permanent jobs and three hundred twenty-five (325) part-time permanent jobs, as more fully described in the 2016 TIF; and

Whereas, the CITY agreed to grant a Tax Increment Financing Exemption to the COMPANY in accordance with Massachusetts General Laws Chapter 23A, Section 3A to 3F, Chapter 40, Section 59, and Chapter 59, Section 5, Clause 51, and the applicable regulations thereto, as more fully described in the 2016 TIF; and

Whereas, the 2016 TIF anticipated that the FACILITY would be developed on 9.5 acres of land to be purchased by the COMPANY, but subsequent to the execution of the 2016 TIF, the land on which FACILITY was to be developed was subjected to the provisions of General Laws Chapter 183A, and instead, the COMPANY purchased commercial Condominium Unit #2 and the Limited Common Element containing approximately 9.5 acres of land known as Condominium Parcel 2; and

Whereas, the CITY and the COMPANY continue to agree that the base valuation of the base year should be \$2.14 Million, but need to amend the language of the 2016 TIF to reflect the purchase of commercial Condominium Unit #2 and the Limited Common Element known as Condominium Parcel 2.

2016 TIF AGREEMENT AMENDMENT
CITY OF FALL RIVER & DEMOULAS SUPER MARKETS, INC
PAGE 2 OF 3

Now, Therefore, in consideration of good and valuable consideration, the receipt and sufficiency of which is acknowledged, the CITY and the COMPANY agree to amend the 2016 TIF as follows:

1. The Third Whereas Clause of the 2016 TIF shall be amended by striking the words, "shall purchase the building and approximately 9.5 acres of land" and replacing them with "shall purchase "Condominium Unit 2", as that Unit is described in the Master Deed for Southcoast Marketplace Condominium, dated August 26, 2016 and recorded with the Bristol County (Fall River) Registry of Deeds in Book 9039, Page 106 (hereinafter "Unit 2"), which unit shall have the exclusive right and easement to use the Limited Common Element known as Condominium Parcel 2 as that parcel is described in said Master Deed."
2. The Third Whereas Clause of the 2016 TIF shall be further amended by striking the words, "CEA Group, Inc" and replacing them with "CEA Southeast, LLC."
3. The Fourth Whereas Clause of the 2016 TIF shall be amended by inserting the words, "of the 9.5 acres of land that constitute Condominium Parcel 2" after the words, "assessed valuation".
4. The Fifth Whereas Clause of the 2016 TIF shall be amended by inserting the words, "on said Unit 2, but not on Condominium Parcel 2" after the words, "real estate tax exemptions".
5. Section A.1 of the 2016 TIF shall be amended by inserting the words, "Unit 2 which contains 103,668 square feet and Condominium Parcel 2 which contains approximately 316,059 square feet" after the words, "shall redevelop".
6. Section B.1 of the 2016 TIF shall be amended by inserting the words, "Unit 2 as it is reconstructed or redeveloped, and shall not include the value of the Limited Common Element known as Condominium Parcel 2 that is imputed to the assessed value of Unit 2" after the words, "real estate value of".

The CITY and the COMPANY acknowledge that the amendments contained herein do not alter the amount or nature of the tax increment exemption granted in the 2016 TIF.

The CITY and the COMPANY hereby ratify all other provisions of the 2016 TIF not expressly amended herein.

SIGNATURES FOLLOW ON NEXT PAGE

2016 TIF AGREEMENT AMENDMENT
CITY OF FALL RIVER & DEMOULAS SUPER MARKETS, INC
PAGE 3 OF 3

Executed as a sealed instrument on the date and year first set forth above.

TAX INCREMENT FINANCING BOARD,
CITY OF FALL RIVER

DEMOULAS SUPER MARKETS, INC

Paul Coogan
Mayor and Chairman

Name

Date

Title

Date

Approved as to form & manner of execution:

Alan Rumsey, Esq.
Corporation Counsel

Date

**RESOLUTION
APPROVING
ECONOMIC DEVELOPMENT INCENTIVE
LOCAL TAX INCENTIVE
CERTIFIED PROJECT
OF
SEAFOX HOLDINGS, LLC**

WHEREAS, Seafox Holdings LLC has submitted an Economic Development Incentive Program (EDIP) Local Tax Incentive Application to the City of Fall River and is seeking Certified Project Status under the Massachusetts Economic Development Incentive Program created by Chapter 23A of the Massachusetts General Laws; Chapter 166 of the Acts of 2009 and 402 CMR 2.00, and

WHEREAS, the City of Fall River has been designated a gateway municipality by the Commonwealth of Massachusetts and Seafox Holdings LLC plans to invest an estimated \$2,300,000 in the construction of a 12000 SF seafood processing,, seafood packaging and office to be occupied by Nantucket Sound Seafood, to be located at be constructed at 0 Airport Road, Fall River, Ma. Said investment will result in the creation of 15 new full-time jobs and the retention of 30 permanent full time jobs, and

WHEREAS, Seafox Holdings LLC is seeking a Local Tax Incentive as part of the Certified Project approval a EDIP-Investment Tax Credit and meets the minimum requirements of 402 CMR 2.00 and the project described in the Economic Assistance Coordinating Council Local Tax Incentive Project Application and will have a reasonable chance of creating employment opportunities for residents of the Economic Target Area, and

WHEREAS, the proposed Local Tax Incentive Certified Project is located at Lot 1 (A portion of Fall River Assessor's Map W- 19, Parcel 185), Fall River, Massachusetts, which is within the boundaries of the gateway municipality of Fall River, and

WHEREAS, approval of the Seafox Holdings LLC Economic Assistance Coordinating Council Local Tax Incentive Project Application in accordance with the above referenced laws, rules and regulations of the Commonwealth of Massachusetts is hereby accepted by the City Council, now therefore

BE IT RESOLVED that the City Council of Fall River approves the Seafox Holdings LLC Economic Assistance Coordinating Council Local Tax Incentive Project Application and Certified Project status and forwards said application for final project certification to the Massachusetts Economic Assistance Coordinating Council for its approval and endorsement.



NANTUCKET SOUND SEAFOOD, LLC.
350 SOUTH FRONT STREET
NEW BEDFORD, MA 02740
(508) 994-1280

2b

August 12, 2020

Paul Coogan
Mayor
City of Fall River
1 Government Center
Fall River, MA

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

Dear Mayor Coogan:

Please accept this letter as Nantucket Sound Seafood LLC's letter of intent as required pursuant to the Economic Development Incentive Program, (EDIP) to secure a local TIF from the City of Fall River and Investment Tax Credits from the Commonwealth of Massachusetts. Nantucket Sound Seafood LLC is owned by me, Captain Allen Rencurrel, and engaged in seafood processing, fishing, quality assurance and seafood product development.

Nantucket Sound Seafood LLC owns its own boats and processes over 100,000 bushels of product each year, they regenerate 1,500,000 pounds of meat which is sold in custom orders for markets in and out of the United States. In addition to working closely with all governmental agencies, Nantucket Sound Seafood complies with all regulating agencies including NOAA, SAFIS, and the Massachusetts Department of Public Health.

On August 5, 2020 and August 12, 2020, my company spoke with and met with the Bristol County EDC Vice President Kenneth Fiola, Jr. to discuss the EDIP Program and the various incentives available.

In September 2013, Allen and Lori Rencurrel (Now Seafox Holdings, LLC) purchased 3.88 acres of land in the Fall River Industrial Park for two hundred twenty-five (\$225,000.00) thousand dollars, for the purpose of constructing a 12,000 s/f building and employ an estimated 30 - 45 people. It is estimated that the overall building construction price is \$1,500,000.00 with construction beginning in late December or the first quarter of the 2021 calendar year.

2b

Nantucket Sound Seafood LLC is therefore requesting that you accept this letter as the formal letter of intent required under the Economic Development Incentive Program to initiate the process to secure TIF funding on both the local and state levels.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Allen W. Rencurrel", written in a cursive style.

Captain Allen W. Rencurrel

cc: Peter Milano, Senior Director, Business Development, MOBD

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COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

**Economic Development Incentive Program (EDIP)
LOCAL INCENTIVE-ONLY APPLICATION**

A complete application with all required attachments must be submitted in electronic form to your MOBD Regional Director by 5:00 P.M. on the application deadline date. A hardcopy with original signatures and attachments must be postmarked no later than 1 day after the submission deadline and mailed to: EDIP Manager, MOBD, 136 Blackstone Street, 5th Floor, Boston, MA 02109. Applications that are incomplete or submitted after the deadline will not be considered at the scheduled EACC meeting, without exception.

For assistance with this application please work with your MOBD Regional Director, local municipal officials and refer to the EDIP Guidelines and 402 CMR 2.00.

PART I. COMPANY OVERVIEW					
1. COMPANY INFORMATION					
Company Name:	Seafox Holding LLC				
Project Location Address:	Street Address:	0 Airport Road,			
	City:	Fall River	MA	Zip Code:	02720
FEIN # (Federal Employer Identification Number):	#82-1636317				
DUA # (Dept. of Unemployment Assistance Number):	#22041023				
2. COMPANY CONTACT					
Executive Officer/ Company Designee:	Full Name:	Allan W. Rencurrel	Title:	President	
Contact (if different from above)	Full Name:		Title:		
Contact Address:	Street Address:	515 Stafford Road			
	City:	Westport	State:	MA	Zip Code:
Telephone Number:	508-951-3137				
Email Address:	Lrencurrel@charter.net				
3. COMPANY DESCRIPTION & HISTORY					
Please provide a brief description and history of the company.					
<p>The project tenant, Nantucket Sound Seafood LLC will be responsible for the job creation and retention. Nantucket Sound Seafood LLC owns its own boats and processes over 100,000 bushels of product each year, they regenerate 1,500,000 pounds of meat which is sold in custom orders for markets in and out of the United States. In addition to working closely with all governmental agencies, Nantucket Sound Seafood complies with all regulating agencies including NOAA, SAFIS, and the Massachusetts Department of Public Health.</p>					

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COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

PART II. ECONOMIC DEVELOPMENT PROJECT			
1. NATURE & PURPOSE OF PROPOSED PROJECT			
Please provide a description of the proposed expansion project. Additionally, please explain why the local incentives are necessary for this project to move forward.			
The proposed project will consist of the construction of a 12,000 square foot, two level building which will contain office space, seafood processing and seafood packing space. Given the current state of Covid and the challenges facing the fishing industry in general, the securing of a local TIF on the new real estate value being created as well as EDIP investment Tax Credits are essential to this project. In these trying economic times, business expenses continue to mount while the prospects of past historic revenues are uncertain. Nevertheless, to the extent that these incentives can be secured, we are fully committed to moving this project forward.			
2. PROJECT TIMELINE			
(a) Please indicate the date a Letter of Intent was sent to the municipality and cc: MOBD Regional Director:	(b) Date the applicant expects to begin the project:	(c) Date the applicant expects to complete the project:	(d) Date the applicant expects to open the facility:
8/12/2020	12/14/2020	11/1/2021	12/1/2021
Additional Information (if necessary) on Project Timeline:			
3. PRIVATE INVESTMENT			
Total Projected Private Investment:	\$2,300,000		
Additional Information (if necessary) on Investment:			
4. MASSACHUSETTS EMPLOYMENT			
(a) Is the applicant new to Massachusetts?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
(i) If no, where are the existing Massachusetts facilities?	N/A <input type="checkbox"/>		
(b) Will the proposed economic development project require and/or trigger the closing or consolidation of any Massachusetts facilities or the elimination of any other jobs currently in Massachusetts? If yes, please give location of facility and explain.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please explain:		
5. EMPLOYMENT & JOB CREATION			
(a) COMPANY NAME EXISTING EMPLOYMENT AT PROJECT LOCATION			
Please indicate the number of Permanent Full-Time Jobs to be created in total and by year. If job creation timeline exceeds five years, please complete the "Extended Job Creation Schedule" and attach as an addendum.			
(i) Permanent Full-Time Employment at Project Location at Date of Application:	(ii) Permanent Full-Time Employees to be Transferred from other Massachusetts Site to Project Location:	(iii) Total Permanent Full-Time Existing Jobs to be Retained at Project Location (sum of questions 5 (a) i. & ii.):	
0	30	30	
Notes (if necessary) on Current Project Location Employment:			

2b

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

(b) COMPANY NAME JOB CREATION SCHEDULE AT PROJECT LOCATION					
Permanent Full-Time Jobs to be Created (net new to facility and Massachusetts):	<i>Select Year 1</i>	<i>Select Year 2</i>	<i>Select Year 3</i>	<i>Select Year 4</i>	<i>Select Year 5</i>
15	3	3	3	3	3
Notes (if necessary) on Job Creation:					
6. FACILITY					
(a) Will the applicant own or lease/rent the facility where the business expansion/relocation will occur?		Lease <input type="checkbox"/> Own <input checked="" type="checkbox"/>			
(i) If leasing/renting, identify the developer/landlord and state who will be the taxpayer of record for purpose of paying local real estate taxes?					N/A <input type="checkbox"/>
(b) Is the site of the facility a 43D Preferred Development Site?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, name site:			N/A <input type="checkbox"/>
(c) Does the applicant intend to utilize the Commonwealth's Abandoned Building Deduction? Please note: To be eligible for the deduction the building the applicant plans to inhabit must have been at least 75% vacant or unused for 24 months or more.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, name vacancy percentage and duration: % Vacant for months			N/A <input type="checkbox"/>

PART III. LOCAL INCENTIVE AGREEMENT INFORMATION					
Please work with the local municipality and your MOBD Regional Director in completing the below section.					
1. MUNICIPAL CONTACT					
Municipal Contact:	Full Name:		Title:		
Contact Address:	Street Address:				
	City:		MA	Zip Code:	
Telephone Number:	xxx-xxx-xxxx				
Email Address:					
2. LOCAL INCENTIVE AGREEMENT					
(a) Type of Local Incentive:	<input checked="" type="checkbox"/> Tax Increment Financing (TIF) Agreement <input type="checkbox"/> Special Tax Assessment (STA)				
i) Duration of Local Incentive:	5 Year Local Incentive				
ii) Exemption Schedule of Local Incentive:	100- 75 - 50 - 25 -10 %				

2b

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

iii) Start & Expiration Date of Local Incentive: If Agreement commences upon certificate of occupancy please check box:	Start Date: 7/1/2022 Expiration Date: 6/30/2029 <input type="checkbox"/> Local Incentive Agreement commences upon certificate of occupancy and the dates represent best projections of the start & expiration of the local incentive based on the project timeline.
iv) Date Municipality Approved Local Tax Incentive or Date of Scheduled Vote:	9/8/2020
(b) Attachment A: Local Incentive Agreement Please attach a signed copy of the TIF or STA Agreement.	Attached <input type="checkbox"/>
(c) Attachment B: Municipal Vote by Authoritative Body Approving Incentive Please attach a copy of the vote approving the local incentive.	Attached <input type="checkbox"/>
(d) Attachment C: Municipal Vote by Authoritative Body Approving submission of application of the Economic Assistance Coordinating Council (EACC)	Attached <input type="checkbox"/>
(e) Exhibit 1: Local Incentive Valuation Please complete the attached exhibit detailing the estimated property tax exemption over the life of the agreement.	Complete <input checked="" type="checkbox"/>

PART IV. LABOR AFFIRMATION & DISCLOSURES	
1. CERTIFICATION OF STATE & FEDERAL EMPLOYMENT LAWS	
<input checked="" type="checkbox"/> As an applicant requesting Certified Project approval, <u>Allan W. Rencurrel</u> , affirms (check box) that this business will not unlawfully misclassify workers as self-employed or as independent contractors, and certifies compliance with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.	
<input checked="" type="checkbox"/> As an applicant requesting Certified Project approval, <u>Allan W. Rencurrel</u> , affirms (check box) that this business will not knowingly employ developers, subcontractors, or other third parties that unlawfully misclassify workers as self-employed or as independent contractors, or that fail to comply with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.	
2. COMPANY DISCLOSURE	
Within the past five years, has the applicant or any of its officers, directors, employees, agents, or subcontractors of which the applicant has knowledge, been the subject of (if yes, please provide details):	
(a) an indictment, judgment, conviction, or grant of immunity, including pending actions, for any business-related conduct constituting a crime under state or federal law;	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details:

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(b) a government suspension or debarment, rejection of any bid or disapproval of any proposed contract subcontract, including pending actions, for lack of responsibility, denial or revocation of prequalification or a voluntary exclusion agreement; or	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details:
(c) any governmental determination of a violation of any public works law or regulation, or labor law or regulation or any OSHA violation deemed "serious or willful?"	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details:

V. AUTHORIZATION & CERTIFICATIONS	
1. CERTIFICATE OF GOOD STANDING	
<p>Provide proof of good tax standing in the Commonwealth of Massachusetts via a <u>Massachusetts Department of Revenue</u> Certificate of Good Standing for <u>each of the businesses</u> intending to take advantage of the state tax incentives.</p> <p>*Applications will not be reviewed by the Economic Assistance Coordinating Council until a Certificate of Good Standing has been received.</p> <p>To obtain a Certificate of Good Standing visit: https://www.mass.gov/how-to/request-a-certificate-of-good-standing-tax-compliance-or-a-corporate-tax-lien-waiver</p>	<p>Attached <input checked="" type="checkbox"/></p> <p>Date of DOR Application for Certificate of Good Standing: <i>Select mm/dd/yyyy</i></p> <p>Notes:</p>

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2. APPLICATION AUTHORIZATION, CERTIFICATION & ACKNOWLEDGEMENT

I/We, Allan W. Rencurrel (names and titles) of the applicant business applying for "Certified Local Incentive Only Project" status from the Commonwealth of Massachusetts, Economic Assistance Coordinating Council hereby certify that I/we have been authorized to file this application and to provide the information within and accompanying this application and that the information provided herein is true and complete and that it reflects the applicant's intentions for investment, job creation and sales to the best of my/our knowledge after having conducted reasonable inquiry. I/We understand that the information provided with this application will be relied upon by the Commonwealth in deciding whether to approve "Certified Local Incentive Only Project" status and that the Commonwealth reserves the right to take action against the applicant or any other beneficiary of the Certified Local Incentive Only Project if the Commonwealth discovers that the applicant intentionally provided misleading, inaccurate, or false information. I/We make this certification under the pains and penalties of perjury. I/we agree to submit a Calendar Year Annual Report to the Massachusetts Office of Business Development to give updates on the progress of the project.

The signatories also hereby acknowledge that, under the Public Records law of the Commonwealth of Massachusetts, this application and all documents submitted in support thereof are public records under the provisions of Massachusetts G. L., Ch. 4, sec. 7 (26).

Signed:

	President	Select mm/dd/yyyy
Name	Title	Date
		Select mm/dd/yyyy
Name	Title	Date

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**3. DEPARTMENT OF UNEMPLOYMENT ASSISTANCE CONSENT FOR DISCLOSURE OF
WAGE REPORTING INFORMATION**

Consent for the Disclosure of Wage Reporting Information for Federal Employment
Identification Number (FEIN): #

Division of Unemployment Assistance (DUA) Number: #

I/We, _____, a duly authorized representative of _____ and of all the other businesses listed in this Local Incentive Only Application (hereinafter "Employer"), hereby releases and gives authority to the Massachusetts Department of Unemployment Assistance, pursuant to G.L. c. 151A, §46(1), to provide the Economic Assistance Coordinating Council, upon its request, with the Employer's information, including but not limited to, wage reporting information, that is (a) necessary to verify the amount and tax year in which the Employer claims any of the Tax Incentives awarded in the Economic Development Incentive Program or Employer's fulfillment of job creation and job retention commitments as indicated in the supplemental application and job chart, or (b) otherwise necessary to ensure the proper operation or enforcement of this Agreement or the Program. This authorization is effective upon date of signature and will be valid until superseded by a subsequent application or revoked in writing.

Signed:

Select mm/dd/yyyy		
Name	Title	Date

Select mm/dd/yyyy		
Name	Title	Date

TAX INCREMENT FINANCING AGREEMENT

CITY OF FALL RIVER, MASSACHUSETTS and SEAFX HOLDINGS, LLC

This Agreement is made this ____ day of September, 2020, by and between: **City of Fall River** (hereinafter called the "CITY"), a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at One Government Center, Fall River, Massachusetts, 02722, acting through its Tax Increment Financing (TIF) Board (hereinafter called the "CITY"); and **Seafax Holdings, LLC** corporation with a principal place of business at 515 Sanford Road, Westport, Massachusetts, 02790 (hereinafter called the "COMPANY"). This Agreement shall take effect immediately upon final approval by the Massachusetts Economic Assistance Coordinating Council on December 10, 2020.

WHEREAS, the COMPANY's tenant, Nantucket Sound Seafood LLC, was founded in September 2014 by Allen W. Rencurrel, to provide product for both the United States domestic marketplace as well as foreign markets and specializes in standard processed products such as clam strips, chopped clam meat, whole live clams, shucked quahogs, shucked steamers, shucked bay scallops, surf clams, fileted clam tongues, abductor muscles and butterflied mantel; and

WHEREAS, the COMPANY recently purchased a 3.88 acres on 0 Airport Road, Fall River, MA and plans to construct a 12,000 square foot seafood processing, seafood packaging and office space facility to be occupied by its tenant Nantucket Sound Seafood (hereinafter called the "FACILITY"); and

WHEREAS, the COMPANY is projected to invest an estimated \$2,300,000 into the project and its tenant, Nantucket Sound Seafood, will retain 30 permanent full-time jobs and create 15 new permanent full-time positions; and

WHEREAS, the COMPANY is seeking real property tax exemptions from the CITY for said FACILITY and the COMPANY shall embark upon a strategy of significant capital investment and job creation at its FACILITY in Fall River, the CITY shall grant said tax exemptions in return for a guarantee of capital investment at the FACILITY and employment opportunities for local workers; and

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

A. THE COMPANY'S OBLIGATIONS

1. The COMPANY shall invest approximately \$2,300,000,000 in the FACILITY to be constructed at 0 Airport Road, Fall River, MA. The COMPANY further agrees to create fifteen (15) permanent full-time jobs and retain thirty (30) permanent full-time jobs within five (5) years of the CITY issuing the COMPANY a Certificate of Occupancy.

TIF Agreement/Seafox Holdings LLC

Page 2 of 4

2. The COMPANY agrees to operate its business at its FACILITY so long as this Agreement is in force. The COMPANY further agrees to continuously maintain the level(s) of jobs required under this Agreement from the date(s) such level(s) is/are first required to be maintained and/or achieved until the expiration or termination of this Agreement. In the event the COMPANY does not create the required number of jobs in the time frame outlined above, this agreement becomes revocable by a vote of the TIF Board.
3. The COMPANY shall cooperate with the MassHire Bristol WorkForce Board and other local and state agencies, as appropriate, in seeking to fill vacancies at the COMPANY from the local community.
4. If the COMPANY plans to change its business plan as provided in the previous paragraphs, it may request to amend this agreement to amend its commitment. Said request for amendment shall be reviewed by the TIF Board and City Council. If the said amendment to the business plan results in a reduced commitment, the amended exemption shall be calculated in such a fashion that the total exemption provided under this Agreement for the project shall be reduced by the corresponding percentage.
5. If the COMPANY decide(s) to sell the FACILITY and/or the business or to otherwise transfer control of the FACILITY and/or business and the operations therein, the COMPANY shall make all good faith efforts to give the CITY at least six (6) months notice of said sale or transfer but no less than sixty (60) days shall be required. This Agreement is non-transferable without the consent of the TIF Board and City Council. Said notice shall be given by certified mail, return receipt requested, to the Mayor of the City of Fall River, One Government Center, Fall River, Massachusetts, 02722.
6. The COMPANY shall provide the CITY with a Quarterly Report, to be supplied by the City, within thirty (30) days from the end of the quarter immediately following Project Certification and for each subsequent quarter thereafter until the expiration or termination of this Agreement. Said report shall contain, at a minimum, the following information: (1) employment levels at the COMPANY at the beginning and end of the reporting period; (2) number of Fall River residents employed at the COMPANY at the beginning and end of the reporting period; (3) utilization of local contractors during the reporting period; (4) supplies/materials purchased locally during the reporting period; and (5) the COMPANY's financial contribution to the city (i.e., property taxes, motor vehicle excise taxes, water and sewer fees) for the reporting period.

Said quarterly report shall be forwarded to the Mayor of the City of Fall River, President of the Fall River City Council, Fall River City Clerk and Fall River Assessor. The Fall River Assessor shall be responsible for monitoring job creation activities and compliance with the terms and conditions set forth in this Agreement. The COMPANY also shall notify the Fall

TIF Agreement/Seafox Holdings LLC
Page 3 of 4

River Assessor of its receipt of a Certificate of Occupancy for its FACILITY within ten (10) days of such receipt.

B. THE CITY'S OBLIGATIONS

1. The CITY shall grant a Tax Increment Financing exemption to the COMPANY in accordance with Massachusetts General Laws, Chapter 23A, Section 3E, Chapter 40, Section 59, and Chapter 59, Section 5. Said exemption shall be granted on the building to be constructed, as described in FACILITY above. Said exemption shall be valid for a period of five (5) fiscal years, beginning upon the CITY issuing the COMPANY a Certificate of Occupancy. Said exemption shall also apply to any supplemental real estate tax bills issued by the CITY within the aforesaid time period.

The exemption schedule is as follows for new value created:

<i>Term</i>	<i>Exemption</i>	<i>Taxes Due</i>
1	100%	0%
2	75%	25%
3	50%	50%
4	25%	75%
5	10%	90%

2. If the CITY determines, after a hearing before, and determination from, the CITY'S Tax Increment Financing Board, that the COMPANY has failed to meet or maintain employment goals, including its obligations to create fifteen (15) new permanent full-time jobs and retain thirty (30) permanent full-time jobs within five (5) years of the CITY issuing the COMPANY a Certificate of Occupancy, the Tax Increment Financing exemption pertaining to real property tax exemptions shall be revoked.

The parties hereto hereby expressly agree that the actual loss to the CITY as a result of the failure of the COMPANY to comply with the provisions hereof are incapable of precise quantification due to the imprecise nature of secondary losses resulting from the COMPANY's breach of this Agreement. Therefore, upon decertification of the project, the total amount of tax that would otherwise have been due and payable to the CITY but has otherwise been exempted pursuant to Section B, paragraph 1 hereof shall be paid as a Payment In Lieu of Tax and as the CITY's sole remedy at law and equity for damages as a result of a breach of this agreement. Said Payment In Lieu of Tax shall be due and payable to the Treasurer of the City of Fall River within sixty (60) days of the date this project is decertified. All amounts due under the TIF Agreement will be collectable pursuant to the provisions of Massachusetts General Laws Chapter 60.

TIF Agreement/Seafox Holdings LLC
Page 4 of 4

C. OTHER CONSIDERATIONS

1. If the COMPANY fails to meet or maintain employment goals or comply with the other terms of this Agreement, the CITY may request revocation of the TIF Agreement by the Economic Assistance Coordinating Council, in accordance with Commonwealth of Massachusetts Regulations 402 CMR, sections 2.01 - 2.22, as amended.

Executed as a sealed instrument.

*Tax Increment Financing Board,
City of Fall River*

Seafox Holdings, LLC

Mayor Paul Coogan, Chairman

Name: Allen W. Rencurrel, President

Date

Date

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
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EDIP Local Incentive Only Application Exhibit 1: Nantucket Sound Seafood Local Incentive Valuation

FY	Municipal Tax Rate Per Thousand	Incremental Assessed Value	Projected Annual RE Property Tax Bill for Incremental Assessed Value	TIF/STA Yearly Exemption %	Exempted Annual RE Property Taxes	Annual Taxes Due (%)	Annual Taxes Due
22	\$30.61	\$900,000.00	\$27,549.00	100%	\$27,549.00	0%	\$0.00
23	\$30.61	\$900,000.00	\$27,549.00	75%	\$20,661.75	25%	\$6,887.25
24	\$30.61	\$900,000.00	\$27,549.00	50%	\$13,774.50	50%	\$13,774.50
25	\$30.61	\$900,000.00	\$27,549.00	25%	\$6,887.25	75%	\$20,661.75
26	\$30.61	\$900,000.00	\$27,549.00	10%	\$2,754.90	90%	\$24,794.10
				TOTALS	\$71,627.40		\$66,117.60

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

Total Yearly Value of Local Tax Incentives minus PILOT = _____

**RESOLUTION
APPROVING
ECONOMIC DEVELOPMENT INCENTIVE
LOCAL TAX INCENTIVE
CERTIFIED PROJECT
OF**

Hutchens Holding III, LLC

WHEREAS, Hutchens Holding III, LLC has submitted an Economic Development Incentive Program (EDIP) Local Tax Incentive Application to the City of Fall River and is seeking Certified Project Status under the Massachusetts Economic Development Incentive Program created by Chapter 23A of the Massachusetts General Laws; Chapter 166 of the Acts of 2009 and 402 CMR 2.00, and

WHEREAS, the City of Fall River has been designated a gateway municipality by the Commonwealth of Massachusetts and Hutchens Holding III, LLC plans to invest an estimated \$20,000,000 in the construction of a 200,000,000 SF cold storage facility to be located at be constructed at Lot 1 (A portion of Fall River Assessors Map W- 19, Parcel 185) located on Innovation Way, Fall River, MA. Said investment will result in the creation of a minimum of 35 new full-time jobs, and

WHEREAS, Hutchens Holding III, LLC is seeking a Local Tax Incentive as part of the Certified Project approval a EDIP-Investment Tax Credit and meets the minimum requirements of 402 CMR 2.00 and the project described in the Economic Assistance Coordinating Council Local Tax Incentive Project Application and will have a reasonable chance of creating employment opportunities for residents of the Economic Target Area, and

WHEREAS, the proposed Local Tax Incentive Certified Project is located at Lot 1 (A portion of Fall River Assessor's Map W- 19, Parcel 185), Fall River, Massachusetts, which is within the boundaries of the gateway municipality of Fall River, and

WHEREAS, approval of the Hutchens Holding III, LLC Economic Assistance Coordinating Council Local Tax Incentive Project Application in accordance with the above referenced laws, rules and regulations of the Commonwealth of Massachusetts is hereby accepted by the City Council, now therefore

BE IT RESOLVED that the City Council of Fall River approves the Hutchens Holding III, LLC Economic Assistance Coordinating Council Local Tax Incentive Project Application and Certified Project status and forwards said application for final project certification to the Massachusetts Economic Assistance Coordinating Council for its approval and endorsement.

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August 26, 2020

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

Dear Mayor Coogan:

As you know, Raw Seafoods, Inc. (Hutchens Holding III LLC) purchased property at the Fall River Life Science & Technology Park where we plan to construct a 200,000 square foot facility. Plans are underway to move our existing operation from Currant Road in Fall River to a larger, state-of-the-art facility to be built at the Life Science & Technology Park. When the new building, which will sit on 24.75 acres, is completed it will represent a \$20 million investment. Furthermore, under the terms of the Tax Increment Financing (TIF) agreement, Hutchens Holding III LLC plans to create 35 new permanent full-time positions.

We understand that the City's proposed Wilson Road Sewer and Water Booster Pump Stations Project will include reconstruction of the existing sewer pump station, which was built in the 1970's. This aging infrastructure is vulnerable to mechanical failure. Also, there is currently one water pump station on Commerce Drive that supplies water into the high service area for domestic and fire protection to the proposed new facility. A failure may cause a shut-down of our new facility. Therefore, the proposed public infrastructure project is necessary to our company because it will increase the reliability and capacity of fire protection water supply by providing a second means of supplying the Industrial Park high pressure zone, and will increase sewer pump station capacity to eliminate the sewer-connection related restrictions on development within the Industrial Park.

Raw Seafoods, Inc. is a family owned and operated company in Fall River, Massachusetts specializing in the highest quality fresh and frozen seafood products available in the marketplace. Our customers include leading retail and foodservice customers. Our facility is USDA, FDA, and MSC certified, and has achieved the advanced BRC "AA" designation, one of the few seafood plants in the country to reach that level. Raw Seafoods has earned a number of advance certifications and maintains key partnerships in the industry that help

www.rawseafoods.com

481 Currant Rd, Fall River, MA 02720 | Tel: 508 673 0111 Fax: 508 673 5069

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HUTCHENS HOLDING II LLC

481 Currant Road
Fall River, MA 02720

August 11, 2020

Paul Coogan
Mayor
City of Fall River
1 Government Center
Fall River, MA

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

Dear Mayor Coogan:

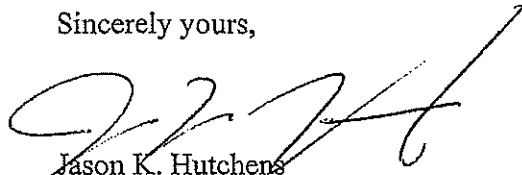
Please accept this letter as Hutchens Holdings II LLC's letter of intent as required pursuant to the Economic Development Incentive Program, (EDIP) to secure a local TIF from the City of Fall River and Investment Tax Credits from the Commonwealth of Massachusetts.

On July 21, 2020 and August 11, 2020, my company met with and spoke with Bristol County EDC Vice President Kenneth Fiola, Jr. to discuss the EDIP Program and the various incentives available.

In January 2020, Hutchens Holdings II LLC purchased 24.75 acres of land from the Fall River Redevelopment to construct a 200,000 s/f, 23 loading dock cold storage building which will employ an estimated 30 – 40 people, provide parking for 60 employees and visitors. It is estimated that the overall construction price is at least \$20,000,000.00 with construction beginning in the first or second quarter of the 2021 calendar year.

Hutchens Holdings II LLC is therefore requesting that you accept this letter as the formal letter of intent required under the Economic Development Incentive Program to initiate the process to secure TIF funding on both the local and state levels.

Sincerely yours,



Jason K. Hutchens
Manager

cc: Peter Milano, Senior Director, Business Development, MOBD



COMMONWEALTH OF MASSACHUSETTS
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MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

**Economic Development Incentive Program (EDIP)
LOCAL INCENTIVE-ONLY APPLICATION**

A complete application with all required attachments must be submitted in electronic form to your MOBD Regional Director by 5:00 P.M. on the application deadline date. A hardcopy with original signatures and attachments must be postmarked no later than 1 day after the submission deadline and mailed to: EDIP Manager, MOBD, 136 Blackstone Street, 5th Floor, Boston, MA 02109. **Applications that are incomplete or submitted after the deadline will not be considered at the scheduled EACC meeting, without exception.**

For assistance with this application please work with your MOBD Regional Director, local municipal officials and refer to the EDIP Guidelines and 402 CMR 2.00.

PART I. COMPANY OVERVIEW					
1. COMPANY INFORMATION					
Company Name:	Hutchens Holdings III LLC.				
Project Location Address:	Street Address:		Innovation Way		
	City:	Fall River	MA	Zip Code:	02720
FEIN # (Federal Employer Identification Number):	#84-49778760				
DUA # (Dept. of Unemployment Assistance Number):	#				
2. COMPANY CONTACT					
Executive Officer/ Company Designee:	Full Name:	Jason K. Hutchens	Title:	President	
Contact (if different from above)	Full Name:		Title:		
Contact Address:	Street Address:		481 Current Road		
	City:	Fall River	State:	MA	Zip Code: 02720
Telephone Number:	508-673-0111				
Email Address:	jhutchens@rawseafoods.com				

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3. COMPANY DESCRIPTION & HISTORY

Please provide a brief description and history of the company.

Hutchens Holdings II LLC purchased property on Current Road in 2016 to construct an 80,000 s/f temperature controlled warehouse to store and distribute fresh and frozen seafood products manufactured and purchased Raw Seafoods - an affiliate of Hutchens Holdings II. The 80,000 s/f facility was expanded in 2017 by an additional 40,000 s/f to accommodate the growth of Raw Seafood product and other non-related business product. Collectively the cold storage facility represented private investment of more than \$17 million and employees 30 people. The affiliate company Raw Seafoods company currently employees 365 people

PART II. ECONOMIC DEVELOPMENT PROJECT

1. NATURE & PURPOSE OF PROPOSED PROJECT

Please provide a description of the proposed expansion project. Additionally, please explain why the local incentives are necessary for this project to move forward.

To meet the continued demand for temperature controlled warehousing, demand for more square footage is outpacing the current capacity availability. To meet this demand Hutchens Holdings III has purchased a 24.75 acre plot of land in the SouthCoast Technology Park to construct a 200,000 square foot building with 23 loading docks. The new facility will employ an estimated 35 full time people upon full operation. The expected cost of the project is \$20 million dollars. Local TIF incentive for the payment of real estate taxes in accordance with an incremental schedule and EDIP investment State Tax Credits are essential to the overall project success as Covid has shed a layer of uncertainty on production and demand for seafood and perishable product consumption.

2. PROJECT TIMELINE

(a) Please indicate the date a Letter of Intent was sent to the municipality and cc: MOBD Regional Director:	(b) Date the applicant expects to begin the project:	(c) Date the applicant expects to complete the project:	(d) Date the applicant expects to open the facility:
8/11/2020	3/1/2021	7/30/2022	9/30/2022

Additional Information (if necessary) on Project Timeline:

3. PRIVATE INVESTMENT

Total Projected Private Investment: \$20,000,000.00

Additional Information (if necessary) on Investment:

4. MASSACHUSETTS EMPLOYMENT

(a) Is the applicant new to Massachusetts?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(i) If no, where are the existing Massachusetts facilities?	N/A <input type="checkbox"/>
(b) Will the proposed economic development project require and/or trigger the closing or consolidation of any Massachusetts facilities or the elimination of any other jobs currently in Massachusetts? If yes, please give location of facility and explain.	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please explain:</p>

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COMMONWEALTH OF MASSACHUSETTS
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5. EMPLOYMENT & JOB CREATION

(a) COMPANY NAME EXISTING EMPLOYMENT AT PROJECT LOCATION

Please indicate the number of Permanent Full-Time Jobs to be created in total and by year. If job creation timeline exceeds five years, please complete the "Extended Job Creation Schedule" and attach as an addendum.

(i) Permanent Full-Time Employment at Project Location at Date of Application:	(ii) Permanent Full-Time Employees to be Transferred from other Massachusetts Site to Project Location:	(iii) Total Permanent Full-Time Existing Jobs to be Retained at Project Location (sum of questions 5 (a) i. & ii.):
0		

Notes (if necessary) on Current Project Location Employment:

(b) COMPANY NAME JOB CREATION SCHEDULE AT PROJECT LOCATION

Permanent Full-Time Jobs to be Created (net new to facility and Massachusetts):	Select Year 1	Select Year 2	Select Year 3	Select Year 4	Select Year 5
35	15	12	3	3	2

Notes (if necessary) on Job Creation:

6. FACILITY

<p>(a) Will the applicant own or lease/rent the facility where the business expansion/relocation will occur?</p>	<p>Lease <input type="checkbox"/> Own <input checked="" type="checkbox"/></p>	
<p>(i) If leasing/renting, identify the developer/landlord and state who will be the taxpayer of record for purpose of paying local real estate taxes?</p>		<p>N/A <input type="checkbox"/></p>
<p>(b) Is the site of the facility a 43D Preferred Development Site?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, name site:</p>	<p>N/A <input type="checkbox"/></p>
<p>(c) Does the applicant intend to utilize the Commonwealth's Abandoned Building Deduction? Please note: To be eligible for the deduction the building the applicant plans to inhabit must have been at least 75% vacant or unused for 24 months or more.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, name vacancy percentage and duration: % Vacant for months</p>	<p>N/A <input type="checkbox"/></p>

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PART III. LOCAL INCENTIVE AGREEMENT INFORMATION					
Please work with the local municipality and your MOBD Regional Director in completing the below section.					
1. MUNICIPAL CONTACT					
Municipal Contact:	Full Name:		Title:		
Contact Address:	Street Address:				
	City:		MA	Zip Code:	
Telephone Number:	xxx-xxx-xxxx				
Email Address:					
2. LOCAL INCENTIVE AGREEMENT					
(a) Type of Local Incentive:	<input checked="" type="checkbox"/> Tax Increment Financing (TIF) Agreement <input type="checkbox"/> Special Tax Assessment (STA)				
i) Duration of Local Incentive:	8 Year Local Incentive				
ii) Exemption Schedule of Local Incentive:	100- 75 - 50 - 50 -40 - 30 -20 -10 %				
iii) Start & Expiration Date of Local Incentive:	Start Date: 7/1/2022 Expiration Date: 6/30/2030 If Agreement commences upon certificate of occupancy please check box: <input checked="" type="checkbox"/> Local Incentive Agreement commences upon certificate of occupancy and the dates represent best projections of the start & expiration of the local incentive based on the project timeline.				
iv) Date Municipality Approved Local Tax Incentive or Date of Scheduled Vote:	<i>Select mm/dd/yyyy</i>				
(b) Attachment A: Local Incentive Agreement Please attach a signed copy of the TIF or STA Agreement.					Attached <input type="checkbox"/>
(c) Attachment B: Municipal Vote by Authoritative Body Approving Incentive Please attach a copy of the vote approving the local incentive.					Attached <input type="checkbox"/>
(d) Attachment C: Municipal Vote by Authoritative Body Approving submission of application of the Economic Assistance Coordinating Council (EACC)					Attached <input type="checkbox"/>
(e) Exhibit 1: Local Incentive Valuation Please complete the attached exhibit detailing the estimated property tax exemption over the life of the agreement.					Complete <input checked="" type="checkbox"/>

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PART IV. LABOR AFFIRMATION & DISCLOSURES

1. CERTIFICATION OF STATE & FEDERAL EMPLOYMENT LAWS

- ☐ As an applicant requesting Certified Project approval, Jason K. Hutchens, affirms (check box) that this business will not unlawfully misclassify workers as self-employed or as independent contractors, and certifies compliance with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.
- ☐ As an applicant requesting Certified Project approval, Jason K. Hutchens, affirms (check box) that this business will not knowingly employ developers, subcontractors, or other third parties that unlawfully misclassify workers as self-employed or as independent contractors, or that fail to comply with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.

2. COMPANY DISCLOSURE

Within the past five years, has the applicant or any of its officers, directors, employees, agents, or subcontractors of which the applicant has knowledge, been the subject of (if yes, please provide details):

- | | |
|--|---|
| (a) an indictment, judgment, conviction, or grant of immunity, including pending actions, for any business-related conduct constituting a crime under state or federal law; | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details: |
| (b) a government suspension or debarment, rejection of any bid or disapproval of any proposed contract subcontract, including pending actions, for lack of responsibility, denial or revocation of prequalification or a voluntary exclusion agreement; or | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details: |
| (c) any governmental determination of a violation of any public works law or regulation, or labor law or regulation or any OSHA violation deemed "serious or willful?" | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details: |

V. AUTHORIZATION & CERTIFICATIONS

1. CERTIFICATE OF GOOD STANDING

Provide proof of good tax standing in the Commonwealth of Massachusetts via a Massachusetts Department of Revenue Certificate of Good Standing for each of the businesses intending to take advantage of the state tax incentives.

*Applications will not be reviewed by the Economic Assistance Coordinating Council until a Certificate of Good Standing has been received.

To obtain a Certificate of Good Standing visit: <https://www.mass.gov/how-to/request-a-certificate-of-good-standing-tax-compliance-or-a-corporate-tax-lien-waiver>

Attached ☐

Date of DOR
Application for
Certificate of Good
Standing: *Select
mm/dd/yyyy*

Notes:

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COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

2. APPLICATION AUTHORIZATION, CERTIFICATION & ACKNOWLEDGEMENT

I/We, Jason K. Hutchens (names and titles) of the applicant business applying for "Certified Local Incentive Only Project" status from the Commonwealth of Massachusetts, Economic Assistance Coordinating Council hereby certify that I/we have been authorized to file this application and to provide the information within and accompanying this application and that the information provided herein is true and complete and that it reflects the applicant's intentions for investment, job creation and sales to the best of my/our knowledge after having conducted reasonable inquiry. I/We understand that the information provided with this application will be relied upon by the Commonwealth in deciding whether to approve "Certified Local Incentive Only Project" status and that the Commonwealth reserves the right to take action against the applicant or any other beneficiary of the Certified Local Incentive Only Project is the Commonwealth discovers that the applicant intentionally provided misleading, inaccurate, or false information. I/We make this certification under the pains and penalties of perjury. I/we agree to submit a Calendar Year Annual Report to the Massachusetts Office of Business Development to give updates on the progress of the project.

The signatories also hereby acknowledge that, under the Public Records law of the Commonwealth of Massachusetts, this application and all documents submitted in support thereof are public records under the provisions of Massachusetts G. L., Ch. 4, sec. 7 (26).

Signed:

	President	Select mm/dd/yyyy
Name	Title	Date
Select mm/dd/yyyy		
Name	Title	Date

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COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

**3. DEPARTMENT OF UNEMPLOYMENT ASSISTANCE CONSENT FOR DISCLOSURE OF
WAGE REPORTING INFORMATION**

**Consent for the Disclosure of Wage Reporting Information for Federal Employment
Identification Number (FEIN): #**

Division of Unemployment Assistance (DUA) Number: #

*I/We, _____, a duly authorized representative of _____ and of all the other businesses listed in this
Local Incentive Only Application (hereinafter "Employer"), hereby releases and gives authority to
the Massachusetts Department of Unemployment Assistance, pursuant to G.L. c. 151A, §46(1), to
provide the Economic Assistance Coordinating Council, upon its request, with the Employer's
information, including but not limited to, wage reporting information, that is (a) necessary to verify
the amount and tax year in which the Employer claims any of the Tax Incentives awarded in the
Economic Development Incentive Program or Employer's fulfillment of job creation and job retention
commitments as indicated in the supplemental application and job chart, or (b) otherwise necessary to
ensure the proper operation or enforcement of this Agreement or the Program.
This authorization is effective upon date of signature and will be valid until superseded by a
subsequent application or revoked in writing.*

Signed:

		Select mm/dd/yyyy
Name	Title	Date

		Select mm/dd/yyyy
Name	Title	Date

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TAX INCREMENT FINANCING AGREEMENT

CITY OF FALL RIVER, MASSACHUSETTS

and

HUTCHENS HOLDING III LLC

This Agreement is made this ____ day of September, 2020, by and between: **City of Fall River** (hereinafter called the "CITY"), a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at One Government Center, Fall River, Massachusetts, 02722, acting through its Tax Increment Financing (TIF) Board (hereinafter called the "CITY"); and **Hutchens Holding III LLC**, corporation with a principal place of business at 481 Currant Road, Fall River, Massachusetts, 02720 (hereinafter called the "COMPANY"). This Agreement shall take effect immediately upon final approval by the Massachusetts Economic Assistance Coordinating Council on December 10, 2020.

WHEREAS, the COMPANY was founded to build a best in class cold storage facility to service cold storage needs not currently available in Massachusetts; and

WHEREAS, the COMPANY recently purchased 24.75 acres known as Lot 1 (A portion of Fall River Assessors Map W – 19, Parcel 185) located on Innovation Way, Fall River, MA and plans to construct a 200,000 square foot cold storage facility (hereinafter called the "FACILITY"); and

WHEREAS, the COMPANY is projected to invest an estimated \$20,000,000 into the project and create jobs a minimum of 35 new permanent full-time positions; and

WHEREAS, the COMPANY is seeking real property tax exemptions from the CITY for said FACILITY and the COMPANY shall embark upon a strategy of significant capital investment and job creation at its FACILITY in Fall River, the CITY shall grant said tax exemptions in return for a guarantee of capital investment at the FACILITY and employment opportunities for local workers; and

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

A. THE COMPANY'S OBLIGATIONS

1. The COMPANY shall invest approximately \$20,000,000 in the FACILITY to be constructed at Lot 1 (A portion of Fall River Assessors Map W – 19, Parcel 185) located on Innovation Way, Fall River, MA. The COMPANY further agrees to create a minimum of thirty five (35) new permanent full-time jobs within eight (8) years of the CITY issuing the COMPANY a Certificate of Occupancy.

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TIF Agreement/Hutchens Holding III LLC

Page 2 of 4

2. The COMPANY agrees to operate its business at its FACILITY so long as this Agreement is in force. The COMPANY further agrees to continuously maintain the level(s) of jobs required under this Agreement from the date(s) such level(s) is/are first required to be maintained and/or achieved until the expiration or termination of this Agreement. In the event the COMPANY does not create the required number of jobs in the time frame outlined above, this agreement becomes revocable by a vote of the TIF Board.
3. The COMPANY shall cooperate with the MassHire Bristol WorkForce Board and other local and state agencies, as appropriate, in seeking to fill vacancies at the COMPANY from the local community.
4. If the COMPANY plans to change its business plan as provided in the previous paragraphs, it may request to amend this agreement to amend its commitment. Said request for amendment shall be reviewed by the TIF Board and City Council. If the said amendment to the business plan results in a reduced commitment, the amended exemption shall be calculated in such a fashion that the total exemption provided under this Agreement for the project shall be reduced by the corresponding percentage.
5. If the COMPANY decide(s) to sell the FACILITY and/or the business or to otherwise transfer control of the FACILITY and/or business and the operations therein, the COMPANY shall make all good faith efforts to give the CITY at least six (6) months notice of said sale or transfer but no less than sixty (60) days shall be required. This Agreement is non-transferable without the consent of the TIF Board and City Council. Said notice shall be given by certified mail, return receipt requested, to the Mayor of the City of Fall River, One Government Center, Fall River, Massachusetts, 02722.
6. The COMPANY shall provide the CITY with a Quarterly Report, to be supplied by the City, within thirty (30) days from the end of the quarter immediately following Project Certification and for each subsequent quarter thereafter until the expiration or termination of this Agreement. Said report shall contain, at a minimum, the following information: (1) employment levels at the COMPANY at the beginning and end of the reporting period; (2) number of Fall River residents employed at the COMPANY at the beginning and end of the reporting period; (3) utilization of local contractors during the reporting period; (4) supplies/materials purchased locally during the reporting period; and (5) the COMPANY's financial contribution to the city (i.e., property taxes, motor vehicle excise taxes, water and sewer fees) for the reporting period.

Said quarterly report shall be forwarded to the Mayor of the City of Fall River, President of the Fall River City Council, Fall River City Clerk and Fall River Assessor. The Fall River Assessor shall be responsible for monitoring job creation activities and compliance with the terms and conditions set forth in this Agreement. The COMPANY also shall notify the

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TIF Agreement/Hutchens Holding III

Page 3 of 4

Fall River Assessor of its receipt of a Certificate of Occupancy for its FACILITY within ten (10) days of such receipt.

B. THE CITY'S OBLIGATIONS

1. The CITY shall grant a Tax Increment Financing exemption to the COMPANY in accordance with Massachusetts General Laws, Chapter 23A, Section 3E, Chapter 40, Section 59, and Chapter 59, Section 5. Said exemption shall be granted on the building to be constructed, as described in FACILITY above. Said exemption shall be valid for a period of eight (8) fiscal years, beginning upon the CITY issuing the COMPANY a Certificate of Occupancy. Said exemption shall also apply to any supplemental real estate tax bills issued by the CITY within the aforesaid time period.

The exemption schedule is as follows for new value created:

<i>Term</i>	<i>Exemption</i>	<i>Taxes Due</i>
1	100%	0%
2	75%	25%
3	50%	50%
4	50%	50%
5	40%	60%
6	30%	70%
7	20%	80%
8	10%	90%

2. If the CITY determines, after a hearing before, and determination from, the CITY'S Tax Increment Financing Board, that the COMPANY has failed to meet or maintain employment goals, including its obligations to create a minimum of thirty five (35) new permanent full-time jobs within eight (8) years of the CITY issuing the COMPANY a Certificate of Occupancy, the Tax Increment Financing exemption pertaining to real property tax exemptions shall be revoked.

The parties hereto hereby expressly agree that the actual loss to the CITY as a result of the failure of the COMPANY to comply with the provisions hereof are incapable of precise quantification due to the imprecise nature of secondary losses resulting from the COMPANY's breach of this Agreement. Therefore, upon decertification of the project, the total amount of tax that would otherwise have been due and payable to the CITY but has otherwise been exempted pursuant to Section B, paragraph 1 hereof shall be paid as a Payment In Lieu of Tax and as the CITY's sole remedy at law and equity for damages as a result of a breach of this agreement. Said Payment In Lieu of Tax shall be due and payable to the Treasurer of the City of Fall River within sixty (60) days of the date this project is decertified. All amounts due under the TIF Agreement will be collectable pursuant to the provisions of Massachusetts General Laws Chapter 60.

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TIF Agreement/Hutchens Holding III LLC

Page 4 of 4

C. OTHER CONSIDERATIONS

1. If the COMPANY fails to meet or maintain employment goals or comply with the other terms of this Agreement, the CITY may request revocation of the TIF Agreement by the Economic Assistance Coordinating Council, in accordance with Commonwealth of Massachusetts Regulations 402 CMR, sections 2.01 - 2.22, as amended.

Executed as a sealed instrument.

***Tax Increment Financing Board,
City of Fall River***

Hutchens Holding III, LLC

Mayor Paul Coogan, Chairman

Name: Jason K. Hutchens, President

Date

Date

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

EDIP Local Incentive Only Application Exhibit 1: Hutchens Holding III, LLC Local Incentive Valuation

TY	Municipal Tax Rate Per Thousand	Incremental Assessed Value	Projected Annual RE Property Tax Bill for Incremental Assessed Value	TIF/STA Yearly Exemption %	Exempted Annual RE Property Taxes	Annual Taxes Due (%)	Annual Taxes Due
22	\$30.61	\$8,000,000.00	\$244,880.00	100%	\$244,880.00	0%	\$0.00
23	\$30.61	\$8,000,000.00	\$244,880.00	75%	\$183,660.00	25%	\$61,220.00
24	\$30.61	\$8,000,000.00	\$244,880.00	50%	\$122,440.00	50%	\$122,440.00
25	\$30.61	\$8,000,000.00	\$244,880.00	50%	\$122,440.00	50%	\$122,440.00
26	\$30.61	\$8,000,000.00	\$244,880.00	40%	\$97,952.00	60%	\$146,928.00
27	\$30.61	\$8,000,000.00	\$244,880.00	30%	\$73,464.00	70%	\$171,416.00
28	\$30.61	\$8,000,000.00	\$244,880.00	20%	\$48,976.00	80%	\$195,904.00
29	\$30.61	\$8,000,000.00	\$244,880.00	10%	\$24,488.00	90%	\$220,392.00
				TOTALS	\$918,300.00		\$1,040,740.00

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

Total Yearly Value of Local Tax Incentives minus PILOT = _____

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RESOLUTION

APPROVING
HOUSING DEVELOPMENT INCENTIVE
LOCAL TAX INCENTIVE
CERTIFIED PROJECT
OF

JNK Realty, LLC

WHEREAS, JNK Realty, LLC has submitted a Housing Development Incentive Program (HDIP) Tax Increment Exemption to the City of Fall River and is seeking Certified Project Status under the Massachusetts Housing Development Incentive Program created by Chapter 40V of the Massachusetts General Laws and promulgated thereunder at 760 CMR 66.00 (HD TIE), and

WHEREAS, the City of Fall River has been designated a gateway municipality by the Commonwealth of Massachusetts and JNK Realty, LLC plans to invest an estimated \$13,500,000 to create 34 market rate residential units at 1168 Highland Avenue, Fall River, Massachusetts, and

WHEREAS, JNK Realty, LLC is seeking a Local Tax Increment Exemption as part of the Certified Project approval and HDIP-Investment Tax Credit and meets the minimum requirements of 760 CMR 66.00 and the project described in the Housing Development Incentive Program Tax Increment Exemption, and

WHEREAS, the proposed Local Housing Development Certified Project is located at 1168 Highland Avenue, Fall River, Massachusetts, which is within the boundaries of the gateway municipality of Fall River and a designated Housing Development Zone, and

WHEREAS, approval of the JNK Realty, LLC Housing Development Incentive Program Tax Increment Exemption in accordance with the above referenced laws, rules and regulations of the Commonwealth of Massachusetts is hereby accepted by the City Council, now therefore

BE IT RESOLVED that the City Council of Fall River approves the JNK Realty, LLC Housing Development Incentive Program Tax Increment Exemption and forwards the same for final project certification to the Massachusetts Department of Housing and Community Development for its approval and endorsement.

BayCoast BANK.

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July 27, 2020

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

Dear Mayor Coogan:

JNK Realty LLC intends to utilize the Housing Development Incentive Program (HDIP) offered through the Massachusetts Department of Housing and Community Development (DHCD) to create 34 residential housing rental units at the property located at 1168 Highland Avenue, Fall River, MA. Pursuant to M.G. L. Chapter 40V, 100% of the units will qualify for market rate rents and the total project cost is estimated to be \$13,500,000.

Constructed in 1898, the Adams House was the only private charitable institution in the City specifically aimed at providing specialized housing and care for the elderly. The Adams House represents the important shift that social welfare institutions underwent in the late 19th and early 20th centuries, from a prison model to a more specialized form of institutional care. Recognizing the need for improved elderly care, Robert Adams and his wife Lydia Ann Stowe donated a choice parcel of land on Highland Avenue upon which the Fall River Home for Aged People was constructed.

In 1936, the facility was expanded to accommodate the institution's growing role in the community. The addition was designed by Fall River's first female architect, Maude Darling-Parlin. Despite minor alterations and additions over the years, the building retains its exterior appearance and the majority of its significant architectural features. The well-endowed facility provided continuous care for Fall River's aged population for almost 130 years, until closing in 2018.

The redevelopment projects seeks to preserve this historically significant structure while also providing additional market rate and workforce housing options to the citizens of Fall River and those seeking residence within Fall River. Specifically, the 3.5 acre lot will be subdivided into five lots: one lot that will include the subject property for redevelopment and four single family house lots. The Adams House building itself will be redeveloped to create 26 market rate housing units and 8 one bedroom workforce housing units which will be offered for rent at 80% AMI.

This project will add diversity to the City's housing stock and repurpose a historically significant Fall River landmark. In the past few years, the City of Fall River has seen an increase in the number of market rate units available in the City. These units have been in high demand and the need for additional market rate units remains high.

On June 23, 2020, the Fall River City Council voted to amend the City of Fall River Waterfront/Downtown HD Zone to include the Adams House parcel as a means to promote increased market rate residential growth, stabilize the neighborhood and expand the diversity of housing.

Amendment of the HD Zone has enabled the project to become eligible for a local Tax Increment Exemption (TIE) and State Housing Development Improvement Program (HDIP) tax credits. The HDIP is designed to assist developers in creating market rate residential units in gateways cities as a way to help the community build and diversify its housing stock, spur economic development and enhance neighborhood stability.

In the past few years, the City of Fall River has successfully used this program to increase the number of market rate units in the City. Without an HDIP local real estate tax exemption, the redevelopment of Adams House into the Residences at Adams House will not be financially feasible.

As such, the HDIP requires participation from the local government as follows:

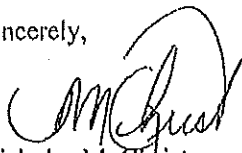
- Your written certification of the Highland Avenue project as a Housing Development Incentive Program project.
- To negotiate a HD Tax Increment Exemptions (TIE) for the Davol Street project.

Specifically, in keeping with other previously approved TIE agreements, we request a TIE which abates 80% of the projects added value during the first five years and 20% of the projects added value for an additional five years. The structure of this 10 year exemption will provide us the needed financial assistance as the beginning of the project and less financial assistance as the project matures.

Towards this end, I respectfully request you convene a TIF Board meeting no later than August 5, 2020 to review and consider approval of the proposed TIE application (see attached) so that the mater can be submitted to the Fall River City Council for their review and action August 11, 2020.

As time is of the essence, I respectfully request your prompt attention and action on this matter. Thank you in advance for your support. I look forward to hearing from you.

Sincerely,



Nicholas M. Christ
President & CEO
BayCoast Bank

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HOUSING DEVELOPMENT INCENTIVE PROGRAM

TAX INCREMENT EXEMPTION (TIE) AGREEMENT

between

The City of Fall River

and

JNK Realty, LLC

This AGREEMENT is made this ____ day of ____, 2020 by and between the City of Fall River, ("Municipality") and JNK Realty, LLC, a Massachusetts Limited Liability Corporation with an address at 456 Rock Street, Fall River, MA.

Section 1 – Agreement

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

Section 2 – Definitions

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

Act:	M.G.L. c. 40V as may be amended from time to time.
Completion:	Certificates of occupancy have been issued for the entire Project.
DHCD:	Department of Housing and Community Development
Event of Default:	An "Event of Default" as defined in Section 5 below.
Final Certification:	Determination by DHCD that the Sponsor has completed the new construction or substantial rehabilitation of the Property, consistent with the New Construction or Rehabilitation Plans, including the creation of MRRUs, as set forth in the Act and the Regulations.
Fiscal Year:	An annual period of July 1 through June 30.
HD Project:	A Certified Housing Development Project as defined in the Act and the Regulations.
HD Zone:	The Housing Development Zone adopted by Fall River City Council December 13, 2013, and amended on July 29, 2020 by the Fall River City Council on June 23, 2020, approved by the Mayor on June 24, 2020 and approved by DHCD as evidenced by a Certificate of Approval dated July 29, 2020 and recorded with

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Bristol County Registry of Deeds.

Lead Municipality: Fall River

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

Property: 1168 Highland Avenue as shown in Exhibit 1, "Map of Property" and further described in Exhibit 2, "Legal Description of Property".

Regulations: 760 CMR 66.00.

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

Sponsor: JNK Realty, LLC a Massachusetts Limited Liability Corporation with an address at 456 Rock Street, Fall River MA, its successors and assigns.

Section 3 – Sponsor's Covenants

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

B. Market Rate Residential Units.

1) There shall be a total of 34 residential rental units created in the Project of which 34 shall be MRRUs comprised of 23 one bedroom units and 11 two bedroom units. The monthly rent for such units shall be priced- consistently with prevailing rents or sale prices in the Municipality as determined based on criteria established by the department, as set forth in Exhibit 3, "Market Rate Residential Units – Pricing Plan".

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

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

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

Section 4 – Tax Increment Exemption

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

A. Base Value. \$1,533,900.00.

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

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

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

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

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

Section 5 – Default

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

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

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

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

B. Rights on Default.

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

Section 6 – Miscellaneous

- A. Effective Date. The effective date of the HD TIE shall be July 1st of the first Fiscal Year following DHCD's Final Certification of the HD Project pursuant to the requirements of the Act and the Regulations, which date is anticipated to be July 1, 2022. The Effective Date shall be confirmed as required under Section 4.F above.
- B. Term of Agreement. This Agreement shall expire upon the Municipality's acceptance of the annual report, as required below, for the final Fiscal Year for which the Municipality is granting the TIE.
- C. Reporting. Sponsor shall submit reports to the Municipality not later than thirty (30) days after June 30 of each Fiscal Year for the term of this Agreement. Each report shall contain the following information:
 - 1) Until Completion, the status of construction in relation to the schedule contained in the New Construction or Rehabilitation Plan;
 - 2) Until Completion, the status of marketing in relation to the New Construction or Rehabilitation Plans; and
 - 3) For each MRRU, the number of bedrooms in the unit, whether it was leased as of the end of the most recent fiscal year and the monthly rent charged.
- D. Assignment. The Sponsor shall not assign any interest in this Agreement, and shall not transfer any interest in the same, without the prior written consent of the Municipality, which approval shall not be unreasonably withheld. The foregoing notwithstanding, the rights and obligations of this Agreement shall inure to the benefit of any entity succeeding to the interests of the Sponsor by merger.

E. Notices. In conjunction with concurrent electronic submission as provided for below or, if reasonable efforts can determine that such information is no longer current, otherwise reasonably obtainable and verifiable electronic contact information, any notice, request, instruction or other document to be given hereunder to either party by the other shall be in writing and delivered personally or sent by recognized overnight courier, receipt confirmed or sent by certified or registered mail, postage prepaid, as follows, and, unless general measures for electronic receipt as a substitute are in place at such time or can otherwise be reasonably assumed due to publicized or immediately foreseeable remote working conditions, shall be conclusively deemed to have been received and be effective on the day on which personally delivered or, if sent by certified or registered mail, three (3) days after the day on which mailed or, if sent by overnight courier, on the day after delivered to such courier.

1) Municipality: City of Fall River
Att: Mayor's Office
One Government Center
Fall River, MA 02722
Email: mayor@fallriverma.org

2) Sponsor: JNK Realty, Inc.
Att: Robert Karam
456 Rock Street
Fall River, MA 02720
Email: bob@karamfg.com

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

HDIP Program Coordinator
Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02124
Email: dhcdhdip@mass.gov

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

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

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

2d

HDIP – Form of Tax Increment Exemption Agreement – **RENTAL**
[Name of Municipality & Property Reference]

[SIGNATURES ON NEXT PAGE]

2d

HDIP – Form of Tax Increment Exemption Agreement – **RENTAL**
[Name of Municipality & Property Reference]

City of Fall River

JNK Realty LLC

By: Paul Coogan, Mayor

By: Nicholas Christ

By: City Council

2d

EXHIBIT 1

MAP OF PROPERTY

2d

EXHIBIT 2

DESCRIPTION OF PROPERTY

2d

EXHIBIT 3

MARKET RATE RESIDENTIAL UNITS – PRICING PLAN

Proposed Initial
Monthly Rent(s)*: \$1200.00

*units shall be priced in compliance with DHCD's HDIP Guidelines and 760 CMR 66.04(2)(f)

2d

EXHIBIT 4

TAX INCREMENT EXEMPTION – CONFIRMATION OF CALCULATION

[FORM TO REMAIN BLANK UNTIL PROJECT COMPLETED AND ELIGIBLE FOR FINAL CERTIFICATION]

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

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

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

MUNICIPALITY

SPONSOR

By: [CHIEF EXECUTIVE OFFICER]

By:

By: [LEGISLATIVE BODY]

By:

Dated: _____



City of Fall River
Massachusetts
Office of the Mayor

3a

RECEIVED

2020 SEP 17 P 1:40

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

September 17, 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: Timothy S. Campos

Address: 762 President Avenue
Fall River, MA 02720

To: Election Commission

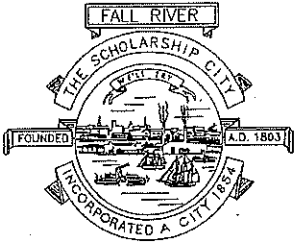
Salary: \$1,700.00 annually

Expiration Date: April 1, 2024

Sincerely,

Paul E. Coogan
Mayor

3b



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

RECEIVED

2020 SEP 17 A 9:52

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

September 16, 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 appointment:

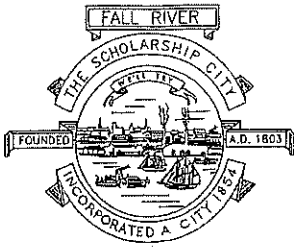
Joseph Rioux
79 Woodlawn Street.
Fall River, MA 02720

as a member of the Cultural Council, with a term commencing 09/16/2020 and expiring 09/16/2023. This appointment will replace the expired term of Cheryl Furze.

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Mayor

Cc: Richard R. Pelletier



City of Fall River
Massachusetts
Office of the Mayor

3c

RECEIVED

2020 SEP 10 P 2:51

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

September 3, 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: David J. Dennis

Address: 132 Highland Avenue, Fall River, MA 02720

To: Election Commission

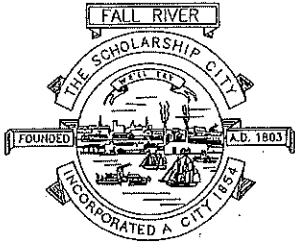
Salary: \$1700.00 annually

Effective date: September 22, 2020

Terminate Expiration Date: April 1, 2024

Sincerely,

Paul E. Coogan
Mayor



City of Fall River
Massachusetts
Office of the Mayor

4
RECEIVED

2020 AUG 13 P 1:30

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

August 12, 2020

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

Mr. President and Members of the Honorable Council:

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

Name: Mary L. Sahady
Address: 140 Nichols Street
Fall River, MA 02720
Position: **Housing Authority**
Effective Date: July 12, 2023

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Paul E. Coogan
Mayor

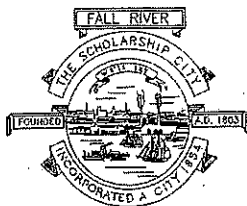
Cc: Health Department
Human Resources
Auditor's Office

CITY OF FALL RIVER
IN CITY COUNCIL

SEP - 8 2020

*Objected to and laid
on the table in accordance
with the Charter*

5



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division
RECEIVED

Paul E. Coogan
Mayor

2020 SEP -3 P 12: 26

LAURA FERREIRA
Parking Clerk

CITY CLERK _____
FALL RIVER, MA

September 2, 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, August 26, 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: 371

Parking Prohibited at all times

By inserting in proper alphabetical order the following.

INSERT

Name of Street

Side

Location

Winward Street

East

Starting at Friendship Street for a distance of 205 feet
Northerly.

Very truly yours,

Laura Ferreira
Parking Clerk

Oct 1



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

2020 SEP -3 P 12:25

CITY CLERK
FALL RIVER, MA

September 2, 2020

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 26, 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 Street

North

Starting at a point 135 feet east of South Main Street,
for a distance of 20 feet easterly.

Cathleen Quesada
24 South Street, #2
Fall River, MA 02721

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

2020 SEP -3 P 12: 26

LAURA FERREIRA
Parking Clerk

September 2, 2020

CITY CLERK _____
FALL RIVER, MA

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 26, 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

Diman Street

West

Starting at a point 178 feet south of Division Street,
for a distance of 20 feet southerly.

Judy Cabral
203 Diman Street, 2nd Fl.
Fall River, MA 02721

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

2020 SEP -3 P 12: 26

September 2, 2020

CITY CLERK _____
FALL RIVER, MA

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 26, 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
Freedom Street	South	Starting at a point 67 feet east of Broadway, for a distance of 20 feet easterly.

Edward W. Desmarais
826 Broadway
Fall River, MA 02724

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

RECEIVED

5

Paul E. Coogan
Mayor

2020 SEP -3 P 12: 26

LAURA FERREIRA
Parking Clerk

September 2, 2020

CITY CLERK _____
FALL RIVER, MA

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 26, 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
Jencks Street	West	Starting at a point 222 feet north of Pleasant Street, for a distance of 20 feet northerly.

Stephanie Botelho
153 Jencks Street
Fall River, MA 02723

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

5

Paul E. Coogan
Mayor

RECEIVED

LAURA FERREIRA
Parking Clerk

2020 SEP -3 P 12:26

September 2, 2020

CITY CLERK _____
FALL RIVER, MA

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 26, 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:

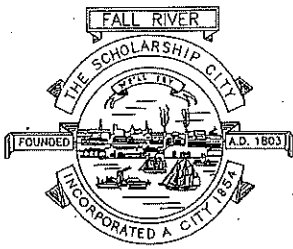
INSERT

Name of Street	Side	Location
Plain Street	West	Starting at a point 154 feet south of Cherry Street, for a distance of 20 feet southerly.

Maria Branco
224 Plain Street, Apt 3
Fall River, MA 02723

Very truly yours,

Laura Ferreira
Parking Clerk



CITY OF FALL RIVER, MASSACHUSETTS

BOARD OF ELECTION COMMISSIONERS

ONE GOVERNMENT CENTER

TEL. 508-324-2630

6
RECEIVED

2020 SEP -8 P 12:02

CITY CLERK
FALL RIVER, MA

COMMISSIONERS

KELLY A. SOUZA-YOUNG, CHAIRPERSON

DAVID J. DENNIS, ESQ.

DARYL GONYON

MANUEL LEITE, CLERK

September 8, 2020

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

Dear Alison M. Bouchard,

The Board of Election Commissioners certify that the names on the attached list are the Official Results of the State Primary held on September 1, 2020. No recount papers were filed.

Sincerely,

Kelly A. Souza-Young, Chairperson
Board of Election Commissioners

6

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Elections Division

Return of Votes - DEMOCRAT STATE PRIMARY September 01, 2020

FALL RIVER

Total Number of Persons Who Voted in the
DEMOCRAT STATE PRIMARY 10369

***** ATTENTION CLERK : SIGN AND RETURN AT ONCE *****

I certify that all ballots cast for candidates
in the DEMOCRAT STATE PRIMARY held on September 01, 2020
have been counted and recorded in accordance with the law,
and that the following return of votes is correct

Clerk: Kelly A. Souza-YR

6

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Elections Division

Return of Votes - GREEN-RAINBOW STATE PRIMARY September 01, 2020

FALL RIVER

Total Number of Persons Who Voted in the
GREEN-RAINBOW STATE PRIMARY 13

***** ATTENTION CLERK : SIGN AND RETURN AT ONCE *****

I certify that all ballots cast for candidates
in the GREEN-RAINBOW STATE PRIMARY held on September 01, 2020
have been counted and recorded in accordance with the law,
and that the following return of votes is correct

Clerk: Kelley A. Souza - YR

6

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Elections Division

Return of Votes - LIBERTARIAN STATE PRIMARY September 01, 2020

FALL RIVER

Total Number of Persons Who Voted in the
LIBERTARIAN STATE PRIMARY 57

***** ATTENTION CLERK : SIGN AND RETURN AT ONCE *****

I certify that all ballots cast for candidates
in the LIBERTARIAN STATE PRIMARY held on September 01, 2020
have been counted and recorded in accordance with the law,
and that the following return of votes is correct

Clerk: _____

Kelly A. Bruce - YR

6

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Elections Division

Return of Votes - REPUBLICAN STATE PRIMARY September 01, 2020

FALL RIVER

Total Number of Persons Who Voted in the
REPUBLICAN STATE PRIMARY 2017

***** ATTENTION CLERK : SIGN AND RETURN AT ONCE *****

I certify that all ballots cast for candidates
in the REPUBLICAN STATE PRIMARY held on September 01, 2020
have been counted and recorded in accordance with the law,
and that the following return of votes is correct

Clerk: _____

Kelly A. Souza - Yr

6

***** METHOD OF RECORDING VOTES *****

Record the number of votes for each listed candidate and for each write-in or sticker candidate. The space between the last candidate's name and the designation 'All Others' is to be used to record the names, addresses (if known) and votes of any write-ins. Also, record the number of votes for No Preference and Blanks. The total vote for each office is the sum of votes for listed candidates, write-ins and blanks. The total vote should be equal to the number of people who voted in the REPUBLICAN STATE PRIMARY. Do not send results of ward or town committee candidates to this office.

***** IMPORTANT : DO NOT SEPARATE SHEETS *****

6

***** METHOD OF RECORDING VOTES *****

Record the number of votes for each listed candidate and for each write-in or sticker candidate. The space between the last candidate's name and the designation 'All Others' is to be used to record the names, addresses (if known) and votes of any write-ins. Also, record the number of votes for No Preference and Blanks. The total vote for each office is the sum of votes for listed candidates, write-ins and blanks. The total vote should be equal to the number of people who voted in the GREEN-RAINBOW STATE PRIMARY. Do not send results of ward or town committee candidates to this office.

***** IMPORTANT : DO NOT SEPARATE SHEETS *****

6

***** METHOD OF RECORDING VOTES *****

Record the number of votes for each listed candidate and for each write-in or sticker candidate. The space between the last candidate's name and the designation 'All Others' is to be used to record the names, addresses (if known) and votes of any write-ins. Also, record the number of votes for No Preference and Blanks. The total vote for each office is the sum of votes for listed candidates, write-ins and blanks. The total vote should be equal to the number of people who voted in the DEMOCRAT STATE PRIMARY. Do not send results of ward or town committee candidates to this office.

***** IMPORTANT: DO NOT SEPARATE SHEETS *****

6

***** METHOD OF RECORDING VOTES *****

Record the number of votes for each listed candidate and for each write-in or sticker candidate. The space between the last candidate's name and the designation 'All Others' is to be used to record the names, addresses (if known) and votes of any write-ins. Also, record the number of votes for No Preference and Blanks. The total vote for each office is the sum of votes for listed candidates, write-ins and blanks. The total vote should be equal to the number of people who voted in the LIBERTARIAN STATE PRIMARY Do not send results of ward or town committee candidates to this office.

***** IMPORTANT : DO NOT SEPARATE SHEETS *****

Party: DEMOCRAT

Page 1 of 17

6

Office Name: SENATOR IN CONGRESS
District Name: 0001 STATEWIDE
Town Name: 095 FALL RIVER

	Candidates	Votes
1	EDWARD J. MARKEY	2441
2	JOSEPH P. KENNEDY, III	7800
*	KEVIN J. O'CONNOR	0
	All Others	21
	Blanks	107
	Total Votes Cast	10369

Office Name: REPRESENTATIVE IN CONGRESS
District Name: 0005 FOURTH DISTRICT
Town Name: 095 FALL RIVER

	Candidates	Votes
1	JAKE AUCHINCLOSS	1176
2	DAVID FRANKLIN CAVELL	116
3	BECKY GROSSMAN	980
4	ALAN A. KHAZEI	268
5	IHSSANE LECKEY	785
6	NATALIA LINOS	689
7	JESSE R. MERMELL	448
8	BENJAMIN R. SIGEL	57
9	CHRISTOPHER Z. ZANNETOS	121
*	CHRISTINE CREAN	0
	All Others	12
	Blanks	539
	Total Votes Cast	5191

Party: **DEMOCRAT**

Page 2 of 17

6

Office Name: **REPRESENTATIVE IN CONGRESS**
District Name: 0010 **NINTH DISTRICT**
Town Name: 095 **FALL RIVER**

	Candidates	Votes
1	BILL KEATING	4047
*	ALLIN JOHN FRAWLEY	0
	All Others	14
	Blanks	1117
	Total Votes Cast	5178

Office Name: **COUNCILLOR**
District Name: 0012 **FIRST DISTRICT**
Town Name: 095 **FALL RIVER**

	Candidates	Votes
1	JOSEPH C. FERREIRA	7673
	All Others	19
	Blanks	2677
	Total Votes Cast	10369

Office Name: **SENATOR IN GENERAL COURT**
District Name: 0021 **FIRST BRISTOL & PLYMOUTH DISTRICT**
Town Name: 095 **FALL RIVER**

	Candidates	Votes
1	MICHAEL J. RODRIGUES	8287
	All Others	7
	Blanks	2075
	Total Votes Cast	10369

Party: DEMOCRAT

Page 3 of 17

6

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER

Candidates	Votes
1 CAROLE A. FIOLA	4211
All Others	13
Blanks	1074
Total Votes Cast	5298

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0075 SEVENTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER

Candidates	Votes
1 ALAN SILVIA	3108
All Others	2
Blanks	651
Total Votes Cast	3761

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0076 EIGHTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER

Candidates	Votes
1 PAULA A. SCHMID, III	1006
All Others	1
Blanks	303
Total Votes Cast	1310

Party: DEMOCRAT

Page 4 of 17

6

Office Name: REGISTER OF PROBATE
District Name: 0233 BRISTOL COUNTY
Town Name: 095 FALL RIVER

Candidates	Votes
1 THOMAS C. HOYE, JR.	7484
All Others	13
Blanks	2872
Total Votes Cast	10369

Office Name: COUNTY TREASURER
District Name: 0233 BRISTOL COUNTY
Town Name: 095 FALL RIVER

Candidates	Votes
1 CHRISTOPHER T. SAUNDERS	7673
All Others	10
Blanks	2686
Total Votes Cast	10369

Office Name: COUNTY COMMISSIONER
District Name: 0233 BRISTOL COUNTY
Town Name: 095 FALL RIVER

Candidates	Votes
1 JOHN R. MITCHELL	7789
2 PAUL B. KITCHEN	4729
All Others	14
Blanks	8206
Total Votes Cast	20738

Party: GREEN-RAINBOW

Page 5 of 17

62

Office Name: SENATOR IN CONGRESS
District Name: 0001 STATEWIDE
Town Name: 095 FALL RIVER

Candidates	Votes
* EDWARD J. MARKEY	0
All Others	0
Blanks	13
Total Votes Cast	13

Office Name: REPRESENTATIVE IN CONGRESS
District Name: 0004 THIRD DISTRICT
Town Name: 095 FALL RIVER

Candidates	Votes
No Nomination	0
All Others	0
Blanks	0
Total Votes Cast	0

Office Name: REPRESENTATIVE IN CONGRESS
District Name: 0005 FOURTH DISTRICT
Town Name: 095 FALL RIVER

Candidates	Votes
No Nomination	0
All Others	0
Blanks	5
Total Votes Cast	5

Party: **GREEN-RAINBOW**

Page 6 of 17

6

Office Name: **REPRESENTATIVE IN CONGRESS**
District Name: 0010 **NINTH DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	0
Blanks	8
Total Votes Cast	8

Office Name: **COUNCILLOR**
District Name: 0012 **FIRST DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	0
Blanks	13
Total Votes Cast	13

Office Name: **SENATOR IN GENERAL COURT**
District Name: 0021 **FIRST BRISTOL & PLYMOUTH DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	0
Blanks	13
Total Votes Cast	13

Party: **GREEN-RAINBOW**

Page 7 of 17

6

Office Name: **REPRESENTATIVE IN GENERAL COURT**
District Name: 0074 **SIXTH BRISTOL DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	0
Blanks	7
Total Votes Cast	7

Office Name: **REPRESENTATIVE IN GENERAL COURT**
District Name: 0075 **SEVENTH BRISTOL DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	0
Blanks	4
Total Votes Cast	4

Office Name: **REPRESENTATIVE IN GENERAL COURT**
District Name: 0076 **EIGHTH BRISTOL DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	0
Blanks	2
Total Votes Cast	2

6

Party: GREEN-RAINBOW

Page 8 of 17

Office Name: REGISTER OF PROBATE
District Name: 0233 BRISTOL COUNTY
Town Name: 095 FALL RIVER

Candidates	Votes
No Nomination	0
All Others	0
Blanks	13
Total Votes Cast	13

Office Name: COUNTY TREASURER
District Name: 0233 BRISTOL COUNTY
Town Name: 095 FALL RIVER

Candidates	Votes
No Nomination	0
All Others	0
Blanks	13
Total Votes Cast	13

Office Name: COUNTY COMMISSIONER
District Name: 0233 BRISTOL COUNTY
Town Name: 095 FALL RIVER

Candidates	Votes
No Nomination	0
All Others	0
Blanks	26
Total Votes Cast	26

6

Party: LIBERTARIAN

Page 9 of 17

Office Name: SENATOR IN CONGRESS
District Name: 0001 STATEWIDE
Town Name: 095 FALL RIVER

Candidates	Votes
* EDWARD J. MARKEY	0
* JOSEPH P. KENNEDY, III	0
* VERMIN LOVE SUPREME	0
All Others	0
Blanks	57
Total Votes Cast	57

Office Name: REPRESENTATIVE IN CONGRESS
District Name: 0004 THIRD DISTRICT
Town Name: 095 FALL RIVER

Candidates	Votes
No Nomination	0
All Others	0
Blanks	0
Total Votes Cast	0

Party: **LIBERTARIAN**

Page 10 of 17

6

Office Name: **REPRESENTATIVE IN CONGRESS**
District Name: 0005 **FOURTH DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	0
Blanks	23
Total Votes Cast	23

Office Name: **REPRESENTATIVE IN CONGRESS**
District Name: 0010 **NINTH DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
* HELEN N. BRADY	0
No Nomination	0
All Others	0
Blanks	34
Total Votes Cast	34

Office Name: **COUNCILLOR**
District Name: 0012 **FIRST DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
* JOSEPH C. FERREIRA	0
All Others	0
Blanks	57
Total Votes Cast	57

Party: **LIBERTARIAN**

Page 11 of 17

6

Office Name: **SENATOR IN GENERAL COURT**
District Name: 0021 **FIRST BRISTOL & PLYMOUTH DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	0
Blanks	57
Total Votes Cast	57

Office Name: **REPRESENTATIVE IN GENERAL COURT**
District Name: 0074 **SIXTH BRISTOL DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	0
Blanks	26
Total Votes Cast	26

Office Name: **REPRESENTATIVE IN GENERAL COURT**
District Name: 0075 **SEVENTH BRISTOL DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	0
Blanks	25
Total Votes Cast	25

Party: **LIBERTARIAN**

Page 12 of 17

Office Name: **REPRESENTATIVE IN GENERAL COURT**
District Name: 0076 **EIGHTH BRISTOL DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	0
Blanks	6
Total Votes Cast	6

Office Name: **REGISTER OF PROBATE**
District Name: 0233 **BRISTOL COUNTY**
Town Name: 095 **FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	4
Blanks	53
Total Votes Cast	57

Office Name: **COUNTY TREASURER**
District Name: 0233 **BRISTOL COUNTY**
Town Name: 095 **FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	0
Blanks	57
Total Votes Cast	57

Party: LIBERTARIAN

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6

Office Name: COUNTY COMMISSIONER
District Name: 0233 BRISTOL COUNTY
Town Name: 095 FALL RIVER

Candidates	Votes
No Nomination	0
All Others	0
Blanks	114
Total Votes Cast	114

6

Party: **REPUBLICAN**

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Office Name: **SENATOR IN CONGRESS**
District Name: 0001 **STATEWIDE**
Town Name: 095 **FALL RIVER**

	Candidates	Votes
1	SHIVAAYYADURAI	751
2	KEVIN J. O'CONNOR	1183
*	JOSEPH P. KENNEDY, III	0
*	RAYLA CAMPBELL	0
*	VERMIN LOVE SUPREME	0
	All Others	4
	Blanks	79
	Total Votes Cast	2017

Office Name: **REPRESENTATIVE IN CONGRESS**
District Name: 0005 **FOURTH DISTRICT**
Town Name: 095 **FALL RIVER**

	Candidates	Votes
1	JULIE A. HALL	359
2	DAVID ROSA	541
	All Others	0
	Blanks	63
	Total Votes Cast	963

Office Name: **REPRESENTATIVE IN CONGRESS**
District Name: 0010 **NINTH DISTRICT**
Town Name: 095 **FALL RIVER**

	Candidates	Votes
1	HELEN BRADY	831

Party: **REPUBLICAN**

Page 15 of 17

6

Office Name: **REPRESENTATIVE IN CONGRESS**
District Name: 0010 **NINTH DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
* RAYLA CAMPBELL	0
All Others	10
Blanks	213
Total Votes Cast	1054

Office Name: **COUNCILLOR**
District Name: 0012 **FIRST DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
* JOSEPH C. FERREIRA	0
All Others	64
Blanks	1953
Total Votes Cast	2017

Office Name: **SENATOR IN GENERAL COURT**
District Name: 0021 **FIRST BRISTOL & PLYMOUTH DISTRICT**
Town Name: 095 **FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	59
Blanks	1958
Total Votes Cast	2017

6

Party: REPUBLICAN

Page 16 of 17

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER

Candidates	Votes
No Nomination	0
All Others	0
Blanks	991
Total Votes Cast	991

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0075 SEVENTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER

Candidates	Votes
No Nomination	0
All Others	0
Blanks	737
Total Votes Cast	737

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0076 EIGHTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER

Candidates	Votes
1 EVAN GENDREAU	217
No Nomination	0
All Others	0
Blanks	72
Total Votes Cast	289

6

Party: **REPUBLICAN**

Page 17 of 17

Office Name: **REGISTER OF PROBATE**
District Name: **0233 BRISTOL COUNTY**
Town Name: **095 FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	0
Blanks	2017
Total Votes Cast	2017

Office Name: **COUNTY TREASURER**
District Name: **0233 BRISTOL COUNTY**
Town Name: **095 FALL RIVER**

Candidates	Votes
No Nomination	0
All Others	0
Blanks	2017
Total Votes Cast	2017

Office Name: **COUNTY COMMISSIONER**
District Name: **0233 BRISTOL COUNTY**
Town Name: **095 FALL RIVER**

Candidates	Votes
1 NANCY C. STANTON-CROSS	1580
All Others	0
Blanks	2454
Total Votes Cast	4034

City of Fall River, In City Council

7

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

That Chapter 70 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to traffic be amended as follows:

By striking out in Section 70-387, which section relates to handicapped parking the following:

Name of Street	Side	Location
Globe Street	North	Starting at a point 36 feet west of Montaup Street, for a distance of 25 feet westerly
Montaup Street	East	Starting at a point 232 feet south of Palmer Street, for a distance of 20 feet southerly
Orange Street	West	Starting at a point 22 feet south of Pine Street, for a distance of 20 feet southerly
Park Street	North	Starting at a point 165 feet west of Forest Street, for a distance of 20 feet westerly
Pleasant Street	North	Starting at a point 166 feet east of Keene Street, for a distance of 20 feet easterly
Prospect Street	North	Starting at a point 156 feet west of Robeson Street, for a distance of 20 feet westerly
Snell Street	South	Starting at a point 55 feet east of York Street, for a distance of 20 feet easterly

CITY OF FALL RIVER
IN CITY COUNCIL

SEP - 8 2020

*Passed through first
reading*

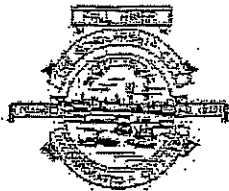
City of Fall River, *In City Council*

8

(Councilor Trott Lee)

WHEREAS, the City of Fall River is seeking to decrease and/or eliminate its spending on storage rental fees, now therefore

BE IT RESOLVED, that the Committee on Finance convene to discuss funding for the construction of a storage area/facility.



12

RECEIVED

2020 SEP -8 P 3:15

City of Fall River
Notice of Claim

CITY CLERK 20-51
FALL RIVER, MA

1. Claimant's name: Kim Haworth
2. Claimant's complete address: 314 June St, Fall River, MA 02720
3. Telephone number: Home: 508-675-1006 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
auto window broken
5. Date and time of accident: 9/3/20 8 AM Amount of damages claimed: \$ _____
6. Exact location of the incident: (include as much detail as possible):
314 June St. City med working, hit a rock and it
7. Circumstances of the incident: (attach additional pages if necessary):
The driver side, rear side window shattered.

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
Harbella Mutual Ins 855-795-9715

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: 9/8/20 Claimant's signature: Kim M Haworth

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: <input checked="" type="checkbox"/> City Clerk <input checked="" type="checkbox"/> Law <input checked="" type="checkbox"/> City Council <input type="checkbox"/> City Administrator <input checked="" type="checkbox"/> DPW	Date: <u>9.8.2020</u>

COMMITTEE ON FINANCE

MEETING: Tuesday, August 11, 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,
Leo O. Pelletier and Linda M. Pereira

ABSENT: Councilor Christopher M. Peckham

IN ATTENDANCE: Mary Sahady, Director of Financial Services
John Perry, Director of Community Maintenance
Kenneth C. Pacheco, Chief Operating Officer, School Department
James Souza, Chair, Community Preservation Committee

The chair called the meeting to order at 6:01 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.

Citizens' Input Time – Before Discussion of Financial Matters:

Albert Coelho, 89 Lynwood Street – Lynwood Street construction (1st email)
Rene G. Brown, Esq., 105 Bank Street – Councilor decorum and Citizen Input Time
Albert Coelho, 89 Lynwood Street – Lynwood Street construction (2nd email)
Collin Dias, 560 Ray Street – Composting program and stormwater runoff
Cynthia Tobajka, 163 Bronson Street – Paving issue on Bronson Street
Buffy Medeiros, 169 Whitefield Street – 169 Whitefield Street
Michelle Cordeiro, 241 Whitefield Street – Paving of Whitefield Street
*Marcy Ytkin, Rose Law Partners, One Beacon Street – Fall River Board of Park Commissioners
*Not read at the meeting

2. Discussion with City Planner re: uncompleted subdivisions
President Ponte stated that he received a communication from the City Planner stating that he is unable to attend this meeting due to COVID-19 health concerns. He then stated that this is certainly an item that has caught the attention of this City Council, and the Mayor and his administration and everyone is working extremely hard collectively to get this matter resolved. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to table the matter, with Councilor Christopher M. Peckham absent and not voting.

3. Mayor and order requesting approval of a five year contract for school bus transportation with Whaling City Transit, Inc. totaling \$2,603,982.00 for the first year of Special Education Transportation, Bus Monitors, and Summer Transportation

The Chief Operating Officer for the School Department provided a brief overview of the proposed five year contract for school bus transportation with Whaling City Transit, Inc. in the amount of \$2,603,982.00 for the first year. Councilor Leo O. Pelletier asked the Chief Operating Officer if the contract will change due to the hybrid return schedule. Kenneth C. Pacheco stated that the return schedule that was approved by the School Committee will have some students attending school on certain days and have remote classes on other days. Councilor Leo O. Pelletier asked if this contract was just for special education transportation. Kenneth C. Pacheco stated that is correct. Councilor Leo O. Pelletier then asked if there are any additional transportation contracts pending. Kenneth C. Pacheco stated that this is the last contract for transportation that is pending, all others have been approved. He then stated that approximately 5,000 of the 10,300 students in the city are transported by buses and vans. Councilor Leo O. Pelletier stated that he was concerned that the transportation costs would greatly increase, due to the reduced capacity allowed in buses and vans due to the COVID-19 pandemic. Kenneth C. Pacheco stated that this contract is approximately \$300,000.00 more than last year. He then stated that most of this increase is due to the prevailing wage requirements that are now in place. He then mentioned that even though the number of students allowed in a bus or van is greatly reduced, the number of days that students will be in school has also been reduced. He also stated that a good deal of parents want to transport their children to school themselves.

Councilor Shawn E. Cadime stated that all contracts over three years require City Council approval. He then stated that is why this matter is before the City Council because it is a five (5) year contract. He also stated that he had requested a legal opinion from Corporation Counsel, asking if the total dollar amount for the entire length of the contract must be included in the City Council vote. Kenneth C. Pacheco stated that the dollar amount of the first year of the five (5) year contract is \$2,603,982.00 and the cost of the next four (4) years is determined by an increase using the consumer price index (CPI). Councilor Bradford L. Kilby asked the Chief Operating Officer if special education students can participate in remote learning. Kenneth C. Pacheco stated that it depends on the severity of the disability and that will determine what services are needed for each student. Councilor Michelle M. Dionne stated that of the approximately 10,000 students, 5,000 are usually transported and of these 5,000 only approximately 2,500 students will be transported each day due to some remote learning. Kenneth C. Pacheco stated that is correct. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to the full council for action, with Councilor Christopher M. Peckham absent and not voting.

4. Discussion re: order for Community Preservation Act funds for FY 2021 Community Projects and Community Preservation Committee 2020 Final Report

James Souza, Chair of the Community Preservation Committee (CPC) provided a brief overview of the Community Preservation Act funds for Fiscal Year 2021 Community Projects and the Community Preservation Committee 2020 Final Report. On September 1, 2019 there were 28 applications for funding. He then stated that of the 28 applications that were received, 19 applications were eligible and 16 applications made it to the funding hearing. He also stated that when the hearings were held, there were 16 presentations that were vetted by the committee. The Community Preservation Committee then decided on funding 10 projects. Then one of the applicants withdrew their application, so that brought it down to nine (9) applicants. He then stated that in July the committee became aware that one of the projects had begun work. This was the project at the Adams House located at 1168 Highland Avenue. He also stated that the Community Preservation Committee, during the application process had stated that no work may begin on a project until it is approved by the City Council. James Souza then stated that since

work had already begun on the project, the CPC then voted to decline that project, bringing the total number of projects down to eight (8) and that is the funding request that is before the City Council tonight. Council President Cliff Ponte asked for the breakdown of projects. James Souza stated the breakdown is as follows:

- Historic Preservation – six (6) projects
- Open Space/Recreation – one (1) project
- Community Housing – one (1) project

Councilor Linda M. Pereira stated that she has reviewed the application for Community Preservation Funds and did not see any mention that the project may not begin until the funds are approved. James Souza stated that is correct and also stated that the application has been amended to include that language. Councilor Linda M. Pereira then stated that if the language was not present on the current application, then the denial of the Adams House would be disingenuous. James Souza then stated that in the application for Adams House, it was listed that the project would not begin until the third quarter of 2020. He then stated that the committee was using the information provided to determine if a project would be accepted or denied.

Councilor Bradford L. Kilby asked for the outcome of the vote for the Adams House. James Souza stated that the vote was 7 yeas, 2 nays. He then stated that he votes against all private projects, because in his opinion these funds should not be used for private projects. Councilor Shawn E. Cadime stated that he is in agreement regarding the funding of private projects. He then stated that these are public funds, so these funds should be used for public projects. He also stated that he would like Corporation Counsel to review deed restrictions that should have been filed at the Registry of Deeds on any CPC project that required them. James Souza then stated that the current Corporation Counsel is very active in reviewing these projects and ensuring the deed restrictions are filed at the Registry of Deeds. Councilor Shawn E. Cadime then stated that he realizes that there is a great amount of work that is involved with Community Preservation Act funding and would suggest that previous projects be reviewed and any necessary restrictions be filed at the Registry of Deeds. James Souza stated that Attorney Paul Machado is currently a member of the CPC and is actively working with Corporation Counsel to address these matters. Councilor Shawn E. Cadime stated that he will make a motion during the City Council meeting to approve the Adams House project in the amount of \$115,000.00 that was in the original proposal for the Community Preservation Committee's reconsideration. Councilor Pam Laliberte-Lebeau asked if the Adams House was contacted and asked why the project had begun early. James Souza stated that he called the applicant twice and never received a response. Councilor Pam Laliberte-Lebeau then asked if the applicant was notified that the funding was denied. James Souza stated that he contacted the applicant and informed them. Councilor Linda M. Pereira stated that deed restrictions were forwarded from the Community Preservation Committee to former Corporation Counsel Joseph I. Macy, but they were never filed at the Registry of Deeds. She then stated that the original submission of the Community Preservation Act funds for FY2021 Community Projects and the Community Preservation Committee 2020 Final Report, which included funding for the Adams House was tabled. She then stated that the City Council could lift that matter from the table. Councilor Shawn E. Cadime stated that the Community Preservation Committee voted to rescind the original submission, therefore the City Council should not take action on that submission. Councilor Leo O. Pelletier stated that the owners of Adams House have sufficient funds to complete the project, but they should not be penalized because they have the funds. James Souza stated that the project should not have begun until the funding was approved. Councilor Leo O. Pelletier stated that since that restriction was not in the written agreement, the owners of Adams House should not be penalized. Councilor Shawn E. Cadime stated that although everyone may not agree with the use of Community Preservation Funds, he is thankful that there are board members such as Mr. Souza that are passionate about overseeing these funds. Council President Cliff Ponte stated that he will not be in support of the funding for 77 Freedom Street. He then stated that he is sure

it was properly vetted by the Community Preservation Committee, but he is not in favor of using Community Preservation Funds for this project as presented. Councilor Linda M. Pereira asked for the location of the 29.5 acres of land for open space requested by the water and sewer departments in the Bioreserve. James Souza stated that he is unsure of the exact location, but the land is in the Bioreserve and is landlocked. Councilor Linda M. Pereira asked the Director of Financial Services if she knew the location and she stated that she did not. She then stated that the Administrator of Community Utilities would be able to provide that information, but unfortunately he is not in attendance.

5. Discussion of Fiscal Year 2020 – Quarter 4 Budget Report

The Director of Financial Services stated that the Quarter 4 Budget Report is unaudited and departments are still making changes to this report. She stated that there will be a shortfall in revenue of approximately \$1.4 million dollars. She then stated that cannabis revenue, library fines and traffic fines were all lower than expected due to the COVID-19 pandemic. Councilor Leo O. Pelletier asked how the revenue shortfall of \$1.4 million dollars will be addressed. The Director of Financial Services stated that the turn backs on the expense side of the budget are greater than the shortfall on the revenue side of the budget, therefore the City will still end Fiscal Year 2020 with a positive impact for free cash. Councilor Michelle M. Dionne asked the Director of Financial Services for the total amount of funds to be returned unused. The Director of Financial Services stated that since this report is unaudited, an exact amount is still unavailable. Councilor Michelle M. Dionne stated that at the previous City Council meeting there was a transfer in the amount of \$480,000.00 for solid waste. She then requested the details of this transfer. The Director of Financial Services stated that in fiscal year 2017, 12 payments were made for solid waste disposal. She then stated that in fiscal year 2018, only 10 payments were made for solid waste disposal. She went on to state that in fiscal year 2019, there were 13 payments made and now in fiscal year 2020 there needs to be an additional payment to put the payments within the correct fiscal year. Councilor Shawn E. Cadime asked if there were any encumbrances made for these payments. The Director of Financial Services stated that there were not any encumbrances and also stated that was the problem. She then stated that in fiscal year 2018, when only 10 payments were made the Department of Community Maintenance had a turn back of funds that exceeded the additional 2 payments. The Director of Financial Services stated that during this time, the City was in transition with hiring a Director of Community Maintenance. The Director of Community Maintenance stated that there were various personnel changes within the department, but 12 payments should have been made within fiscal year 2018 and he stated that he takes responsibility for this not happening. He then stated that going forward he will ensure that 12 payments are made within every fiscal year. He also stated that if the invoice for the month of June is late an encumbrance will be made, so that the funds for the month of June will be deducted from the correct fiscal year. Councilor Linda M. Pereira stated that if only 10 payments were made for solid waste disposal in fiscal year 2018, there should have been extra funds left over at the end of the year. The Director of Financial Services stated that is correct and those funds were turned back and ended as part of free cash. Councilor Linda M. Pereira then stated that extra free cash always looks good in an election year. The Director of Community Maintenance stated that he takes exception to that comment that he would intentionally withhold the payment of invoices to make someone look good. Councilor Linda M. Pereira then stated that this error should have been noticed and flagged by auditors. She then stated that she does realize that many departments are short staffed and that also creates problems with matters such as these not being caught. Councilor Trott Lee stated that it is not uncommon for mistakes to happen in government, but it is rare that employees accept responsibility as Mr. Perry has. He then stated that whenever he has questions and has spoken to Mr. Perry he has always responded immediately. He then asked if the recycling bins have been removed from Housing Authority properties. The Director of Community Maintenance

stated that the bins have not been removed yet, but he is working with Mr. McCoy at the Housing Authority to come up with a plan and determine whether the Housing Authority will pay a fee to the City and the City will continue to pick up recycling or have the Housing Authority return the carts to the City and dispose of the recycling internally. Councilor Trott Lee then asked how many recycling carts are located on Housing Authority properties. The Director of Community Maintenance stated between 55 and 60 carts. The Director of Financial Services stated that at the suggestion of Councilor Michelle M. Dionne, the collection of trash for businesses and multi-family homes with 6 or more apartments are being reviewed for cost savings. Councilor Leo O. Pelletier asked the Director of Community Maintenance if the City is billed at the first of the month for that month or at the end of the month. The Director of Community Maintenance stated that invoices are received at the end of the month for that month. He also stated that occasionally the City receives two invoices for the month, one sent out approximately on the 15th of the month. Councilor Michelle M. Dionne stated that she believes the City can realize savings in the collection of solid waste and recycling by reviewing the contracts. She then stated that in the contract for EZ Disposal there are 70 businesses listed that will have their solid waste and recycling collected in addition to all residential customers. Councilor Michelle M. Dionne then asked the Director of Community Maintenance when the recycling carts will be removed from Housing Authority properties. The Director of Community Maintenance stated that he will contact the Housing Authority again tomorrow to get a definitive date for the removal of the recycling carts. Councilor Linda M. Pereira stated that she had a meeting with the Administration and representatives from EZ Disposal to streamline the pickup process, including routes that would be mostly all right hand turns which reduces drive time and reduces costs. She also stated that Fall River has a deep water port which could be used by barges to remove solid waste from the city. Councilor Trott Lee asked the Director of Community Maintenance how many residences are in the City of Fall River. The Director of Community Maintenance stated approximately 32,500 residences.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to adjourn at 8:43 p.m., with Councilor Christopher M. Peckham absent and not voting.

List of documents and other exhibits used during the meeting:

Citizens' Input Communications
Agenda packet (attached)
DVD of meeting

Cullen A. Taylor
Clerk of Committees

AUGUST 11, 2020

COMMUNICATIONS

SUBMITTED

FOR

CITIZENS' INPUT

13

City Council**Subject:**

FW: [EXTERNAL] Lynwood Street construction

From: Albert Coelho <albert.coelho@gmail.com>**Sent:** Thursday, August 6, 2020 1:11 PM**To:** City Clerk**Subject:** [EXTERNAL] Lynwood Street construction

Would you please have this read to the City Council at their meeting

RECEIVED
2020 AUG -6 P 3:56
CITY CLERK
FALL RIVER, MA

We have been living on Lynwood St. since November 2014. Without going into how many times we have spoken to the engineer dept. etc. I will try to outline why the street is in desperate need of work. First of all, We live at 89 Lunwood St. The drainage in the street in some places is almost nonexistent. Since we have moved here there have been quite a few new houses built and there are many small children living here now. The situation with pot holes is dangerous. Many of the small children are learning to ride bicycles and when I see them riding, or trying to, in front of my home I get worried. The pot holes are scattered like a mine field for a long stretch in front of my house and beyond. Some of them are larger than a manhole cover. The city comes to fill them 4 or 5 times a year or more, but they almost immediately break up again with chunks of asphalt being torn up by cars and trucks. I can just picture a child falling into one or worse.

From what I have heard about the street, it has never been actually graded, etc. and that shows. For a dead end, we have numerous delivery trucks driving past our house daily. When they pass our house, we feel the floor shake due to the pot holes and uneven pavement.

We have been paying the runoff taxes since they were instituted but there is no city catch basin or runoff collection at all. The run off goes off into the woods into a pond or something. That system was input by the contractor, Harkins Development, which I believe no longer is in business.

I could probably go on and on, but I know you are busy and we are not the only squeaky wheel. Please help us before you hear about a major accident with a child falling into a pot hole or something more tragic.

Albert Coelho

13

LICENSED TO PRACTICE LAW IN
MASSACHUSETTS, RHODE-ISLAND AND THE U.S. SUPREME COURT



ATTORNEY
RENE G. BROWN

PHONE: 508.646.0202

FAX: 508.676.6600

CELL: 401.835.0598

5 BANK STREET
FALL RIVER, MA 02720

RECEIVED

2020 AUG -7 A 10:44
July 29, 2020

CITY CLERK
FALL RIVER, MA

To: The Honorable Fall River City Council President & Honorable Councilors
From: Attorney Rene G. Brown of 105 Bank Street, Fall River, MA

Dear Council, and Council President,

I feel compelled to provide citizen's input yet again, although it pains me to do so.

At the meeting of July 14, 2020, I submitted a letter of citizen's input at the suggestion of Councilor Peckham. I voiced my concerns about multiple matters involving Councilor Peckham in relation to the FRPD, and other matters. Following the reading of my letter, Councilor Peckham was allowed by the President, to impugn me by essentially stating that all of my comments were lies. My intention was not to humiliate and/or degrade the councilor but to request that the Council and its leadership investigate and educate their freshmen councilors on decorum, ethics and abuse of power. President Ponte allowed members to not ask questions, but insult, degrade and render opinions towards a defenseless me!

I found this to be, A) Unprofessional, B) Outside of city ordinance, C) Lacking decorum.

Our city ordinance states (among other things) ... *"person will be allowed to deliver his address without interruption. After the address, the members of the Council may ask pertinent questions of the person, who may respond if he or she so desires."*

However, after the reading of my input, Councilor Peckham did not ask questions, but rather called my comments lies, and worse, President Ponte allowed him to do so at length. President Ponte further allowed other Councilors to insult my comments and position as well. I wonder... had I given this input in person, would President Ponte have allowed Councilor Peckham to call me a liar to my face, and others to insult me in person?

I would like to implore President Ponte to remember that citizen's input should be considered critical to the Council and should be treated as if each of you were listening to the concerns of a voter, in person, during campaign season. It is shameful that Councilors were allowed to speak the way they were, without me being present to defend my position. Therein lies the lack of decorum, not to mention, the infringement on our city's ordinance relating to citizen's input. In the event the Council membership is not aware of the City's position on Citizen's Input, I have attached a copy for each Councilor's review.

Furthermore, regarding decorum; decorum not only encompasses behavior, but also appearance. I have observed an alarming, and sharp decline in the attire of some Councilors during meetings. Whether virtual or not, one would expect Councilors to dress appropriately when representing the people and doing the business of Fall River. This would not include extremely casual summer wear, as has been observed of late. I would ask President Ponte to instruct the Council on the appropriate attire for a City Council meeting.

Thank you,

Rene G. Brown

City of Fall River, In City Council

13

BE IT RESOLVED, that the City Council does hereby establish a "Citizens Input Time" whereby any resident of the City of Fall River may address the Council sitting at the Committee on Finance at each meeting of the Committee, prior to the beginning of the meeting* or after all other items have been disposed of, prior to each regular Council meeting, subject to the following rules:

Residents with disabilities who are unable to attend a meeting shall be allowed to forward their comments via email or regular mail and their communication be read during citizen input time, as if the person was present at the meeting.**

Three (3) minute time limit for each resident.

Subject to be addressed must be matters concerning the City Government.

Address shall be limited to that particular matter.

Address must always remain within the bounds of decorum.

Person will be allowed to deliver his address without interruption.

After the address, the members of the Council may ask pertinent questions of the person, who may respond if he so desires.

President shall determine whether the subject proposed to be discussed is a legitimate issue, subject to appeal and decision of the Council, or the President may request the Council to make such a determination.

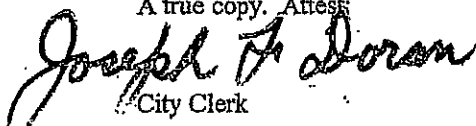
Citizen input time shall not exceed thirty (30) minutes at each Finance Committee Meeting.

If resident is present at the meeting**, must sign in with the City Clerk at any given time until the Committee on Finance adjourns*.

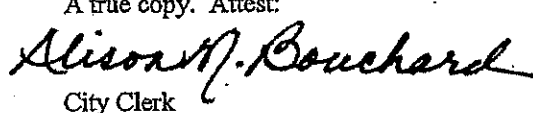
In City Council, August 16, 1983
Adopted, as amended

*In City Council, May 8, 2012
Adopted, as amended

A true copy. Attest:

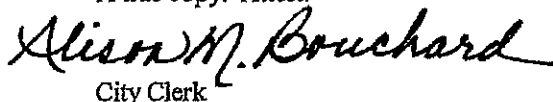

City Clerk

A true copy. Attest:


City Clerk

**In City Council, August 15, 2017
Adopted, as amended

A true copy. Attest:


City Clerk

13

RECEIVED

2020 AUG 10 P 12:04

CITY CLERK
FALL RIVER, MA

City Council

From: Albert Coelho <albert.coelho@gmail.com>
Sent: Monday, August 10, 2020 9:11 AM
To: City Clerk
Subject: [EXTERNAL] email to the City Council

Please read this to the Council at the August 11th meeting.

After my previous email about the construction on Lynwood St. I received a letter signed by the president of the City Council. There is one paragraph that causes concern. It states that there are a few streets where the developers have liquidated their companies and the City is left to complete the street, etc, and this is unfair to the tax payers. While I agree that it is unfair, may I remind you that we who live on these streets also pay taxes. In the case of Lynwood Street, we pay the runoff tax and not 1 drop of runoff goes into a City drainage system. The street drains off into the woods.

As to the situation of developers liquidating, It seems to me that this is negligence on the part of the City for not keeping up with the situations. Or, at the very least having developers contribute to an escrow account which might deter them from walking away from a project, or at least have some monies for the City to defray the cost of completion, even if it is pennies on the dollar. Also, I remember the engineer telling me in an email that the money is allocated by the State and the City uses this money to complete these projects, etc. In that case it seems the money is already there to be used and we the tax payers must suffer pot holes and other problems because the City will not act to correct this problem. I am not a lawyer or government employee so I do not know how any of this might be done, but I am sure in your infinite wisdom you can take action. It seems from the paperwork online that you have everything you need to make the decision at this meeting.

Albert Coelho

13

City Council

From: Collin Dias <collind00@aol.com>
Sent: Monday, August 10, 2020 9:32 AM
To: City Clerk
Cc: City Council
Subject: [EXTERNAL] Citizens Input

CITY CLERK
 FALL RIVER, MA.

2020 AUG 10 P 12:04

RECEIVED

Citizens input, Fall River City Council 8/11/2020
 Collin Dias, 560 Ray Street, Fall River, Massachusetts, 02720
 Topic: Composting Program and Stormwater Runoff

Good afternoon Council President and members of the City Council,

I would like to continue off on what was discussed at the last council meeting regarding the Composting Bins. Let's have a genuine conversation on the issues.

The taxpayers deserve an advocate who will go up and bat for them. What is disingenuous, is the fact that this city is considering a "composting program" without having all the fundamentals in place. Buying a couple of medium sized bins and charging \$25 dollars per bin then telling the city resident to go on their merry way is not a composting program, that's called fiscal mismanagement.

Other communities across our commonwealth have full composting programs,

Which include:

- a multitude of bins ranging from a few dollar pales to the \$25 dollar bins to bins ranging to a hundred dollars. Let's give the taxpayers some options.
- Composting administrative positions to even whole departments, where residents can have their questions answered which I have before.
- Composting Information on municipal websites
- Whole drop off and pickup sites for individuals composting

I believe the taxpayers deserve to have all the details and answers if we are going to introduce a composting program into this city, especially if we discuss giving the taxpayers a fiscal break because of the pandemic, then we're going to ask them to buy composting bins. This all seems very hypocritical to say the least.

Also, if we're going to make these bins shouldn't they be made in Fall River?

Another issue, which I believe is one of the most important pieces of this, I saw in a records request to city hall that these potential composting bins will require Pay as you Throw bags. I believe there should be some clarity to this and I hope I just read the information wrong. I believe the last thing we need to do is introduce a composting program with the caveat of reintroducing PAYT during a pandemic. This composting program feels like we're reintroducing the purple bags.

I make these remarks for the whole council and no one specifically.

Lastly, I want to briefly touch upon stormwater Runoff. I understand the need to reduce the storm water fee and the environmental impact contaminated stormwater can have on our community. I believe we should look into 21st century companies that deal with purifying stormwater runoff. Attached to this input is a link to a company that deals with stormwater runoff. I understand councilor Dionne submitted a great resolution to discuss with reducing the cost of trash and yard waste, etc. May I suggest a friendly amendment to include stormwater runoff. I also understand the committee on health and environmental affairs will be meeting to discuss reducing trash costs as well, maybe this can be discussed there.

Thank you very much,

- Collin Dias

<https://aquipor.com>

Sent from my iPhone

13

City Council

From: C Tobo <tobo11reader@gmail.com>
Sent: Monday, August 10, 2020 9:32 PM
To: City Council
Subject: [EXTERNAL] Paving issue Bronson St.

City Council President
Cliff Ponte
Government Center
Fall River, Ma.

Dear Mr. Ponte,

I have received my copy of the letter addressed to Resident of Lynwood Street area. When I moved into my home in 2012 my house was the only house occupied on Bronson Street. The street at my end flooded during every rain storm but I didn't believe it would be long before the street was properly paved. That was eight years ago. My neighbors have tried to contact the developer but was never given reliable information. As a result we have drains that are above road level. Our end of the street floods and the water sits for days with no drainage available. I pay taxes of almost \$4000.00 per year and pay for utilities including a sewer fee for a sewer that I wish I had. Since I am 72 years old and don't go out much in the evening I hope that this email will state my concerns properly. I am relieved to know that the city council has turned its attention to this issue.

Sincerely,

Cynthia Tobojka
163 Bronson Street

CITY CLERK
FALL RIVER, MA

2020 AUG 11 A 10:27

RECEIVED

City Clerk

13

From: Buffy Medeiros <buffym37@yahoo.com>
Sent: Tuesday, August 11, 2020 2:11 PM
To: City Clerk
Subject: [EXTERNAL] Fw: 169 Whitefield street

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Buffy Medeiros" <buffym37@yahoo.com>
To: "cityclerks@fallriverma.org" <cityclerks@fallriverma.org>
Sent: Tue, Aug 11, 2020 at 1:48 PM
Subject: 169 Whitefield street

I Buffy Medeiros am the home owner of 169 whitefield street

And the whole development was not properly built or inspected by the fall river city officials so therefore this is the reason the streets and all these houses are not and were not completed at all ... and the houses in the whole development have had nothing

But MAJOR issues that the homeowners have had to pay to repair including myself with improper fittings to water pipes in the ground to flooding backyards and flooding streets due to improper drainage Or not enough drainage ...we pay for storm water and sewer but it doesn't go anywhere but our streets and backyards . I have been dealing with these issues along with everyone in this development for years. It's totally unfair the taxes and sewer and storm water bills we pay to live in these conditions. If there is anything I can do to be of any assistance please feel free to contact me at 508-933-0916 . I will gladly help in anyway I can .

Thank You
Buffy Medeiros

Sent from Yahoo Mail on Android

RECEIVED
2020 AUG 11 P 2:34
CITY CLERK
FALL RIVER, MA

13

City Clerk

From: Michelle Cordeiro <michellecordeiro@comcast.net>
Sent: Monday, August 10, 2020 9:46 PM
To: City Clerk
Subject: [EXTERNAL] Citizens Input for city council meeting 8/11/2020

My name is Michelle Cordeiro my husband Horacio and I purchased our home at 241 Whitefield St in February of 2016 and since then have been hearing that the road will be paved soon. Year after year nothing as each year we loose more and more chunks from the entrance to our driveway. Jump forward to when Mayor Correia was facing possible recall he had all our driveways marked as if they were preparing to pave the road so that we would vote to keep him in shocker guess what our road didn't get paved. Every time it rains the road floods in certain areas due to improper drainage. As citizens and taxpayers of Whitefield St we deserve to have a properly paved and proper drainage lord knows we pay enough! Thank you

Sent from my iPhone

RECEIVED
2020 AUG 11 P 3:45
CITY CLERK
FALL RIVER, MA

Leite, Ines

From: City Clerk
Sent: Wednesday, August 12, 2020 10:53 AM
To: City Clerk; Bradford Kilby (AOL); Christopher Peckham; C Ponte; City Council; Leite, Ines; Linda Pereira; Michelle Dionne; Pam Laliberte-Lebeau ; Shawn Cadime (GMAIL); Trott Lee
Subject: Citizen Input
Attachments: Opinion Letter 08112020.pdf

Good morning, Councilors.

The attached letter was emailed at the end of the day yesterday, and meant for Citizen Input.

I was in the midst of working on public records requests and did not see the email. Hence, why it was not read.

I completely apologize.

Alison

Alison M. Bouchard
City Clerk
One Government Center
Fall River, MA 02722
T: 508-324-2220
F. 508-324-2211
Website: www.fallriverma.org

From: Marcy Ytkin [mailto:marcy.ytkin@gmail.com]
Sent: Tuesday, August 11, 2020 4:38 PM
To: City Clerk <city_clerks@fallriverma.org>
Subject: [EXTERNAL] Hi Allison, can you please forward this to all the counselors and also put this in the record for it citizen input Thank you

Marcy Ytkin

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

CITY OF FALL RIVER
OFFICE OF THE CITY CLERK

14
RECEIVED

To the City Council:

2020 SEP 17 P 1:40

Application for permit to place or maintain a structure or device on or over a public way.

Name of Applicant: Joseph Holdiman

CITY CLERK _____
FALL RIVER, MA

Name of Business (if applicable): Thyme Blossom

Address: 10 Purchase St. Fall River MA
Street City State

Phone: 508-491-7719

Type of structure or device: Wooden platform w/tables, chairs & heaters

Description (include dimensions): To be placed within 2 parking spaces; 8 feet x 40 total dimensions

Location: In front of Thyme Blossom on Purchase Street

Dates: Seasonal

The applicant agrees to maintain this structure or device in accordance with the requirements of the Building Inspector and the City Council and that this permit may be revoked at the pleasure of the City Council.

Signature of Applicant [Signature]

Date 9/12/20

1. ☐ (approve) the issuance of this permit.
☐ (disapprove)

[Signature]
Building Inspector

9/17/20
Date

2. In City Council, _____
Date

Permit ☐ (approved)
☐ (disapproved)

Alison M. Bouchard
City Clerk

OFFICE USE ONLY

☐ Fee Paid

This permit shall expire on January 1, unless otherwise noted.



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

September 17, 2020

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

CITY CLERK
FALL RIVER, MA

2020 SEP 17 P 1:39

RECEIVED

Dear Council President and Members of the Honorable Council:

The City is the applicant for MassDOT's Shared Streets & Spaces - Quick-Launch/Quick-Build Grant Program for cities and towns. The purpose is to provide grants for cities and towns to quickly launch or expand improvements to sidewalks, curbs, streets, on-street parking spaces and off-street parking lots in support of public health, safe mobility, and renewed commerce in their communities. These improvements can be intentionally temporary or can be pilots of potentially permanent changes to streets and sidewalks. Applications close 9/22/2020 with notification and implementation to happen quickly - projects must be operational within 15-30 days of award and must take place on public infrastructure owned or controlled by the applicant municipality. Projects must be built and used this summer & fall.

The City is partnering with Mass Development's TDI Fellow for Fall River, Jim McKeag, who developed a proposal to create a parklet (on-street parallel parking spaces repurposed for outdoor dining) for Thyme Blossom Coffee & Tea on Purchase Street. The goal is to support business, increase foot traffic and the number of visitors to downtown, and help to increase positive perceptions of the downtown and Fall River.

I respectfully request the Council's approval of the attached application for a Permit for a Structure Over a Public Way so that the City of Fall River has the opportunity if awarded the MassDOT Shared Streets & Spaces Grant to pilot this program within the City.

Best Regards,

Paul E. Coogan
Paul E. Coogan
Mayor

15

Whereas, The Cost of recycling and trash hauling in the City of Fall River is at an all time high.
Whereas, The City Council and the administration is working to implement a composting program to reduce costs.
Whereas, in 2016 the citizens of the City of Fall River approved via referendum the implementation of a transfer station.

Now be it resolved, The Committee on Health and Environmental Affairs convene with a representative of FRG TV, the administration, and the director of community maintenance at a future meeting to discuss a marketing / information campaign to city residents to show ways to reduce on trash costs and how to recycle more.

Be it further resolved, The Fall River City Council hereby request the administration and the director of community maintenance create plans for a transfer station in the city of Fall River that can be turned into a gasification plant.

RECEIVED

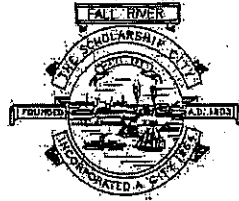
2020 SEP 11 P 2:42

CITY CLERK
FALL RIVER, MA

City of Fall River
Office of the Corporation Counsel

16

PAUL E. COOGAN
Mayor



ALAN J. RUMSEY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

September 9, 2020

Collin Dias
560 Ray St.
Fall River, MA 02720

**RE: Open Meeting Law Complaint against Fall River City Council Subcommittee of
Health and Environmental Affairs and Trott Lee
Date of Alleged Violation August 19, 2020**

Dear Mr. Dias:

This correspondence is sent 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 Subcommittee of Health and Environmental Affairs and Trott Lee which alleges the following:

On 08/19/2020, the Fall River City Council committee on Health and Environmental Affairs ("Committee") held a public meeting at Fall River Government Center. The committee violated the Open Meeting Law during this meeting by:

1. Violating Governor Bakers March 12th executive order by failing to read my whole citizen input during said meeting. Governor Bakers March 12th order states communities must comply with local ordinances and laws and the failure to fully read my citizens input violates both the City Charter and ordinance.
2. Chairman Trott Lee failed to announce at the beginning of the meeting that FRGTV would be recording the meeting, a violation of Open Meeting Law section 20(f).
3. Violating Open Meeting Law section 20 (b) as item #6 on the committees agenda was too vague. During item number 6, the committee discussed many sub points, such as a composting program, a transfer station, gasification plant, energy recovery, and Anaerobic digestion.

I address your concerns in the order you presented them.

1. Violating Governor Bakers March 12th executive order by failing to read my whole citizen input during said meeting. Governor Bakers March 12th order states communities must comply with local

16

ordinances and laws and the failure to fully read my citizens input violates both the City Charter and ordinance.

Response: Your citizen's input letter was read fully. I have attached the letter and the youtube link for your proof. View: <https://www.youtube.com/watch?v=4gkcLO-0KcM>.

2. Chairman Trotti Lee failed to announce at the beginning of the meeting that FR:GTV would be recording the meeting, a violation of Open Meeting Law section 20(f).

Response: Chairman Lee did state that "pursuant to the open meeting law any person may make any audio or video recording of this public meeting or may transmit the meeting through any medium attendees are therefore advised that such recordings or transmissions are made whether perceived or unperceived by those present are deemed acknowledged and permissible." It is admitted that Chairman Lee did not specifically say that the meeting was being recorded, however it is the position of the committee that what Mr. Lee noted was sufficient to satisfy the law. View: <https://www.youtube.com/watch?v=4gkcLO-0KcM>.

3. Violating Open Meeting Law section 20 (b) as item #6 on the committees agenda was too vague. During item number 6, the committee discussed many sub points, such as a composting program, a transfer station, gasification plant, energy recovery, and Anaerobic digestion.

The Committee simply disputes that item 6 was too vague. Item 6 (attached) was to "[d]iscuss strategies to decrease solid waste and recycling cost" It is a fair and accurate representation of the topic that was discussed.

As such, this office has determined that no violation has occurred and considers 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

Cc: Mira Netsky, MA Office Attorney General-Division of Open Government
via email: Mira.Netsky@mass.gov
Fall River City Council Subcommittee of Health and Environmental Affairs
City Councilor Trotti Lee



OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

Please note that all fields are required unless otherwise noted. 2020 AUG 21 P 12:13

Your Contact Information:

First Name: Collin Last Name: Dias

Address: 560 Ray Street

City: Fall River State: MA Zip Code: 02720

Phone Number: 7747976790 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 ☐ State

Name of Public Body (including city/town, county or region, if applicable): Fall River City Council Committee on Health and Environmental Affairs

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: 8/19/2020

8/21/20
emailed to Ce & bary H.

16

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 8/19/2020, the Fall River City Council committee on Health and Environmental Affairs ("Committee") held a public meeting at Fall River Government Center. The committee violated the Open Meeting Law during this meeting by:

1. Violating Governor Bakers March 12th executive order by failing to read my whole citizens input during said meeting. Governor bakers March 12th order states communities must comply with local ordinances and laws and the failure to fully read my citizens input violates both the City Charter and ordinance.
2. Chairman Trott Lee failed to announce at the beginning of the meeting that FRGTV would be recording the meeting, a violation of Open Meeting Law section 20 (f).
3. Violating Open Meeting Law section 20 (b) as item #8 on the committees agenda was too vague. During item number 6, the committee discussed many sub points, such as a composting program, a transfer station, gasification plant, energy recovery, and Anaerobic digestion.

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: Carol Diao

Date: 8/20/20



17

City of Fall River, *In City Council*

ORDERED, that \$54,900 from Open Space/Recreation for the Bioreserve Conservation Land Acquisition on the attached 2020 final report, submitted by the Community Preservation Committee, be and the same is hereby approved.

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 11 2020

tabled

17

City of Fall River, *In City Council*

ORDERED, that the attached 2020 final report, submitted by the Community Preservation Committee, be and the same is hereby approved.

In City Council, August 11, 2020
Adopted with the following conditions:

\$54,900 from Open Space/Recreation for the
Bioreserve Conservation Land Acquisition – Tabled

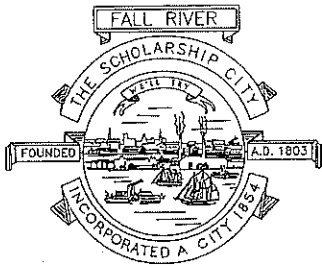
\$31,250 from Community Housing for 77 Freedom
Street – 7 years, 1 nay

\$115,000 (\$15,000 from Historic Preservation and
\$100,000 from Community Housing for the Adams
House) – 7 years to approve project and send a
letter to the Community Preservation Committee
requesting that a supplemental appropriation for
this project be submitted for the Council's
consideration

A true copy. Attest:

Alison M. Bouchard

City Clerk



17

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

August 24, 2020

Community Preservation Committee
One Government Center
Fall River, MA 02722

Dear Honorable Members:

At a meeting of the City Council held on Tuesday, August 11, 2020, a discussion was held relative to the Community Preservation Committee Final Report 2020 and projects to be funded in Fiscal Year 2021.

Following that discussion, and on a motion made and seconded, it was voted to adopt the attached order with the following conditions:

- \$54,900 from Open Space/Recreation for the Bioreserve Conservation Land Acquisition – Tabled in full Council
- \$31,250 from Community Housing for 77 Freedom Street, 7 years, 1 nay
- \$115,000 – (\$15,000 from Historic Preservation and \$100,000 from Community Housing for the Adams House), 7 years, to approve the project and send a letter to the Community Preservation Committee requesting that a supplemental appropriation for this project be submitted for the Council's consideration.

As such, the City Council respectfully requests that the Community Preservation Committee submit a supplemental appropriation in the amount of \$115,000 for the Adams House project to the City Council for its consideration.

If you have any questions please contact me.

Sincerely,

Inês Leite
Assistant City Clerk

encl.

/ch

**COMMUNITY PRESERVATION COMMITTEE
FINAL REPORT 2020
FY21 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
- Paul Machado

City Council Appointee

- Vacancy
- Alfred Lima

Housing Authority

- Vacant

Historic Commission

- Kristen Cantara Oliveira

Planning Board

- John Ferrier

Conservation Commission

- John Brandt

Park Board

- Victor Farias

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 have 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, 3rd Floor, room 321. As required by statute, the CPC held its annual meeting in

August 2019. 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 obtain information on projects and the financial condition of the committee.

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 2020 28 applications were received, 9 applications were withdrawn, 19 applications made it to eligibility and 16 made it to funding hearings, 10 projects were voted on to recommend funding:

One more application was withdrawn making a total of 9 withdrawn applications.

One project was defunded prior to appropriation order due to information related to project start date making a total of 8 projects being recommended for funding (refer to Appropriation Order below).

OPEN SPACE/RECREATION			
Bioreserve Conservation Land Acquisition - Public	54,900		Open Space/Recreation
HISTORIC PRESERVATION			
Maritime Museum - Private/Non-Profit	150,000		Historic Preservation
Lafayette Durfee House - Private/Non-Profit	130,000		Historic Preservation
Fall River School Dept. - Public	220,000		Historic Preservation
Preserving Water Dept. Documents - Public	30,000		Historic Preservation
Water Street - Private	22,000		Historic Preservation
Bank Street Armory - Public	50,000		Historic Preservation
COMMUNITY HOUSING			
77 Freedom Street - Private	31,250		Community Housing

Two projects received emergency funding:

- Bio-Reserve/Land Acquisition
 - Fall River Public Library Roof
- Two projects were approved for additional funds due to delays and unexpected costs.
- North Burial Ground – Supplemental appropriation
 - Little Theatre of Fall River – Supplemental appropriation

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 re-designed, 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. New processes have been put in place for dispersing funds for reimbursement and payments to vendors.

The Application Process

Hearings on Eligibility, Deliberation and Funding

The Community Preservation Committee adopted a three-step application process. This process was followed during the 2020 funding cycle.

Eligibility

The first part of the process involves an application for eligibility due on September 1st by 12:00pm/noon. Upon receipt of each application for eligibility the Committee scheduled an eligibility hearing and sends notification to each applicant.

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, Outdoor Recreation, Historic Preservation and Community Housing. Within each category there are rules involving permissible funding.

During the 2020 funding cycle eligibility hearings were held:
October 1, 2019

Eligibility Hearings

October 1, 2019

PUBLIC PROJECTS	
Bank St. Armory	
Kennedy Park Men's Warming House	
Kennedy Park Tennis Courts	
Oak Grove Cemetery Gatehouse	

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Boat Ramp @ Bicentennial Park
FR School Administration Bldg.
Feasibility Study/Niagar Quequechan Greenway
PUBLIC PROJECTS
Barnabas Blossom Workshop Restoration
QRRT Rodman Street Annex
Biopreserve Conservation Land Acquisition Readiness Project 2021
Preserving the Spencer Moacomber Farm
Preserving Fall River's Small Rural Cemeteries
Restoration of the 1873 Water Works Stable
Mystery Stone Relocation

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Preservation of Historic Dal River Water Department Documents
Securing Article 97 Protection for Open Space parcels omitted from Bioresere CR
Preserving the Watuppa Native American Legacy
PRIVATE PROJECTS
Little Theatre/Project Safety First
Trolley Building
Corky Row Club
Cherry & Webb Building
Adams House
Fall River Fire Museum
Maritime Museum
36-56 Water Street
Lafayette Durfee House
77 Freedom Fire/Police Station
Eagle Event Center

The Community Preservation Committee considered the eligibility of each project even when the applicant was not present. Ultimately 20 projects qualified, four (4) projects did not meet eligibility or withdrew. Did not meet eligibility or withdrew.

Kennedy Park Men's Warming House
Kennedy Park Tennis Courts
Oak Grove Cemetery Gatehouse
Boat Ramp @ Bicentennial Park

The second part of the process involves an application for funding due on January 15th before 12:00pm/noon. Upon receipt of each application for funding the Committee scheduled funding hearings and sends notification to each applicant. The 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. Once the funding hearings were completed the Community Preservation Committee held a meeting to deliberate on each project. Once deliberations were concluded another meeting was held to vote and recommend projects to the City Council

Funding Hearings

Deliberation

The third part of the process involves the scheduling of meetings, sends notification to each applicant. The purpose of these hearings was for the applicants to present their project and for the Committee to ask questions and make further recommendation, if necessary, before the funding hearings. Once deliberations were concluded another meeting was scheduled to vote and recommend projects to the City Council. Deliberation Hearings were held remotely via ZOOM due to the COVID-19 crisis.

March 30, 2020

Feb. 4th

Feb. 4th	Freedom of	Historic Preservation Commission	Historic Preservation Commission
Feb. 4th	10-16 Water Street	Historic Preservation Commission	Historic Preservation Commission
Feb. 4th	11-13 Water Street	Historic Preservation Commission	Historic Preservation Commission
Feb. 4th	12-14 Water Street	Historic Preservation Commission	Historic Preservation Commission
Feb. 4th	13-15 Water Street	Historic Preservation Commission	Historic Preservation Commission
Feb. 10th	Trolley Building	Full re-development 2nd, 3rd, 4th floor. Exterior and facade cleaned and rehabilitated	
Feb. 10th	Corky Row Club	Repair exterior facade, reinforce floor under bar area	
Feb. 10th	Adams House	Roof?	
Feb. 10th	Cherry & Webb Building		
Feb. 10th	Fall River Fire Museum	Chimney restoration, window restoration, existing conditions survey	
Feb. 10th	Fall River School Department		
	PUBLIC		
Feb. 25	Bank Street Armory	Upper floor	
Feb. 25	Albany/Quebec/Fall River Shipways	Historic Shipways	
Feb. 25	1000-1000-1000	Asbestos	
Feb. 25	1100-1100-1100	Asbestos	
Feb. 25	1200-1200-1200	Asbestos	
Feb. 25	1300-1300-1300	Asbestos	
Feb. 25	1400-1400-1400	Asbestos	
Feb. 25	1500-1500-1500	Asbestos	
Feb. 25	1600-1600-1600	Asbestos	
Feb. 25	1700-1700-1700	Asbestos	
Feb. 25	1800-1800-1800	Asbestos	
Feb. 25	1900-1900-1900	Asbestos	
Feb. 25	2000-2000-2000	Asbestos	
Feb. 25	2100-2100-2100	Asbestos	
Feb. 25	2200-2200-2200	Asbestos	
Feb. 25	2300-2300-2300	Asbestos	
Feb. 25	2400-2400-2400	Asbestos	
Feb. 25	2500-2500-2500	Asbestos	
Feb. 25	2600-2600-2600	Asbestos	
Feb. 25	2700-2700-2700	Asbestos	
Feb. 25	2800-2800-2800	Asbestos	
Feb. 25	2900-2900-2900	Asbestos	
Feb. 25	3000-3000-3000	Asbestos	
Feb. 25	3100-3100-3100	Asbestos	
Feb. 25	3200-3200-3200	Asbestos	
Feb. 25	3300-3300-3300	Asbestos	
Feb. 25	3400-3400-3400	Asbestos	
Feb. 25	3500-3500-3500	Asbestos	
Feb. 25	3600-3600-3600	Asbestos	
Feb. 25	3700-3700-3700	Asbestos	
Feb. 25	3800-3800-3800	Asbestos	
Feb. 25	3900-3900-3900	Asbestos	
Feb. 25	4000-4000-4000	Asbestos	
Feb. 25	4100-4100-4100	Asbestos	
Feb. 25	4200-4200-4200	Asbestos	
Feb. 25	4300-4300-4300	Asbestos	
Feb. 25	4400-4400-4400	Asbestos	
Feb. 25	4500-4500-4500	Asbestos	
Feb. 25	4600-4600-4600	Asbestos	
Feb. 25	4700-4700-4700	Asbestos	
Feb. 25	4800-4800-4800	Asbestos	
Feb. 25	4900-4900-4900	Asbestos	
Feb. 25	5000-5000-5000	Asbestos	
Feb. 25	5100-5100-5100	Asbestos	
Feb. 25	5200-5200-5200	Asbestos	
Feb. 25	5300-5300-5300	Asbestos	
Feb. 25	5400-5400-5400	Asbestos	
Feb. 25	5500-5500-5500	Asbestos	
Feb. 25	5600-5600-5600	Asbestos	
Feb. 25	5700-5700-5700	Asbestos	
Feb. 25	5800-5800-5800	Asbestos	
Feb. 25	5900-5900-5900	Asbestos	
Feb. 25	6000-6000-6000	Asbestos	
Feb. 25	6100-6100-6100	Asbestos	
Feb. 25	6200-6200-6200	Asbestos	
Feb. 25	6300-6300-6300	Asbestos	
Feb. 25	6400-6400-6400	Asbestos	
Feb. 25	6500-6500-6500	Asbestos	
Feb. 25	6600-6600-6600	Asbestos	
Feb. 25	6700-6700-6700	Asbestos	
Feb. 25	6800-6800-6800	Asbestos	
Feb. 25	6900-6900-6900	Asbestos	
Feb. 25	7000-7000-7000	Asbestos	
Feb. 25	7100-7100-7100	Asbestos	
Feb. 25	7200-7200-7200	Asbestos	
Feb. 25	7300-7300-7300	Asbestos	
Feb. 25	7400-7400-7400	Asbestos	
Feb. 25	7500-7500-7500	Asbestos	
Feb. 25	7600-7600-7600	Asbestos	
Feb. 25	7700-7700-7700	Asbestos	
Feb. 25	7800-7800-7800	Asbestos	
Feb. 25	7900-7900-7900	Asbestos	
Feb. 25	8000-8000-8000	Asbestos	
Feb. 25	8100-8100-8100	Asbestos	
Feb. 25	8200-8200-8200	Asbestos	
Feb. 25	8300-8300-8300	Asbestos	
Feb. 25	8400-8400-8400	Asbestos	
Feb. 25	8500-8500-8500	Asbestos	
Feb. 25	8600-8600-8600	Asbestos	
Feb. 25	8700-8700-8700	Asbestos	
Feb. 25	8800-8800-8800	Asbestos	
Feb. 25	8900-8900-8900	Asbestos	
Feb. 25	9000-9000-9000	Asbestos	
Feb. 25	9100-9100-9100	Asbestos	
Feb. 25	9200-9200-9200	Asbestos	
Feb. 25	9300-9300-9300	Asbestos	
Feb. 25	9400-9400-9400	Asbestos	
Feb. 25	9500-9500-9500	Asbestos	
Feb. 25	9600-9600-9600	Asbestos	
Feb. 25	9700-9700-9700	Asbestos	
Feb. 25	9800-9800-9800	Asbestos	
Feb. 25	9900-9900-9900	Asbestos	
Feb. 25	10000-10000-10000	Asbestos	

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 the applicant was not present for the hearing.

The Voting Process/Funding Recommendations April 13, 2020

Voting and recommendation Hearings were held remotely via ZOOM due to the COVID-19 crisis April 13, 2020

CPC Administrator, Sandy Dennis 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 and was allowed to assign 6 #1, 5 #2 and 5 #3 to the 16 projects. Sandy Dennis compiled the votes. The votes on these ballots were non-binding but were useful in informing the discussion on each project for the Funding round on April 13, 2020

The final report and appropriation order with recommendation to City Council was sent to the Mayor requesting the order be sent to City Council for vote.

ALLOCATION	AMOUNT FY21	RESERVES	CATEGORY
OPEN SPACE/RECREATION			
Bioreserve Conservation Land Acquisition - Public	54,900		Open Space/Recreation
Bonds			
Year 3 Mt. Hope Bike Path - Public	60,000		Open Space/Recreation
Year 2 Bio Reserve Project # land acquisition - Public	78,000		Open Space/Recreation
SUB TOTAL	192,900		
HISTORIC PRESERVATION			
Maritime Museum - Private/Non-Profit	150,000		Historic Preservation
Lafayette Durfee House - Private/Non-Profit	130,000		Historic Preservation
Fall River School Dept. - Public	220,000		Historic Preservation
Preserving Water Dept. Documents - Public	30,000		Historic Preservation
Water Street - Private	22,000		Historic Preservation
Bank Street Armory - Public	50,000		Historic Preservation
SUB TOTAL	\$602,000.00		Historic Preservation
COMMUNITY HOUSING			
77 Freedom Street - Private	31,250		
SUB TOTAL	\$31,250.00		

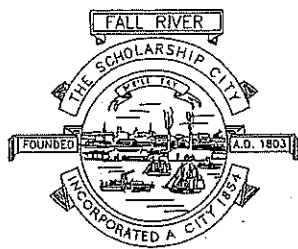
Administrative	\$45,000.00		Administrative
SUB TOTAL	\$45,000.00		
CPC OPEN SPACE/RECREATION	192,900		
CPC HISTORIC PRESERVATION	\$602,000.00		
CPC COMMUNITY HOUSING	\$31,250.00		
CPC ADMINISTRATIVE	\$45,000.00		
TOTAL FY20 APPROPRIATION	\$871,150.00		

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 influence these final recommendations. In the Historic Preservation category, the urgency of repairs, the importance of preserving, protecting in addition was the benefits to the public.

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City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2020 AUG -5 P 1:06

PAUL E. COOGAN
Mayor

CITY CLERK _____
FALL RIVER, MA

August 5, 2020

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

Dear Council President and Members of the Honorable Council:

Please find the revised appropriation for The Community Preservation Committee (CPC) who has identified community projects for the fiscal year 2021 and had made recommendations for funding in accordance with the Community Preservation Act (CPA) MGL Chapter 44B Sections 4 to 7.

The total CPA revised funding request for FY 21 is \$871,150 as outlined in the proposed revised Appropriation Order.

Your approval of the associated Appropriation Order and the CPC Final Report 2020 is respectfully requested.

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

Best Regards,

Paul E. Coogan
Paul E. Coogan
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 11 2020

a/c + placed on file

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CITY OF FALL RIVER
APPLICATION FOR CPA FUNDING

Date: January 15, 2020

Project Title: BIORESERVE CONSERVATION LAND ACQUISITION PROJECT 2021(009-FY21)

Name of Applicant/Contact Person: Paul Ferland

Name of Organization: Fall River Department of Community Utilities/Water Division

Mailing Address: One Government Center, Fall River, MA 02722

Telephone: 508-324-2320

Email: pferland@fallriverma.org

CPA Funding Requested: \$ 54,900.00 Total Project Cost: \$ 70,860.00

CPA Category (YOU MUST CHECK OFF A MINIMUM OF ONE CATEGORY, but may identify more than one category, if applicable to your project)

- | | | | |
|-------------------------|-------------------------------------|----------------------|-------------------------------------|
| • Open Space | <input checked="" type="checkbox"/> | • Outdoor Recreation | <input checked="" type="checkbox"/> |
| • Historic Preservation | <input type="checkbox"/> | • Community Housing | <input type="checkbox"/> |

PROJECT DESCRIPTION:

- All of the following MUST be answered in the space provided. If space is not adequate, please attach additional information to the back of the application.
- APPLICATIONS WILL BE DENIED IF ALL RELEVANT REQUESTED INFORMATION IS NOT PROVIDED. If a section is not applicable to your project, please put "n/a".
- Include supporting materials and exhibits as necessary.
- Please refer to the Fall River Community Preservation Funding Guidelines posted on the city web site before and while completing this application.
- If space provided is not adequate, please attach additional information to application.

1. Describe the project.

The City of Fall River Department of Community Utilities/Water Division will purchase a total of 29.5 acres of undeveloped forestland in the Bioreserve Area of the east section of Fall River for permanent conservation of natural resources and for public recreation.

2. Goals:

a. What are the goals of the proposed project?

The department is poised to acquire those parcels of undeveloped land that have been identified on a list of properties that are critical to long-standing drinking water supply and bioreserve conservation protection goals. (Map attached) That list has been referenced in previous CPA grants and continues to direct all of our land conservation efforts. As of this application, twelve remaining parcels are actively engaged. One, the Thomas Borden Farm, is the subject of another FY2021 CPA Grant Request. Other owners are not willing to sell at this time. The three parcels ready for acquisition in this grant request are available via a unique collaboration with the city's custodian of tax foreclosure property. The parcels W-15-0061, W-15-0076 and W-15-0077 have languished off the tax roles for decades in an "Owner Unknown" status. Now, having gone through foreclosure proceedings, the Water Enterprise Fund may legally purchase them through an interdepartmental transfer that would be exempt from Chapter 30B. The details of this process are provided in the Appendices.

b. Who will benefit and why?

The goal of the project is to permanently protect 29.5 acres of land in an area connected to the Southeastern Massachusetts Bioreserve called the Promised Land. These three parcels are immediately adjacent to the Watuppa Reservation, the Commonwealth of Massachusetts' historic Indian Reservation and to other forestland protected by the Buzzards Bay Coalition. The coalition is scheduled to record Conservation Restrictions on the Desmarais and Costa-Mello properties later this year. The same group will be asked to hold the CRs on these parcels.

Residents of Fall River and visitors from the region and beyond will benefit from increased public access to a pristine wilderness area. Existing recreation trails traverse the area. The deep forest cover and undisturbed ecosystem protects water resources and wetland habitats that connect to the East Branch of the Westport River. The Bread and Cheese Brook which begins nearby is a cold water fishery supporting brook trout and other species. Numerous stone walls cross the properties offering evidence of past agriculture. The adjacent Promised Land parcel, so named in the ancient title deed, has a rich Native American heritage that relate to "Praying Indian" history.

3. Criteria:

How does the project fulfill the General and Specific Criteria of the Community Preservation Committee Guidelines? (Refer to the specifications in the Guidelines)

Section 2 of the CPA legislation defines Open Space and this project protects 7 out of 10 criteria including: Aquifers, recharge areas, and watershed land, Forest land, Fresh marshes and other wetlands, Stream, lake and pond frontage, Lands to protect scenic vistas, Land for wildlife or nature preserve, and Land for recreational use.

Section 2 also defines recreational use. Outdoor, land-based recreational uses of all the lands east of Blossom Road include hiking, mountain biking, birding, cross-country skiing and snowshoeing, and hunting.

4. Community Needs:

a. How does the community benefit from this project?

The community benefits from this project but securing protection and stewardship of three unique, pristine and historic parcels of land. The public will have the assurance that these environmentally sensitive parcels will not be developed or compromised, that they will be open to the public for recreation and education purposes and that they will be managed and cared for in alignment with the conservation goals of the Southeastern Massachusetts Bioreserve.

Protecting the headwaters forest for the Bread and Cheese Brook has implications beyond Fall River. Clean, fresh water feeding the Westport River impacts not only the trout and anadromous fisheries but also shellfish beds and water-based recreation. Protecting connected conservation parcels has important ecological value and, as with most conservation projects in this area, enhances quality of life.

b. Explain how this project addresses needs identified in existing City plans. (Such as in the City of Fall River Master Plan)

This project fulfills land conservation needs identified as a high priority in the following city and regional plans:

1. 2018 Open Space and Recreation Plan and the City of Fall River Master Plan. In the summary of Resource Protection Needs strengthening protection of city-owned drinking water supply and conservation areas is identified as a high priority
2. Municipal/PWS Source Water Assessment and Protection (SWAP) report (2003) – DEP recommends implementing projects to improve the control and quality of stormwater and reduce potential threats.
3. Project is located in priority area identified in Appendix C Priority Development and Priority Areas (PDA-PPA): Fall River Community Priority Areas Summary of the 2013 South Coast Rail Corridor Plan Update. The PPA-PPA give Fall River preference for grants under E.O. 525. Enhancing protect addresses supports this plan.

5. Community/City Endorsement:

a. What is the nature and level of support? Include letters of support from any City boards or community groups that have endorsed the project.

Placing Article 97 protection on existing public water supply and conservation land is a top goal in the 2018 Fall River Open Space and Recreation Plan. The 2017 OSRP was a collaborative effort by a number of city departments (Planning, Conservation, Parks and Cemetery, Water) and representatives of many neighborhood and conservation groups including Green Futures and Bike Fall River. It was facilitated the Southeast Regional Planning and Economic Development District and the final plan was approved and adopted by a vote of the Fall River City Council.

6. Project Budget:

Budget Summary

Total Project Cost	CPA Funds Requested	Additional Funding from Other Sources
\$ 70,860.00	\$ 54,900.00	\$ 15,960.00

Budget Categories - Breakdown

	CPA FUNDS	OTHER FUNDS	TOTAL
Personnel	0	960	960
Equipment	0	0	0
Supplies	0	0	0
Contractual	0	15,000	15,000
Construction	0	0	0
Other	54,900	0	0
TOTAL	54,900	15,960	70,860

Equipment is generally defined as an item with a useful life expectancy of more than one year.

Supplies are defined as an item with a useful life of less than one year.

Construction means all types of work done on a particular property or building including erecting, altering or remodeling.
The cost share is very important in giving the application a competitive advantage.

Additional Funding Information

Identify the amount of additional funding for this project. Sources include private, federal, state or local government, or any other sources.

Organization	Item	Amount	Type (cash, in-kind, etc.)
DCU Water Division	Personnel	\$960	Staff time (about 20 hours) to assist with
			transaction diligence
Buzzards Bay Coalition	Contractual	\$15,000	Endowment to BBC for holding
			Conservation Restriction

7. Funding:

- Attach commitment letters from any organization providing additional funding contribution listed in the table above.
- Describe any other attempts (including unsuccessful) to secure funding for this project. Rejection letters must also be included in your application packet.

N/A

8. Timeline:

Provide a schedule for project implementation, including a timeline for starting and ending major tasks and project completion.

Spring 2020 - Phase I Low Value Foreclosure Process completed through DOR Gateway. Goes through DOR review and Commissioner of DOR issues affidavit that parcels qualify as Low Value. Affidavit recorded at Registry of Deeds. City schedules auction at which it acquires parcels for outstanding Tax Title Balances.

Summer 2020 - Phase II Water Division acquires City Council approval to transfer parcels to the Water Enterprise Fund through an Intergovernmental Transfer. Closing takes place and fee conveyed.

Fall-Winter 2020 - Phase III Buzzards Bay Coalition drafts, obtains approvals and records Conservation Restriction on parcels. Completes base line document.

9. Implementation: Who is responsible for overseeing this project?

Name:	Michael Labossiere
Daytime Phone:	508-324-2749
Evening Phone:	508-837-0251
Email:	mlabossiere@fallriverma.org

10. Maintenance:

a. If ongoing maintenance is required, who will be responsible for it?

On going management, maintenance and stewardship of protected conservation lands included in this application is the responsibility of the DCU Water Division's Watuppa Reservation Forester and his staff

b. How will it be funded?

On going management, maintenance and stewardship of protected conservation lands included in this application is fully funded by the division's operating budget as approved annually by the Fall River City Council.

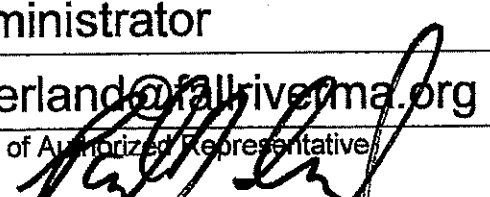
Maintenance Budget (If applicable)

Year one	Year two	Year three	Year four	Year five
\$n/a	\$	\$	\$	\$

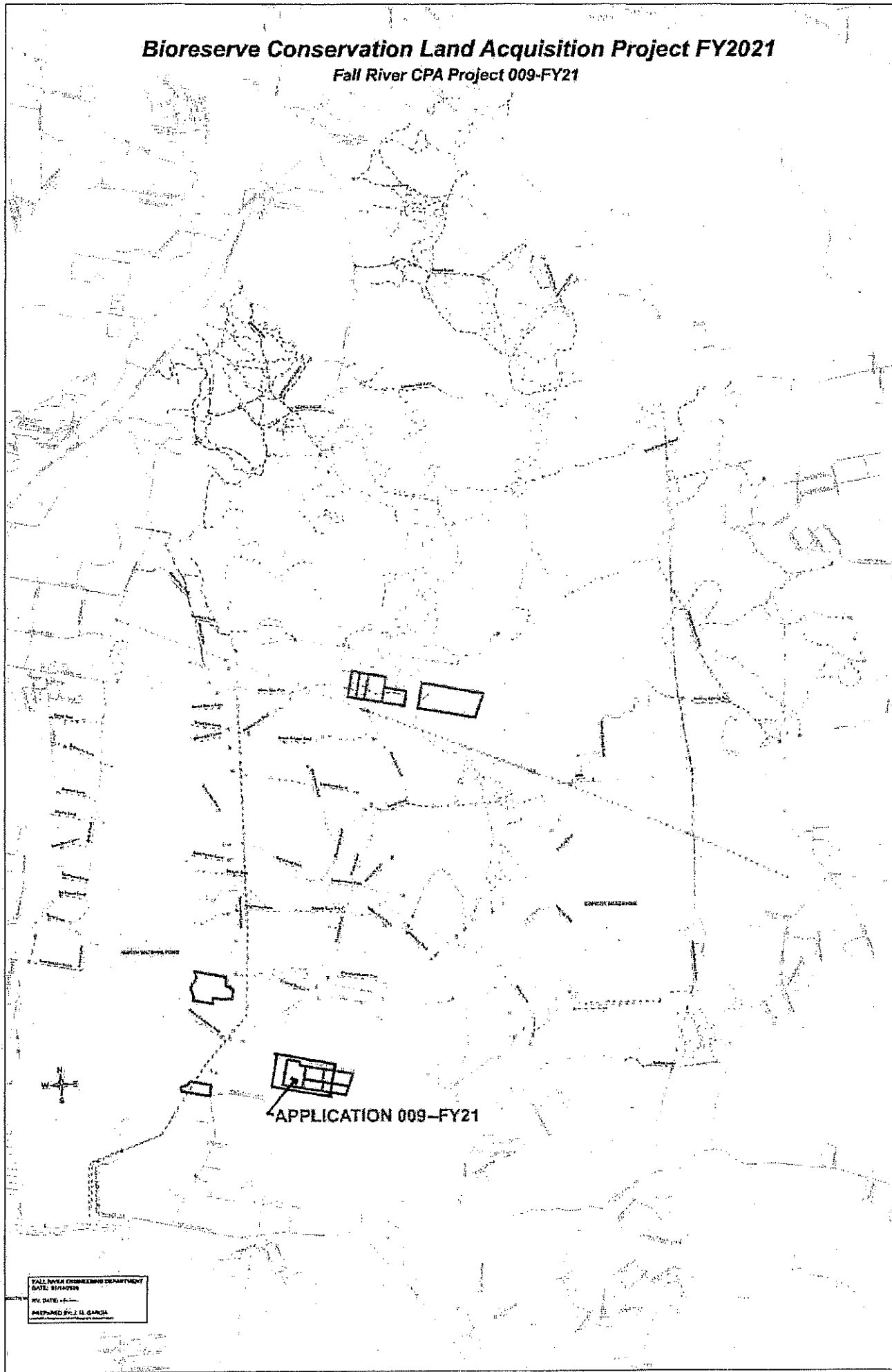
ADDITIONAL INFORMATION:

11. **Project Documentation:** Attach any applicable engineering plans, architectural drawings, site plans, any other renderings, relevant studies or material.
12. **Other Information:** Please provide any additional information that might benefit the CPC in consideration of this project.

*****It is recommended that the applicant include a 10% contingency cost for possible cost overruns. Any funds granted and not used must be returned to the Community Preservation Committee.*****

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE INDIVIDUAL OR GOVERNING BODY OF THE APPLICANT.			
Authorized Representative Department of Community Utilities			
First Name Paul		Last Name Ferland	
Title Administrator		Telephone Number 508-324-2320	
Email: pferland@fallriverma.org		Fax Number n/a	
Signature of Authorized Representative 		Date Signed 1/19/2020	

Bioreserve Conservation Land Acquisition Project FY2021
Fall River CPA Project 009-FY21



Promised Land Conservation Area Project

WESTPORT



INDIAN HILL ROAD

MISSISSIPPI RIVER

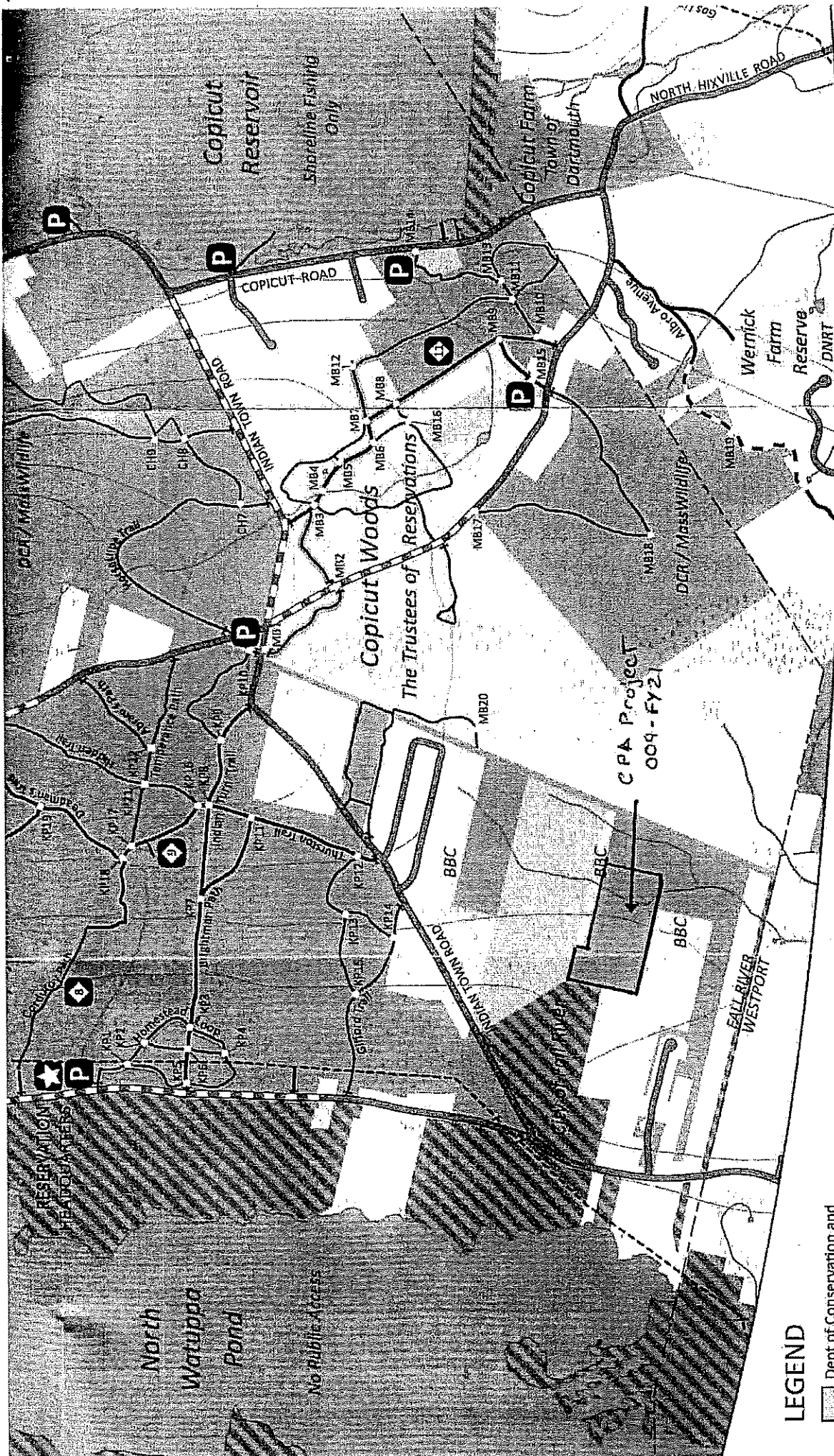
MISSISSIPPI RIVER

MISSISSIPPI RIVER

W-15-61

W-15-17

W-15-16



LEGEND

Dept of Conservation and Recreation (DCR)

MassWildlife

Joint DCR and MassWildlife Land

Municipal Land

Nonprofit Conservation Land

Restricted Access

Wetlands

Public Roads

Rough Roads

Woods Roads

Foot Trails

Self-guided Trails

Graded Dirt Roads

Trails Open to Motorcycles

Streams

Elevation Contour (10ft)

Headquarters

Parking

Gate

Intersection

Feature

1. Profile Rock Site
(Profile Rock collapsed 2019)

2. Assonet Ledge

3. Bell Rock

4. Hog's Rock

5. Doctor Durfee's Mill Pond

6. Esker Trail

7. Mov

8. Corc

9. King

10. Cop

11. Mill

12. Boil

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Re: [EXTERNAL] Low Value Foreclosure W15-0061; W15-0076;
W15-0077

Mike Labossiere

Wed 9/18/2019 8:12 AM

Sent Items

To: Matthew J. Thomas, Esq. <mjt@mjthomaslaw.com>;

Thank you Matt.

I have applied for CPC funding to pay for the parcels.

As we have discussed, there are other parcels in the reservation area that should be under the water/sewer department control...particularly stormwater detention ponds. If you send me a comprehensive list of your tax taking parcels I can point them out.

Thank you,

Mike

From: Matthew J. Thomas, Esq. <mjt@mjthomaslaw.com>

Sent: Saturday, September 14, 2019 11:37:45 AM

To: Mike Labossiere

Cc: Mary Sahady; Teixeira, Paulianne; Ian Schachne; Perry, Diane; Mello, Ben

Subject: [EXTERNAL] Low Value Foreclosure W15-0061; W15-0076; W15-0077

Good Morning Mike –

Please accept this e-mail as a follow up to our recent conversations regarding the above referenced parcels. As you know the City is interested in acquiring these Owner Unknown Parcels for watershed protection purposes. The current Assessed Valuation of these parcels is as follows:

W15-0061	R ES Blossom Road	\$ 22,400.00
W15-0076	R ES Blossom Road	\$ 13,300.00
W15-0077	R ES Blossom Road	\$ 19,200.00

Pursuant to DOR IGR19-7 (a copy of which is attached hereto) the maximum valuation of parcels qualifying for the land of low value foreclosure procedure as an alternative to seeking a foreclosure decree from Land Court under General Laws Chapter 60, Section 79 through December 31, 2019 was \$22,458. Therefore the above referenced parcels all qualify for the Low Value Foreclosure Process.

As I explained to you the Low Value Foreclosure process is an administrative rather than a judicial foreclosure process. Under this process the Treasurer's Office, Collector's Office and Assessors'

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Office all complete a portion of a form through the DOR Gateway. This information is then reviewed by DOR and once the review is complete the Commissioner of the DOR issues an Affidavit that the parcels qualify as Low Value. This Affidavit is then recorded with the Registry of Deeds. The City then schedules an auction at which it acquires the parcels for the outstanding Tax Title Balances. As of 9/14/19 the Tax Title Balances on the above referenced parcels were:

W15-0061	R ES Blossom Road	\$ 18 346.71
W15-0076	R ES Blossom Road	\$ 14 667.64
W15-0077	R ES Blossom Road	\$ 17 182.79

Once the City has acquired the parcels, the City can either schedule an Auction of Tax Possessions at which the Water Enterprise Fund could purchase the parcels, or the City could transfer the parcels to the Water Enterprise Fund through an Intergovernmental Transfer that would be exempt from Chapter 30B. This latter option would require approval by the City Council. For planning & budgeting purposes I would suggest that Water Enterprise Fund plan on paying the following for the respective parcels:

W15-0061	R ES Blossom Road	\$ 22,400.00
W15-0076	R ES Blossom Road	\$ 13,300.00
W15-0077	R ES Blossom Road	\$ 19,200.00

It is my understanding the Treasurer's Office, Collector's Office and Assessors' Office are going to being the Gateway process next week. I would anticipate that the entire process will take about 6 months.

Please contact me at (774) 930-2936 if you have any questions or comments.

Thanks,

Matt

Matthew J. Thomas, Esq.
4 Park Place Suite 101
New Bedford, MA 02740
(508) 994-1500 - Office
(774) 930-2936 - Mobile
(508) 990-1916 - Fax

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17



DLS

DIVISION OF LOCAL SERVICES
MA DEPARTMENT OF REVENUE

Christopher C. Harding
Commissioner of Revenue

Sean R. Cronin
Senior Deputy Commissioner

17

Informational Guideline Release

Bureau of Municipal Finance Law
Informational Guideline Release (IGR) No. 19-7
April 2019

CALENDAR YEAR 2019 ADJUSTMENT
IN
LAND OF LOW VALUE FORECLOSURE VALUATION LIMIT

(G.L. c. 60, § 79)

This Informational Guideline Release (IGR) informs treasurers of the adjusted maximum valuation of parcels qualifying for the land of low value foreclosure procedure in calendar year 2019.

Topical Index Key:

Collection Procedures

Distribution:

Treasurers

CALENDAR YEAR 2019 ADJUSTMENT
IN
LAND OF LOW VALUE FORECLOSURE VALUATION LIMIT

(G.L. c. 60, § 79)

SUMMARY:

The maximum valuation of parcels qualifying for the land of low value foreclosure procedure as an alternative to seeking a foreclosure decree from land court under General Laws Chapter 60, Section 79 was increased to \$15,000 in 2002 and indexed to annual increases in consumer prices beginning January 1, 2003.

The maximum valuation is adjusted using the percentage increase in the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for Urban Consumers, Boston (CPI-U) for the previous calendar year.

The Commissioner of Revenue has determined that the maximum valuation for parcels qualifying for the land of low value foreclosure procedure will be increased by 2.5% effective January 1, 2019.

GUIDELINES:

1. During calendar year 2019, treasurers may foreclose tax titles using the land of low foreclosure procedure for parcels worth up to **\$22,458**.

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City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

August 17, 2020

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

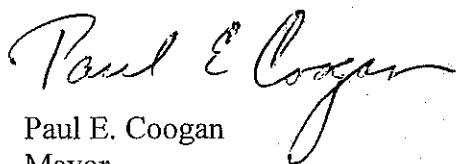
RE: Rescinding July's and August's Continuing Appropriation Budget

Dear Honorable Council Members:

I respectfully request to rescind effective 8/31/2020 both July's and August's Continuing Appropriation Budget of \$24,750,167 approved on June 23, 2020 and of \$17,589,240 approved July 14, 2020, respectively. We submitted the FY21 Municipal Budget for your review on August 11, 2020.

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

Best Regards,


Paul E. Coogan
Mayor

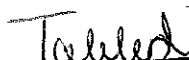
CITY CLERK
FALL RIVER, MA

2020 AUG 17 A 11:49

RECEIVED

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 31 2020



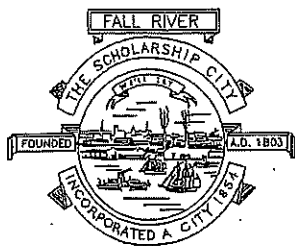
ORDERED, that the continuing appropriation budgets for the months of July and August in Fiscal Year 2021 listed below are hereby rescinded effective August 31, 2020.

- \$24,750,167 for the month of July
- \$17,589,240 for the month of August

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 31 2020

Tabled



City of Fall River
Massachusetts
 Office of the Mayor

RECEIVED

2020 SEP -1 A 9:42

CITY CLERK _____
 FALL RIVER, MA

PAUL E. COOGAN
 Mayor

August 31, 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: Jose M. Barbosa

Address: *

To: Traffic Commission

Expiration Date: N/A

Sincerely,

Paul E. Coogan
 Mayor

Auditors
 Human Resources
 City Clerk

PC/amos

CITY OF FALL RIVER
 IN CITY COUNCIL

SEP - 8 2020

***Contact information redacted pursuant to M.G.L. c. 4 § 7 (26) (a) Statutory Exemption (M.G.L. Chapter 66, Section 10).**

19

City of Fall River
Office of the Corporation Counsel

PAUL E. COOGAN
Mayor

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2020 SEP 17 P 4:57

CITY CLERK
FALL RIVER, MA



ALAN J. RUMSEY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

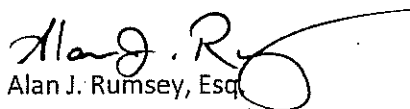
September 17, 2020

Mayor Paul Coogan
Members of the Fall River City Council
City Clerk Alison Bouchard
Director of Traffic and Parking Laura Ferreira

Re: Section 9-12 Limitation on Office Holding

Section 9-12 of the Charter does not prevent Officer Barbosa from serving on the Traffic Board. Section 9-12 states that "no person shall simultaneously hold more than 1 city office or position of employment" absent a waiver from the mayor. Unpaid Service on the Traffic Board is neither a "city office" nor a "position of employment".

Very truly yours,


Alan J. Rumsey, Esq.
Corporation Counsel