

City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2022 JUN 24 P 1:02

MEETINGS SCHEDULED

CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
TUESDAY, JUNE 28, 2022

ALISON M. BOUCHARD
CITY CLERK

CITY CLERK
FALL RIVER, MA
INÊS LEITE
ASSISTANT CITY CLERK

AGENDA

5:55 P.M. CITY COUNCIL PUBLIC HEARINGS

Junk Collector and Second Hand:

Denilson de Freitas Januario d/b/a D & M Junk Collector, 889 Grinnell Street, Fall River, MA 02721 for permission to operate as a junk collector and operate and maintain a second hand article store located at 889 Grinnell Street (used vehicles to be sold).

Auto Repair Shop:

Jonathan Manchester, 398 Canedy Street, Fall River, MA d/b/a Manchester Automotive for a license to operate an auto repair shop at 45 Dover Street, on Lot B-21-4, Assessors Plan.

6:00 P.M. CITY COUNCIL COMMITTEE ON FINANCE MEETING

1. Citizen Input
2. *Resolution – Discuss funding for construction of storage area/facility (tabled 12-2-20)
3. *Transfers and appropriations (see # 9 below)
4. *Mayor requesting approval of seven (7) proposals for Bristol County ARPA funding (see #4 below)

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

PRIORITY MATTERS

1. *Mayor requesting confirmation of the following appointments to the newly created Historical Commission
 - a. Kristen Cantara Oliveira
 - b. Richard R. Mancini
 - c. Maria Connie Soule
 - d. Elizabeth A. DeBlock
2. *Mayor and orders for three (3) City Council appointments to the newly created Historical Commission
3. *Mayor requesting confirmation of the appointment of Scott Alves as a member of the Sewer Commission
4. *Mayor requesting approval for seven (7) proposals for Bristol County ARPA funding
5. *Mayor and request from Sanford Spinning Mills LLC, 206 Globe Mills Avenue to amend Waterfront Downtown HD Zone to include Globe Mills Avenue and surrounding areas
6. *Mayor and order accepting periodic donations of smoke and CO detectors, fire extinguishers, cleaning supplies and other like materials from Amazon to the Fall River Fire Department
7. *Mayor and order accepting gift of two natural gas meters and calibration kits for the Fall River Fire Department Command Vehicle Cars 2 and 3 from Liberty Utilities
8. *Mayor and order to establish a Career Vocational Technical Education (CVTE) Revolving Fund for BMC Durfee High School with a spending limit of \$200,000.00

9. *Mayor and order to transfer the sum of \$50,000.00 from Fire, Salaries to Fire, Expenses
10. *Mayor and order scheduling Special Municipal Election on Nov. 8, 2022 to designate the City of Fall River an MBTA district relative to South Coast rail

PRIORITY COMMUNICATIONS

11. *Traffic Commission recommending amendments to traffic ordinances

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS – None

CITATIONS – None

ORDERS – HEARINGS

Junk Collector and Second Hand:

12. Denilson de Freitas Januario d/b/a D & M Junk Collector – 889 Grinnell Street

Auto Repair Shop:

13. Jonathan Manchester, d/b/a Manchester Automotive – 45 Dover Street

ORDERS – MISCELLANEOUS

14. *Board of Election Commissioners and order designating polling places for the Special Municipal Election to be held on November 8, 2022
15. Auto Body Shop License Renewals:
Fausto Ortiz d/b/a Auto Rally, Inc. located at 1033 Pleasant Street
16. Auto Repair Shop License Renewals:
Timothy Pinto d/b/a Gils Automotive located at 196 Oak Grove Avenue
Fouad Rechmani d/b/a JC Gas, LLC located at 537 Bedford Street
Fausto Ortiz d/b/a Auto Rally, Inc. located at 1033 Pleasant Street

COMMUNICATIONS – INVITATIONS – PETITIONS

17. *Claim
18. Drainlayer License:
JDQ Excavating, LLC
19. Zoning Board Minutes – April 21, 2022
20. City Council Minutes:
*Public Hearing – May 31, 2022
21. *Public Hearings – June 14, 2022
22. *Committee on Finance – June 6, 2022
23. *Special Meeting of the City Council – June 6, 2022
24. *Disabled American Veterans, William S. Green Chapter 9, September 23, 2022
celebration dinner celebrating 100 years of empowering veterans

BULLETINS – NEWSLETTERS – NOTICES – None


City Clerk

OTHER POTENTIAL MATTERS TO BE ACTED UPON:

PRIORITY MATTERS

- 10a. *Mayor and orders of taking for the MBTA Southcoast Rail Program Off-Site Traffic Mitigation Improvements at the intersection of President Avenue and North Main Street

City of Fall River, *In City Council*

FINANCE 2

(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.

In City Council, September 22, 2020
Adopted

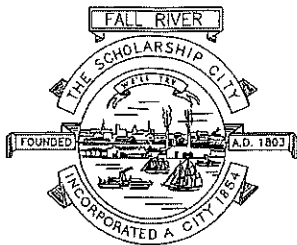
A true copy. Attest:

Alison M. Bouchard

City Clerk

12-2-20

Tabled, 8 years



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2022 JUN 21 P 3:14

CITY CLERK
FALL RIVER, MA

June 21, 2022

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

Madam President and Members of the Honorable Council:

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

Name: Kristen Cantara Oliveira

Address: 100 Chavenson Street
Fall River, MA 02723

Position: Historical Commission

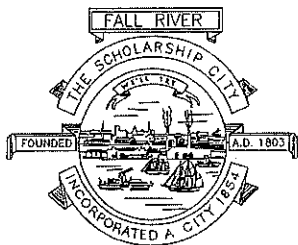
Effective: June 21, 2022

Term to Expire: June 21, 2025

Sincerely,

Paul E. Coogan
Mayor

PC/amos



City of Fall River
Massachusetts
Office of the Mayor

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RECEIVED

2022 JUN 21 P 3:14

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

June 21, 2022

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

Madam President and Members of the Honorable Council:

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

Name: Richard R. Mancini

Address: 243 French Street
Fall River, MA 02720

Position: Historical Commission

Effective: June 21, 2022

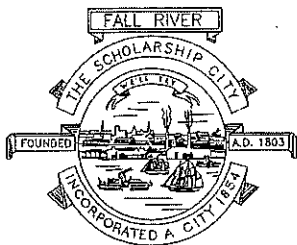
Term to Expire: June 21, 2023

Sincerely,

Paul E. Coogan
Mayor

PC/amos

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City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

RECEIVED

2022 JUN 21 P 3:14

CITY CLERK
FALL RIVER, MA

June 21, 2022

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

Madam President and Members of the Honorable Council:

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

Name: Maria Connie Soule

Address: 577 Rock Street
Fall River, MA 02720

Position: Historical Commission

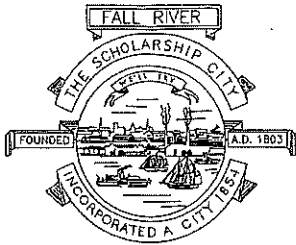
Effective: June 21, 2022

Term to Expire: June 21, 2024

Sincerely,

Paul E. Coogan
Mayor

PC/amos



City of Fall River
Massachusetts
Office of the Mayor

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PAUL E. COOGAN
Mayor

RECEIVED

2022 JUN 21 P 3:14

CITY CLERK _____
FALL RIVER, MA

June 21, 2022

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

Madam President and Members of the Honorable Council:

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

Name: Elizabeth A. De Block

Address: 52 Underwood Street
Fall River, MA 02720

Position: Historical Commission

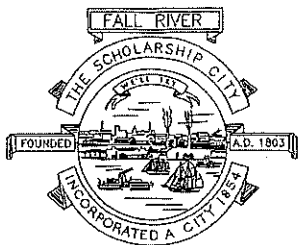
Effective: June 21, 2022

Term to Expire: June 21, 2023

Sincerely,

Paul E. Coogan
Mayor

PC/amos



1d

City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

June 23, 2022

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

Dear Madam President and Members of the Honorable Council:

Please see the attached appointment letter for the confirmation of Elizabeth A. De Block to the Historical Commission. Ms. De Block was recommended by several members of the Historical Commission for appointment to this board/ commission.

After review of her resume, I believed that Ms. De Block's education with an undergraduate and advanced degree in Historic Preservation as well as her years of historic preservation experience make her an excellent candidate for appointment to the Historical Commission.

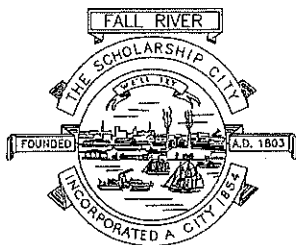
I greatly appreciate her willingness to serve the City as an appointee to the Historical Commission. I respectfully ask for your consideration with this appointment.

Best Regards,

Paul E. Coogan
Mayor

PC/amos

RECEIVED
2022 JUN 23 A 10:07
CITY CLERK
FALL RIVER, MA



City of Fall River
Massachusetts
Office of the Mayor

2

RECEIVED

2022 JUN 21 P 3:14

PAUL E. COOGAN
Mayor

CITY CLERK _____
FALL RIVER, MA

June 21, 2022

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

Dear Madam President and Members of the Honorable Council:

Attached please find three resumes for your review and possible recommendation for appointment to the newly created Historical Commission. These individuals were members of either the Fall River Historic District Commission and/or the Historical Commission.

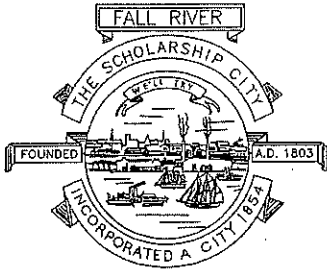
I have forwarded under separate cover the four individuals I will be recommending for appointment, of the four, three have serviced on the Historical Commission previously and the other is a new appointee to fill an expired term.

Thank you for your consideration with these requests.

Sincerely,

Paul E. Coogan
Mayor

PC/amos



City of Fall River
Massachusetts
City Council

2

PAM LALIBERTE-LEBEAU
President
City Council

June 24, 2022

Honorable City Council
One Government Center
Fall River, MA 02722

Dear Councilors,

The Fall River Historic District Commission and the Historical Commission have merged to form the newly created Historical Commission. As members of the former boards wish to remain, I hereby request your support for these appointments.

Thank you for your consideration and if you have any questions feel free to contact me at 508-367-6819.

Very truly yours,

Pam Laliberte-Lebeau

Pam Laliberte-Lebeau
President
City Council

/ct

City of Fall River, *In City Council*

2

ORDERED, that the City Council hereby appoints the following individual to serve on the Historical Commission as designated:

NAME

TERM TO EXPIRE

Ruben Amaral

6-21-2023

City of Fall River, *In City Council*

2

ORDERED, that the City Council hereby appoints the following individual to serve on the Historical Commission as designated:

NAME

TERM TO EXPIRE

Joyce B. Rodrigues

6-21-2024

City of Fall River, *In City Council*

2

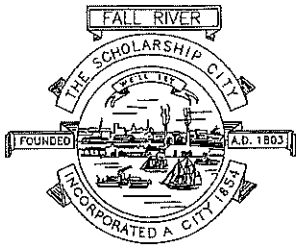
ORDERED, that the City Council hereby appoints the following individual to serve on the Historical Commission as designated:

NAME

TERM TO EXPIRE

Jason R. Bouchard-Nawrocki

6-21-2025



City of Fall River
Massachusetts
Office of the Mayor

3

PAUL E. COOGAN
Mayor

June 23, 2022

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

Dear Madam President and Members of the Honorable Council:

Please see the attached appointment letter for the confirmation of Scott Alves to the Sewer Commission. Mr. Alves reached out to express his interest as a City resident in serving on a board/ commission.

After review of his resume, I believed that Mr. Alves' work experience in the facilities and maintenance field will make him an asset to the Sewer Commission. He has previously worked for the City of Fall River and is familiar with the duties and responsibilities of members of boards and commissions.

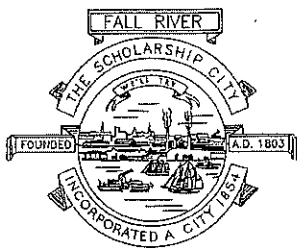
I greatly appreciate his willingness to serve the City as an appointee to the Sewer Commission. I respectfully ask for your consideration with this appointment.

Best Regards,

Paul E. Coogan
Mayor

PC/amos

RECEIVED
2022 JUN 23 A 10:07
CITY CLERK
FALL RIVER, MA



City of Fall River
Massachusetts
Office of the Mayor

3

PAUL E. COOGAN
Mayor

June 14, 2022

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

Madam President and Members of the Honorable Council:

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

Name: Scott J. Alves

Address: 97 Lewin Street
Fall River, MA 02720

Position: Sewer Commission

Effective: June 14, 2022

Term to Expire: February 17, 2027

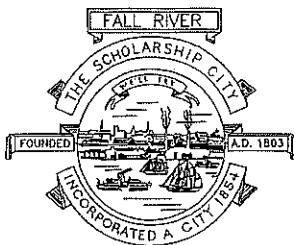
Replace: Laura J. Washington

Sincerely,


Paul E. Coogan
Mayor

PC/amos

RECEIVED
2022 JUN 17 P 12:40
CITY CLERK
FALL RIVER, MA



City of Fall River
Massachusetts
Office of the Mayor

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RECEIVED

2022 JUN 23 P 3:44

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

June 23, 2022

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

Dear Madam President and Members of the Honorable Council:

Attached for your consideration please find seven (7) proposals for Bristol County ARPA funding initial allocation. Please advise if any additional information is needed.

Thank you for your consideration with these requests.

Sincerely,

Paul E. Coogan
Paul E. Coogan
Mayor

PC/amos

4



CITY OF FALL RIVER, MASSACHUSETTS

RECEIVED

2022 JUN 23 P 2:54

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

CITY CLERK _____
FALL RIVER, MA

June 23, 2022

Dear Madam President and Members of the Honorable Council:

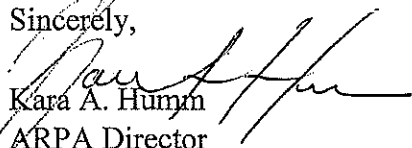
As per Council's request, please find attached to this correspondence seven proposals for Bristol County ARPA funding. The proposed expenditures for the initial installment of funding, are as follows:

(1) Body-Worn Cameras and Compatible Tasers	\$1,522,877.00
(2) Graffiti Removal Machine	\$75,400.00
(3) Pot-Hole and Asphalt Repair	\$122,568.00
(4) Street Sweepers	\$950,000.00
(5) Bioreserve Discovery Center	\$1,365,000.00
(6) Blue Water Project	\$241,275.00
(7) 911 Dispatch Communications System	\$305,000.00
TOTAL	\$4,537,120.00

Attached please find a detailed summary of each proposed expenditure and the category that allows the expenditure to be eligible for ARPA funding, as well, the importance and necessity each of these expenditures will have on the City of Fall River. We would appreciate your support in the hopes of moving forward with these proposals to the Bristol County Treasury.

Thank you for your time and consideration.

Sincerely,


Kara A. Humm
ARPA Director
City of Fall River

PROPOSED EXPENDITURES USING BRISTOL COUNTY ARPA FUNDS

4

ARPA Fund Use: **BODY-WORN CAMERAS AND TASERS**
Fall River Police Department

Description of Purchase: The Fall River Police Department seeks funding for the purchase of body-worn cameras and camera compatible Tasers, including equipment maintenance and data storage for 5 years.

Requested ARPA Funds: \$1,522, 877.00

Category: 3: Services to Disproportionately Impacted Communities
3.16 Social Determinants of Health: Community Violence Intervention

Rationale for ARPA Funding:

The American Rescue Plan Act states that “investing in technology and equipment to allow law enforcement to more efficiently and effectively respond to the rise in violent crime resulting from the pandemic” constitutes an eligible use of funds. Therefore, Body-worn cameras and Tasers are considered forms of such technology and equipment. During the pandemic the United States saw a 30% increase in gun violence. Overall emergency room visits dropped 26%, whereas firearm injury rose 34%. The purchase of this technology and equipment for the Fall River Police Department are responsive to this harm and therefore an eligible expense.

The Fall River Police Department was awarded money for the Law Enforcement Body-Worn Camera Program per FY2022. The initial \$201K awarded will cover nearly the total cost of \$205,820.00 due for the first year, however this is only part of a 60 month lease with an overall cost of \$1,327, 193.03. The purchase would equip the Fall River Police Department with 225 cameras, equipment for charging stations, side arm activation kits for activating system upon an officer drawing their Taser, docking stations and mounting kits. The purchase of new X7 Tasers which is compatible with the technology that automatically turns all body worn cameras into “record” mode, whenever the Taser is powered on, and additionally can plot geographical data in recreating a scene on paper where a deployment occurred. Without the new X7 Tasers, the body-worn cameras cannot be automatically activated and officer would be required to turn them on manually during a potentially time sensitive, challenging, and urgent encounter.

Body-worn cameras are a tool for creating accountability with law enforcement. The ability to capture law enforcement and community encounters provides transparency. It is critical that the community, especially those disproportionately impacted by COVID-19 pandemic believe that they can trust the police. Trust is achieved through transparency and accountability. As the Fall River Police Department moves forward and continues to respond and handle the increased violence within the city the body-worn cameras and Tasers will assist in changing behavior, increased public confidence, reduction in number of complaints against officers, and deescalate violence.

PROPOSED EXPENDITURES USING BRISTOL COUNTY ARPA FUNDS

4

ARPA Fund Use: **GRAFFITI REMOVAL MACHINES**
Department of Community Maintenance

Description of Purchase: The Department of Community Maintenance is seeking funds for the purchase of a new graffiti removal machine and retrofit of existing graffiti removal machine.

Requested ARPA Funds: \$75,400.00

ARPA Fund Use: Purchase of a new graffiti removal machine and retrofit of existing graffiti removal machine.

Category: 2: Negative Economic Impacts
2.11: Aid to Tourism, Travel, or Hospitality

Rationale for ARPA Funding:

According to American Rescue Plan Act funding is permitted for "tourism, travel, and hospitality." Specifically, investments that stimulate the economy are eligible. Transformation, beautification, and preservation of the commercial districts that were negatively impacted during the pandemic are necessary to further the economic development of Fall River.

The COVID-19 pandemic stopped socialization as the community went into a lockdown, the streets quieted, and a surge in graffiti occurred in cities throughout the country. The City became a canvas for graffiti during the pandemic. Graffiti is vandalism and scars the community, hurting property values, and causing home and business owners already struggling to incur the cost to remove it. In an effort to support local businesses within the community and to spotlight some of the wonderful tourist attractions throughout the city, we need to remove the graffiti across the city.

PROPOSED EXPENDITURES USING BRISTOL COUNTY ARPA FUNDS

4

ARPA Fund Use: **POT-HOLE AND ASPHALT REPAIR**
Department of Community Maintenance

Description of Purchase: The Department of Community Maintenance is seeking funds the purchase of 2 infrared equipped "hot box" asphalt arrays for year-round pothole and road repair capability.

Requested ARPA Funds: \$122, 568.00

Category: 5 –Infrastructure
5.5 Clean Water: Other Sewer Infrastructure
5.6 Clean Water: Stormwater

(Page 38 of Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule)

Rationale for ARPA Funding:

The American Rescue Plan Act allows funds to be used for "necessary investments in water, sewer, or broadband infrastructure." The Final Rule explains this to include a broad range of projects that improve access to clean drinking water, improve wastewater and storm water infrastructure systems, and provides municipal governments with wide latitude to identify investments of water and sewer infrastructure that are of the highest priority for their own communities.

Under the Final Rule additional eligible projects must be found to be a "necessary" investment in infrastructure. The eligible project list outlined in the Final Rule specifically includes "culvert repair, resizing, and removal, replacement of storm sewers, and additional types of stormwater infrastructure."

Here, the purchase of 2 infrared equipped "hot box" asphalt arrays for year-round pothole road repair capability, would be eligible under the Act. It would allow the City the opportunity to access the water and sewer infrastructure below ground throughout the year. Currently, the City is limited to seasonal improvements to the water and sewer infrastructure, which limits the amount of projects the City can rectify within a given year. If the City had the ability to continue projects throughout the long winter months.

The equipment uses an infrared heating unit to heat in-place asphalt to soften it to a workable state, then new asphalt can be added which fuses seamlessly with the old asphalt. The infrared process, eliminates the saw cut seams which occur with the older equipment. The saw cut seams permit rainwater to enter, which introduces moisture and freeze/thaw causing damage to the pavement. The equipment being sought will allow work to continue year round and the quality of the work will create longevity in the results, reducing need to repair year after year. The equipment is particularly beneficial for joint repairs, manholes, complicated drainage areas, high spots, catch basins, and grade control.

PROPOSED EXPENDITURES USING BRISTOL COUNTY ARPA FUNDS

4

ARPA Fund Use: **STREET SWEEPERS**
Department of Community Maintenance

Description of Purchase: The Department of Community Maintenance is seeking funds for the purchase of a new graffiti removal machine and retrofit of existing graffiti removal machine.

ARPA Fund Use:
Purchase of 3 Street Sweepers broken down as follows:

2 Brush Type Sweepers for DCM at \$300,000 each	\$600,000
1 Vacuum Type Sweeper for DCU at \$350,000	<u>\$350,000</u>
TOTAL:	\$950,000

Category: 5 –Infrastructure
5.1 Clean Water: Centralized Wastewater Treatment
5.6 Clean Water: Storm Water

(Page 37 of Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule)

Rationale for ARPA Funding:

The purchase of three street sweepers will enhance the City's ability to remove contaminants from city streets that routinely make their way into the storm drains and combined sewer. Routinely, sand, oil, leaf litter and urban debris make their way into the catch basins, which flows into our local rivers, streams and the Waste Water Treatment Plant, and eventually into the Taunton River and Mt. Hope Bay. The result is increased treatment of wastewater.

The addition of three street sweepers will allow for an increase in the number of times per year the City is able to clean the streets and prevent contaminants from entering the catch basins. The vacuum type sweeper works in tandem with the two brush sweepers, with the brush sweeper breaking up debris that covers the roadway and the vacuum will remove it entirely from the roadway. The tandem brush and vacuum street sweepers will keep the City streets safe for motorists, cyclists, and storm drains will be kept clear from debris entering and ultimately polluting the water shed and other sensitive areas within our urbanized area.

The equipment will assist with reducing the impact on our wastewater and storm water systems, as well as improve the quality in ponds, streams, and rivers.

The American Rescue Plan Act allows funds to be used for "necessary investments in water, sewer, or broadband infrastructure." The Final Rule explains this to include a broad range of projects that improve access to clean drinking water, improve wastewater and storm water infrastructure systems, and provides municipal governments with wide latitude to identify investments of water and sewer infrastructure that are of the highest priority for their own communities.

PROPOSED EXPENDITURES USING BRISTOL COUNTY ARPA FUNDS

4

ARPA Fund Use: **BIORESERVE DISCOVERY CENTER**
Department of Community Utilities-Water Division

Description of Purchase: The Department of Community Utilities is seeking funds to assist with the purchase of property and renovation for Bioreserve Environmental Education and Discovery Center located at the Adirondack Farm on the North Watuppa Pond.

Requested ARPA Funds: \$365,000 towards purchase of property
 \$1,000,000 towards renovation
 \$1,365,000 TOTAL

Category: 3: Services to Disproportionately Impacted Communities
 3.9 Healthy Childhood Environments: Other

Rationale for ARPA Funding:

The American Rescue Plan Act created an opportunity for communities to increase children's regular connections to nature and promote healthy child development. The U.S. Treasury specifically states and places emphasis on "serving the hardest-hit communities and families" including to "address educational disparities" and "promote healthy childhood environments." Guidance from the U.S. Treasury also notes "investments in parks, public plazas, and other public outdoor recreational spaces may be responsive to the needs of disproportionately impacted communities by promoting healthier living environments and outdoor recreation and socialization to mitigate the spread of COVID-19."

The Bioreserve Environmental Education and Discovery Center will serve as a gateway to the bioreserve acting as a regional resource for educational and interpretive programs related to history, land use, and ecological significance of the bioreserve land. Educational programs will be offered and operated by program partners, including: Durfee Career & Technology Program, Diman Science and Culinary Studies, BCC Sustainable Studies and Culinary Studies, Massachusetts Audubon, and Narragansett Bay Estuary Program. The funding would provide an opportunity for increased activity and interest in the outdoor recreational activities available within the Southeastern Massachusetts bioreserve.

PROPOSED EXPENDITURES USING BRISTOL COUNTY ARPA FUNDS

4

ARPA Fund Use: **BLUE WATER PROJECT**
Department of Community Utilities-Water Division

Description of Purchase: The Department of Community Utilities-Water Division is seeking funds to support project consisting of design and permitting of four retrofits in an effort to reduce phosphorus loading to South Watuppa Pond to restore water quality and protect it as a potential back-up water supply and recreational resource.

Requested ARPA Funds: \$241,275.00
Grant Matches: SNEP Grant \$62,550.00
MVP Grant \$178,725.00

Category: 5 –Infrastructure
5.1 Clean Water: Centralized Wastewater Treatment
5.6 Clean Water: Storm Water
5.9 Clean Water: Nonpoint Source

(Page 37 of Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule)

Rationale for ARPA Funding:

The Blue Water Project is supported by the South Watuppa Pond Nutrient Management Plan which is being completed by the City with funding support from the Bay Coast Bank in conjunction with UMASS Dartmouth. County ARPA funding is being sought since the project assists not only Fall River, but also Westport and Tiverton, Rhode Island.

The purpose of the Blue Water Project is to reduce phosphorus loading to the South Watuppa Pond, hence restoring water quality and protect it as a potential back-up water supply and recreational resource for the public to use and enjoy. Funding would be used for design and permitting of four retrofits. The community would benefit from a back-up water supply and recreational resource, as well as the addition of educational programs.

The American Rescue Plan Act allows funds to be used for “necessary investments in water, sewer, or broadband infrastructure.” The Final Rule explains this to include a broad range of projects that improve access to clean drinking water, improve wastewater and storm water infrastructure systems, and provides municipal governments with wide latitude to identify investments of water and sewer infrastructure that are of the highest priority for their own communities. Furthermore, the Final Rule provides clarity on the types of projects that can be funded through ARPA and makes eligible projects that can be supported by the U.S. Environmental Protection Agency’s Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF). Under CWSRF, the Blue Water Project would be an eligible project, as it would fall under “control non-point sources of pollution, facilitate water reuse, and protect water bodies from pollution.”

PROPOSED EXPENDITURES USING BRISTOL COUNTY ARPA FUNDS

4

ARPA Fund Use: **911 DISPATCH COMMUNICATION SYSTEM**
Fall River Police Department

Description of Purchase: The Fall River Police Department are seeking funds to update the 911 dispatch communication utilized by the Fall River Police, Fire, and EMS Departments.

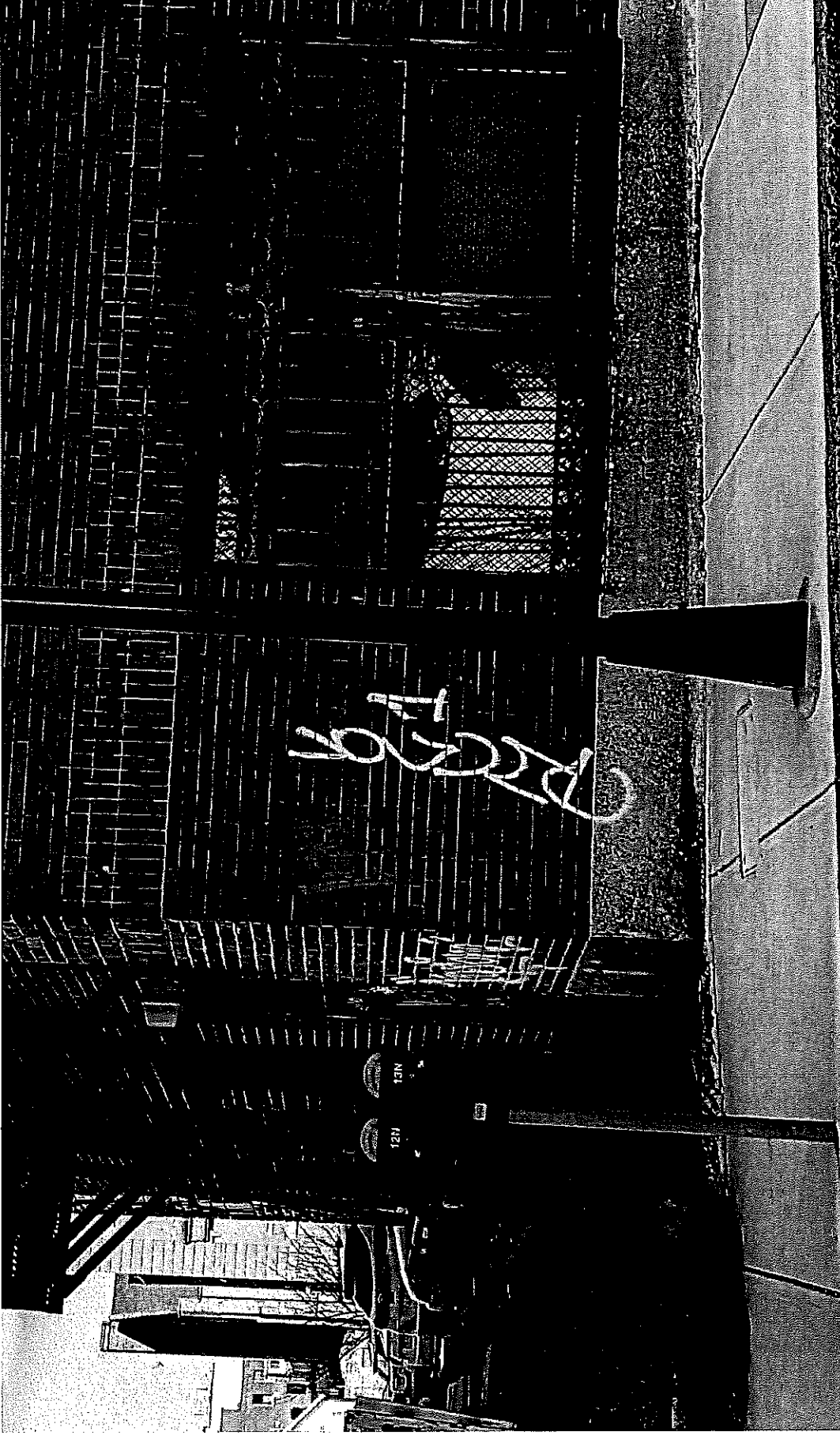
Requested ARPA Funds: \$305,000

Category: 3: Services to Disproportionately Impacted Communities
3.16 Social Determinants of Health: Community Violence Intervention

Rationale for ARPA Funding:

ARPA Funding can be used to invest in technology and equipment that allows for law enforcement to more efficiently and effectively respond to the rise in violent crime resulting from the pandemic. Moreover, the pandemic exacerbated mental health and substance use disorder needs within the community.

The proposed funding would be used to upgrade the main public safety communications terminal utilized by the Fall River Police, Fire and EMS Departments. In 2020 the Fall River Police Department Communications Division which includes all "calls for service" for the Police, Fire, and EMS received 66,895 such calls, with an increase in 2021 by 0.80% with 67,429 calls. Without the upgrade the equipment supporting these departments and the communities they serve would suffer possible partial or total loss of fixed capabilities, leading to all three agencies working from telephone or mobile apparatus. Communication and its equipment are at the heart of all three departments, it is crucial to have uninterrupted services to serve the community. It is necessary to have the 911 Dispatch System upgraded to ensure that those victims of violent crimes, those in need of mental health and substance use assistance can access police, fire or EMS departments and that these departments can continue to keep the community safe.



No Main St
Business
District

4



4



4



4

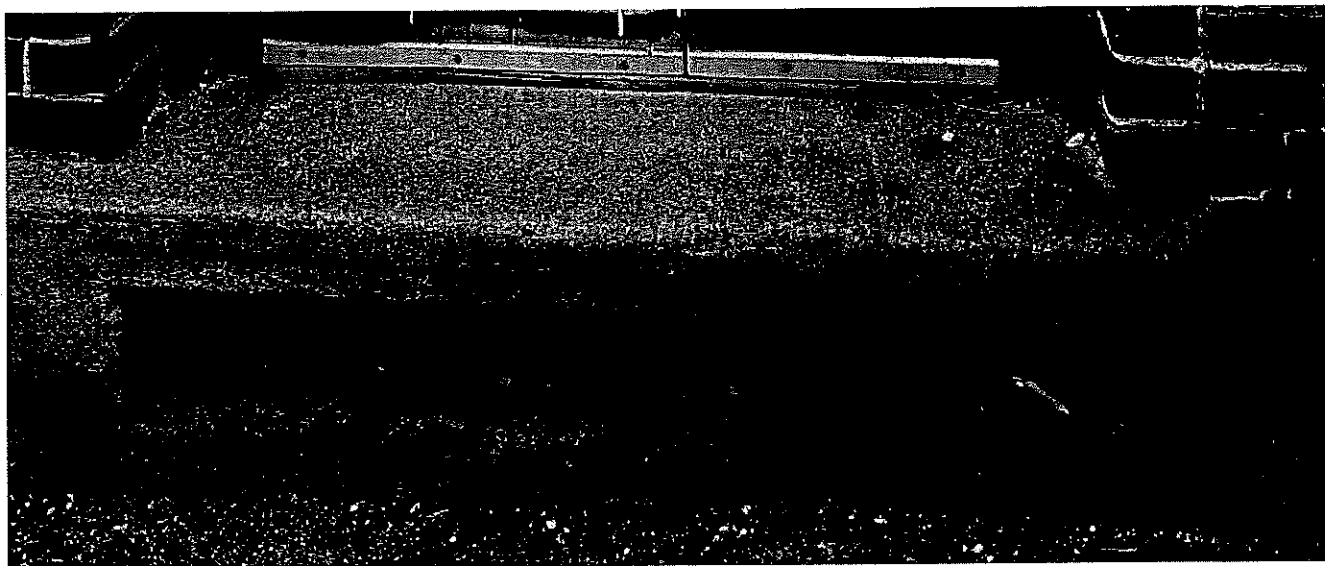


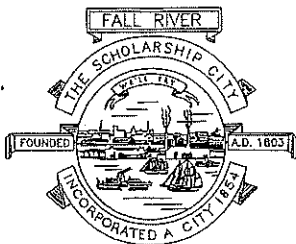
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4



4





City of Fall River
Massachusetts
Office of the Mayor

5

RECEIVED

2022 JUN 23 P 2:31

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

June 21, 2022

Council President and Members
Of the Honorable Council
One Government Center
Fall River, MA 02722

Dear Council President and Members of the Honorable Council:

Please accept this correspondence to initiate City Council action and forward this request by Sanford Spinning Mills LLC., 206 Globe Mills Ave, Fall River, MA 02721 to the City of Fall River Planning Board for review and action to amend the City of Fall River Waterfront [Downtown HD Zone to include the location of the Globe Mills Ave and surroundings areas (see attached map).

Once the appropriate action is taken by the Council regarding this request it can be forwarded to the City of Fall River Planning Department for the scheduling of a Public Hearing on this matter.

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

Sincerely,

Paul E. Coogan
Mayor

5
Sanford Spinning Mills, LLC
206 Globe Mills
Fall River, MA 02724
508-649-1150

RECEIVED

2022 JUN 23 P 2:31

June 21, 2022

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

CITY CLERK _____
FALL RIVER, MA

Honorable Pam Laliberte-Lebeau
President
Fall River City Council
One Government Center
Fall River, MA 02722

RE: Proposed Amendment to the Waterfront /Downtown HD Zone

Dear Mayor Coogan and Council President Laliberte-Lebeau:

With regard to the above referenced subject matter and pursuant to 760 CMR 66.00, please accept this correspondence to initiate a request from Sanford Spinning Mills LLC, as owner of the former Duro Mill (Globe Yarns Mill No. 3) located at 206 Globe Mills Avenue, (see attached), to amend the City of Fall River Waterfront /Downtown HD Zone to include the location of this property within the HDIP Zone.

The redevelopment of this project for 203 housing units will help to preserve a historically significant structure and will provide additional market rate housing options to the citizens of Fall River and those seeking residence within Fall River.

The project consists of the repurposing and rehabilitation of the vacant Globe Yarn Mill No. 3. This mill was constructed in 1887 and is being designed to accommodate 203 housing units of which a minimum of 80% will be market rate. The repurposing and rehabilitation of this mill represents a private sector investment of \$50+ million dollars in a federal census tract that has a poverty level of 30%.

In addition to improving the neighborhood in which it is located, this project will add diversity to the City's housing stock. 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.

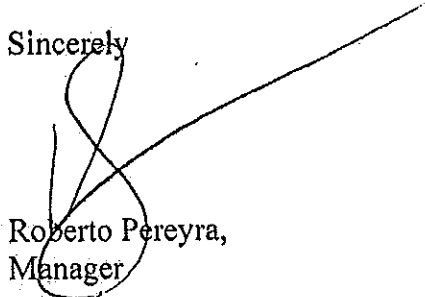
5

As you may recall, the Waterfront /Downtown HD Zone, was ordained by the Fall River City Council on July 9, 2013, approved by then Mayor Will Flanagan on July 11, 2013 as part of the City of Fall River Revised Ordinances and subsequently approved by the Massachusetts Department of Communities and Development in December 2013.

I am requesting that this correspondence be placed on the next City Council Agenda and the Fall River City Council to refer this request to the Fall River Planning Board for a Public Hearing is a state mandated first step in the HD Zone amendment process. After the convening of a Public Hearing by the City of Fall River Planning Board on this matter, I request that City of Fall River Planning Board forward their findings and recommendation back to the Fall River City Council for further action.

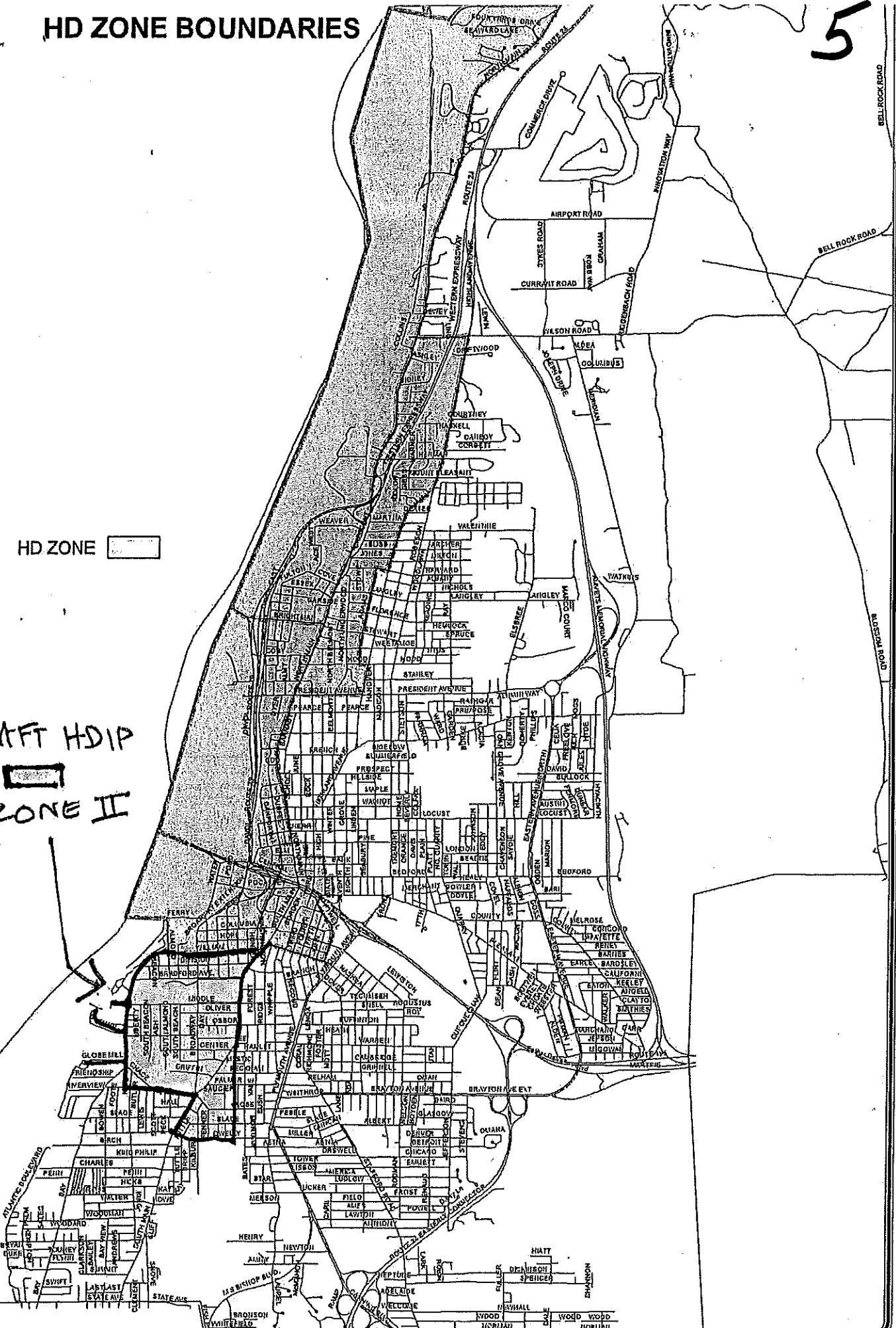
Thank you for your time and attention in this matter. If you have any questions or need any additional information, please do not hesitate to call Kenneth Fiola, Jr. Esq, Executive Vice President, BC EDC at 508-965-4942.

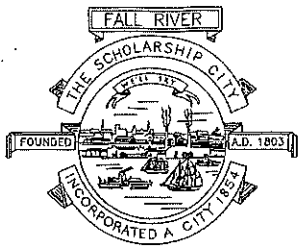
Sincerely



Roberto Pereyra,
Manager

5





PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

6

RECEIVED

2022 JUN 22 P 12:07

CITY CLERK _____
FALL RIVER, MA

June 21, 2022

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

Dear Madam President and Members of the Honorable Council:

Attached please find a request from the Fall River Fire Department for the approval to accept periodic donations from Amazon of smoke and CO detectors, fire extinguishers, cleaning supplies and other like materials. The total amount of the current donation is approximately \$1000.00.

Thank you for your consideration with this request.

Sincerely,

Paul E. Coogan
Mayor

PC/amos

City of Fall River, *In City Council*

6

ORDERED, that under the provisions of M.G.L. Chapter 44, Section 53A, the Fall River Fire Department be, and the same is hereby authorized to accept periodic donations from Amazon of smoke and CO detectors, fire extinguishers, cleaning supplies and other like materials.



City of Fall River
Massachusetts
Fire Department Headquarters
Office of the Fire Chief

RECEIVED

2022 JUN 21 P 3:13

ROGER ST. MARTIN

CITY CLERK Fire Chief
FALL RIVER, MA

PAUL E. COOGAN
Mayor

June 21, 2022

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

Dear Mayor Coogan:

Amazon on Innovation Way in Fall River has offered to periodically donate smoke and CO detectors, fire extinguishers, cleaning supplies and other like materials that are either returned or unable to be sold as a complete package. These materials will assist us in performing our fire prevention duties and assist in making the citizens safer. Please excuse my ignorance as I was unaware of the need for City Council approval as I signed this attached agreement and have accepted some smoke detectors, fire extinguishers and cleaning supplies without the council approval. The current total donation is approximately \$1,000 and will be an ongoing occurrence.

Thank you for your consideration in this matter. If there are any questions or concerns do not hesitate to contact me.

Respectfully,


Roger St. Martin
Fire Chief

Cc: Seth Aitken, City Administrator

6

MASTER DONATION OF PROPERTY AGREEMENT

For good and valuable consideration, Amazon and/or its affiliates ("Donor") hereby donates, transfers, and conveys to the undersigned charity ("Donee"), the personal property received from time to time from Donor (as reflected in Donor's records, together, the "Property").

1. Donor hereby irrevocably and unconditionally conveys, transfers, assigns and delivers to Donee all of Donor's right, title and interest in and to the Property. Title in the Property transfers to Donee upon Donor making the Property available for pickup by Donee or a third party carrier at a Donor facility (or as otherwise agreed to by Donor).

2. THE PROPERTY IS CONVEYED IN ITS "AS IS, WHERE IS" CONDITION WITH ALL FAULTS AND DEFECTS. DONOR DOES NOT MAKE ANY WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, CONCERNING THE PROPERTY OR ITS CONDITION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. DONOR IS NOT LIABLE TO DONEE OR ANY THIRD PARTY FOR ANY CLAIM, LOSS, DAMAGE, LIABILITY OR EXPENSE OF ANY KIND ARISING DIRECTLY OR INDIRECTLY FROM ANY INADEQUACY, DEFECT OR DEFICIENCY RELATING TO THE PROPERTY OR FROM THE POSSESSION, USE, OR DISPOSITION OF THE PROPERTY BY DONEE OR ANY THIRD PARTY.

3. Donee will pay, and will hold Donor harmless from, any applicable property taxes with respect to the Property after the Donee signs this Agreement. Donee will transport, handle, use and dispose of the Property in accordance with applicable law and appropriate safety, temperature and sanitation practices (as applicable).

4. Donee will not resell any of the Property and will distribute and/or use the Property in accordance with its charitable mission. Donee represents that it has qualified for tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

5. Donee will defend, indemnify and hold harmless Donor, its current and future officers, employees, successors, assigns, agents and representatives, from and against any and all claims, suits, actions, liabilities, losses, damages, settlements, judgments and costs (including, without limitation, reasonable attorneys' fees and costs) directly or indirectly arising out of or related to the use, further disposition, sale or transfers or shipment of the Property by Donee or any other person or entity after its donation, whether arising out of the negligence of Donor, any defect in the Property existing prior to its donation, or otherwise. Donee's duty to defend is independent of its duty to indemnify.

6. This document is governed by Washington laws, and may be executed by facsimile and in counterparts. Each facsimile or counterpart copy (including any facsimile or counterpart signature) will be deemed to be an original, and all facsimile and counterpart copies together will constitute one and the same instrument.

7. Donee understands that the Property may be regulated as hazardous materials by the U.S. Department of Transportation or may be subject to other shipping, handling, transport or other regulations or restrictions imposed on freight carriers or those otherwise transporting the Property. Donee agrees and acknowledges that it will comply with all such regulations and restrictions, including with respect to packaging, labeling, documentation and ship method constraints.

DONEE:

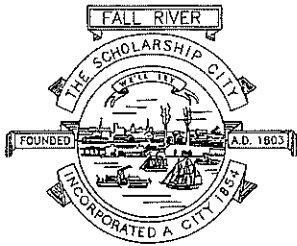
Charity Name: FALL RIVER FIRE DEPARTMENT

Signature of Authorized Representative: [Signature]

Name of Authorized Representative: ROGER ST. MARTIN

Title of Authorized Representative: FIRE CHIEF

Date Signed: 3/30/2022



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

7
RECEIVED

2022 JUN 21 P 3:14

CITY CLERK _____
FALL RIVER, MA

June 21, 2022

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

Dear Madam President and Members of the Honorable Council:

Attached please find a request from the Fall River Fire Department for the approval to accept a donation from Liberty Utilities for two natural gas meters and calibration kits for the FRFD Command Vehicle Cars 2 and 3. The total amount of the donation is \$3830.00 Thank you for your consideration with this matter.

Sincerely,

Paul E. Coogan
Mayor

PC/amos

City of Fall River, *In City Council*

7

ORDERED, that under the provisions of M.G.L. Chapter 44, Section 53A, the Fall River Fire Department be, and the same is hereby authorized to accept a gift of two natural gas meters and calibration kits for Fall River Fire Department Command Vehicle Cars 2 and 3, valued at \$3,830.00 from Liberty Utilities.



City of Fall River
Massachusetts
Fire Department Headquarters
Office of the Fire Chief

7

PAUL E. COOGAN
Mayor

ROGER ST. MARTIN
Fire Chief

June 21, 2022

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

Dear Mayor Coogan:

Liberty Utilities has offered to donate two natural gas meters and calibration kits for FRFD Command Vehicle Cars 2 and 3 for daily usage but particularly for use at their storage facility on Bay Street. The total amount of this donation is \$3,830.00. Liberty Utilities had made this donation in years past.

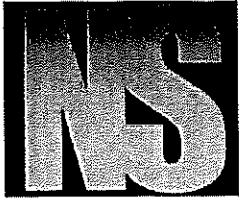
Thank you for your consideration in this matter. I have attached a sales quote to this email. If there are any questions or concerns do not hesitate to contact me.

Respectfully,



Roger St. Martin
Fire Chief

Cc: Seth Aitken, City Administrator



Northside Sales Quote

RECEIVED

2022 JUN 21 P 3:14

Date: 05/27/22

CIP vote # R1798

Valid 30 Days R. MA

Sales Person: Mike Hollis -
501-912-4009

NORTHSIDE SALES CO.

7115 EAST BETHANY ROAD

NORTH LITTLE ROCK, AR 72117

PH: 800-467-9005 | FAX: 501-945-3928

isales@northsidesales.com

Customer Info

Company: Fall River Fire Department GAS TRACER Kit

Company Contact: Lt Michael LePage

Address: 140 Commerce Drive

Address 2:

City, State, Zip: Fall River, Massachusetts, 02720

Email: RTK@frfd.org

Phone: 508-674-5003 Ext:

Fax: 978 644

northsidesales.com

pelicancasestore.com

raegasdetection.com

dbifallprotection.com

kapplerchemicalsuites.com

honeywellgasmonitors.com

Part Number	Description	Qty	Unit Price	Total
RKI72-0291-69G	MONITOR GAS TRACER KIT			
	INSTALLED SENSORS: CO,CH4 ppm, % LEL Methane,			
	% Vol Methane and Oxygen, Pumped Unit,	2	\$ 1,510.00	\$ 3,020.00
CALIBRATION KIT	INCLUDES:			
GAS TRACER	CO, LEL, O2 116 LITER, 500PPM METHANE 116LITER			
	, 99.999% VOL METHANE 116LITER, 3 REGULATORS	1	\$ 810.00	\$ 810.00
Notes:	Shipping/Sales Taxes are not included.		Sub Total:	\$ 3,830.00
	Training Included		S & H:	
			Tax:	
			Total:	\$ 3,830.00

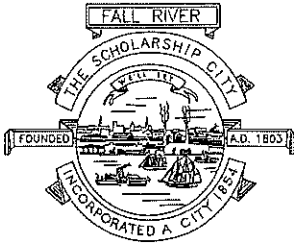
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Pricing Confidentiality: Quotes and pricing terms are negotiated between Customer and Northside Sales and may be unique to the Customer. Therefore, and except as otherwise provided by law, Customer hereby agrees to keep the pricing arrangement confidential for a period of no less than three (3) years from the date of the quote. Customer will not use this Confidential Information in furtherance of its business, or the business of anyone else, whether or not in competition with Northside Sales.

RECEIVED

2022 JUN 21 P 3:14

CITY CLERK
FALL RIVER, MA



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

8

PAUL E. COOGAN
Mayor

RECEIVED

2022 JUN 23 P 3:44

CITY CLERK
FALL RIVER, MA

June 23, 2022

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

Dear Honorable Council Members:

Massachusetts General Laws Chapter 44, § 53E½ require spending limits be established for revolving funds for use by the City, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities.

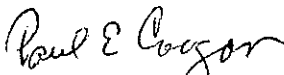
Your approval of the associated appropriation order is respectfully requested.

Ordered, that under the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½, the City of Fall River by vote of the City Council, hereby establishes authorized spending limits for the following Revolving Funds for FY 23:

CVTE Revolving Fund	\$200,000	Durfee High School
---------------------	-----------	--------------------

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

Best Regards,


Paul E. Coogan
Mayor

City of Fall River, In City Council

8

June 23, 2022

Ordered, that under the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½, the City of Fall River by vote of the City Council, hereby establishes authorized spending limits for the following Revolving Funds for FY 23:

CVTE Revolving Fund	\$200,000	Durfee High School
---------------------	-----------	--------------------

FALL RIVER PUBLIC SCHOOLS

"The Scholarship City"

417 Rock Street, Fall River, MA 02720

RECEIVED

2022 JUN 23 PM 01
Maria Pontes, Superintendent

To: Fall River School Committee
From: Maria Pontes, Superintendent of Schools
Date: June 9, 2022
CC: Kevin Almeida, Chief Financial Officer
Re: CVTE Revolving Fund – June 13, 2022 SC Meeting

CITY CLERK
FALL RIVER, MA

The CVTE Director Cynthia Sylvia is looking to establish a CVTE Revolving Fund under Mass General Law Section 53 Chapter 44. This fund will include revenues/expenses as listed in the subsequent sheet for the various programs under CVTE. With an approval for the creation of this fund, we will spend down the Culinary Fund 4046 with what remains in it and funds will be deposited into this new fund moving forward.

Within this fund, we are looking to have a total spending limit annually of \$200,000 as provided on sheet 2.

By establishing this fund, it will alleviate some of the funding that is required in the operational budget and we will be able to continue to grow our CVTE programming.

I am recommending approval of a CVTE Revolving Fund at Durfee High School beginning in FY 2023.

MP/KA

Summary of Massachusetts General Law:

Section 14B: Culinary arts; revolving fund

Section 14B. In any city or town that accepts this section in the manner provided in section 4 of chapter 4 or in a regional school district that accepts it as provided in this section, any income received from the purchase and sale of products produced in the culinary arts subject area of the home economics program, or any other vocational-technical program conducted in any public vocational-technical high school shall be deposited in a special fund by the school committee in any banking institution in the commonwealth. Expenditures may be made from said fund by the school committee for purposes needed for the culinary arts subject area or in the case of a fund established for any other program, such funds may be expended for the purposes of such program area without further appropriation, notwithstanding section 53 of chapter 44; provided, however, that said special funds shall not be used to pay the salary of any employee. Three years from the year a city or town accepts the provisions of this section, and every third year thereafter, said city or town may act to rescind its original acceptance. The superintendent of a school district with such a fund shall submit annually a report of said fund to the mayor, city council, city manager, board of selectmen or town manager of each city and town in said district and a copy of said report shall be submitted to the director of the bureau of accounts. The provisions of this section shall be effective in any regional school district upon its acceptance by the school committee of said district and a majority of the towns and cities and said district by vote of the board of selectmen or city council of said cities and towns.

Durfee CTE Programs to be included in the CTE Revolving Account

- Culinary
- Early Education & Care
- Cosmetology
- Environmental Science Technology
- Marketing
- Engineering
- Visual Design
- Construction
- Health Assisting

Durfee Career & Technical Education	
FY23 Anticipated Revolving Account Appropriations	
ANTICIPATED APPROPRIATION DESCRIPTIONS	
CTE REVOLVING Contracted Services	\$15,000.00
CTE REVOLVING Other Expenses	\$15,000.00
CTE REVOLVING Fuel Supplies	\$5,000.00
CTE REVOLVING Administrative - Equipment/Supplies	\$15,000.00
CTE VOCATIONAL PROGRAM Construction Craft Laborer- Equipment/Supplies	\$10,000.00
CTE VOCATIONAL PROGRAM Early Education & Care - Equipment/Supplies	\$10,000.00
CTE VOCATIONAL PROGRAM Environmental Science Technology - Equipment/Supplies	\$10,000.00

CTE VOCATIONAL PROGRAM Cosmetology - Equipment/Supplies	\$10,000.00
CTE VOCATIONAL PROGRAM Culinary - Equipment/Supplies	\$90,000.00
CTE VOCATIONAL PROGRAM Visual Design - Equipment/Supplies	\$5,000.00
CTE VOCATIONAL PROGRAM Health Assisting - Equipment/Supplies	\$5,000.00
CTE VOCATIONAL PROGRAM Engineering/Robotics - Equipment/Supplies	\$10,000.00
<i>Total Anticipated Expenditure Ceiling Appropriations Not To Exceed</i>	<i>\$200,000.00</i>

Discussion on file

7 were in Favor

None were opposed

Motion Passed

MOTION: Ms. Rodrigues- Mr. Aguiar: To refer the SubSeparate Core Curriculum to the Special Education, Alternative Education and Early College subcommittee.

Discussion on file

7 were in Favor

None were opposed

Motion Passed

MOTION: Mr. Aguiar-Ms. Pereira: To approve the Proposed Start and End times for the School Year of 2022-2023.

Discussion on file

7 were in Favor

None were opposed

Motion Passed

MOTION: Mr. Hart-Ms. Pereira: To approve the Naming Renaming Committee members.

Discussion on file

7 were in Favor

None were opposed

Motion Passed

MOTION: Mr. Aguiar-Ms. Larrivee: To approve a fully staffed PreSchool subject to the Superintendent's professional opinion and judgment.

Discussion on file

7 were in Favor

None were opposed

Motion Passed

MOTION: Ms. Larrivee-Mr. Hart: To approve the opening of discussion for Indirect Cost Agreement.

Discussion on file

7 were in Favor

None were opposed

Motion Passed

MOTION: Mr. Hart -Ms. Larrivee: To approve the Prepaid Tuitions.

Discussion on file

7 were in Favor

None were opposed

Motion Passed

MOTION: Mr. Aguiar -Ms. Rodrigues: To approve the creation of a CVTE Revolving Fund.

Discussion on file

6 were in Favor

None were opposed

1 was Absent (Pereira)

Motion Passed

MOTION: Ms. Larrivee-Mr. Bailey: To approve the Budget Transfer.

Discussion on file

6 were in Favor

None were opposed

1 was Absent (Pereira)

Motion Passed

MOTION: Mr. Hart-Ms. Larrivee: To approve the Year-to-Date Budget Report.

Discussion on file

7 were in Favor

None were opposed

Motion Passed

MOTION: Mr. Hart-Mr. Aguiar: To accept and place FYI portion of the agenda on file.

7 were in Favor

None were opposed

Motion Passed

9



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

PAUL E. COOGAN
Mayor

RECEIVED

2022 JUN 23 P 2:13

CITY CLERK
FALL RIVER, MA

June 23, 2022

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


Dear Honorable Council Members:

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

1. \$50,000.00 That the sum of \$50,000.00 be, and the same is, hereby transferred to the FIRE, EXPENSES from the FIRE, SALARIES.

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

Best Regards,


Paul Coogan
Mayor

City of Fall River, In City Council

9

June 23, 2022

ORDERED:

**That the sum of \$50,000 be, and the same is, hereby transferred to the FIRE,
EXPENSES from FIRE, SALARIES:**

FIRE, SALARIES

\$50,000.00

FY22 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
FIRE, SALARIES	\$ 15,787,018.00	\$ (50,000.00)	15,737,018.00
FIRE, EXPENSES	\$ 715,523.00	\$ 50,000.00	765,523.00

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



Ashley Pires, City Auditor
June 23, 2022

RECEIVED

2022 JUN 23 P 4:43

CITY CLERK
FALL RIVER, MA

Please note this request is to cover expenditures anticipated for the end of the year FY22

9

10



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2022 JUN 23 P 4: 59

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

June 23, 2022

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

Dear Madam President and Members of the Honorable Council:

Attached please find a request for Council approval to hold a special election, simultaneously, with the state election on Tuesday, November 8, 2022 to designate the City of Fall River an MBTA district city relative to the construction of South Coast rail.

Thank you for your consideration with these requests.

Sincerely,

Paul E. Coogan
Paul E. Coogan
Mayor

PC/amos



CITY OF FALL RIVER, MASSACHUSETTS

BOARD OF ELECTION COMMISSIONERS
ONE GOVERNMENT CENTER
TEL. 508-324-2630

RECEIVED

2022 JUN 23 P 4:59

CITY CLERK
FALL RIVER, MA

19 May 2022

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

Dear Mayor Coogan,

At the present time the City of Fall River is not yet an MBTA district city relative to the construction of the South Coast rail.

As mandated by statute, any city seeking to receive transportation service from the Massachusetts Bay Transportation Authority must seek approval of the voters via referendum. A decision by the voters must be made prior to revenue service beginning on South Coast Rail, with the certified election results submitted no later than January 1, 2023.

Upon discussions with Director Michelle Tassinari from Secretary Galvin's office, I was informed that any home-rule petition request to add the referendum question onto the November general election ballot will be opposed by his office. Therefore, I recommend that an Order be adopted by the City Council to hold a special election, simultaneously, with the state election on Tuesday, November 8, 2022.

Pursuant to M.G.L. Chapter 161A, section 6 the following question will be placed on the special municipal election ballot: **"Shall this city be added to the Massachusetts Bay Transportation Authority?"** As this statute pertains to a municipal election and not a state election, the city will be responsible to pay for printing a separate ballot dedicated to this referendum question.

Sincerely,

Ryan Lyons, Chairman
Board of Election Commissioners

City of Fall River, In City Council

ORDERED, that in accordance with provisions of law, notice is hereby given that meetings of the citizens qualified to vote at a Special Municipal Election will be held on November 8, 2022 in the several voting places designated by the Council, to cast their votes for the following question:

Shall this city be added to the Massachusetts Bay Transportation Authority?

BE IT FURTHER ORDERED, that the Election Commission be and they are hereby authorized and empowered to cause all necessary rooms, fixtures, apparatus and supplies for the holding of the Special Municipal Election to be prepared and furnished for the same, the use of same to be charged to the appropriation for elections.

The polls to be opened from seven o'clock A.M. to eight o'clock P.M.



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

June 10, 2022

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

RECEIVED
2022 JUN 13 A 11:33
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 20, 2022 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 2 Hour Parking Only
Section: 376

By inserting in proper alphabetical order the following.

INSERT

Name of Street	Side	Location	Hours/Days
Rodman Street	West	Starting at a point 32 feet South of Brayton Ave for a Distance of 37 feet Southerly	2 Hour Parking Only Tuesday through Saturday 9 a.m. to 5 p.m.

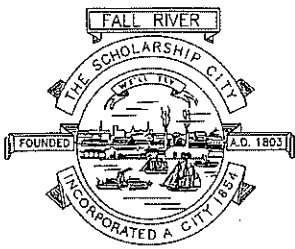
Hair Story Salon
1413 Rodman Street
Fall River MA 0271

Very truly yours,

Laura Ferreira
Manager of Traffic

City of Fall River, *In City Council*

ORDERED, that the following places be and the same are hereby designated as polling places for the Special Municipal Election to be held on Tuesday, November 8, 2022. The polls to be opened from 7:00 AM to 8:00 PM, and all polling places shall be used.



CITY OF FALL RIVER, MASSACHUSETTS

BOARD OF ELECTION COMMISSIONERS

ONE GOVERNMENT CENTER

TEL. 508-324-2630

RECEIVED

2022 JUN 24 A 10:19

COMMISSIONERS

RYAN LYONS, CHAIRMAN

TIMOTHY S. CAMPOS

DAVID J. DENNIS, ESQ.

LISA ROBITAILLE

CITY CLERK
FALL RIVER, MA

24 June 2022

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

Dear City Councilors,

The Board of Election Commissioners is requesting the attached list of locations be designated as polling precincts for the upcoming Special Municipal Election that will coincide with the State Election on Tuesday, November 8, 2022.

Sincerely,

Ryan Lyons, Chairman
Board of Elections

List of Wards, Precincts and Polling Places

Ward	Prnct	Polling Place Name	Polling Place Address
1	A	ALFRED LETOURNEAU SCHOOL	323 ANTHONY ST
	B	EDWARD F. DOOLAN APTS	CORNER OF LAUREL & MITCHELL DR
	C	ALFRED LETOURNEAU SCHOOL	323 ANTHONY ST
2	A	BLESSED TRINITY CHURCH	1340 PLYMOUTH AVE (ENTRANCE ON WINTHROP ST)
	B	BLESSED TRINITY CHURCH	1340 PLYMOUTH AVE (ENTRANCE ON WINTHROP ST)
	C	CANDEIAS-NIAGARA FIRE STA	CORNER PLYMOUTH AVE & WARREN ST
3	A	MITCHELL APARTMENTS	2100 SOUTH MAIN ST
	B	CARLTON M VIVEIROS SCHOOL	200 LEWIS ST
	C	MATTHEW J KUSS MIDDLE SCH	ENTRANCE ON SHAW ST
4	A	FRANK B. OLIVEIRA APTS	170 WILLIAM ST
	B	JAMES A. O'BRIEN APTS	MORGAN & SECOND STS
	C	THE ATRIUM AT GOV'T CTR	ENTRANCE ON SULLIVAN DR
5	A	CANDEIAS-NIAGARA FIRE STA	CORNER PLYMOUTH AVE & WARREN ST
	B	CHOR BISHOP EID APTS	33 QUEQUECHAN ST
	C	MARY L. FONSECA SCHOOL	160 WALL ST
6	A	FRANCIS J. BARRESI HTS	1863 PLEASANT ST
	B	GEORGE H. COTTELL HTS	1685 PLEASANT ST
	C	RENEY/EASTWOOD FIRE STA	400 EASTERN AVE
7	A	UNION UNITED METH CHURCH	600 HIGHLAND AVE
	B	THE ATRIUM AT GOV'T CTR	ENTRANCE ON SULLIVAN DR
	C	RAYMOND D. HOLMES APTS	ENTRANCE ON FULTON ST
8	A	MARY L. FONSECA SCHOOL	160 WALL ST
	B	CARDINAL MEDEIROS TOWERS	1197 ROBESON ST (ENTRANCE ON STANLEY ST)
	C	SPENCER BORDEN SCHOOL	ENTRANCE ON CHESTNUT ST
9	A	JAMES TANSEY SCHOOL	711 RAY ST
	B	CALVARY TEMPLE ASSEM OF G	4321 NORTH MAIN ST
	C	CALVARY TEMPLE ASSEM OF G	4321 NORTH MAIN ST

Total Number of Polling Places: 27
No. Pages of Printed: 1

*** End of Report ***



RECEIVED

City of Fall River
Notice of Claim

2022 JUN 13 P 5:01

Stephanie Addison

CITY CLERK #22-56
FALL RIVER, MA

1. Claimant's name: Stephanie Addison
2. Claimant's complete address: 180 Fulton St Apt 1 Fall River Ma 02720
3. Telephone number: Home: 508-496-1096 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto Accident
5. Date and time of accident: 06/03/2022 11:30 am Amount of damages claimed: \$ 2570.38
6. Exact location of the incident: (include as much detail as possible):
Essex St - across the street of an exit of a lot
7. Circumstances of the incident: (attach additional pages if necessary):
While my vehicle was parked across the street in front of an
Exit of a parking lot Mrs Smyth backed up and out of that exit due to going the
wrong way in a one way lot and while backing up she hit my parked car dent the the
bumper and above the wheel and cracking my headlight
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 06/13/2022

Claimant's signature: [Signature]

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

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

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

For official use only:

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

Date: 6/14/22

CITY COUNCIL PUBLIC HEARING

MEETING: Tuesday, May 31, 2022 at 5:30 p.m.
Council Chamber, One Government Center

PRESENT: Pam Laliberte-Lebeau, presiding;
Councilors Joseph D. Camara, Michelle M. Dionne,
Bradford L. Kilby, Linda M. Pereira and
Andrew J. Raposo

ABSENT: Councilors Shawn E. Cadime and Leo O. Pelletier

IN ATTENDANCE: None

The President called the meeting to order at 5:37 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

FISCAL YEAR 2023 MUNICIPAL BUDGET

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was unanimously voted that the hearing be opened. The President stated that in accordance with Sec. 6-4(a) of the City Charter, this meeting is open to the public to hear all persons interested and wishing to be heard on the proposed Fiscal Year 2023 Municipal Budget.

The President then directed the opponents to be heard and Robert Camara, 127 Gagnon Street, came forward. He stated that he is opposed to this budget because there is no dollar value for the debt override. Residents should know how much they are going to be paying on their taxes. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to waive the rules and allow Mr. Camara to continue speaking. Furthermore, he stated that the Administration needs to come forward and do the right thing. Councilor Michelle M. Dionne agreed with Mr. Camara and stated that as a taxpayer, the residents should know what the number entails.

Nelson Vasquez, 210 Sunset Hill. He stated that he believes the Mayor is spending wastefully. He also stated that in regards to the new Durfee High School, it is disrespectful that the Mayor is not including the number for the debt override in the Budget.

The President then asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that there was one. The City Clerk read a communication received a from city resident a copy of which is attached hereto and made a part of these minutes. Collin Dias, 560 Ray Street – Corporation Counsel and pay increases

The President then directed the proponents to be heard and there were no proponents.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Joseph D. Camara, it was unanimously voted to close the hearing at 5:57 p.m., with Councilors Shawn E. Cadime and Leo O. Pelletier absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

Citizens' Input Communications from Collin Dias

A true copy. Attest:

Alison M. Bouchard

City Clerk

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, June 14, 2022 at 5:55 p.m.
Council Chamber, One Government Center

PRESENT: President Pam Laliberte-Lebeau, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne, Bradford L. Kilby,
Leo O. Pelletier, Linda M. Pereira, Andrew J. Raposo
and Laura-Jean Washington

ABSENT: Councilor Joseph D. Camara

IN ATTENDANCE: Al Galvin, Design Engineer, National Grid,
245 So. Main Street, Hopedale, MA 01747
Donna Onorato, 44 Bayview Street

The President called the meeting to order at 6:00 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Linda M. Pereira, it was unanimously voted that the hearing be opened, with Councilor Joseph D. Camara absent and not voting.

Underground Conduit:

1. Massachusetts Electric Company for an underground conduit location, as follows:

Highland Avenue

National Grid is petitioning to install approximately 220' of underground conduit and single-phase primary starting at pole 96 and continuing South to manhole 22-1. Primary conductor will be installed for the purpose of feeding the new housing development on Courtney Street and the new Briarwood Lane.

In accordance with Plan No. 30422964

Dated: 05/10/2022

The President asked if there were any proponents to be heard and stated that Al Galvin, Design Engineer for National Grid was present. Mr. Galvin stated that this work is necessary to provide power to a new housing development on Courtney Street. The President then directed the opponents to be heard and no one came forward. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be closed, with Councilor Joseph D. Camara absent and not voting.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be opened, with Councilor Joseph D. Camara absent and not voting.

Pole Location:

2. Massachusetts Electric Company for two new pole locations as follows:

Graham Road

Two (2) new poles

The petitioner is proposing the installation of a 45' pole in the public way approximately 65' south of existing pole 8, to assist in the relocation of the existing service to 630 Currant Road. A 45' pole approximately 40' north of pole 8 will also be installed for new service to 630 Currant Road, Blount Seafood.

In accordance with Plan No. 30555610

Dated: May 10, 2022

The President asked if there were any proponents to be heard and stated that Al Galvin, Design Engineer for National Grid was present. Mr. Galvin stated that this work is necessary to relocate the current service for an expansion of Blount Seafood. This will require new poles to provide service to the new addition. The President then directed the opponents to be heard and no one came forward. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be closed, with Councilor Joseph D. Camara absent and not voting.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Linda M. Pereira, it was unanimously voted that the hearing be opened, with Councilor Joseph D. Camara absent and not voting.

Curb Removals:

3. Donna Onorato, 44 Bayview Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
44 Bayview Street	44'	0'	0'	44'
Wheeler Street	0'	16'	0'	16'
Total				60'

The existing dwelling is served by a 44' curb opening/driveway on Bayview Street. Being a corner lot, the owner is proposing a new 16' curb opening/driveway along the Wheeler Street frontage. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side. The applicant shall also be required to repair any and all sidewalk/roadway/curbing affect by this construction activity.

The President asked if there were any proponents to be heard and stated that Donna Onorato was present. Ms. Onorato stated that she requested to remove curbing on the Wheeler Street side of the property, to store a boat or motorhome. The President then directed the opponents to be heard and no one came forward. On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Linda M. Pereira, it was unanimously voted that the hearing be closed, with Councilor Joseph D. Camara absent and not voting.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be opened, with Councilor Joseph D. Camara absent and not voting.

4. Southcoast Hospitals Group, Inc., 200 Mill Road, Suite 230, Fairhaven, MA, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
Hanover Street	16'	6'	0'	22'

The existing driveway at the street line is approximately 16' in width and is located at the easterly side of Hanover Street. This driveway currently serves a parking facility that is owned by Southcoast Hospitals Group, Inc. The applicant is proposing to expand the existing 16' driveway to a total of 22'. This expansion will greatly improve vehicular movement into and out of the busy parking facility. In conjunction with this project, the applicant will be closing approximately 37' of curb opening on an abutting parcel along the same roadway. The project is currently in the Site Plan Review process.

The President asked if there were any proponents to be heard and no one came forward. The President then directed the opponents to be heard and no one came forward. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted that the hearing be closed, with Councilor Joseph D. Camara absent and not voting.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be opened, with Councilor Joseph D. Camara absent and not voting.

5. Mayara da Silva Pena, 102 Laurel Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
102 Laurel Street	16'	0'	0'	16'
Aetna Street	0'	14'	0	<u>14'</u>
Total				30'

The existing dwelling is serviced by a 16' curb opening/driveway on Laurel Street. Being on a corner lot, the owner is proposing a new 14' curb opening/driveway along the Aetna Street footage. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side. The applicant shall also be required to repair any and all sidewalk/roadway/curbing affected by this construction activity.

The President asked if there were any proponents to be heard and no one came forward. The President then directed the opponents to be heard and no one came forward. On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the hearing be closed, with Councilor Joseph D. Camara absent and not voting.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be opened, with Councilor Joseph D. Camara absent and not voting.

6. Nuve A. Reinoso, 655 President Avenue, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
655 President Avenue	0'	30'	0'	30'

The applicant is currently constructing a new single family dwelling along the South side of President Avenue and is proposing a 30' curb opening to increase off-street parking and to improve vehicular movement on this busy, steep street. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side. The applicant shall also repair any and all sidewalk/roadway/curbing affected by this construction activity.

The President asked if there were any proponents to be heard and no one came forward. The President then directed the opponents to be heard and no one came forward. On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the hearing be closed, with Councilor Joseph D. Camara absent and not voting.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be opened, with Councilor Joseph D. Camara absent and not voting.

7. GCH Properties LLC, 297 East Main Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
31 William Street	16'	16'	0'	32'

The existing dwelling is serviced by a 16' curb opening/driveway on William Street that accesses an existing garage. The applicant is proposing a new 16' curb opening/driveway that will provide access to 8 new off-street parking spaces. The applicant has received the appropriate Zoning and Site Plan Review approvals. If granted, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side. The applicant shall also be required to repair any and all sidewalk/roadway/curbing affected by this construction activity.

The President asked if there were any proponents to be heard and no one came forward. The President then directed the opponents to be heard and no one came forward. On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be closed, with Councilor Joseph D. Camara absent and not voting.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 6:10 p.m., with Councilor Joseph D. Camara absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

A true copy. Attest:

Alison M. Bouchard
City Clerk

COMMITTEE ON FINANCE

MEETING: Monday, June 6, 2022 at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Pam Laliberte-Lebeau, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara,
Michelle M. Dionne, Bradford L. Kilby,
Linda M. Pereira, Andrew J. Raposo and
Laura-Jean Washington

ABSENT: Councilor Leo O. Pelletier

IN ATTENDANCE: Bridget Almon, Director of Financial Services
Seth Thomas Aitken, City Administrator
Ed Iacaponi, Financial Consultant
Ryan Lyons, Chairperson, Board of Elections
Micaila Britto, Veterans' Benefits Agent/Director of Veterans
Nicholas A. Macolini, Director of Human Resources
Alan J. Rumsey, Corporation Counsel
Tammy Moutinho, Purchasing Agent

The chair called the meeting to order at 6:04 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.

1. Citizens' Input
Collin Dias, 560 Ray Street – FY2023 Budget
Robert Camara, 127 Gagnon Street – The Mayors Budget
Nelson Vasquez, 210 Sunset Hill – FY2023 Budget

2. Proposed Fiscal Year 2023 Municipal Budget
Bridget Almon, Director of Financial Services, begins the Presentation of the City Budget. She stated that the proposed FY23 Budget was developed to help the City's objective to provide excellence in service to the citizens and continuing to move forward for long term stability. One of the ways that they are doing this is by utilizing ARPA funds by investing in one time capital items and there is also no surplus revenue items in the budget. This budget is increasing \$24.5 million dollars of which \$18 million is in Education. There is also an increase in revenues for FY23: a 2.5% in the tax base to \$2.9 million, the debt exclusion is \$2,250,000 with an estimated growth of \$1.8 million and a state aid of approximately \$492,000. Our plan is to alleviate the burden on the tax payers by phasing in the debt exclusion. The Administration's goal is to use the ARPA funds to maximize investments by prioritizing decisions for good governance, leverage opportunities and partnerships and invest in long term stability. In the FY22 budget there was appropriately \$2 million in stabilization funds and \$3.8 million in free cash. This year, there is no free cash nor stabilization funds. Councilor Michelle M. Dionne was the first to ask the Administration questions. She questioned, if the tax factor changes, shouldn't the number be

reduced? She also asked how they are offsetting the debt exclusion. Bridget Almon stated that in order to help balance the budget, the capital items were pulled out to use ARPA money so they are not sitting in the operated budget. She furthermore stated that capital items that last more than a year, such as equipment, ARPA funding can be used on. Councilor Michelle M. Dionne asked if the budget was reducing the capital items to 0. Ed Iacaponi, Financial Consultant, originally there was \$16 million dollars in borrowing requests in FY23, the only thing that has been approved are two MSB projects for the schools. Anything that could be related to Covid could be covered by ARPA funds. Councilor Michelle M. Dionne asked again if the Administration believes the capital improvement program have been reduced to 0. Seth Aitken stated that he does believe it is reduced to 0. Council Michelle M. Dionne then stated that she wants to see the Durfee tax exclusion on her tax bill. She would like to see it as its own line so that everyone knows what the taxes are and what is being paid for Durfee. Ed Iacaponi stated that he does not know of any communities that does a break down like she has requested. Councilor Michelle M. Dionne stated that it would be similar to a water bill with the line by line breakdown. Ed Iacaponi then responded by saying that years ago the City would breakdown the general government rate and the school rate on the tax bill. This was taken away by the Commonwealth; they stopped requiring cities and towns to give a breakdown to their residents. Councilor Bradford L. Kilby added to this by saying that the citizens were promised that they would know how much they were going to pay towards the debt exclusion. Bridget Almon now moves onto the revenues section, she stated that the cherry sheet is straight forward. The major increase in the revenues is education. Councilor Shawn E. Cadime asked in regards to revenue, the debt exclusion, the total after the number being cut in half is \$2,250,000. Ed Iacaponi answered by saying that the theory is to keep the money in a stabilization fund which saves money for when it is needed. Councilor Shawn E. Cadime further stated if ARPA funds were not an option, the total would be \$4.5 million. Bridget Almon responded by stating that the City relies heavily on debt and bonding. She furthermore stated that the City needs to be mindful since the Diman payment will be coming on in a few years so by protecting it now by using the ARPA funds, it is the smartest move. Councilor Shawn E. Cadime then asked the Administration about Dartmouth's payment in lieu of taxes and why they are not a PILOT payment shown. The Administration stated that they will look into this matter. Councilor Linda M. Pereira asked if the City will be taking money from the school department since they have the \$2.2 million dollars from ARPA. Seth Aitken stated that he does not have an answer to give the Council. He then stated they are trying to use as much of the ARPA funds as possible. Councilor Michelle M. Dionne questions what the \$2.6 million dollars in the reserves are for. Bridget Almon stated that it is used strictly for the contract union negotiations.

Seth Aitken, began a new section of the Budget, the Mayor's Office. He stated that there are four employees within that department. There is a 1.4% increase which is largely comprised of some small raises for personnel. There are two positions specifically getting raises: the Chief of Staff and the Special Projects and Media Coordinator. Councilor Shawn E. Cadime asked the Administration which collective bargaining agreements are expiring. Seth Aitken stated that the only collective bargaining agreement that is expiring is EMS. The rest of the agreements have already expired: Police, Fire, ASMI, and the two custodians. There is no formal agreement yet for any of these. Fire negotiations have started up again and maybe go into arbitration. In regards to the Mayor, the Chief of Staff and the Special Projects and Media Coordinator, they are not union employees. The only union employee is the Administrative Assistant. Councilor Linda M. Pereira questioned the Chief of Staff's CPI and it being a part of her contract. The

ordinances we have and the salaries people make, if the union gets an increase, sometimes so do other nonunion employees in the same department. Has this been settled yet? So that the Ordinances can be a reflection of what peoples salaries are. Seth Aitken stated that the Ordinance Committee has before it a number of items that will affect the questions of Councilor Pereira. There is the proposed reorganization, the creation of several positions, and there are a number of positions that because of cost of living increases, the salaries have already gone over ordinance. To have these salaries go back into ordinances, their max of not to exceed needs to be changed.

Next, the City Clerk Budget. Seth Aitken stated that there is a small decrease in salaries, and an increase in expense to this year's budget. He stated that this the increase was for a new time clock. Councilor Shawn E. Cadime stated that the clerks are ASMI but he questioned whether the City Clerk and assistant clerk receive a cost of living adjustment. From what Seth Aitken understands, he believes that they also receive an increase. Bridget Almon mentions that they will get an adjustment, because it has been done prior.

Seth Aitken stated that the only increase in the City Council budget was for a potential buyout of one of the employees and this will be done during the FY23 fiscal year. As far as all other costs, they are staying the same.

The Elections Department was next. The most important thing to look at for this budget is the cost of two elections and two early elections which causes a \$20,000 increase in salaries. There is also a modest increase in polling rental fees. Council Linda M. Pereira asked if they will be filling a vacant position since Mr. Lyons has been made the new Election's Commissioner. Seth Aitken stated that they are looking to fill the vacant position in the future. Councilor Linda M. Pereira stated that the City could also use some new polling centers. Councilor Michelle M. Dionne questions how many positions are in the Elections department. Seth Aitken stated that there are 4 positions: 3 full time employees and 1 part time employee.

Seth Aitken draws everyone's attention to page 97, in regards to the Veterans Department. This is the last major grouping showing that there were no funds for FY22 and increased for FY23. While going through the budget he realized there was an error in the training item line. The number should read \$2,500 but instead it was \$25,000. Comparing the FY21 budget and the FY23 budget, the aid to veterans has decreased. Some of the reasoning is due to a number of veterans getting unemployment benefits due to the pandemic, Covid increases did not allow the veterans to collect aid, with more and more veterans are passing away. Micaila Britto, the Veterans Director stated that the new on base system has been making the process of authorization really difficult. It has been taking 6-8 weeks to process, and currently back dated for 6 months to receive payment from the Commonwealth. Councilor Shawn E. Cadime asked how do we do to help the Veterans, do we up the allowance? Tammy Moutinho, the Director of Facilities Maintenance, stated that when overtime is needed for the custodians, they charge directly to the departments account. In Facilities Maintenance, they have a specific line on their budget for events and parades. Councilor Laura-Jean Washington asked why \$50,000 was taken out of the Budget. The Veterans need an attractive place to go but Pine Street Veteran's Center needs updates. Councilor Joseph D. Camara questioned why ARPA money is not being used to help the Veterans. Seth Aitken stated that they are using the ARPA funds, but they do need more than \$25,000 to do so. Councilor Andrew J. Raposo asked why isn't the Pine Street

not on the ARPA City's list. He stated that he has asked for the ARPA list but cannot seem to get it. Furthermore, he asked again if the Pine Street project not on the City's List. Seth Aitken said that there was \$75,000 going towards the Pine Street project and all along they thought that money was being used and work on when in actuality, nothing was being fixed. Council President Pam Laliberte-Lebeau asked what wasn't being done. Seth Aitken stated that from what he heard from Councilor Washington, the conditions of Pine Street is not improved as it should be given the money that has been put into this project. He furthermore stated that there are capital needs and they also need a true value of what needs to be done.

On a motion made by Councilor Shawn E. Cadime and seconded by Michelle M. Dionne, it was voted to deny the FY23 Budget, it was voted 3 yeas, 5 nays, with Councilor Leo O. Pelletier absent and not voting.

The City Administrator does his job for \$130,000. Human Resources had an increase in salaries, Nicholas A. Macolini, Director of Human Resources, stated that he is looking to add another position in HR. He furthermore stated, with another person in the office, they'll be able to take some of the work load and deal with the day to day work. There are four employees currently with himself that oversee 800 – 850 employees. He also is looking to add programs with the employees including wellness, outreach and training.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn at 9:59 p.m., with Councilor Leo O. Pelletier absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Fiscal Year 2023 Budget Handout


Assistant Clerk of Committees

SPECIAL MEETING OF THE CITY COUNCIL

MEETING: Monday, June 6, 2022 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Pam Laliberte-Lebeau, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara,
Michelle M. Dionne, Bradford L. Kilby,
Linda M. Pereira, Andrew J. Raposo and
Laura-Jean Washington

ABSENT: Councilor Leo O. Pelletier

IN ATTENDANCE: None

President Pam Laliberte-Lebeau called the meeting to order at 9:59 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

1. Citizen Input
- None

COMMITTEE REPORTS (if received)

Committee on Finance:

2. Orders – Proposed Fiscal Year 2023 Municipal Budget
 - a. General Fund
 - b. Emergency Medical Services Enterprise Fund
- No Committee Reports were received from the Committee on Finance.*

COMMUNICATIONS – INVITATIONS – PETITIONS

City Council Minutes:

3. Public Hearing – May 10, 2022
On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Shawn E. Cadime, it was unanimously voted to approve the minutes, with Councilor Leo O. Pelletier absent and not voting.
4. Committee on Finance – April 26, 2022
On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Shawn E. Cadime, it was unanimously voted to approve the minutes, with Councilor Leo O. Pelletier absent and not voting.
5. Committee on Finance – May 10, 2022
On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Shawn E. Cadime, it was unanimously voted to approve the minutes, with Councilor Leo O. Pelletier absent and not voting.

6. Regular Meeting of the City Council – May 10, 2022

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Bradford L. Kilby, it was unanimously voted to approve the minutes, with Councilor Leo O. Pelletier absent and not voting.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Bradford L. Kilby, it unanimously voted to adjourn at 10:01 p.m., with Councilor Leo O. Pelletier absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
DVD of meeting

A true copy. Attest:

Anis Leite
Assistant City Clerk



William S. Greene Chapter 9

P.O. Box 1614, Fall River, MA 02720-1614
508-674-1997
davchapter9fr@gmail.com
<https://www.facebook.com/DAV9MA>

24

RECEIVED

2022 JUN 17 P 1:34

CITY CLERK
FALL RIVER, MA

<<name>>

<<address>>

<<city>>, <<state>> <<zipcode>>

Dear <<name>>,

The Disabled American Veterans Organization is celebrating 100 years of empowering veterans to lead high-quality lives, with *respect and dignity*. We educate, guide, and empower them to access the full range of benefits available. Enlightening the public to realize the great sacrifices made by these men and women is a strategy used in order to transition the veterans back to civilian life.

What we do is essential for the lives of so many Disabled American Veterans and the ones they leave behind. We are the force who advocates on their behalf.

To celebrate our 100 years of helping our Disabled Veterans and to raise funds to continue our important mission, the DAV is hosting a celebration dinner and raffle on September 23, 2022 at White's of Westport from 6pm to 11pm. The net proceeds (100%) will be going to the Gary Sinese Foundation to support our nation's Veterans, Mr. Sinese has been invited to be the main speaker.

We are asking for your help because you have been identified for your support to your community and state. Your Generous sponsorship and donations will help ensure the continued **Success of our mission**. The services of this organization are needed more than ever in these challenging economic times.

Here's how you can help:

- ☐ Plan to attend on September 23, 2022 (\$50.00 per ticket)
- ☐ Donate an Item (Services / Items of Value)
- ☐ Sponsor a table for 10 (\$500.00)
- ☐ Send in a Donation ☐ \$50.00 ☐ \$100.00 ☐ Other _____

Make all checks payable to DAV Chapter 9

In Honor of all our Disabled Veteran we would like to thank you for your support.

Sincerely,

Commander: *Paul K. Pacheco*

For additional information and volunteer opportunities.

Commander Paul K Pacheco
(508) 674-1997
Dav9ma@gmail.com

Please send donations to:

ATTN: Paul K Pacheco
DAV Chapter 9
P.O. Box 1614
Fall River, MA 02720-1614

PROUDLY SERVING VETERANS & THEIR FAMILIES FOR 100 YEARS



City of Fall River
Massachusetts
Office of the Mayor

10a

PAUL E. COOGAN
Mayor

June 24, 2022

RECEIVED

2022 JUN 24 A 11:09

CITY CLERK
FALL RIVER, MA

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

Dear Madam President and Members of the Honorable Council:

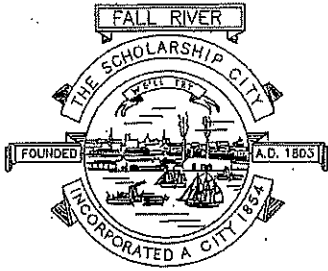
Attached please find a request for Council approval regarding MBTA South Coast Rail Program Off-Site Traffic Mitigation Improvements in the area of President Avenue at North Main Street Intersection.

Thank you for your consideration with this request.

Sincerely,

Paul E. Coogan
Mayor

PC/amos



10a

City of Fall River
Massachusetts
Engineering Department

PAUL E. COOGAN
Mayor

DANIEL N. AGUIAR
City Engineer

June 6, 2022

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

RE: MBTA South Coast Rail Program
Off-Site Traffic Mitigation Improvements
President Avenue at North Main Street Intersection

RECEIVED
2022 JUN 24 A 11:09
CITY CLERK
FALL RIVER, MA

Dear Council Members:

The MBTA has prepared final design documents for the traffic intersection improvements at the intersection of President Avenue and North Main Street. The improvements proposed by MBTA are being performed to mitigate potential traffic impacts generated by additional traffic from the new MBTA commuter rail station and service at Fall River Depot located on Davol Street.

The project limits of the proposed improvements are limited to the intersection approaches in all 4 directions. The proposed intersection improvements will include widening of North Main Street along both approaches for the purpose of adding exclusive left turn lanes on each approach to improve operational level of service and safety. The intersection improvements also include replacement of all existing traffic signal equipment with new, reconstruction of existing cement concrete sidewalks on all approaches (both sides), pavement resurfacing (mill and overlay) and restriping for the new and added lane assignments.

The project requires the acquisition of a permanent easement associated with the North Main Street widening and placement of a new traffic signal control cabinet on the southwest corner of the intersection. We have worked with the MBTA design engineers to minimize disruptions to abutting properties at this intersection and have kept the number of properties impacted by permanent easements to just the parcel located at 1040 North Main Street. The remaining parcels will be limited to temporary easements, for most of which the MBTA has acquired the temporary rights.

The Fall River City Council is authorized to acquire the necessary land parcels or portions thereof and/or rights in land parcels for the purpose of obtaining a secure and public right of way. This allows for the construction of the President Avenue/North Main Street Improvement Project. Approval by the City Council is needed to ensure that the permanent Right of Way is obtained for this project.

What is an easement?

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An easement is a legal document that conveys limited property rights from the grantor (landowner) to the grantee (City of Fall River). A temporary easement only grants restricted use of the property and is not a transfer in real estate ownership. It conveys temporary access and construction rights that terminate upon the completion of the construction of the project. A permanent easement only grants restricted use of the property and is not a transfer in real estate ownership. It conveys permanent access rights for the specific purpose noted. Both types of easements are required at 1040 North Main Street.

What is a taking?

A taking is a legal document that conveys property rights from the grantor (landowner) to the grantee (City of Fall River). A taking is a transfer in real estate ownership. There are no takings associated with the intersection improvements.

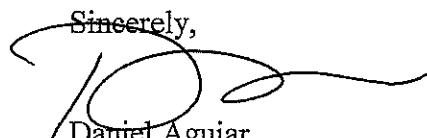
What did the appraisal process involve?

The MBTA retained Reynolds Company to conduct the land appraisals of the affected parcels. The property owner at 1040 North Main Street has been notified in advance and was given an opportunity to discuss the process with our office, the MBTA, and Reynolds Company. A monetary value was established, and upon Council approval, will be offered as fair market value for the temporary easement and permanent easement at 1040 North Main Street.

The cost of the appraisal and the cost of the temporary and permanent easements have been approved by MBTA and will be fully reimbursed by the MBTA, through their South Coast Rail Commuter Rail Expansion Program, to the City of Fall River once the easements are recorded.

Attached is a proposed order to affect these easement and takings, along with an appraisal with plan showing the location of all affected parcels.

Sincerely,



Daniel Aguiar
City Engineer

Order of Taking

City of Fall River

A portion of Assessors' Parcel ID Map O Lot 8

Whereas, the City of Fall River (hereinafter called the "City") is a duly organized municipal corporation under the General Laws of Massachusetts, with offices at One Government Center, Fall River, Massachusetts; and

Whereas, the City has determined that it is in the public interest to acquire certain parcels of land, described before, for the purpose of allowing the Massachusetts Bay Transportation Authority (hereinafter called the "MBTA") to construct and install certain sidewalk, signaling, and intersection improvements in connection with the traffic mitigation requirements of the South Coast Rail Project; and

Now, Therefore, it is Ordered by the City Council of the City of Fall River, as follows,

1. That the City of Fall River, Massachusetts, under the authority of Massachusetts General Laws, Chapter 79, does hereby take by eminent domain, a permanent easement in the following described parcel of land located in the City of Fall River, will all buildings, improvements, all easements, and rights and privileges as specifically referred to if any, but not limited thereto, and all claims, rights, and interest of any kind or nature therein, whether vested or otherwise, including the trees and structures, standing upon or affixed thereto, including air rights and the fee, if any, in all street and passageways in said area and rights, if any, either contiguous or nearly contiguous and adjacent or nearly adjacent to the property taken hereby:

<u>Parcel</u>	<u>Assessor ID</u>	<u>Address/Location</u>	<u>Area (+/-)</u>
Parcel FRS-132	Map O, Block 08, Lot 8	1040 North Main Street	137 s.f.

As shown on the plan "Massachusetts Bay Transportation Authority South Coast Rail Phase I, PARCEL FRS-132, FRS-132-TE, FRS-133-TE, FRS-134-TE, FRS-135-TE, & FRS-136-TE LAND ACQUISITION PLAN - CITY OF FALL RIVER BRISTOL COUNTY", prepared by VHB HNTB 99 High Street, Boston, MA, dated June 22, 2021 (the "Plan"), a true copy of which Plan is recorded herewith at the Bristol County (Fall River District) Registry of Deeds (the "Registry") in Plan Book _____, Plan _____. A reduced copy of the Plan is attached hereto as Exhibit A.

Being part of the premises described in a deed dated December 1, 2005 and recorded in the Bristol County (Fall River District) Registry of Deeds in Book 6113, Page 85.

2. That the City of Fall River, Massachusetts, under the authority of Massachusetts General Laws, Chapter 79, does hereby take by eminent domain, a temporary easement in the following described parcel of land located in the City of Fall River:

<u>Parcel</u>	<u>Assessor ID</u>	<u>Address/Location</u>	<u>Area (+/-)</u>
Parcel FRS-132-TE	Map O, Block 8, Lot 8	1040 North Main Street	2,895 s.f.

As shown on the Plan.

Being part of the premises described in a deed dated December 1, 2005 and recorded in the Bristol County (Fall River District) Registry of Deeds in Book 6113, Page 85.

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3. Said temporary easement shall run for three (3) years from the date of recording this instrument, and shall be for the purposes of installing traffic signal equipment, constructing, maintaining, and repairing the public way, sidewalks, and appurtenances thereto, known as North Street, in said Fall River, Massachusetts, in furtherance of the Massachusetts Bay Transportation Authority South Coast Rail Project traffic mitigation requirements.

4. It is further Ordered that in accordance with the provisions of the General Laws of Massachusetts, awards are made by the City of Fall River for damages, if any, sustained by the owner or owners and all other persons including mortgagees of record having any and all interest in each parcel.

5. It is further Ordered that the Massachusetts Bay Transportation Authority and its contractors shall be permitted to enter upon the said parcels for the purposes described herein.

6. It is further Ordered that a copy of this Order of Taking and related plans, if any, be recorded at the Bristol County (Fall River District) Registry of Deeds, and the Land Registration Section thereof, if applicable, in compliance with M.G.L. Chapter 79.

In City Council, _____, 2022
Adopted.

Approved, 6-22, 2022
Paul E. Coogan, Mayor

A true copy. Attest:

City Clerk

DECLARATION AND DEDICATION OF PUBLIC LAND LOCATED AT 1040 NORTH MAIN STREET IN FALL RIVER, MASSACHUSETTS FOR TEMPORARY CONSTRUCTION PURPOSES AND PERPETUAL PUBLIC ACCESS AND PUBLIC WAY PURPOSES

North Main Street,
Fall River, Massachusetts

The City of Fall River, a municipal corporation and body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a place of business at One Government Center, Fall River, Massachusetts (the "City"), as the owner of certain property located at 1040 North Main Street, Fall River, Massachusetts (the "City Property"), acting by and through its City Council and by virtue of every other power and authority hereto enabling us, hereby declares and dedicates portions of the City Property for construction purposes, public access, public ways, and public sidewalks in connection with the traffic mitigation requirements associated with the Massachusetts Bay Transportation Authority South Coast Rail Project (the "Project") and as follows:

The portions of the City Property to which this Declaration and Dedication applies are shown on the plan "Massachusetts Bay Transportation Authority South Coast Rail Phase I, PARCEL FRS-132, FRS-132-TE, FRS-133-TE, FRS-134-TE, FRS-135-TE, & FRS-136-TE LAND ACQUISITION PLAN – CITY OF FALL RIVER BRISTOL COUNTY", prepared by VHB HNTB 99 High Street, Boston, MA, dated June 22, 2021 (the "Plan"), a true copy of which Plan is recorded at the Bristol County (Fall River District) Registry of Deeds (the "Registry") in Plan Book _____, Plan _____. A reduced copy of the Plan is attached hereto as Exhibit A.

Perpetual Rights

The City, its licensees, and the general public shall have the non-exclusive perpetual right to enter upon, travel over, maintain, repair, and use those portions of the City Property shown on the plan and listed below as the Parcels for public access and public ways and sidewalks and all other purposes for which ways are used in the City of Fall River and the Commonwealth of Massachusetts.

<u>Parcel</u>	<u>Assessor ID</u>	<u>Address/Location</u>	<u>Area (+/-)</u>
Parcel FRS-132-PE	Map O, Block 8, Lot 8	1040 North Main Street	2,895 s.f.

Such purposes, uses, and improvements include, by way of illustration and not limitation, passage for pedestrians, vehicles, and bicyclists, and pavement improvement for sidewalks, wheelchair ramps, pathways, grading, sloping, and drainage. The City shall not make any improvements to the Parcel[s] materially inconsistent with the allowed purposes described herein.

In so dedicating the Parcel[s], the City intends the herein described rights over said Parcel[s] to be perpetual in duration and that the Parcels be used for public access and public ways and sidewalks and all other purposes for which ways are used in the City of Fall River and the Commonwealth of Massachusetts in furtherance of public policies to create convenient and safe public access and travel. To that end, if, for any reason, this Declaration and Dedication shall be deemed subject to so-called 'sun-setting' provisions,

terminated, void, or voidable on any grounds, or other principles requiring duration of less than perpetual, then the City and its successors shall undertake and carry out all reasonably necessary measures to extend, adopt, and/or renew the terms of this Declaration and Dedication to ensure the Parcel[s] are permanently used in a manner consistent with the terms and intent of this Declaration and Dedication.

Temporary Rights

The City and its licensees shall have the non-exclusive temporary right to enter upon, travel over, maintain, repair, and use those portions of the City Property shown on the plan and listed below for installing traffic signal equipment, constructing, maintaining, and repairing the public way, sidewalks, and appurtenances thereto, known as North Street:

<u>Parcel</u>	<u>Assessor ID</u>	<u>Address/Location</u>	<u>Area (+/-)</u>
Parcel FRS-132-TE	Map O, Block 8, Lot 8	1040 North Main Street	2,895 s.f.

The City shall not make, cause, nor allow any improvements to the Parcel[s] that are materially inconsistent with the allowed purposes described above during the term of such temporary rights.

In so dedicating the Parcel[s], the City intends that the above-described rights over the said Parcels be temporary in duration, expiring on the date that is three (3) years from the date this instrument is recorded at the Registry, and that the Parcel[s] be used to facilitate and support the construction improvements to be performed by MBTA in connection with the South Coast Rail Project traffic mitigation requirements.

We direct that this instrument be filed with the Registry and with the City Clerk. In the event any provision of this instrument is deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this instrument shall nonetheless be valid and enforceable to the fullest extent permitted by law.

For the City's authority to dedicate the City Property pursuant to this instrument, see the certified copy of the City Council Vote attached hereto as Exhibit B.

For title to the City Property, see the instrument recorded at the Registry in Book ____ Page ____ and title report and certification attached hereto as Exhibit C.

Given under our hands this _____ day of _____, 2022

City Council of the City of Fall River, Massachusetts

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

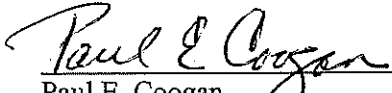
In City Council, _____, 2022

VOTED: That the report of the City Council be accepted and allowed and that the dedication herein described be, and the same is hereby established, decreed and confirmed.

City Clerk of the City of Fall River

Office of the Mayor of the City of Fall River

Approved: 6-22-22



Paul E. Coogan
Mayor of the City of Fall River

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

On the ____ day of _____, 2022, before me, the undersigned notary public, Paul E. Coogan personally appeared, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily in my presence as the Mayor of the City of Fall River, as the voluntary act of the City of Fall River.

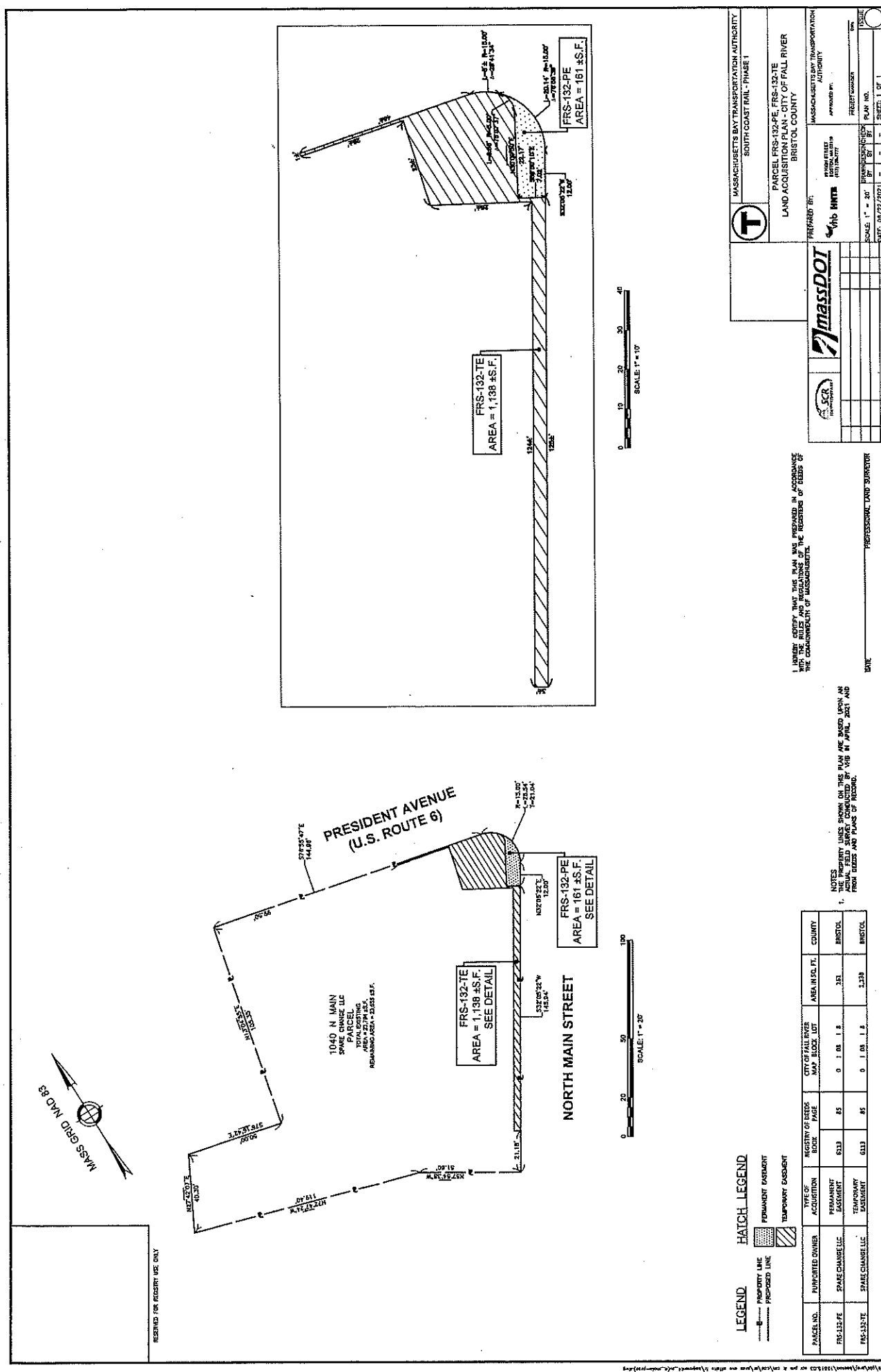
Notary Public
My Commission Expires:

APPROVED AS TO FORM AND MANNER OF EXECUTION



Corporation Counsel

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MASSDOT

SR

MASSDOT

MASSDOT

SR

MASSDOT

SR

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY
SOUTH COAST RAIL - PHASE 1

PARCEL FRS-132-PE, FRS-132-TE
LAND ACQUISITION PLAN - CITY OF FALL RIVER
BRISTOL COUNTY

PREPARED BY: **MASSDOT**

DATE: 04/22/2021

SCALE: 1" = 20'

PROJECT NUMBER: 1040 N MAIN STREET

PLAN NO. 1040 N MAIN STREET

SHEET 1 OF 1

LEGEND

PARCEL NO.	PARCEL TYPE	TYPE OF ACQUISITION	DATE OF ACQUISITION	AREA IN SQ. FT.	COUNTY
FRS-132-PE	SPRINTS/CHARGE LLC	PERMANENT ACQUISITION	03/13	1.138 ± S.F.	BRISTOL
FRS-132-TE	SPRINTS/CHARGE LLC	TEMPORARY ACQUISITION	03/13	1.138 ± S.F.	BRISTOL

HATCH LEGEND

PROPERTY LINE	PERMANENT EASEMENT	TEMPORARY EASEMENT
---	---	---

NOTES

1. PROPERTY LINES SHOWN ON THIS PLAN ARE BASED UPON AN ADJUDICATED FIELD SURVEY CONDUCTED BY VLS IN APRIL 2021 AND FROM RECORDS AND PLANS OF RECORD.

MASSDOT

APPRAISAL REPORT

Subject Property:

FRS-132
1040 North Main Street
Fall River, MA

Owned by:

Spare Change, LLC

Prepared for:

Mr. Robert W. LaVita
Real Estate Director
RND Consultants, Inc.
105 Beach Street, 3rd Floor
Boston, MA 02111

Effective Date of Value:

9 November 2021

Report Date:

15 November 2021

REYNOLDS COMPANY
REAL ESTATE APPRAISERS AND CONSULTANTS
329 Massachusetts Avenue, Lexington, Massachusetts 02420

10a

REYNOLDS COMPANY

REAL ESTATE APPRAISERS AND CONSULTANTS
329 MASSACHUSETTS AVENUE, LEXINGTON, MASSACHUSETTS 02420
TEL. (781) 862-1774 | REYNOLDSCOMPANYAPPRAISAL@GMAIL.COM

PAUL J. REYNOLDS, Emeritus

STEPHEN P. REYNOLDS, MAI, AI-GRS
MASS. CERT. GENERAL RE APPRAISER #3929

15 November 2021

Mr. Robert W. LaVita
Real Estate Director
RND Consultants, Inc.
105 Beach Street, 3rd Floor
Boston, MA 02111

Re: FRS-132: 1040 North Main Street, Fall River, MA
Owned by: Spare Change, LLC [Mr. David Vadeboncoeur]

In accordance with our contract, I have prepared the following appraisal of the above-referenced property. As a result of my analysis, I have formed the opinion that the loss in value caused to the subject property as a result of the herein described eminent domain taking(s), subject to the definitions, certifications and limiting conditions set forth in this report, as of the effective date of this appraisal are as reported herein.

This report has been prepared in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice and the Appraisal Institute.

If you have any questions, or require additional data, please do not hesitate to contact me.

Very truly yours,

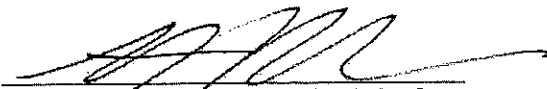

Stephen P. Reynolds, MAI, AI-GRS
Mass. Certified General R.E. Appraiser
License #3929

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Part III: ADDENDA

Subject Property Photographs
Comparable Sales
Owner Notification
Acquisition Summary Report
General Assumptions and Limiting Conditions

SUBJECT PROPERTY OWNER: Spare Change, LLC
LOCATION OF PROPERTY: 1040 North Main Street, Fall River, MA

**COMMONWEALTH OF MASSACHUSETTS
CERTIFICATE OF VALUE**

I, Stephen P. Reynolds, hereby certify the following:

That on 9 November 2021, the appraiser made a field inspection of the property herein appraised, and afforded the owner the opportunity to accompany the appraiser on the inspection; that on multiple other dates, inspections were made of the comparables relied upon in making said appraisal;

That, to the best of my knowledge and belief, the statements contained in the appraisal herein set forth are true, and the information upon which the opinions expressed herein are based is correct; subject to the limiting conditions therein set forth;

That I understand that such appraisal may be used in connection with the acquisition or disposition of the subject property by the Commonwealth of Massachusetts;

That such appraisal has been made in conformity with the appropriate State laws, regulations, policies and procedures;

That neither my employment nor compensation for making this appraisal and report are in any way contingent upon the damages or values reported herein;

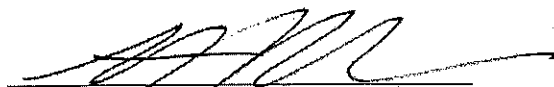
That I have no direct or indirect present or contemplated future personal interest in such property, nor in any benefit from the acquisition of such property appraised;

That I have not revealed the findings and results of such appraisal to anyone other than the proper officials of the Commonwealth of Mass. and will not do so until so authorized by the Commonwealth, or until required to do so by due process of law, or until released from this obligation by having publicly testified as to such findings, and

That my opinion of the fair market value of the subject property, as of the Effective Date of Value, 9 November 2021 is \$11,100.

The conclusions set forth in this independent appraisal are based upon the exercise of my independent professional judgment.

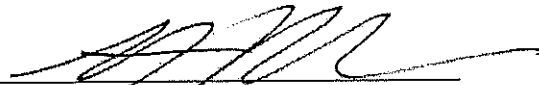
Date: 15 November 2021


Stephen P. Reynolds, MAI, AI-GRS
Mass. Certified General R.E. Appraiser
License #3929

APPRAISER'S CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and reflect my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have/~~have not~~ made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- I have/~~have not~~ performed services as an appraiser, or in another capacity, regarding the subject property within the three-year period immediately preceding acceptance of this assignment.
- As of the date of this report, I have completed the continuing education program for Designated Members of the Appraisal Institute.
- As of the date of this report, I have completed the Standards and Ethics Education Requirements for Designated Members of the Appraisal Institute.


Stephen P. Reynolds, MAI, AI-GRS
Mass. Certified General R.E. Appraiser
License #3929

SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS

Subject Property:	FRS-132 1040 North Main Street Fall River, MA	
Property Owner:	Spare Change, LLC	
Subject Property Description:	Irregularly-shaped corner lot containing 23,794 SF of land. Lot improved with commercial retail building (three units) containing a total of 5,168 SF GBA.	
Assessor's ID:	Map 8 - Lot 8	
Zoning:	B-L [Local Business]	
Highest and Best Use:	Current Use	
Environmental:	Appraised "As-If Clean"	
Interest Appraised:	Fee Simple	
Type of Value Appraised:	Fair Market Value	
Acquisitions:	FRS-132-PE (161 SF Perm. Esmt.) FRA-132-TE (1,138 SF Temp. Esmt.)	
Purpose of Taking:	South Coast Rail Project	
Effective Date of Value:	9 November 2021	
Appraiser's Opinion of Value:	FRS-132-PE <u>FRS-132-TE</u> Total	\$4,300 <u>\$6,800</u> \$11,100

10a

AERIAL PHOTO OF THE SUBJECT PROPERTY
(Image from Fall River GIS)



SCOPE OF WORK

The scope of work for this assignment involved estimating the just compensation to the subject property owner for the proposed eminent domain taking(s). In the course of the appraisal, I visited the subject property and made site visits to the comparable sales. The property rights appraised herein are that of the Fee Simple, as affected by the proposed taking.

In addition to the above, I also:

- visited and viewed the property being appraised;
- gathered information about the history of the property and assessment;
- researched the market information on potentially comparable sales and listings;
- considered the property zoning and highest and best use;
- considered appropriate valuation approaches and methods;
- applied the sales comparison analysis;
- reconciled the relevant data to conclusions;
- considered and analyzed a rental value for the temporary easement;
- estimated just compensation to the property owner for the proposed taking.

In addition, this appraisal has been completed in conformance to the Uniform Standards of Professional Appraisal Practice (USPAP) guidelines and with the Federal Transit Administration's Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and 49 CFR part 24.

PURPOSE OF THE APPRAISAL

The purpose of the appraisal is to provide the client with an opinion of the market value of the damages to the subject property as a result of the taking(s), which are being made in connection with the South Coast Rail Project.

INTENDED USE AND INTENDED USER

The intended use of the appraisal is to facilitate the required eminent domain taking(s) from the subject property by providing an unbiased opinion of damages. The client in this assignment is Mr. Robert W. LaVita, Real Estate Director at RND Consultants, Inc., acting on behalf of the Massachusetts Bay Transportation Authority (MBTA).

The intended users include any relevant officials of RND, MBTA or the Commonwealth of Massachusetts. Intended users do not include the property owner, potential buyers, sellers, or lenders, or any other third parties, and no such party should rely on this appraisal for any purpose. Such parties are advised to obtain their own appraisal from an appraiser of their own choosing if they need a valuation. It is my understanding and belief that the subject property owner will not be provided a copy of this appraisal.

DEFINITION OF VALUE

The value estimated herein is "Fair Market Value" as defined in the *MassDOT Right Of Way Manual* as follows:

Fair Market Value: "The highest price which a hypothetical willing buyer would pay to a hypothetical willing seller in an assumed free and open market, neither party being under any obligation to buy or sell."¹

(Please note that this appraisal deals solely with the real estate value, and excludes the value, if any, of the furnishings, fixtures, and equipment [FF&E].)

EXPOSURE TIME

Exposure Time can be defined as: "an opinion, based on supporting data, of the length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal."²

The Multiple Listing Service shows that over the past 6 months, there have been a total of 585 completed sales of commercial properties in Bristol County sold thru the MLS system. Those sales averaged about 94 days-on-market.

Based on my study of the marketplace, this appraisal assumes a market exposure time of 3 months prior to the date of the appraisal.

¹ See definition in MassDOT Right of Way Manual (2018) at page 5, quoting Epstein v. Boston Housing Authority, (1944) 58 N.E. 2nd 135, 317 Mass. 297.

² Uniform Standards of Professional Appraisal Practice, Definitions (2020-2021 Edition).

EXTRAORDINARY ASSUMPTIONS and HYPOTHEetical CONDITIONS

Extraordinary Assumptions

An extraordinary assumption is defined by the USPAP as "an assumption, directly related to a specific assignment, which, if found to be false, could alter the appraisers' opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal or economic characteristics of the property; or about conditions external the property, such as market conditions or trends; or about the integrity of data used in an analysis."

In making these extraordinary assumptions, the appraisers have made the determination that they are reasonable, and result in a credible analysis.

Extraordinary Assumption #1: I have assumed that the title to the subject property is good and merchantable.

Extraordinary Assumption #2: Having no evidence to the contrary, I have assumed that the environmental status of the subject property to be "as-if clean." If new information is uncovered, the opinion of value shown in this report could change.

**EXTRAORDINARY ASSUMPTIONS
and HYPOTHEMETICAL CONDITIONS**
(continued)

Hypothetical Conditions

A hypothetical condition is defined by the USPAP as "that which is contrary to what exists but is supposed for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis."

No hypothetical Conditions have been utilized in this report.

AREA and NEIGHBORHOOD ANALYSIS

The City of Fall River is located in southeastern Massachusetts, in Bristol County, bordering the state of Rhode Island. It also abuts several other communities, including Freetown, Dartmouth and Westport. New Bedford, a large commercial/ industrial/fishing center, is about 42 miles southeast; Boston, the state capital, is 46 miles north; and Providence, Rhode Island, is about 16 miles south. Governance is via a mayor/council system; and municipal water and sewer are available throughout most of the city.

The Taunton River, a major waterway which forms the city's westerly border, flows through abutting communities to Taunton and Mt. Hope Bay, at the confluence with Narraganset Bay. Classified as a deep water port, the city's waterfront area is only 16 miles from the open ocean and a project is underway to rebuild and reconfigure the City Pier for use as a marina, shops, etc.

Another significant waterway, the Queecheam River, now flows partially underground in conduits through the city, but once was a major, unconfined power source for the 100+ mills and industries once centered in Fall River (The city claimed to be the textile capital of the world during its heyday in the 19th and early 20th centuries, when its population swelled to over 120,000.)

According to the latest, 2020 U.S. census, the population totals about 94,000, reflecting a $\pm 6\%$ increase from 2010. Demographically, Fall River is a young city, with the majority of the residents between the ages of 25 and 45. According to the latest available data, median household income is \$57,807 (versus \$85,843 state median).

Over-all, the total land area is about 40.3 square miles, with many thousands of acres devoted to conservation, including the Hockomock Swamp Wildlife Management Area (part of Southeastern Massachusetts' Bioreserve), the Watson Pond and Massasoit State Parks and the Hutt Forest. North Watuppa Pond, the city's main reservoir, and the Copicut Reservoir, also offer limited passive recreation areas.

Other public amenities include city parks, an arts district, a children's aquarium, a golf course, and lake and river activities, including swimming, boating, etc. Historical attractions include Battleship Cove, on the Taunton River, which features a collection of World War II ships, including the USS Massachusetts, a Marine Museum and Park.

The Diman Regional Vocational Technical High School is located in the city, as well as UMass-Dartmouth's Professional and Continuing Education Center, the Advanced Technical and Manufacturing Center and Bristol Community College.

Highway access is considered excellent. State routes 6, 24, 79, 81, and 138 extend across the city and I-195 bi-sects Fall River's southerly portion. Public bus service is provided by the Southeastern Regional Transit Authority.

(continued next page)

AREA and NEIGHBORHOOD ANALYSIS

(continued)

Highway access is considered excellent. State routes 6, 24, 79, 81 and 138 extend across the city and I-195 bi-sects Fall River's southerly portion. Public bus service is provided by the Southeastern Regional Transit Authority and rail freight service is provided by the Massachusetts Coastal Railroad.

Currently, the city is seeking to reinvent itself, and some have referred to it as "Fall River's Renaissance." Large redevelopment projects in the downtown and waterfront area have been undertaken, upgrading the infrastructure is on-going and incentives have been employed to attract new businesses and industries. There are also proposals to "daylight" the covered portions of the Queecheam River and falls and construct a riverside green belt and bike path.

Tax credits, historical preservation grants, new zoning, etc. have spurred redevelopment of many of the old mill buildings, which are now being rehabilitated and converted to other uses, including retail, office, residential, etc. In addition, the city has approved the cultivation, processing and dispensing of medical and recreational marijuana, several of which facilities are now on-line.

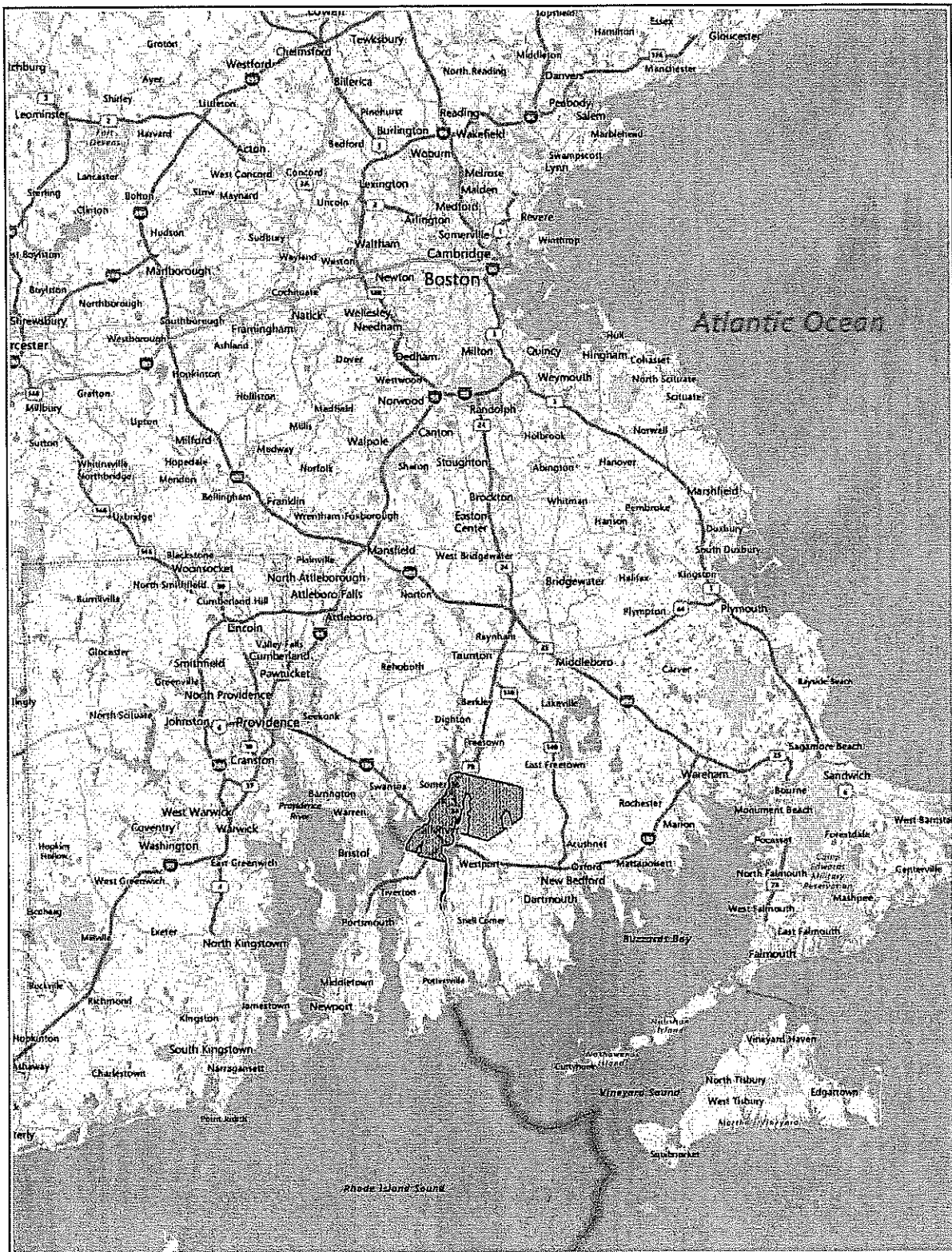
Fall River is considered part of the Providence metro area and is also one of 26± so-called "Gateway Cities," described by the state as "urban centers that anchor regional economies ... facing stubborn social and economic challenges ... while retaining many assets with unrealized potential. These communities, which all had a legacy of economic success, have struggled as the state's economy shifted towards a skills-centered knowledge sector (increasingly clustered in and around Boston)."

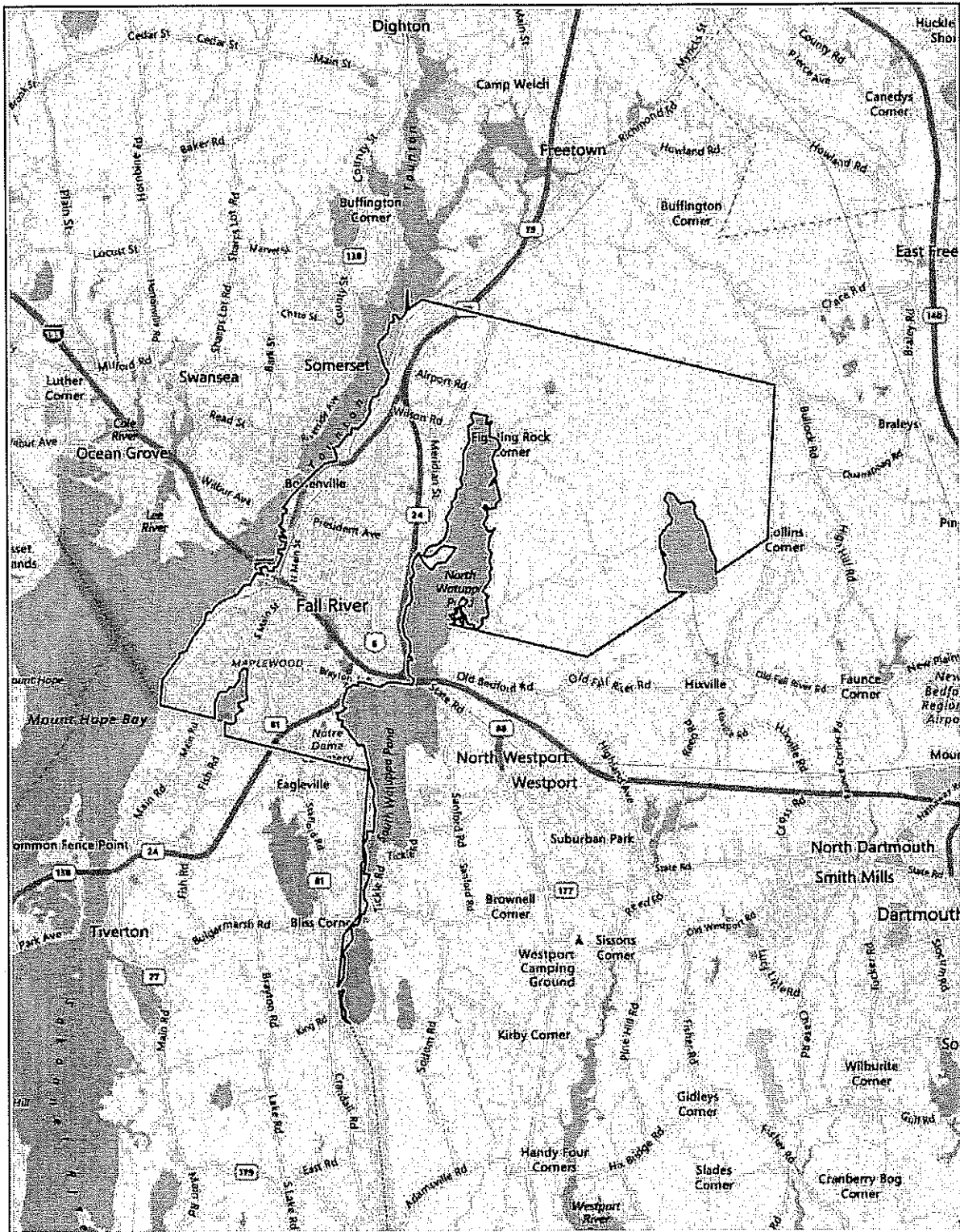
In summary, Fall River may be described as a former industrial-oriented city, where, like in many other New England communities, most of the mills eventually closed due to a variety of factors, including the impact of competition from the less expensive labor in the southern states and foreign countries. However, over-all, it appears that the city has been experiencing a period of change ... transitioning from an old, industrial mill city, with significant historical significance, into a more diverse community with a focus on generating a new, sustainable economy.

The immediate neighborhood of the subject property includes several high-traffic related uses such as fast food franchises (Burger King, Dunkins, etc.), convenience stores, and other similar retail uses. Incongruously, there is also a residential condominium complex located across North Main Street.

The two main streets in the area are North Main Street and President Avenue, which are both heavily trafficked. About 500 feet south of the subject property on North Main Street is a mall which includes a Walgreen's, Family Dollar, Auto Zone, and a convenience store.

AREA MAP





REAL ESTATE CONDITIONS

In order to conduct an overview of real estate conditions in the market area, current economic data throughout the state were researched, with an emphasis on Fall River and the general area. Activity and demand were investigated; and sales, offerings, etc. of comparable properties were analyzed.

On October 21, 2021, the Commonwealth's Executive Office of Labor Workforce Development reported that the state's September 2021 unemployment rate increased by two-tenths of a percentage point, to 5.2% - .04 points higher than the 4.8% national rate. (In September 2020, the state's rate had reached 9.6%; and the national rate was 14%.)

The Bureau of Labor Statistics estimated that the state added 11,290 jobs in September. Gains occurred in all sectors, led by Leisure and Hospitality, Professional, Science and Business Services and Trade, Transportation and Utilities. Year-over-year, from September 2020 to September 2021, the state added an estimated 175,200 jobs.

Specific to Fall River, the state's Labor Market website reports that the September 2021 rate was 8.4% (versus 8% in August 2021 and 12% in September 2020).

The October 20, 2021 "Beige Book," published by the Federal Reserve, reports that "Economic activity in the First District ([including Fall River] expanded at a modest to moderate pace ... and the outlook was cautiously optimistic."

"Retail sales were stable or up modestly and easily exceeded pre-pandemic level and demand for autos continued to outstrip limited supplies. Air travel and hotel occupancy improved but stayed well below pre-pandemic levels. Sales of single-family homes softened, but that may reflect the normal seasonal patterns following an unusual 2020, as home prices continued to climb. Manufacturers saw mixed recent results but most saw revenue gains on a year-over-year basis."

"Wages increased moderately due to widespread labor scarcity ... and retailers and manufacturers posted moderate to steep price increases amid supply disruptions."

Another economic indicator, the University of Mass. Donahue Institute's latest report, MassBenchmarks, dated October 28, 2021, stated "The state's real gross domestic product increased at a 2% annualized rate in the 3rd quarter, matching the national growth rate for the same period, but down from state's growth rates of 6.1% in the 1st quarter and 8% in the 2nd."

Also quoted in the report was Alan Clayton-Matthews, a Northeastern University professor emeritus, who stated "The slowdown in growth from the 2nd quarter reflects the effects of the COVID Delta Variant restraining the pace of reopening, continued supply chain disruptions, labor shortages, and less exuberant consumer spending."

(continued next page)

REAL ESTATE CONDITIONS

(continued)

Fall River Commercial/Retail Real Estate Market

In accordance with the zoning and character of the subject, the appraiser's market investigations included a survey of retail properties throughout the city, interviews with local brokers and private and public databases research.

An study of comparable retail space leases signed within the last year in Fall River resulted in the following transactions.

Recent Fall River Signed Retail Space Leases

Location	Building Description	Leased Area	Sign Date/ Rent
1660 N. Main St.	Unit in strip mall	1,000 SF	Oct-2021 \$1,000/month
1641 S. Main St.	End unit in mixed-use bldg	1,400 SF/	Jul-2021 \$1,100/month
100 Griffin St.	Former supermarket bldg	27,230 SF	Jun-2021 \$8 PSF
4263 N. Main St.	Unit in strip mall	1,240 SF	Apr-2021 \$1,225/month
758 Stafford Rd	2 former resid. properties	1,000 SF + 250 SF/	Mar-2021 \$14 PSF
147 Borden St.	Unit in strip mall	375 SF	Nov-2020 \$750/month

Additional charts, summarizing current public retail lease and building offerings in Fall River follow on the next page.

REAL ESTATE CONDITIONS (continued)

Fall River - Retail Lease Offerings

Location	Description	Lease Area	Asking Rent
820 N. Main St.	Unit in Strip Mall	2,200 SF	\$850/month
657 Pleasant St.	Unit in Strip Mall	5,703 SF	\$15 PSF/yr
4263 N. Main St.	Unit 1 in Strip Mall	2,000 SF	\$1,350/month
4263 N. Main St.	Unit 2 in Strip Mall	4,000 SF	\$2,750/month
101 President Ave.	Unit 1 in Strip Mall	1,600 SF	\$13 PSF/yr
101 President Ave.	Unit 2 in Strip Mall	2,400 SF	\$12 PSF/yr
250 President Ave.	1 sty bldg near SP	10,000 SF	N/A

Fall River - Retail Sale Offerings

Location	Description	GBA	List Price
1335 Pleasant St.	1-sty wood bldg	4,066 SF	\$395,000/ \$97 PSF
28 East Main St.	2-sty masonry bldg	6,000 SF	\$650,000/ \$108 PSF
822 Eastern Ave.	1.5-sty wood bldg	7,200 SF	\$530,000/ \$74 PSF

(continued next page)

REAL ESTATE CONDITIONS

(continued)

Summary

Over-all, development activity in Fall River has apparently been on the upswing during the last several years, including multiple mill, school and other older building conversions into mixed-use residential/commercial projects. In addition, despite staffing shortages, a considerable number of new retail businesses have opened recently, including restaurants, food markets, beauty salons, small shops, etc.

These trends appear to be creating significant new commercial and residential amenities, as well as new housing options throughout the city.

In general, although various economists and real estate professionals appear cautiously optimistic about the outlook for the coming months, others are voicing concern regarding inflation, the deficit, supply chain issues, the labor shortage, global unrest and the on-going impact of the world-wide pandemic.

LEGAL DESCRIPTION and HISTORY

According to the title report, the current owner of the subject property is as shown below.³ Based on the information I have been provided, I am making the assumption that the current owner has good and merchantable title to the subject property.

Ownership

Estate	Owner	Designation	Recorded Plan
1040 North Main St. Fall River, MA	Spare Change, LLC	FRS-132	Plan Book 42 Plan #10

Title History

Grantor/ Grantee	Document/ Bk-Pg	Recording Date	Consideration
James Waldron, et al./ Norman Upham et ux.	Deed/ 1,232-288	26-Jul-1978	\$150,000
Phyllis Upham/ Phyllis Upham et al.	Deed/ 5,045-56	11-Aug-2003	\$1
Phyllis Upham et al./ Spare Change, LLC	Deed/ 6,113-85	1-Dec-2005	\$750,000

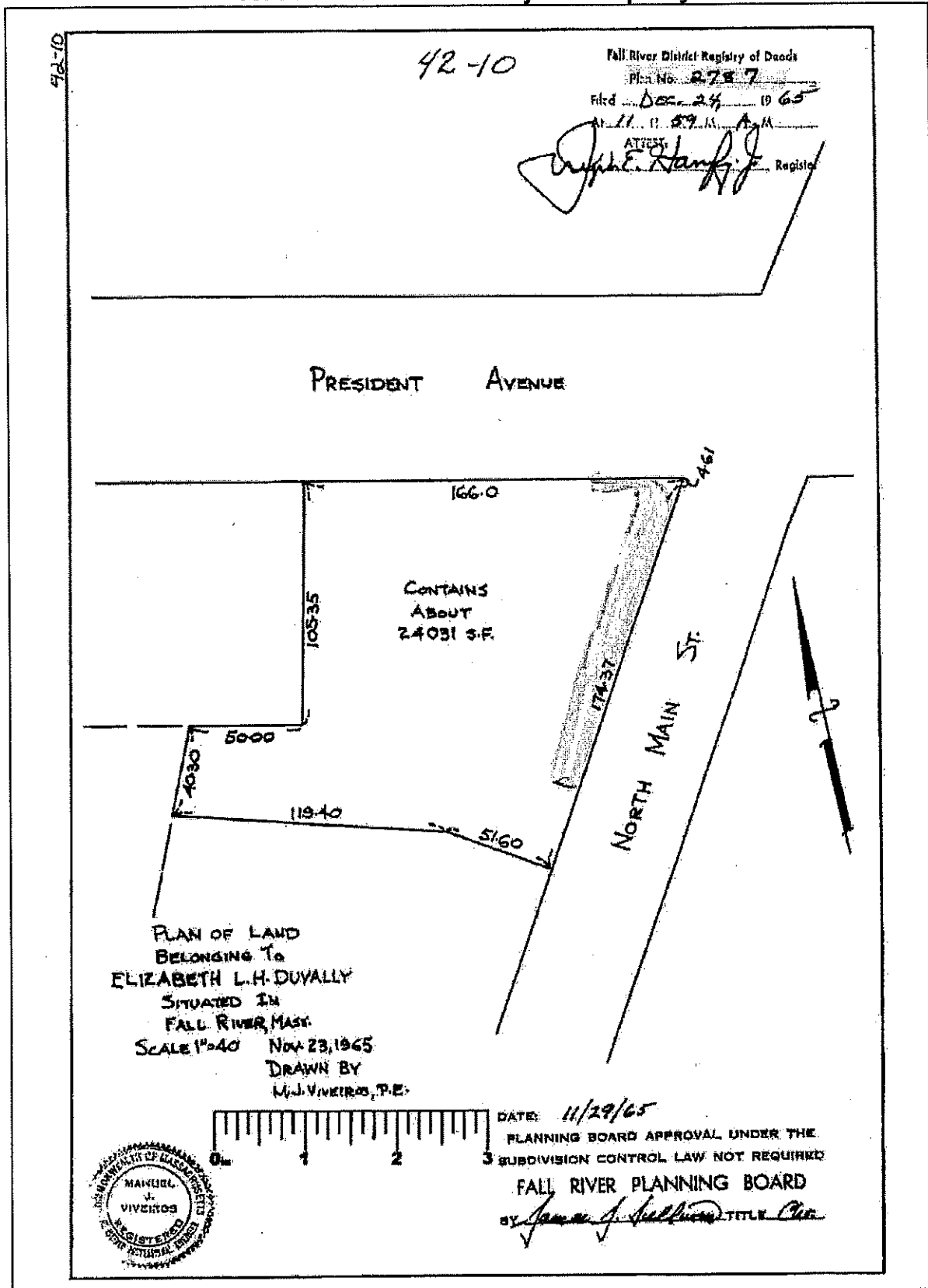
Easements/Encumbrances/Other⁴

Grantor/ Grantee	Document/ Bk-Pg	Recording Date	Encumbrance
Phyllis Upham/ City of Fall River	Layout #1042	14-Dec-1993	Street Taking 102 SF
Other	None	--	--

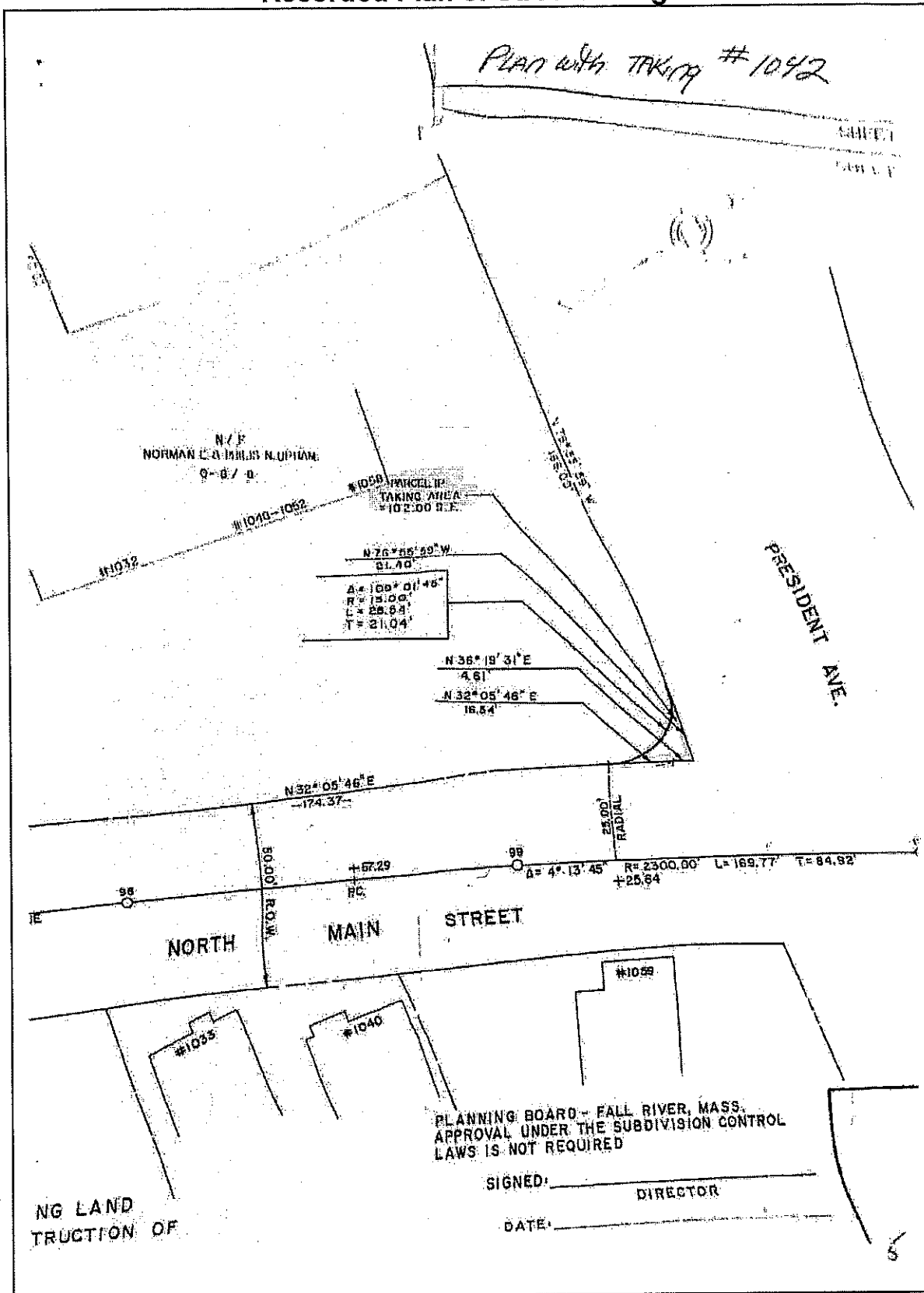
³ Title report performed by Attorney Edward Casey. Readers are referred to that report for further details.

⁴ Mortgage information, if any, not included.

Recorded Plan of Subject Property



Recorded Plan of Street Taking



TAXES AND ASSESSMENT ANALYSIS

In Massachusetts, real estate is taxed at the municipal level, and there are no additional state or county real estate taxes on real property. Taxation of real property is on an ad valorem basis (meaning "according to value"), and assessed values are required to be "full and fair cash value," which is equivalent to 100% of market value. The date of value is required to be as of January 1 (known as the "assessment date") prior to the fiscal year that starts on July 1.

State law governs real estate taxation, and municipal assessors are required to submit assessed values to the State Department of Revenue for certification every three years. In the years between certification, assessors are required to do interim adjustments and maintain the the assessed values at market value.

According to the Tax Collector's Office, there were no real estate taxes due on the property as of the Effective Date of Value of this appraisal.

ASSESSOR'S PROPERTY INFORMATION

Address:	1040 North Main St.
Parcel ID:	O-08-0008
Land Area:	0.573 acres
Bldg Area:	5,168 SF Circa 1960
Current Owner:	Spare Change, LLC
Zoning:	B-L (Local Business)
Property Type Classification Code:	"Store" [no code given]

(continued next page)

TAXES AND ASSESSMENT ANALYSIS

(continued)

The assessed values and taxes are shown below. The assessments are shown for Fiscal Year 2022, meaning that the values are set as of 1 January 2021.

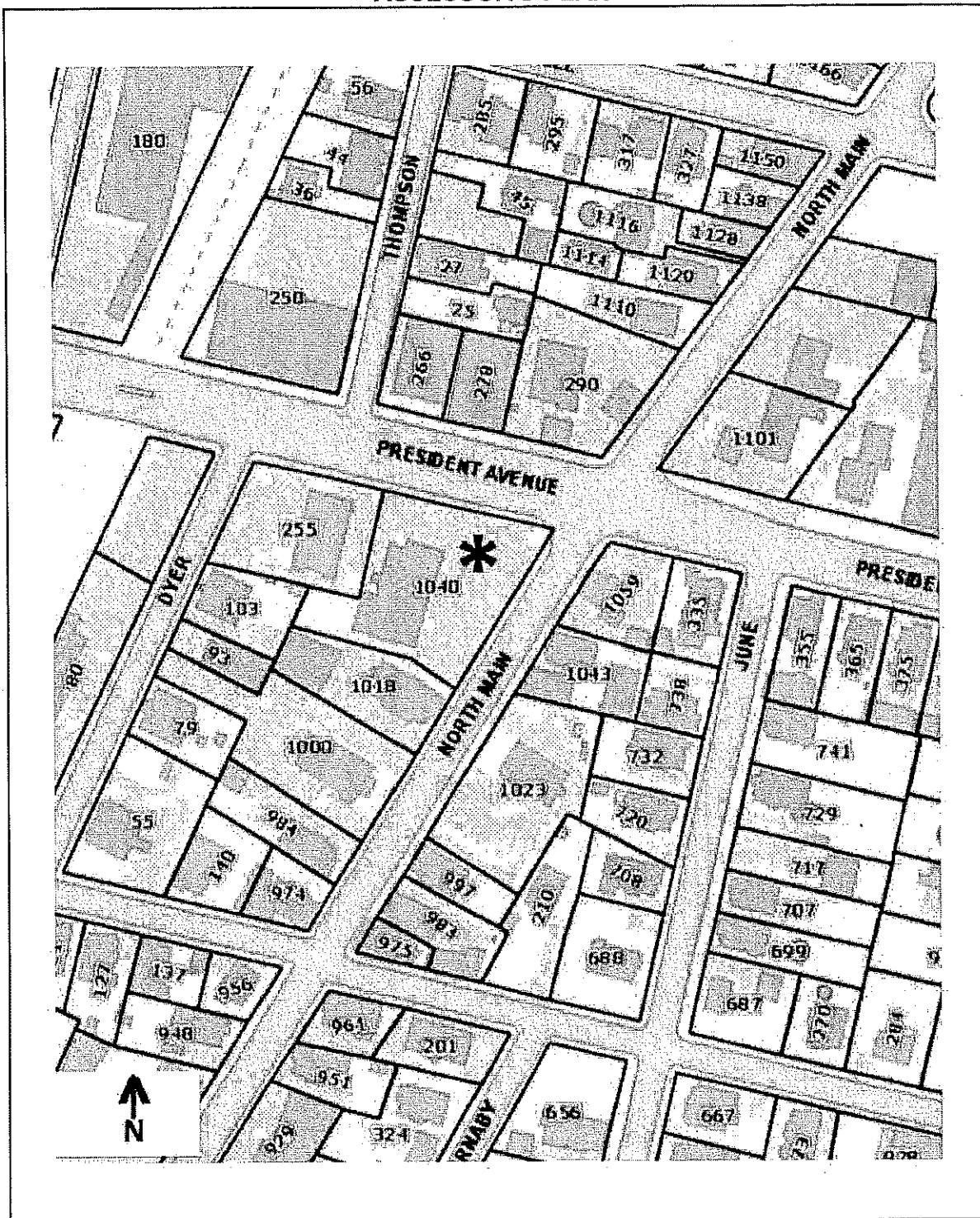
ASSESSOR'S VALUATION INFORMATION

FY 2022	Total
Land Value:	\$167,900
Bldg Value:	\$431,500
Other Features:	\$18,000
Total Value:	\$617,400
Tax Rate:	\$29.70/\$1,000
R. E. Tax:	\$18,336.78

The total land value of \$167,900 divided by the total land area of 0.573 acres⁵ (\$24,959.88) gives a unit value of \$6.73 PSF. Given that this is substantially less than the unit land value opined to in this report, it is my belief that the land portion of the subject property is under-assessed.

⁵ The Assessor's land area estimate is slightly larger than the figure I am using in this report, which is based on the MBTA plan.

ASSESSOR'S PLAN



ZONING AND LAND USE REGULATIONS

The Fall River Zoning Map (GIS) indicates that the subject property is located in a commercial district known as the Local Business District (B-L). It does not appear to be within any overlay zones.

Dimensional Regulations (Zoning Code §86 - Attachment 1)

Parameters	<u>B-L</u>
Minimum Lot Size:	5,000 SF / unit 1,500 SF / additional unit
Minimum Street Frontage:	50 feet
Maximum Height:	45 feet
Minimum Setbacks:	Front 12' - Side 10' - Rear 15'
Maximum Lot Coverage:	None
Required Parking [§86-441] Retail business:	1 space per employee plus 3 customer spaces (minimum) plus 1 loading space

Table of Use Regulations (Zoning Code §86-36)

Permitted	1-Family, 2-Family, and 3-Family Dwellings Library, Museum, Educational Retail, Restaurant, Service Business Hotel, Motel, Bank, Office Religious, Art Space, Municipal Uses
Special Permit	Bar, Tavern, Saloon Radio & Television Studios Gas Station
Prohibited	4+ Multi-family Dwellings, B&B Inns Hospital, Medical Center, Laboratory Industrial Uses, Kennel All Other Uses

Flood Zone: According to the FEMA Flood Insurance Rate Map for this area, the subject property is not located within a special flood hazard area.

ZONING PLAN



DESCRIPTION – BEFORE THE TAKING

The appraiser made a site visit to the subject property area on 9 November 2021. On that date, I met with a representative of the ownership, Mr. David Vadeboncoeur.

SITE

In my analysis, I have relied upon the MassDOT plan provided by the client. This plan, prepared by VHB, is dated 09/03/2021. (See plan on page 30.) The subject site is located on the corner of North Main Street and President Avenue, just west of the Waterfront neighborhood. Frontage consists of 157.94 feet on North Main Street, 144.96 feet on President Avenue, and 28.41 feet on the corner (based on MBTA plan).

This irregularly-shaped corner lot contains 23,794 SF of land. The lot is generally level, with curb-cut access on both North Main Street and President Avenue. On the south side, it abuts 1022 North Main Street, which is a converted house now used as "Sally's Palm Reading." On the west, it abuts a Burger King restaurant (with drive-thru) located at 225 President Avenue.

LAND IMPROVEMENTS

Due to the fact that President Avenue slopes down to the west, there is a concrete retaining wall between the subject and Burger King. The height of the wall is zero at the street, rising up to about 6 feet at the back.

There are three light poles on the site with high-intensity LED lights. There is also a large sign at the corner (see photo #9 in Addenda). The sign appears to be quite old, and in only fair condition. Mr. David Vadeboncoeur reports that the sign was in place when he bought the property in 2005, but it may be older.

The majority of the open land is blacktopped and used for parking. There are a total of 27 striped parking spaces, including one handicapped space. This exceeds the minimum number of spaces required by the B-L zoning, which, based on my calculations would be 10.⁶ (See Zoning section.)

The western area of the site is the location of the dumpsters. There is also a small open area behind the building which appears to be mainly unused.

The subject site has four curb cuts which provide convenient access into the property, but making left turns out of the lot onto either street can be difficult due to traffic. According to the owner, cut through traffic from President Avenue to North Main Street is a problem.

⁶ Required Minimum = 3 spaces, plus 1 space per employee on duty (1 employee in convenience store, 1 employee in cell store, 5 employees in D'Angelo's).

DESCRIPTION – BEFORE THE TAKING

(continued)

BUILDING

Site is improved with commercial retail building containing 5,168 SF GBA, which was constructed in 1960. The building is a one-story, class C masonry structure, with typical "store" type features such as large glass front walls and a flat roof for mechanical equipment. There are also several roof-mounted lights. The building is currently divided into three tenant spaces.

The first space is at the northern end, occupied by the largest tenant, a D'Angelo restaurant. According to the owner, this is the second ever store in the chain, and is a very busy location. The restaurant has excellent visibility, and windows on both the north and east sides of the building.

The interior of the space is built-out as a restaurant with typical finishes, and a kitchen area directly behind the counter at the entrance. There is a seating area to the right, wrapping around in an L-shape. At the time of my site visit, there were 5 employees on duty.

The second space is much smaller, and is (or was) occupied by an electronics repair business named "Urgentech Electronics" (UE). A sign taped to the door states that the store is "closed until further notice." The owner reports that despite closing the store, the tenant wishes to retain the space and has been paying rent. Historic images from Google Maps indicate that between 2009-2019, the space was occupied by a laundromat named "Mary's Place."

Given that the store was closed, I could not enter the premises. However, viewing thru the windows showed it laid out as a shop with customer area in the front half and work area in the rear, divided by a counter.

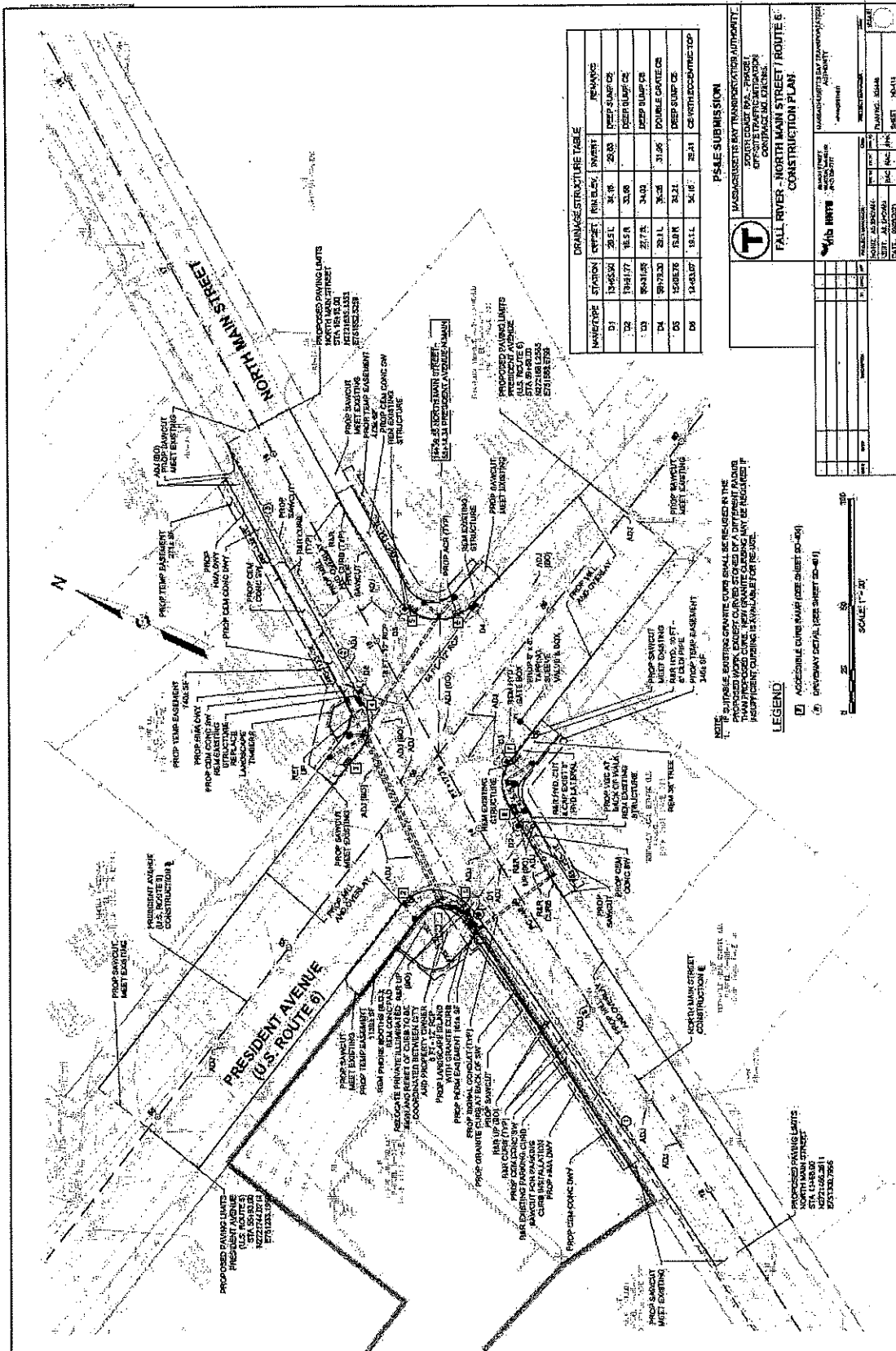
The third and final space is occupied by the Cloverdale Convenience Store. It appears to have typical offerings such as snacks, cigarettes, and lottery games ("free coffee for Keno players"). Historic images from Google Maps indicate that between 2009-2017, the space was occupied by a 7-11 convenience store. (As of the Effective Date of Value, the 7-11 logo still appears on the top of the large sign on the corner.)

The interior of the space is built-out as a basic convenience store, with a counter on the left, rows of metal shelving, coolers on the right hand wall, and high ceilings with fluorescent lighting. There are also video cameras mounted throughout the inside and outside. At the time of my visit, there was one employee on duty.

ENVIRONMENTAL

As far as I can determine, there are no adverse environmental issues affecting the subject property. (Please see Extraordinary Assumptions section.)

PLAN OF THE SUBJECT PROPERTY



DESCRIPTION – TAKING AREAS**TAKING PARCELS**

Taking Parcel	Land Area	Type
FRS-132-PE	161 SF	Permanent Easement Taking
FRS-132-TE	1,138 SF	Temporary Easement Taking (2 year)

DESCRIPTION – TAKING AREAS
(continued)

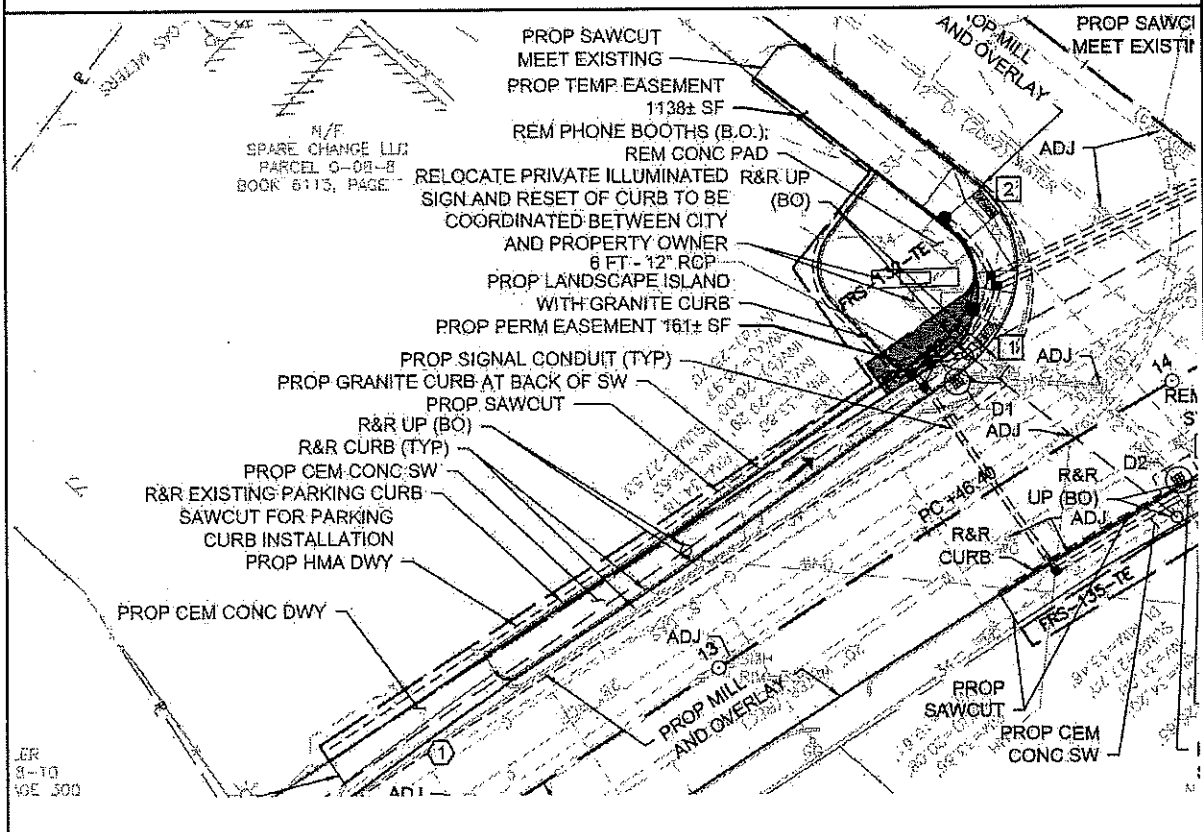
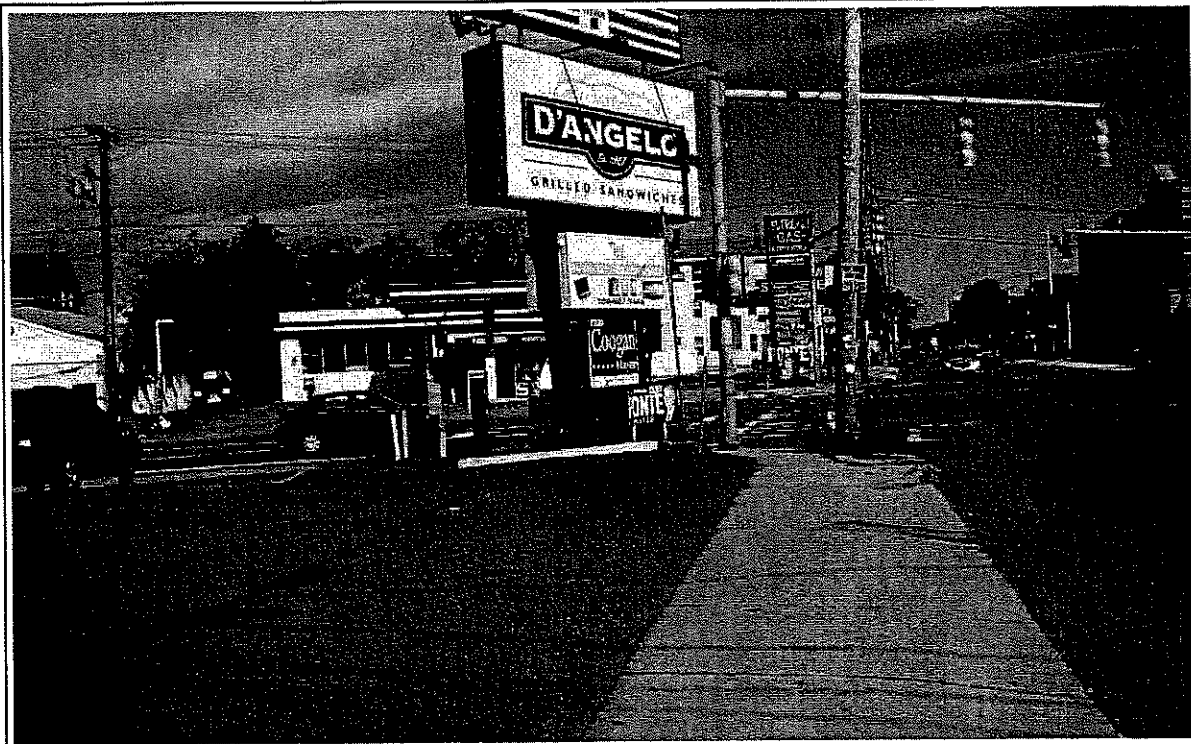
FRS-132-PE: (161 SF Permanent Easement Taking)

This permanent easement taking consists of an irregularly shaped parcel located at the corner of the subject property. On the ground, this area is covered by pavement and a small island where the business sign is located. There is no landscaping in this area.

The purpose of the taking is to allow the City of Fall River to create a pedestrian waiting area at the intersection. Infrastructure to be installed in this location includes a pedestrian push button and crossing signal, as well as signal controller cabinet and foundation.

As a result of the taking, the owner's sign will need to be moved back several feet. It is my understanding that the owner will arrange with a third party to have the sign moved, and be compensated for the expense. As of the date of this report, the cost to move the sign has not been determined.

FRS-132-PE



DESCRIPTION – TAKING AREAS

(continued)

ERS-132-TE: (1,138 SF Temporary Easement Taking - 2 Years)

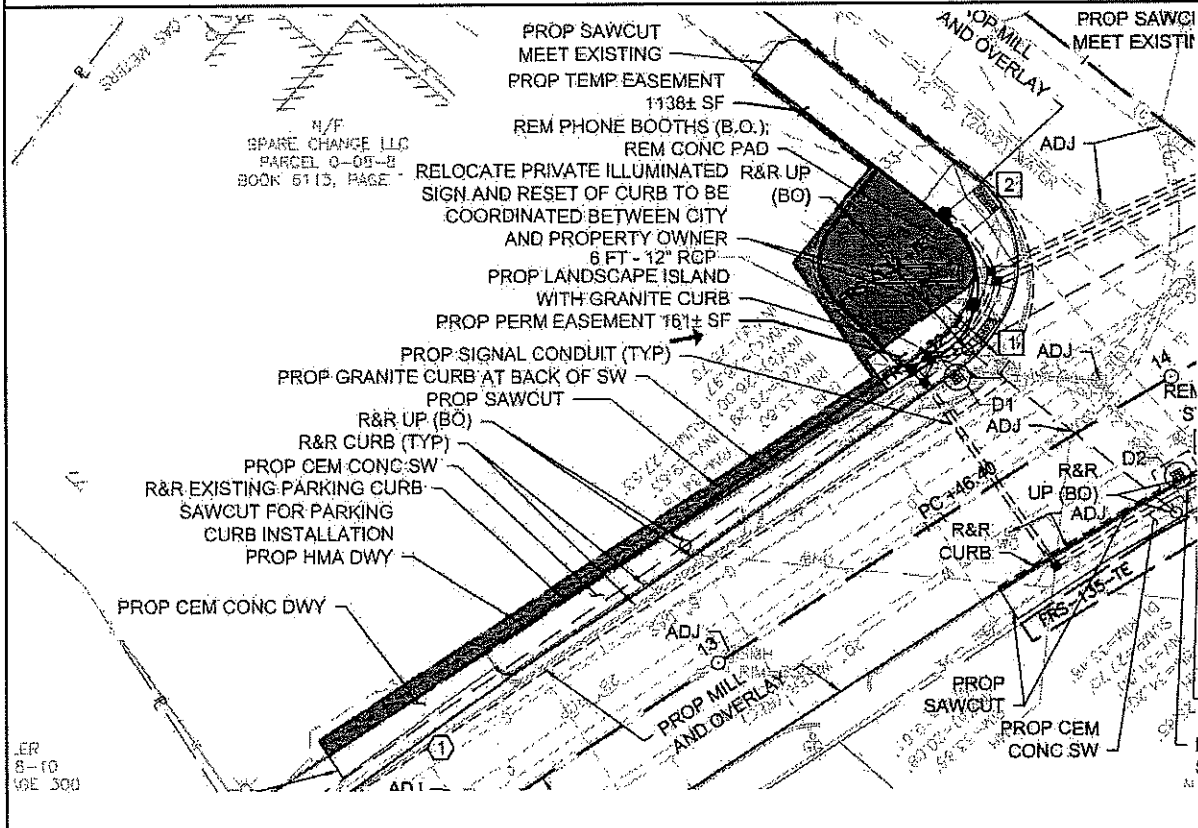
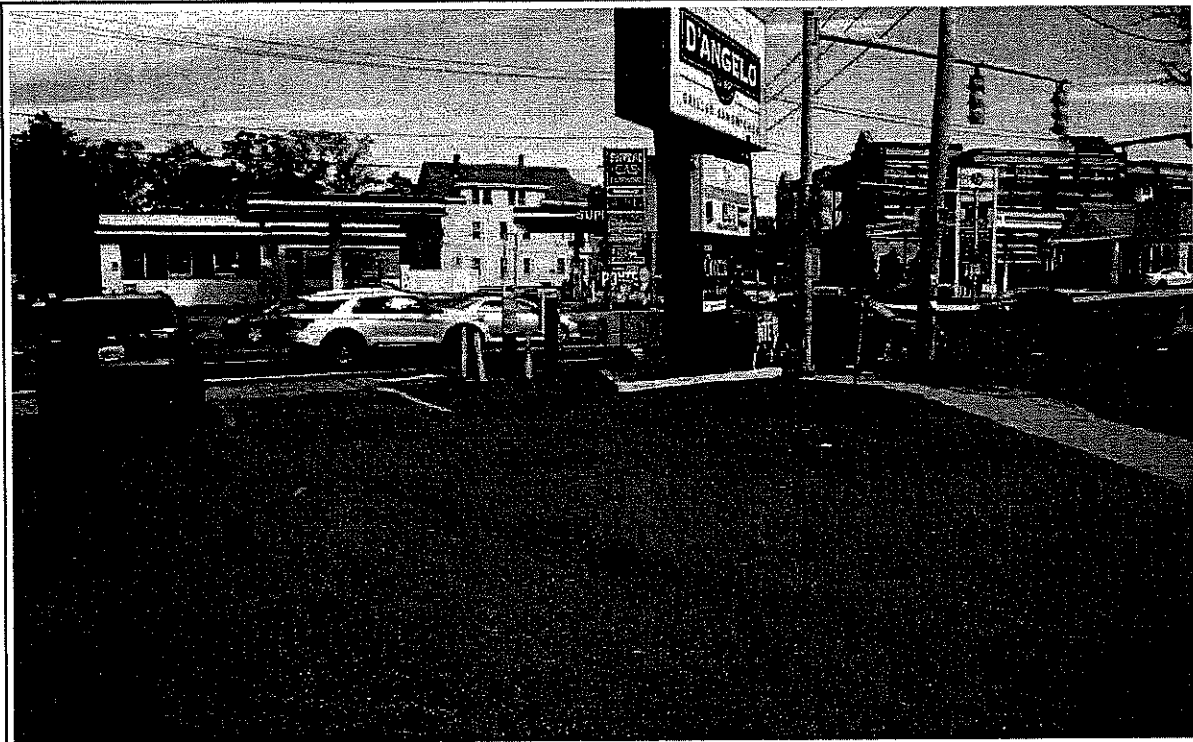
This temporary easement taking consists of an irregularly shaped parcel running along the street frontage on both North Main Street and President Avenue.

After the taking, the subject property will be encumbered with a single temporary easement (2-year duration). The purpose of this temporary easement is to facilitate the reconstruction of the public sidewalk in front of the subject property. The work will include sidewalk widening, the installation of a parking curb, and installation of signal conduit connections. New granite curbing will be installed at the back of sidewalk and the northeast curb-cut on North Main Street side will be eliminated (permanently leaving the property with three driveways instead of four).

The existing illuminated sign (see photo #9) will be relocated approximately 7.5' back from its current location and the landscape island will be reset accordingly. The contractor will restore or improve the temporary easement area to pre-construction condition as noted in the pre-construction survey.

The temporary easement taking consists of three main sections. The section along North Main Street consists of a 3-foot wide strip along the frontage, just behind the sidewalk. Along President Avenue, the taking area is narrower, about 1 foot wide, and also located at the back of sidewalk. As can be seen on the plan, the majority of the taking is located at the corner. This comprises the location of the existing sign and the new area where the sign will be moved.

FRS-132-TE



DESCRIPTION – AFTER THE TAKINGS

Most of the effects on the site have been discussed above. However, the issue of parking should be addressed here.

The permanent easement will require the existing sign to be moved about 7.5 feet to the west. As the plan is laid out, a curb will be placed eliminating one parking space. However, as far as I can determine, the curbing is not needed to accommodate the new sign location, but rather appears to be part of the new parking design which increases the number of spaces on the site overall due to the curb cut closing.

The closure of the northernmost curb cut on north Main Street will allow the area now used as a driveway to be converted to parking. In this area, three new parking spaces will be created, so that the site will net two additional spaces.

Therefore, there is no net loss of parking and no negative severance created.

Similarly, the existing sign, which is older and in poor condition, will be moved, likely requiring significant upgrade. Therefore, this is also a benefit to the property rather than a detriment.

HIGHEST AND BEST USE

The most common definition of Highest and Best Use, as promulgated by the Appraisal Institute, is as follows:

Highest and Best Use: The reasonably probable use of property that results in the highest value. The four criteria that the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity."⁷

Test 1 - Legal Permissibility:

The main legal restriction on the use of the property is the Local-Business zoning district. The current use as multi-tenant retail is a legal use for this zone. Other uses of the building such as professional office space would be possible also.

If vacant, the land could support many types of uses. The zoning would allow for development with similar uses such as Retail, Restaurant, Service Business, Bank, Office, etc. Any of these might be possible on this site. Residential uses (one-family to three-family) is also allowed.

Test 2 - Physical Possibility:

The property has good access from both President Avenue and North Main Street. Availability of parking is good, and visibility is excellent. However, the location at the intersection of two busy roads indicates a poor fit for residential use.

If the site were vacant, the location, topography, and shape would be good for any type of commercial retail development allowed by zoning.

(continued next page)

7 The Dictionary of Real Estate Appraisal, Appraisal Institute, Sixth Edition (2015), page 109.

HIGHEST AND BEST USE (continued)

Test 3 - Feasibility:

The existing use is clearly feasible given its extensive history at the site. In my opinion, any commercial retail use benefiting from a high traffic count would also be feasible given the good access and visibility.

The existing building is designed for general retail use. Other types of uses such as office may require razing and redeveloping.

Text 4 - Maximum Productivity:

Given the site's zoning, access, and visibility, it is my opinion that the existing use is the maximally productive use.

THE APPRAISAL PROCESS

In the appraisal of any real estate, there are three major methods or approaches available to the appraiser - the Sales Comparison Approach, the Income Approach, and the Cost Approach.

The Sales Comparison Approach has the greatest effectiveness when sales of property are found of a comparable nature, situated in comparable locations, which have been sold under normal circumstances on or about the date of valuation.

When it can be applied, this approach is one of the best indicators of market value, in that it demonstrates what buyers and sellers are actually doing the market. (This basic approach would be followed by a typical purchaser of the property, i.e., they would scout the market, analyze what was for sale, what had sold, at what price, etc.)

This approach has been utilized in this appraisal in the analysis of the land value.

The Income Approach is a most effective method when the property is one which is bought and sold primarily on its ability to produce net income. It is extremely helpful in valuing shopping centers, apartment houses, office and industrial buildings, etc.

The Income Approach is not considered necessary in this analysis.

The Cost Approach is best suited in the valuation of special purpose or institutional properties, or where the improvements are new or nearly new and adequately improve a parcel of land in a neighborhood which is stable or improving.

The Cost Approach is not considered appropriate in this analysis.

VALUATION

In order to estimate the Fair Market Value of the subject property, I have compared the subject to recent sales of other vacant parcels in similar zoning districts. Given the built-up nature of the area, sales of vacant land parcels are rare. Nevertheless, there are a few such sales which can be considered comparable.

From this market survey, the following sales have been selected as being the best indicators of the market value of the subject property. Each sale is abstracted in the Addenda on Market Data Sheets with a photograph and plan. Please see the Comparable Sales Table on next page.

(continued next page)

VALUATION

(continued)

COMPARABLE SALES TABLE

#	Address	Sale Date Land Area Sale Price	Transaction Comments
SP	1040 N. Main Fall River, MA	9-Nov-2021 23,794 SF --	Subject Property. Corner parcel on busy intersection in commercial area. <u>B-L (Local Business)</u>
1	Lot 42 Durfee St. Fall River, MA	18-Jan-2019 3,854 SF \$125,000	Small corner lot used for parking with 16 spaces. To be used in conjunction with nearby redevelopment. <u>B-L (Local Business)</u>
2	1101 N. Main Fall River, MA	22-May-2019 13,203 SF \$450,000	Corner parcel on same intersection as the subject. Buyer constructed new convenience store and gas station. (Use was legal, non-conforming.) <u>A-2 (Apartment)</u>
3	64 Stevens St. Fall River, MA	10-Jul-2019 90,000 SF \$1,800,000	Corner parcel located at highway exit. Buyer redeveloped site with new c-store, gas station, and car wash. <u>B-N (Neighborhood Shopping)</u>
4	1495 Plymouth Fall River, MA	6-Aug-2020 26,310 SF \$550,000	Corner parcel located at busy intersection. Buyer intends to redevelop site with plumbing retail store. <u>B-L (Local Business)</u>

(continued next page)

VALUATION

(continued)

NARRATIVE DISCUSSION OF ADJUSTMENTS

Below I have summarized the various factors which have been considered in my comparison of the comparable sales to the subject property. Following this section, I have included an adjustment grid, which adjusts each of the comparable sales for various factors where they differ from the subject property.

Transactional Adjustments

There were no significant issues with these comparable transactions that necessitated quantitative adjustments for. During the confirmation process, it was reported to me that the buyer of Comp #2 was very interested in this location because a competitor had just vacated. However, it is unclear how this affected the purchase price.

Immediate Expenditures

For transactions where the buyers had to raze the existing improvements in order to redevelop the site, a positive adjustment has been made for the estimated cost of the demolition. This recognizes the fact that, all other things being equal, the buyers would have paid more if the demolition had occurred before the sale and the site were delivered vacant.

Market Conditions

In terms of market conditions adjustment (time), the general consensus of government sources, real estate tracking firms, published reports, and anecdotal information seems to be that the market was steadily improving from around the 2010-2011 time period, up until the Covid-19 pandemic.

Due to a lack of sufficient data, I have not been able to estimate a market conditions adjustment via so-called "matched pairs." However, there are alternate methods which can be used to derive an estimate. Data for the overall market can be obtained from The Warren Group real estate data service. The Warren sales price data for Fall River (all sales), is as follows.

Warren Group Sales Data

Calendar Year	Average Sale Price	Annual Change
2018	\$238,500	--
2019	\$258,950	+8.57%
2020	\$300,000	+15.85%
2021-Sep	\$350,000	+16.67%

VALUATION (continued)

Market Conditions -cont.

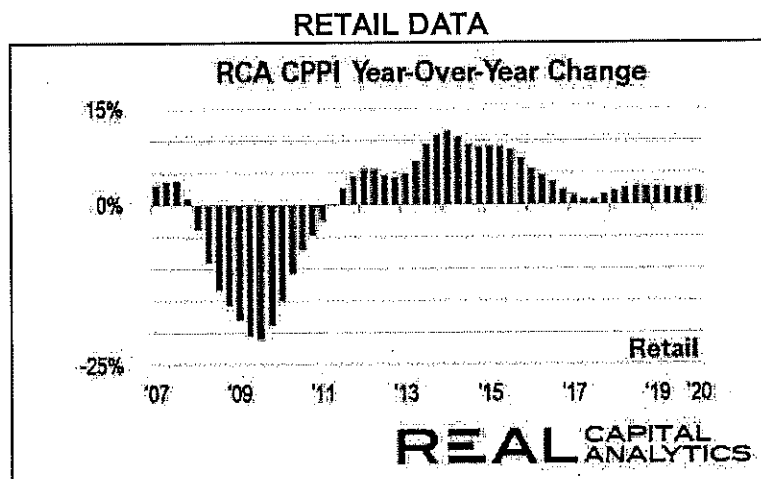
I would note that the above data is heavily influenced by sales of residential properties. Although these typically tend to be reliable indicators as to trends in overall market conditions, the general consensus over 2020-2021 is that residential values have been significantly out-pacing commercial values.

In fact, general reporting indicates that commercial properties, especially retail, have suffered tremendously in the Covid-19 pandemic. It is difficult to measure precisely given the limited amount of retail commercial transactions in Fall River. I would note that according to MLS, the average number of "days-on-market" for retail properties in Bristol County increased by 19% from 2019 to 2021, indicating declining demand.

According to published data from the Federal Reserve, commercial real estate sales and leasing in (Greater Boston) remains mixed, with strength in industrial and life science categories, and weakness in retail and office space. Concerns about the Delta variant have increased uncertainty.

Retail real estate activity is reported as "mixed" - with strong demand for grocery- and gas-anchored retail, but greater uncertainty regarding the office and retail markets.

Another widely cited source is the repeat-sales index of commercial property known as the Moody's/REAL Commercial Property Price Index (CPPI). This index shows the values for retail commercial real estate (nationally) to be increasing at about 2-3% annually since 2019.



VALUATION

(continued)

Market Conditions

-cont.

US Commercial Price Index (Statista.com)

Year	Qtr	Index	Change
2019	1	171.96	- -
	2	180.13	4.75%
	3	185.14	2.78%
	4	181.44	-2.00%
2020	1	182.22	0.43%
	2	182.85	0.35%
	3	181.7	-0.63%
	4	188.62	3.81%
2021	1	189.4	0.41%
	2	194.7	2.80%
	3	n/a	- -

Based on the above information, I have selected 3% per year as a reasonable "market conditions" adjustment for the comparable sales.

Location

The subject property is located on a busy corner with good visibility, which is excellent for retail. Comp #2 is located diagonally across the intersection, and is very similar in this respect.

Comp #1 is located fairly close, but in a different type of neighborhood more resembling a city center. Due to the density, parking is more difficult to come by and this property was purchased as parking for a nearby redevelopment.

Uses in the area include several office buildings, a conference center, and similar uses. It is one block west of the commercial strip on North Main Street which includes many retail uses (one mile south of the subject). City Hall, the district courthouse, and a YMCA are located nearby.

Comp #3 is located about 1.75 miles southeast of the subject, in a commercial area near the highway exit for Routes 24 and I-195. Uses in the area include a McDonald's and a Walmart. This site has excellent access and visibility.

Finally, Comp #4 is located about 2 miles south of the subject, in a mixed commercial area. Uses in the area include a Dunkins, bank, used car lot, Midas muffler shop, and a juice cafe. This area has a lower density of commercial uses than the subject area.

VALUATION
(continued)Site/Area

The subject property is an excellent corner location with four curb cuts. The land is level and there is no wetlands influence.

Comp #1 is similar in these respects, and is paved and striped for 16 spaces. The site is much smaller than the subject, which generally results in a higher unit value, all other things being equal.

Comp #2 is very similar to the subject property in most respects. The main difference is that it is about half the size of the subject, which again generally results in a higher unit value.

Comp #3 is a much larger site, which has wetlands in the rear which affected development somewhat. These factors would tend to result in a lower unit price.

The final sale was Comp #4. This site is similar in size to the subject and has a good corner location with easy access.

(continued next page)

VALUATION (continued)

COMPARABLE SALES ADJUSTMENT GRID

	Subject	Comp #1 Durfee St.	Comp #2 N. Main St.	Comp #3 Stevens St.	Comp #4 Plymouth Ave.
Sale Price	--	\$125,000	\$450,000	\$1,800,000	\$550,000
Transactional Factors	None	None	None	None	None
Adjustment	--	0%	0%	0%	0%
Adj. Price	--	\$125,000	\$450,000	\$1,800,000	\$550,000
Immediate Expenditure	--	None	None	Demolition	Demolition
Adjustment	--	\$0	\$0	\$10,000	\$13,990
Adj. Price	--	\$125,000	\$450,000	\$1,810,000	\$563,990
Market Conditions	9-Nov-2021	18-Jan-2019	22-May-2019	10-Jul-2019	6-Aug-2020
Adjustment	3.0%	8.7%	7.6%	7.1%	-3.8%
Adj. Price	--	\$135,875	\$484,200	\$1,938,510	\$542,558
Land Area	23,794	3,854	13,203	90,000	26,310
\$/SF GBA		\$35.26	\$36.67	\$21.54	\$20.62
QUALITATIVE FACTORS					
Location	Excellent Retail	Good Parking Demand	Excellent Retail	Excellent @ Hwy Exit	Good Retail
Site/Area	Good Corner site	Smaller site	Good corner Smaller site	Larger site	Good corner Same size
Comparison		Overall Equivalent	Overall Equivalent	Overall Inferior	Overall Inferior

VALUATION
(continued)

As can be seen on the prior table, the price per square foot of land ranges from \$20.62 PSF to \$36.67 PSF. The larger lots sold for less on a unit basis than the smaller lots, which is typical.

ANALYSIS OF UNIT PRICES

Comps	\$/SF	High/ Low
1	\$35.26	
2	\$36.67	\$36.67
3	\$21.54	
4	\$20.62	\$20.62
Mean	\$28.52	
St. Dev.	\$8.62	

As can be seen, the unit prices have a fairly wide range. The sales show a general trend according to size, with larger sites tending to sell for lower unit values. This is a common pattern in almost all markets, and demonstrates the economic principle of diminishing marginal utility.

As mentioned previously, comp #2 is located across from the subject, with a similar corner location, and is considered the best comparable. The major difference is that it is significantly smaller than the subject, and larger sites tend to sell for lower unit values due to the economic principle of diminishing marginal utility.

Given the entire analysis, my opinion of a reasonable unit price for the subject property would be \$30.00 PSF of land.

DAMAGES

The acquisitions proposed are as shown below. In general, fee takings take all the rights to a parcel, and so require 100% compensation. On the other hand, the effect of a permanent easement on a subject property will vary depending upon the use of the encumbered land by each party, as well as what rights are retained by the fee owner. Finally, temporary takings are treated as a rental of the land for the easement duration.

PROPOSED TAKINGS

Taking Parcel	Land Area	Type
FRS-132-PE	161 SF	Permanent Easement Taking
FRS-132-TE	1,138 SF	Temporary Easement Taking

DAMAGES

(continued)

FRS-132-PE: (161 SF - Permanent Easement)

This easement will significantly impact the encumbered land. As discussed previously, various traffic control equipment will be installed in this location, including a pedestrian push button and crossing signal, as well as 6' by 12" signal controller cabinet and foundation.

Also, the owner's sign will need to be moved back several feet. It is my understanding that the owner will arrange with a third party to have the sign moved, and be compensated for the expense. As of the date of this report, the cost to move the sign has not been determined.

As a result, the owner will have very limited use and control of the encumbered land. The major remaining right to the owner would be the right to include this land into the overall site for zoning purposes such as rear and side setbacks, lot coverage, and floor to area ratio. However, given that the site is fully developed, the zoning benefits are considered minimal.

The easement takes a portion of the "bundle of rights" from the owner. The easement samples on the next page show a range of percentages representing the effect on value from a permanent easement.

Based on the limitations which will be imposed by the taking, the subject situation would seem to fall at the high end of the range of impact percentage. The owner will not have access or use of the land. On the other hand, the land to be encumbered is currently unused and is located entirely within the zoning setback (25-foot side and rear).

Given all of the considerations, I have estimated that the impact would be about 90% of the fee simple value. The resulting calculation is shown below.

PERMANENT EASEMENT DAMAGES

	FRS-132-PE
Parcel Land Area [SF]	161
<u>Estimated Unit Value [\$ / SF]</u>	<u>\$30.00</u>
Indicated Land Value	\$4,830
Easement Damage Factor	90%
Damages	\$4,347
Rounded	\$4,300

DAMAGES

(continued)

Location	Description	Price (\$/SF)	Esmt Value*
200 Moody St. Waltham	648 SF surface access esmt purchased back by servient estate for development purposes.	\$37.50	±75%
Porter Square Cambridge	Air rights over MBTA tracks. Oaktree Dev. bid \$4,000,000, but sale never took place.	\$80.00	±62%
Atwood Drive Northampton	Excess city parcel sold to abutter, as encumbered with sub-surface sewer esmt.	\$1.27	±71%
87 Cambridgepark Camb. [69,321-428]	Surface easement on MBTA land for access, dumpster, and parking usage. Includes termination clause.	\$51.45	±61%
Air Force Rd. Everett, [56,293-336]	Surface easement for public way over private land, acquired by the City of Everett.	\$15.54	±55%
51 Charles St. Waltham	410 SF subsurface easement for utility conduit. (5' x' 82')	n/a	±54%
162 Colonial Dr. Quincy	200 SF subsurface easement for utility conduit. (2' x 100')	\$12.50	±49%
88 Cambridgepark Dr. Cambridge	Non-exclusive surface access esmt (pedestrian and bicycle only) from new apartment development to MBTA station.	\$39.84	±45%
Mill St. Arlington	Surface easement rights in connection with major redevelopment site.	\$11.44	±35%
126 Brookline Ave. Boston	Aerial esmt over existing bldg. Defined by horizontal plane at 57' elevation and above.	\$109.62	±26%
220 McClellan Hwy E. Boston [52,566-47]	236 SF sub-surface easement granted by MBTA for private water pipeline.	\$30.11	±25%
One Kendall Sq. Camb. [52,168-362]	640 SF aerial easement (volumetric) for bldg canopy, located at 60' elevation.	\$42.12	±24%
McClellan Hwy Boston	1,850 SF sub-surface corridor easement for transporting seawater to live lobster tanks from Chelsea Creek. (10' x 185')	\$1.00	±16%
Atlantic Ave. Boston	Deep subsurface esmt for MBTA Red Line tunnel, located below Federal Reserve underground parking garage.	n/a	1%

*Estimated percentage of fee simple land value.

DAMAGES

(continued)

In addition to the above data, there is also published data relating to the percentage impact of easements on fee simple land value. The following chart was published in Right of Way Magazine.⁸

EASEMENT VALUATION MATRIX

Percentage of Fee	Comments	Potential Types of Easements
90% - 100%	Severe impact on surface use Conveyance of future uses	Overhead electric Flowage easements Railroad ROW Irrigation canals Access roads
75% - 89%	Major impact on surface use Conveyance of future uses	Pipelines Drainage easements Flowage easements
51% - 74%	Some impact on surface use Conveyance of ingress/egress rights	Pipelines Scenic easements
50%	Balanced use by both owner and easement holder	Water or sewer lines Cable line Telecommunications
26% - 49%	Location along a property line, location across non usable land area	Water or sewer line Cable lines
11% - 25%	Subsurface or air rights that have minimal effect on use and utility Location with a setback	Air rights Water or sewer line
0% to 10%	Nominal effect on use and utility	Small subsurface easement

8 Donald Sherwood, SR/WA, "Easement Valuation Matrix," Right of Way Magazine, May/June 2006.

DAMAGES

(continued)

ERS-132-TE: (1,138 SF - Temporary Easement - 2 years)

After the taking, the subject property will be encumbered with a single temporary easement (2-year duration). As mentioned earlier, the purpose of this temporary easement is to facilitate the reconstruction of the public sidewalk in front of the subject property and relocation of the existing illuminated sign.⁹

According to condemnation law, temporary takings are properly treated as a rental of the affected property for the term of the temporary easement. In this case, when the land is not being utilized for construction activity, the owner will be free to use the property.

In terms of the rental value of the land, the best method to estimate rent value is with comparable rents. However, land leases are rare, and obtaining the lease terms is extremely difficult, as they are not public records. Therefore, I have used an alternate method. An appropriate rental rent can also be estimated using a "income rate," which is the total net income derived from ownership of property. In this case, the income rate will be equivalent to the overall capitalization rate (a.k.a. "cap rate").

In the present case, the appropriate cap rate would be for land. Cap rate data can generally be extracted from comparable sales of income producing property. However, sales of income producing land are rare, and my research uncovered none applicable to this appraisal.

(continued next page)

⁹ It is my understanding that the cost to move the sign will be paid by the subject property owner and later reimbursed by the taking authority. As of the date of this appraisal, the cost is undetermined.

DAMAGES

(continued)

Alternatively, cap rate data is available from published sources, including the national real estate advisory group, Price-Waterhouse-Coopers (PwC), among others. Their reports on average national capitalization rates were as shown below.

Published Capitalization Rate Data (Averages)

Property Type	<u>U.S.</u> Co-Star (3Q2021)	<u>U.S.</u> PwC (2Q2021)	<u>Greater Boston</u> CapRates.com (4Q2021 ¹⁰)
All	6.90%	5.78%	6.91%
Regional Mall	6.75%	7.40%	
Retail - A			4.59%
Retail - B			6.41%
Retail - C			8.30%
Restaurant - B			7.46%
N-hood Center	7.05%		

A final element to consider is that cap rates for land would be expected to be somewhat lower than for improved properties given that there is no depreciating asset.

In my opinion, given all of the above considerations, I believe a cap rate of 7% would be applicable in the case of the subject property.

However, this must be adjusted to account for the fact that the subject property owner will still be responsible for paying the real estate taxes on the encumbered land (unlike a normal cap rate calculation that is based on NNN rent). This adjustment is best made by adding the real estate tax rate (2.97%) to the rate estimate, resulting in an adjusted rate of 9.97% (which has been rounded to 10.0%). This can be utilized as the rental rate for the purposes of analyzing the temporary easement impact.

It should be noted that no increase in land value over the temporary easement period has been factored into the analysis. Such a projection is obviously somewhat speculative; and, in my opinion, is better accounted for by using a discount rate of 0% on all future payments being brought back to a present value. Given the minor nature of the taking, this does not have a major effect on the damages estimate.

(continued next page)

10 Projected trend data.

DAMAGES

(continued)

The temporary damages calculated below represent the total loss in market value due to the taking authority's acquisition and use of the land.

TEMPORARY EASEMENT DAMAGES

	--	FRS-132-TE
Parcel Land Area [SF]		1,138
<u>Estimated Unit Value [\$ / SF]</u>		<u>\$30.00</u>
Indicated Land Value		\$34,140
<u>Land Rental Rate</u>		<u>10.0%</u>
Annual Rental		\$3,414
Temp. Easement Term [years]		2
<u>Discount Rate</u>		<u>0.0%</u>
Discounted Present Value		\$6,828
Rounded		\$6,800

RECONCILIATION and CONCLUSION

In the previous section, I have estimated a unit value for the subject property. After accounting for all factors, I have estimated the total Fair Market Value of the subject property as shown below, as of the Effective Date of Value.

Fair Market Value

Taking Parcel	Land Area	Damages
FRS-132-PE	161 SF	\$4,300
FRS-132-TE	1,138 SF	\$6,800
Sign relocation	n/a	TBD
Total		\$11,100

*The cost to relocate the sign has not yet been determined.

Also, I have considered the possibility of severance damages to the subject property. Severance damage is defined as any loss of value to the part not taken. In this case, I considered if the encumbrance with the permanent easement would negatively affect the overall property.

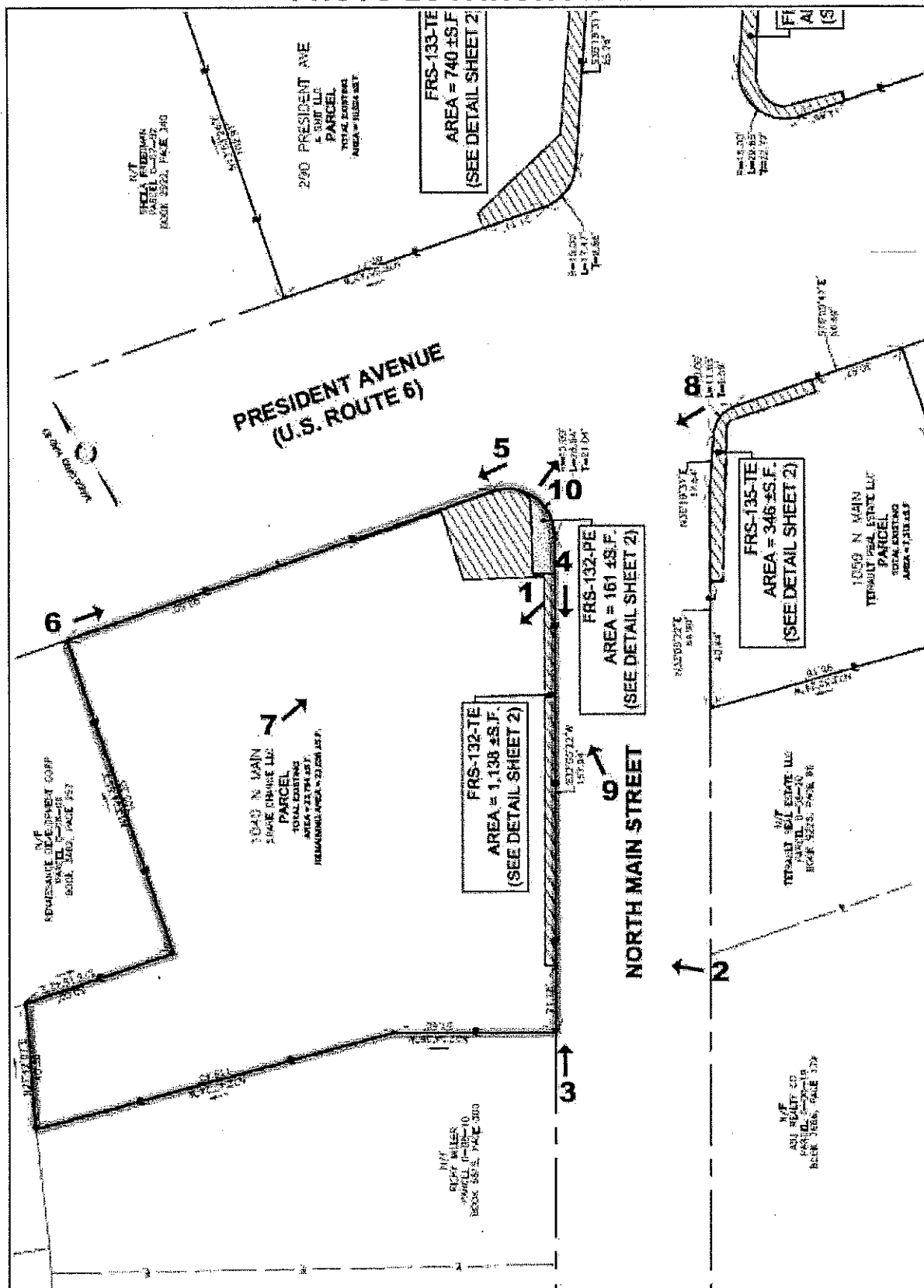
As discussed previously (see page 36), the sign will need to be moved (likely requiring an upgrade), but the owner will be compensated for this expense. Also, one parking space will be eliminated, but three others created, resulting in a net gain of two parking spaces.

Therefore, in my opinion, the proposed takings will not create any severance damages to the remaining land.

ADDENDA

SUBJECT PHOTOGRAPHS

PHOTO LOCATION PLAN



PHOTOGRAPHS OF THE SUBJECT PROPERTY

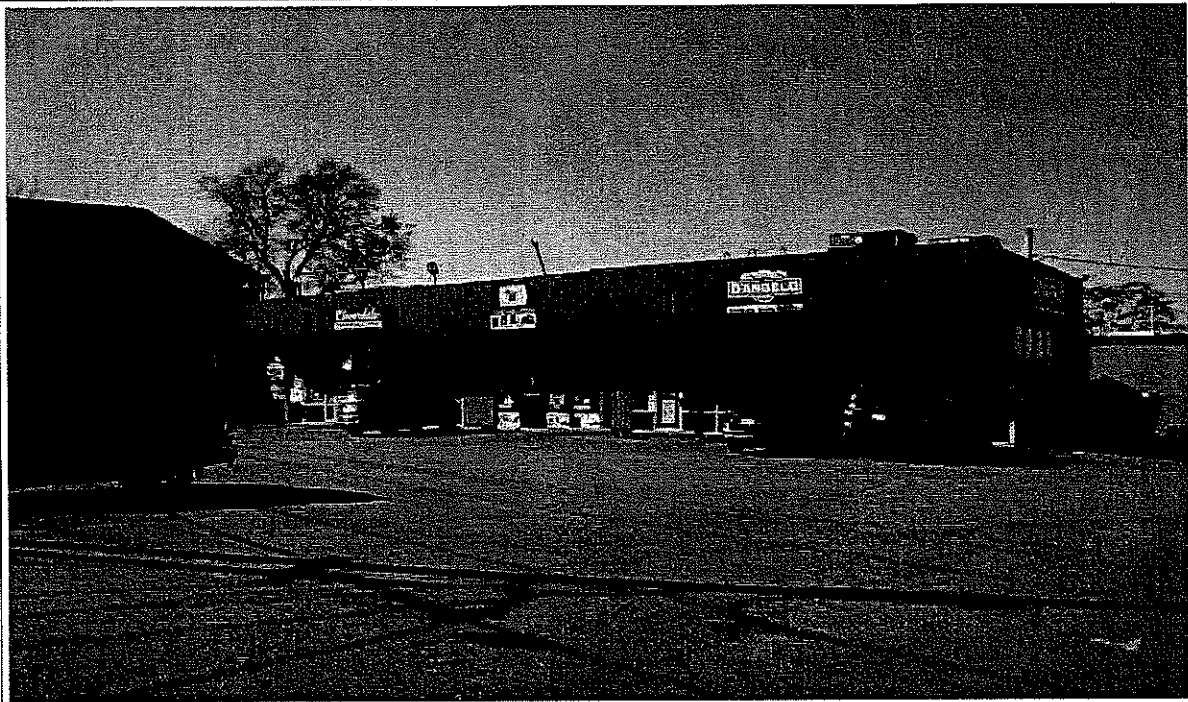


Photo #1: Looking west at the subject property building from intersection.
(Photo taken 9-Nov-2021 by SPR)

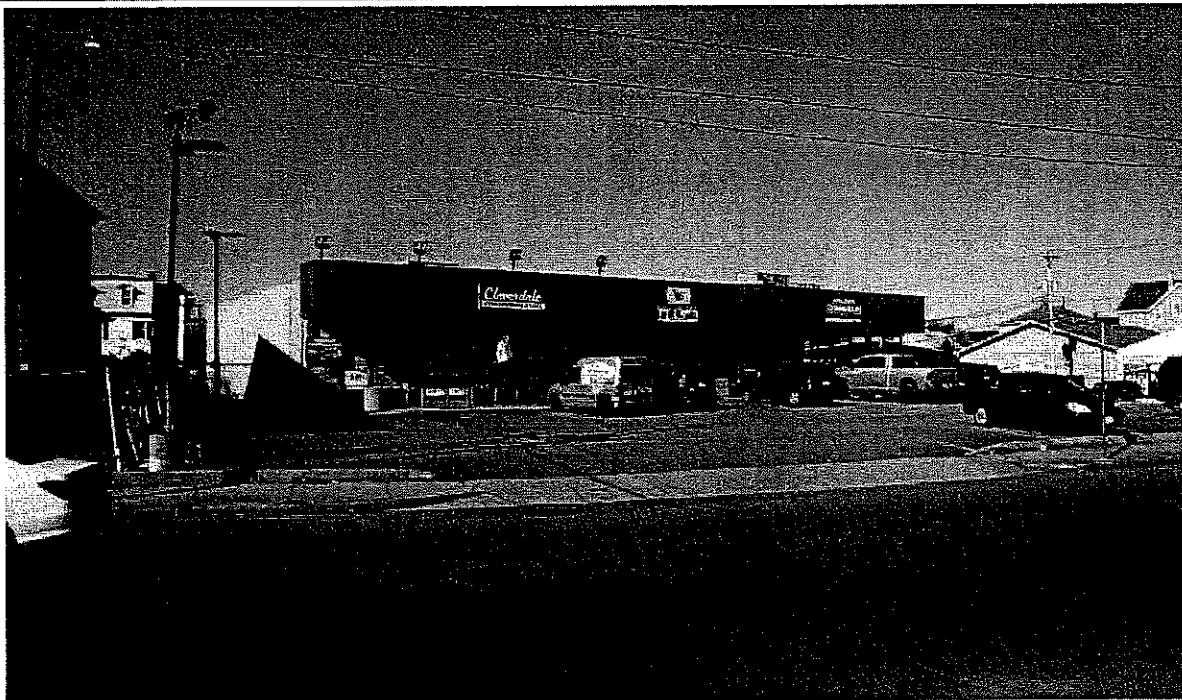


Photo #2: Looking northwest at the building from across North Main Street.
(Photo taken 9-Nov-2021 by SPR)

PHOTOGRAPHS OF THE SUBJECT PROPERTY

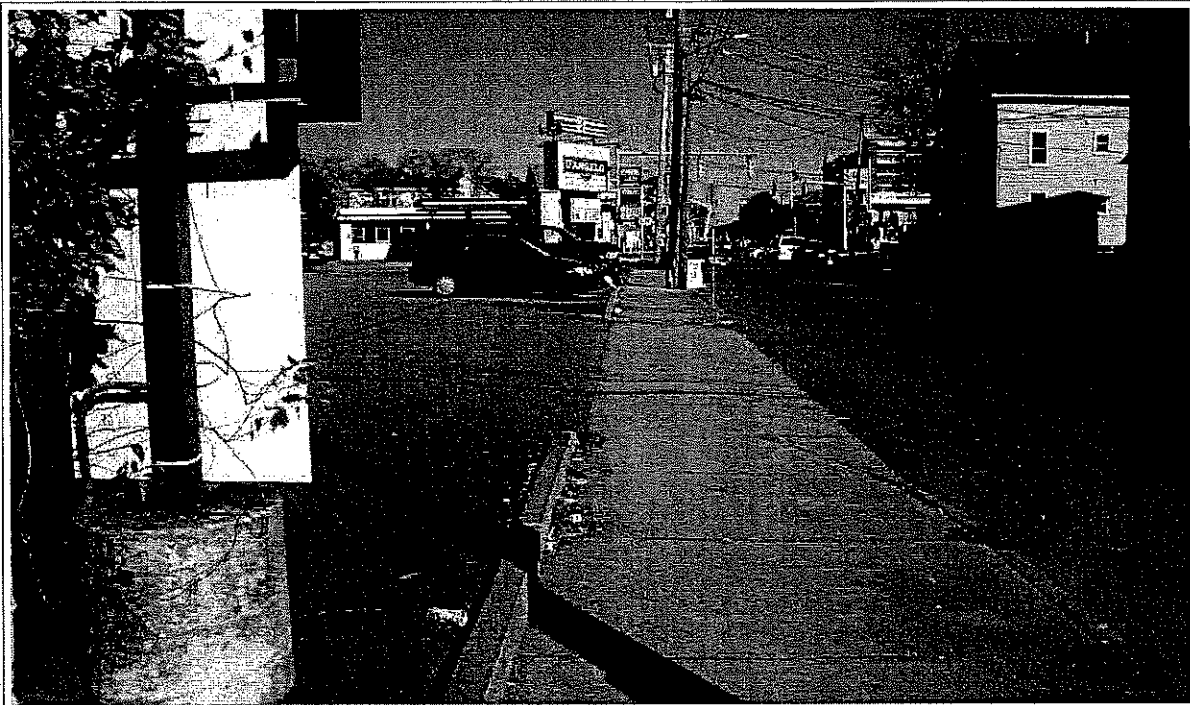


Photo #3: Looking northeast along the subject property street frontage. North Main Street on right. (Photo taken 9-Nov-2021 by SPR)

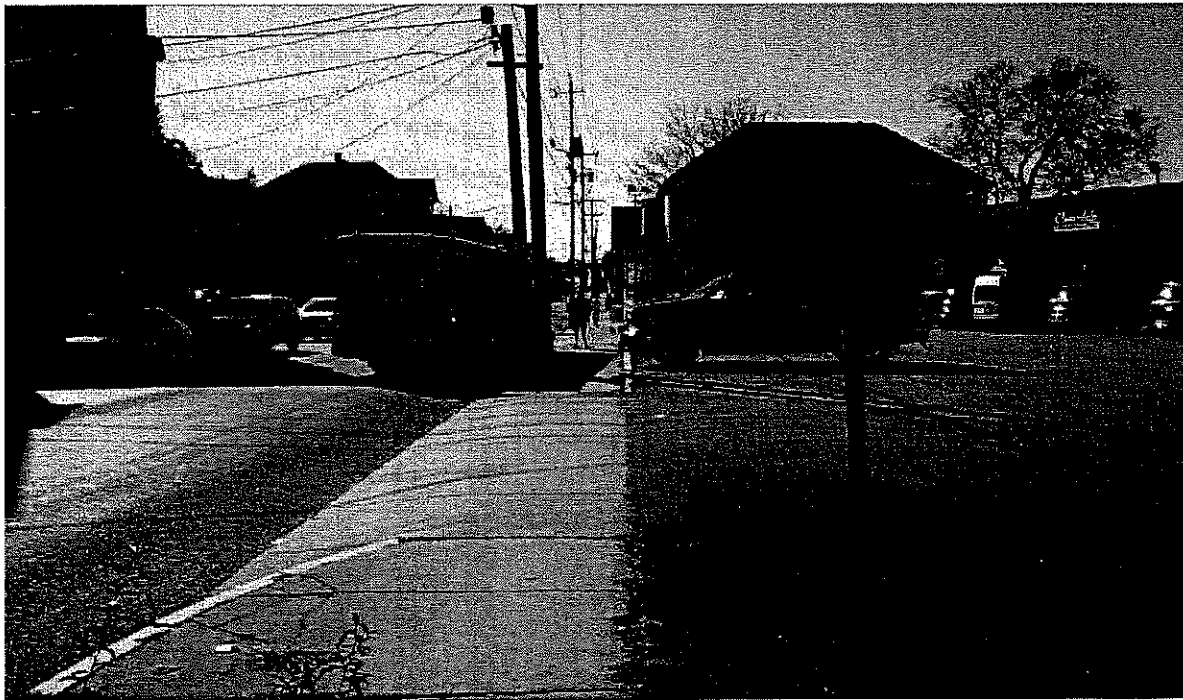


Photo #4: Opposite view facing southwest. Subject property on right, North Main Street on left. (Photo taken 9-Nov-2021 by SPR)

PHOTOGRAPHS OF THE SUBJECT PROPERTY

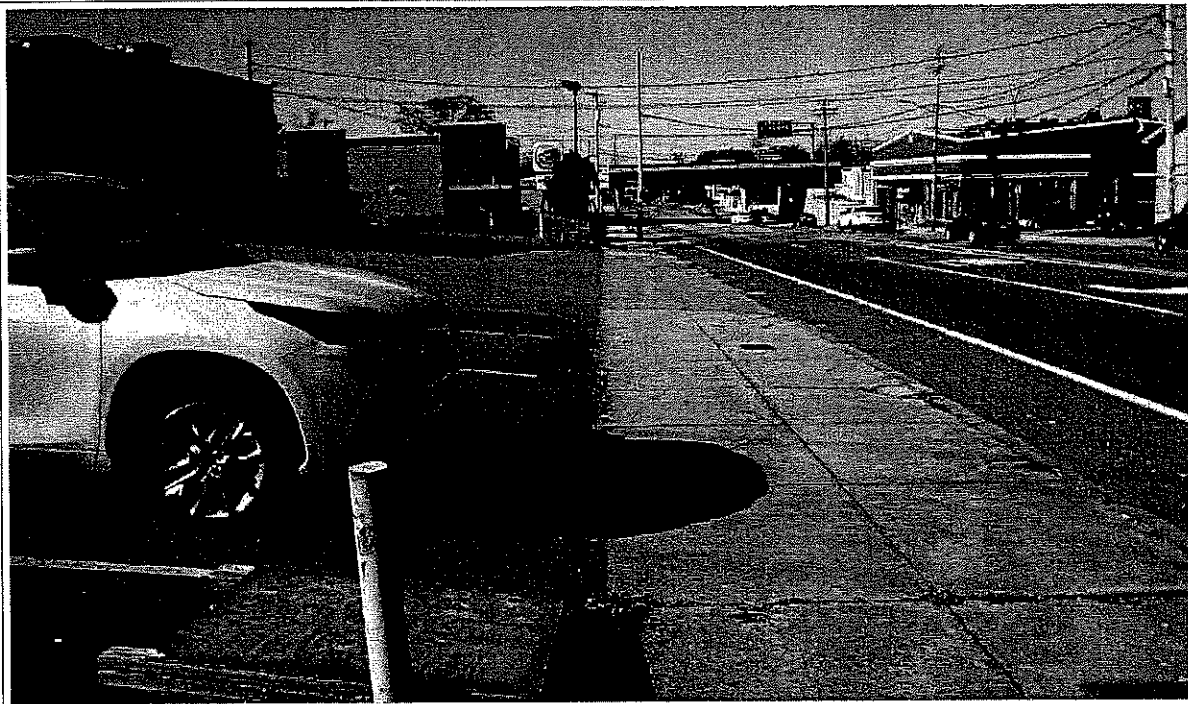


Photo #5: Looking west along the subject property street frontage on President Avenue. Abutting Burger King in background. (Photo taken 9-Nov-2021 by SPR)

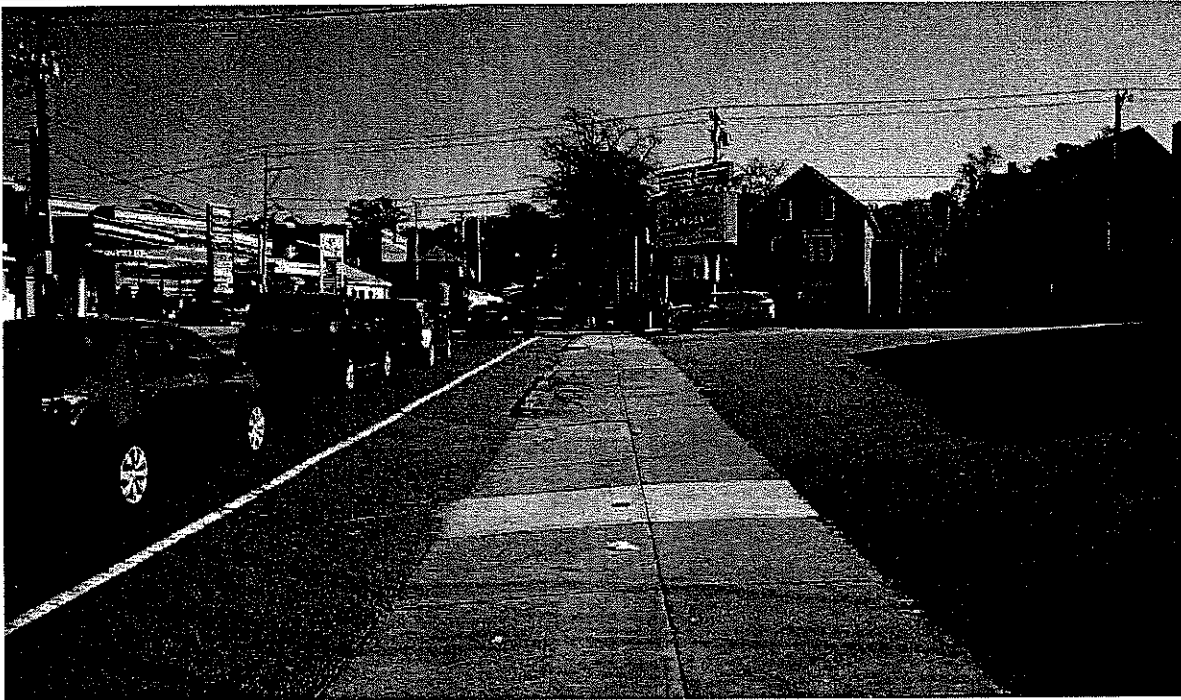


Photo #6: Opposite view along President Avenue facing east. Subject property on right. (Photo taken 9-Nov-2021 by SPR)

PHOTOGRAPHS OF THE SUBJECT PROPERTY

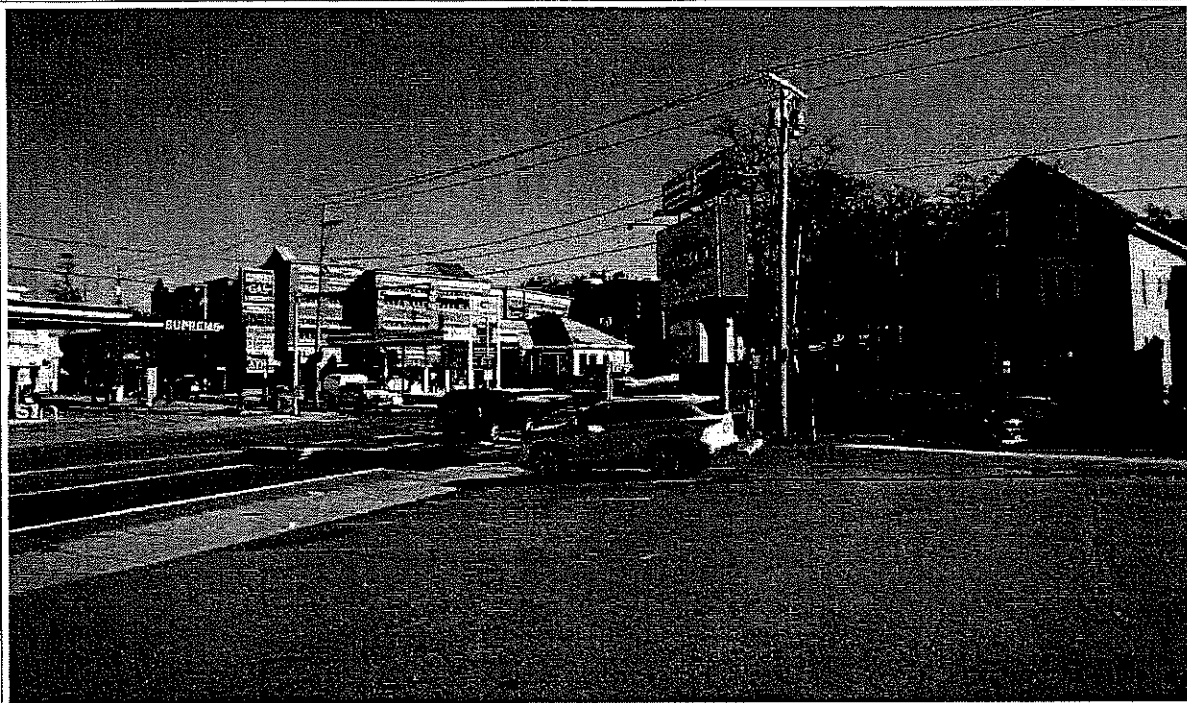


Photo #7: Looking northeast at corner of subject lot located at intersection.
(Photo taken 9-Nov-2021 by SPR)

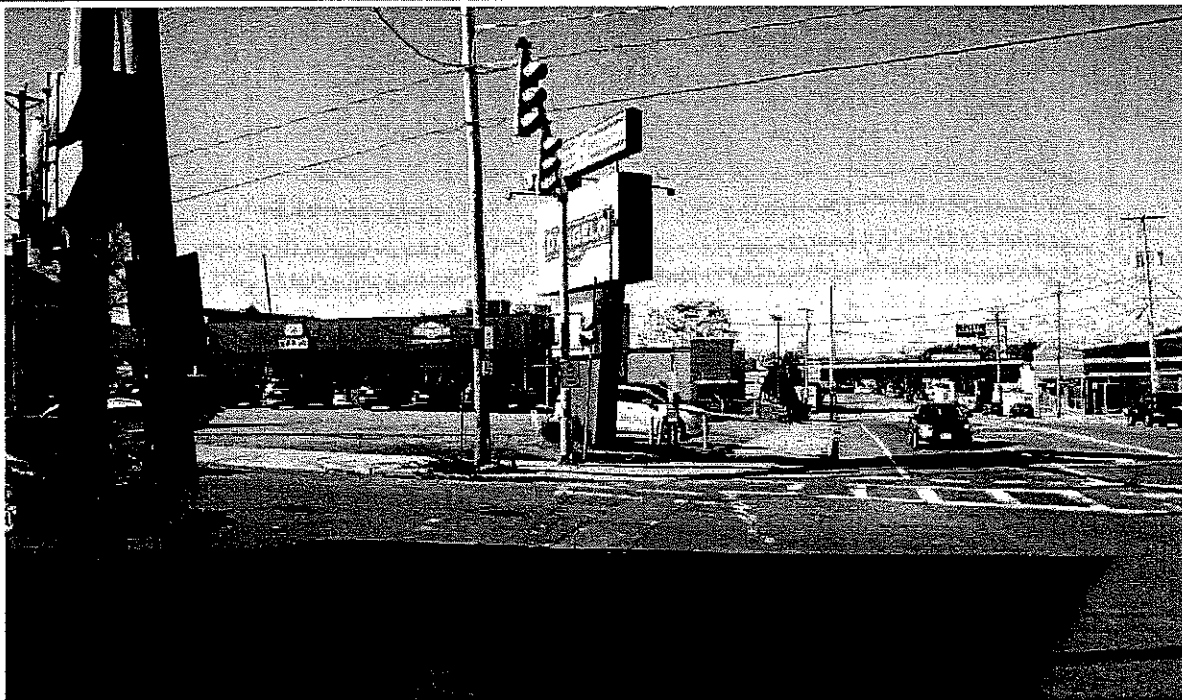


Photo #8: Looking southwest at same lot corner from across North Main Street.
(Photo taken 9-Nov-2021 by SPR)

PHOTOGRAPHS OF THE SUBJECT PROPERTY

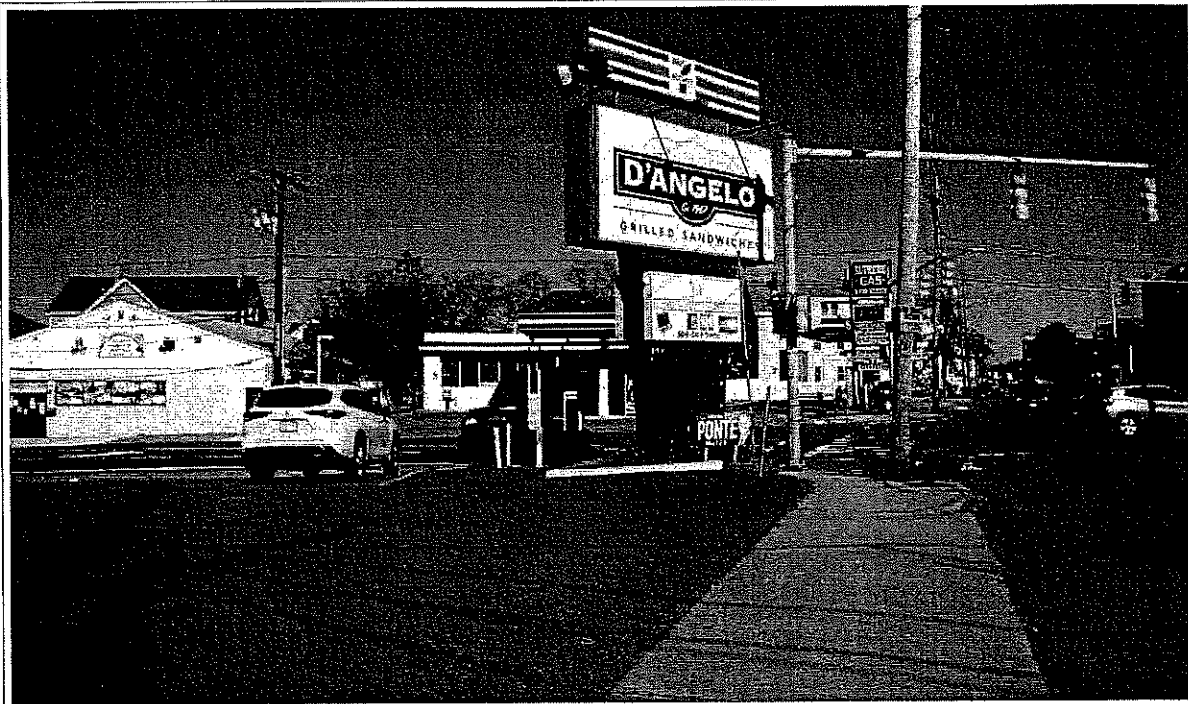


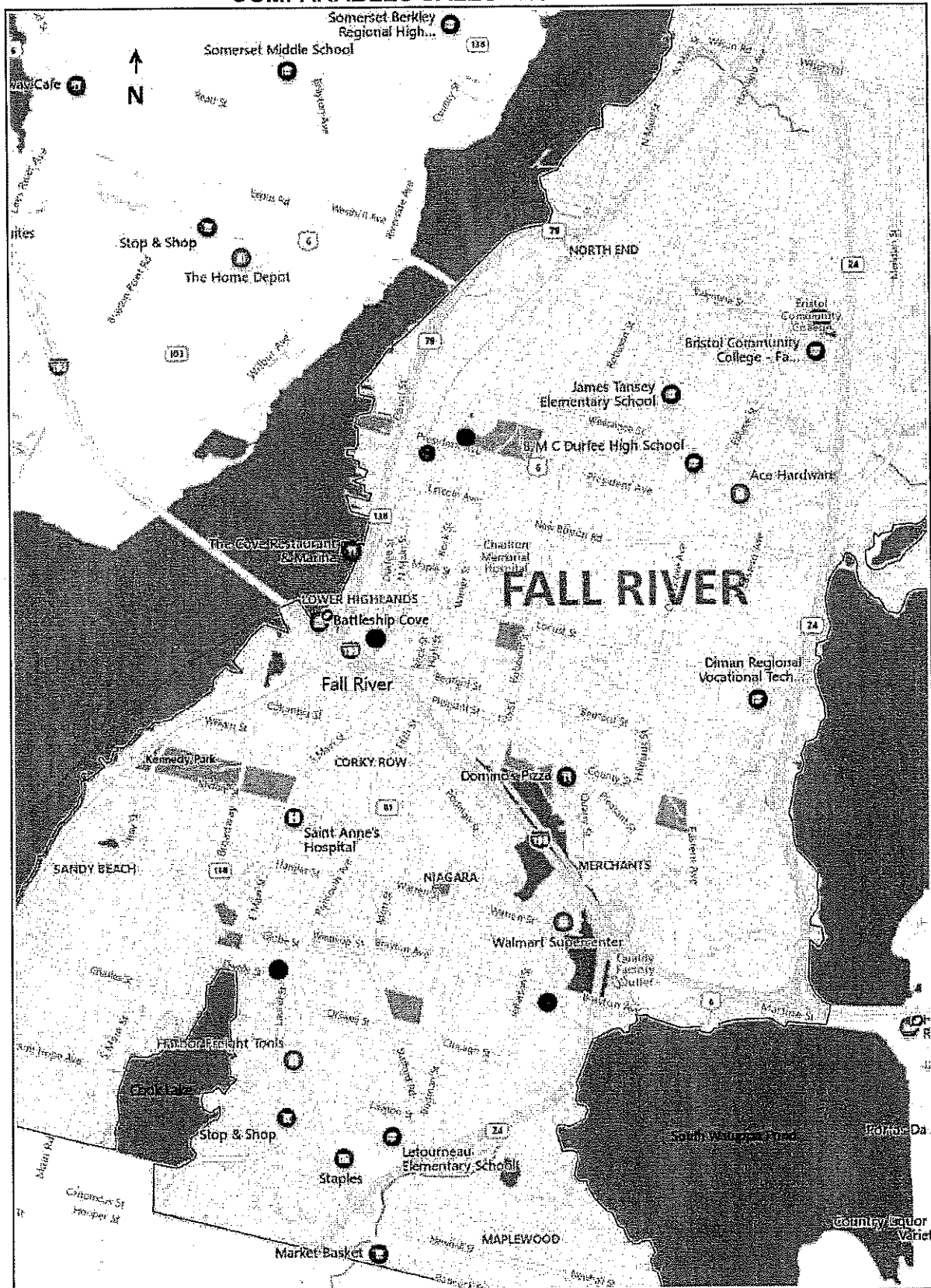
Photo #9: Looking north at the subject property sign in the taking area.
(Photo taken 9-Nov-2021 by SPR)



Photo #10: Looking northeast from the subject property across the intersection.
(Photo taken 9-Nov-2021 by SPR)

COMPARABLE SALES

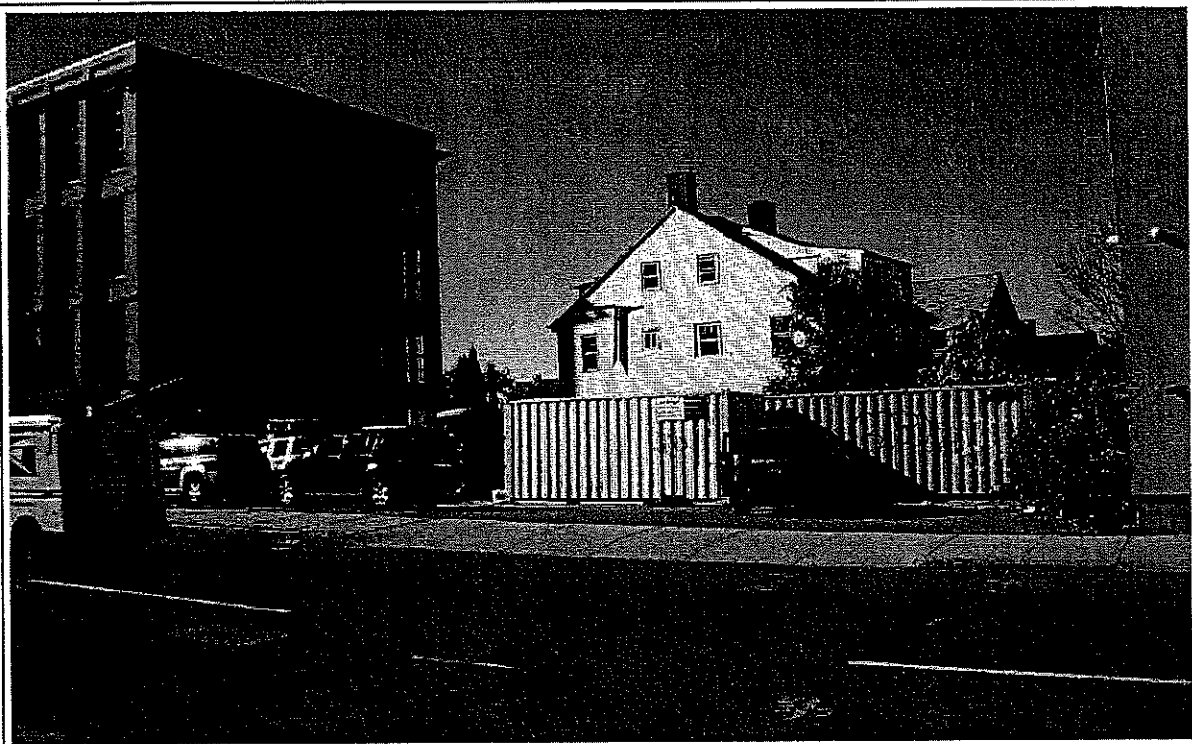
COMPARABLES SALES - LOCATION MAP



MARKET DATA SHEET – COMP SALE #1

Address:	Lot 42, Durfee Street, Fall River, MA
Recording Date:	18-January-2019
Sale Price:	\$125,000
Land Area:	3,854 SF
Bldg Area:	0 SF
Unadjusted Unit Price:	\$32.43 PSF Land
Street Frontage:	±81.5 feet on Durfee St. and ±49.3 feet on Elm St.
Grantor:	Durfee Trust Limited Partnership (Monte C. Ferris, President)
Grantee:	64 Durfee Street, LLC (Arthur Frank, Jr., Esq.)
Title Reference:	Book 9,690 - Page 345 (no recorded plan)
Zoning:	B-L zone (Local Business District)
Location:	Commercial area, one block from North Main St.
Utilities:	Municipal sewer and water available.
Topography:	Level, paved site, used for parking (16 spaces)
Assessor's Ref:	Map N-10 – Lot 42
Environmental:	No record on MassDEP site list
Financing:	\$100,000 mortgage from MA Dev. Finance Agency (in connection with other properties)
Sales History:	Previous sale was 1-July-1999 (3,655-122)
Verification:	Broker - Christopher Carreiro, Esq.
Buyer Motivation:	Continued use as parking (16 spaces) in connection with redevelopment of nearby property.
Sale Conditions:	Typical
Remarks:	Property listed on MLS at asking price of \$220,000 for 25 days until offer in December 2019 and transfer in January 2019. At time of sale, site was paved and used as parking. Buyer is redeveloping nearby building and will continue to use this site as parking.

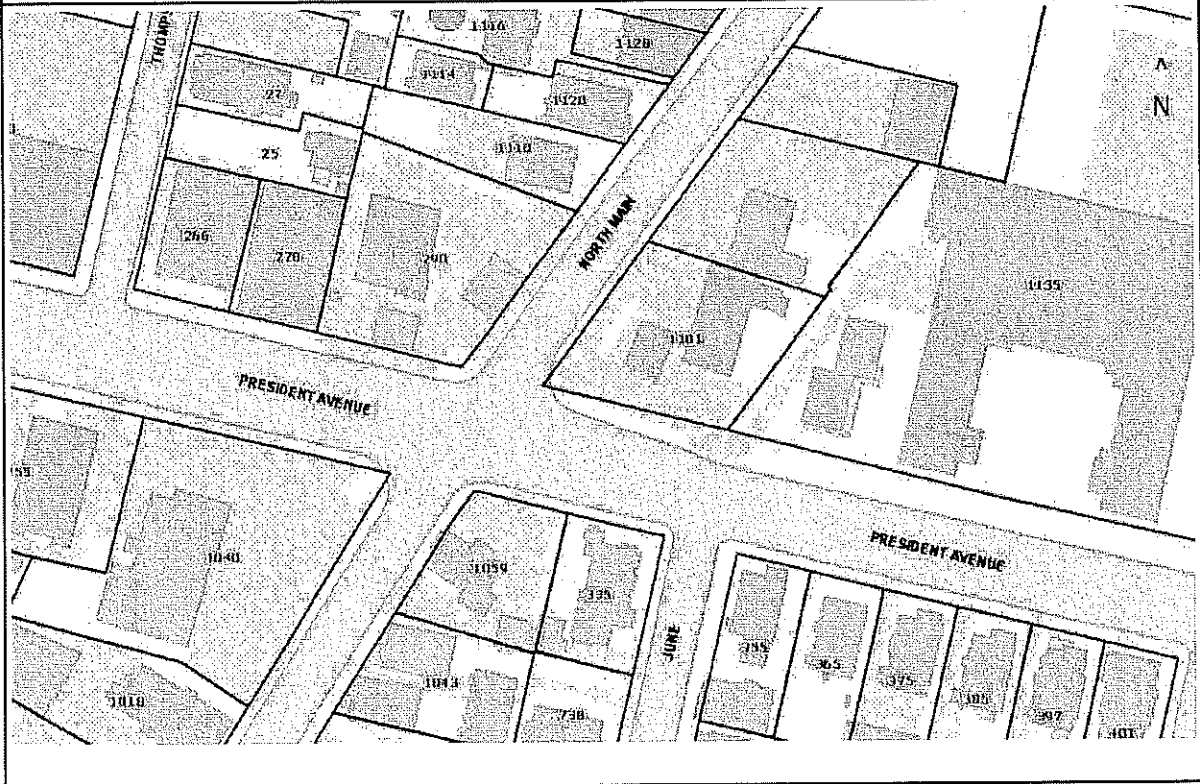
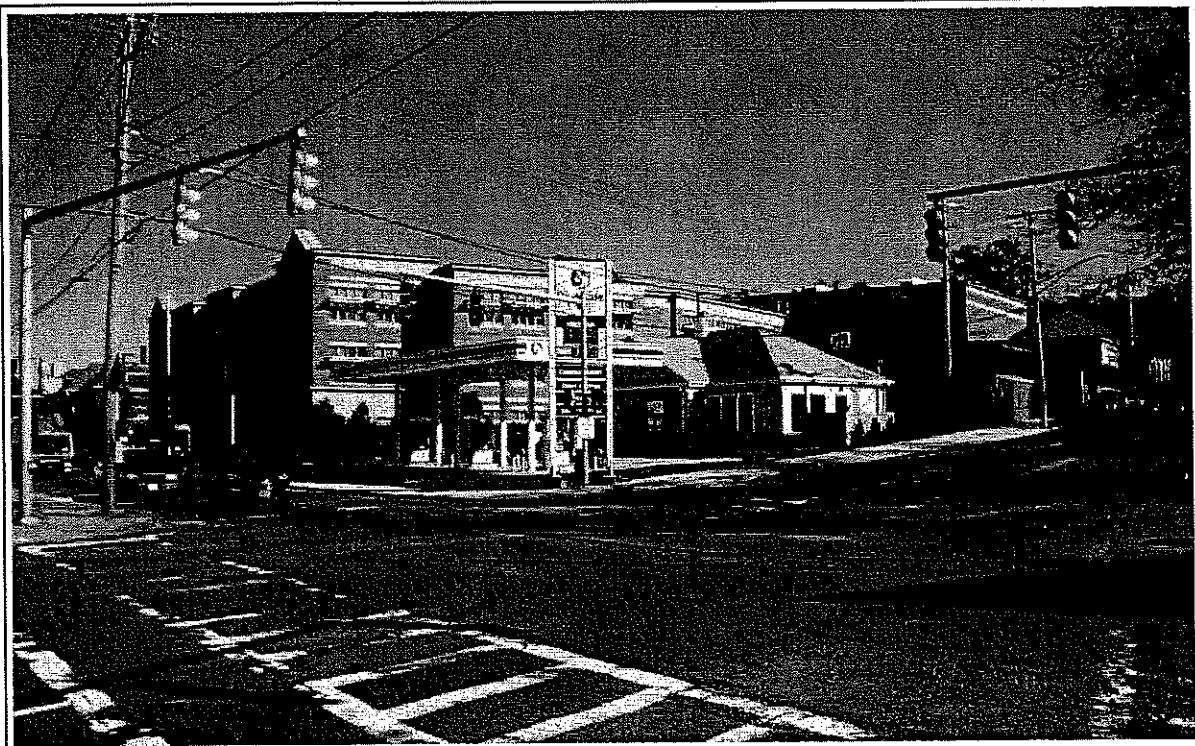
Lot 42, Durfee Street, Fall River, MA



MARKET DATA SHEET – COMP SALE #2

Address:	1101 North Main Street, Fall River, MA
Recording Date:	22-May-2019
Sale Price:	\$450,000
Land Area:	13,203 SF
Bldg Area:	0 SF (Seller razed bldg before sale)
Unadjusted Unit Price:	\$34.08 PSF Land
Street Frontage:	±118.10' on North Main St. and ±126.61 on President Ave.
Grantor:	Michael Camara
Grantee:	Franklin Service Auto Care, LLC
Title Reference:	Book 9,775 - Page 302
Zoning:	A-2 (Apartment District) (retail allowed by special permit)
Location:	Busy commercial location.
Utilities:	Municipal sewer and water available.
Topography:	Slopes up slightly from street grade.
Assessor's Ref:	Map O-7 – Lot 13
Environmental:	Not listed with MassDEP
Financing:	Cash to seller. No recorded mortgage found.
Sales History:	Previously sale was 16-Jan-2007 (6,545-116)
Verification:	Broker - Kurt Oliveira @ Oliveira Associates
Buyer Motivation:	Buyer purchased site to redevelop with new gas station/convenience store.
Sale Conditions:	Typical
Remarks:	During 2015-2016, this property listed on MLS at asking price of \$789,000 for one year until listing expired. After purchase, buyer obtained variance to rebuild new store/gas station on site of the old one.

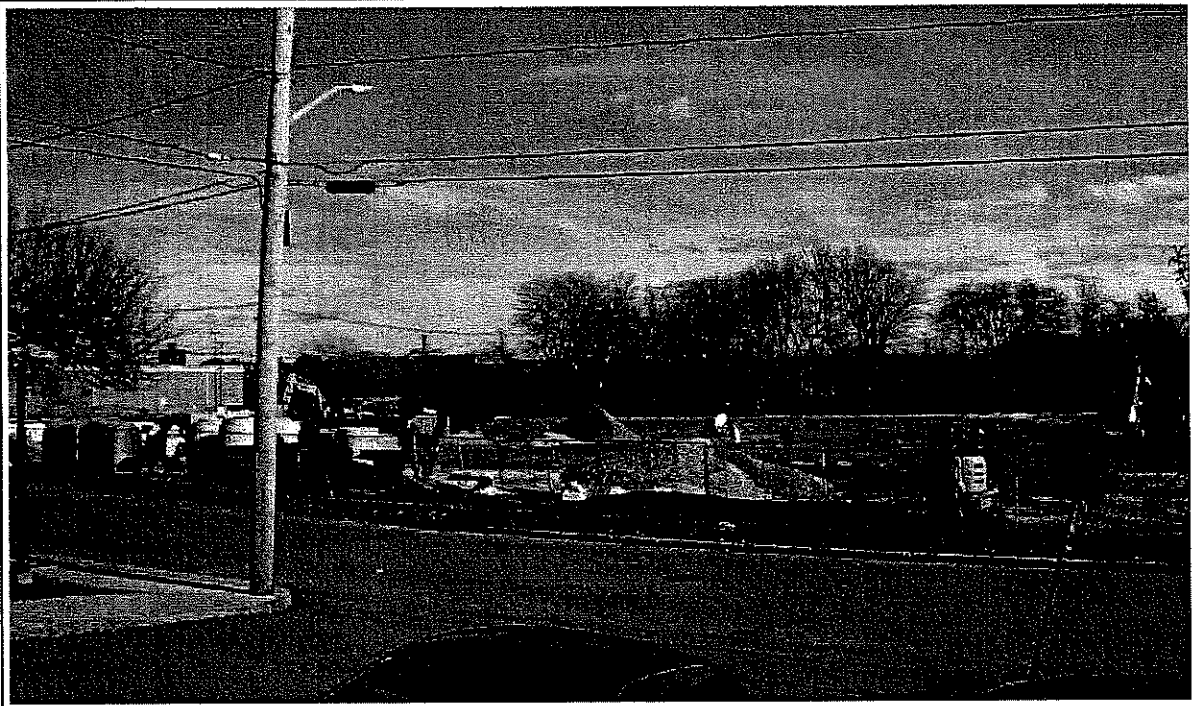
1101 North Main Street, Fall River, MA



MARKET DATA SHEET – COMP SALE #3

Address:	64 Stevens Street, Fall River, MA
Recording Date:	10-July-2019
Sale Price:	\$1,800,000
Land Area:	90,000 SF
Bldg Area:	2,000 SF bank bldg (razed after purchase)
Unadjusted Unit Price:	\$20.00 PSF Land
Street Frontage:	±348' on Stevens St. and ±259' on Brayton Ave.
Grantor:	RKG Realty Trust (Robert Kfoury)
Grantee:	64 Stevens Street, LLC
Title Reference:	Book 9,815 - Page 250
Zoning:	BN (Neighborhood Shopping District)
Location:	Busy commercial area at highway exit.
Utilities:	Municipal sewer and water available.
Topography:	Mostly level, slightly sloping down to wetlands in rear
Assessor's Ref:	Map E-27 – Lot 4
Environmental:	Not listed with MassDEP
Financing:	Cash to seller. \$2M from Main Street Bank
Sales History:	Previously sale was 2-May-2005
Verification:	Published sources
Buyer Motivation:	Purchased to redevelop property with new "build-to-suit" Cumberland Farms store (4,384 SF GBA), car wash, and gas station.
Sale Conditions:	Typical
Remarks:	At time of sale, site was improved with a small drive-thru bank building (Rockland Trust). Existing bldg was razed in 2020. As of November 2021 new building had been completed. The demolition cost has been estimated at \$10,000 (based on \$5.00/SF bldg).

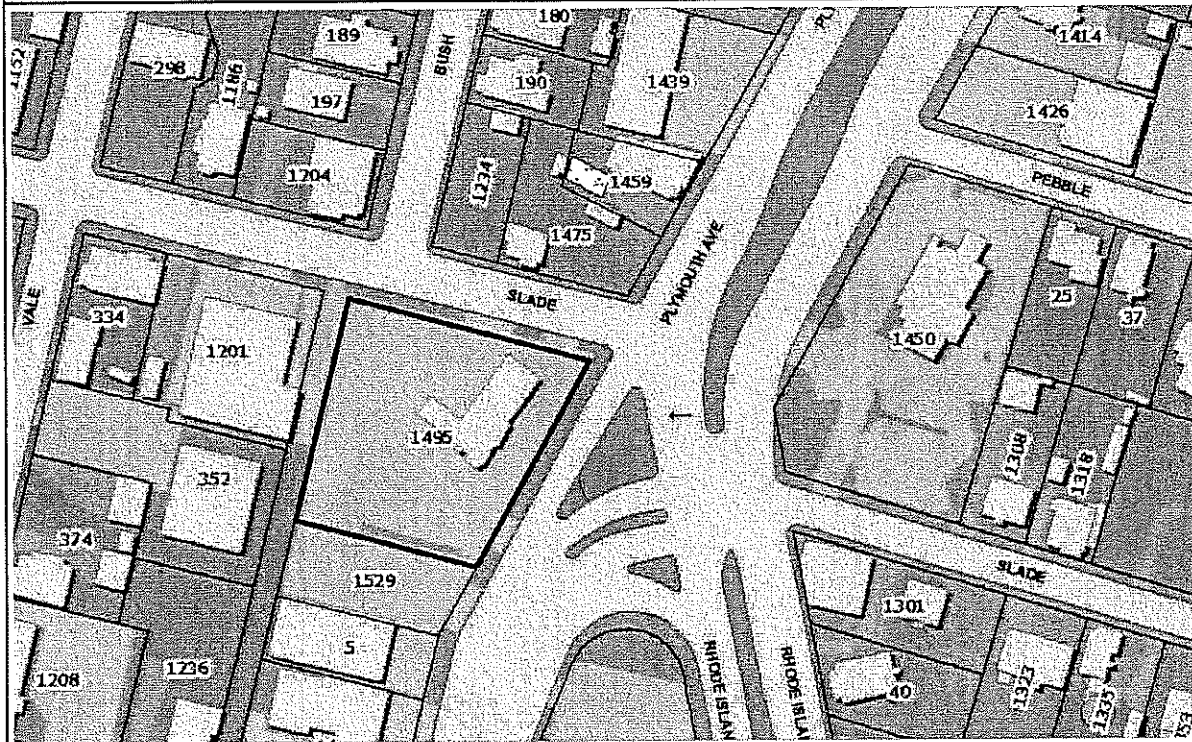
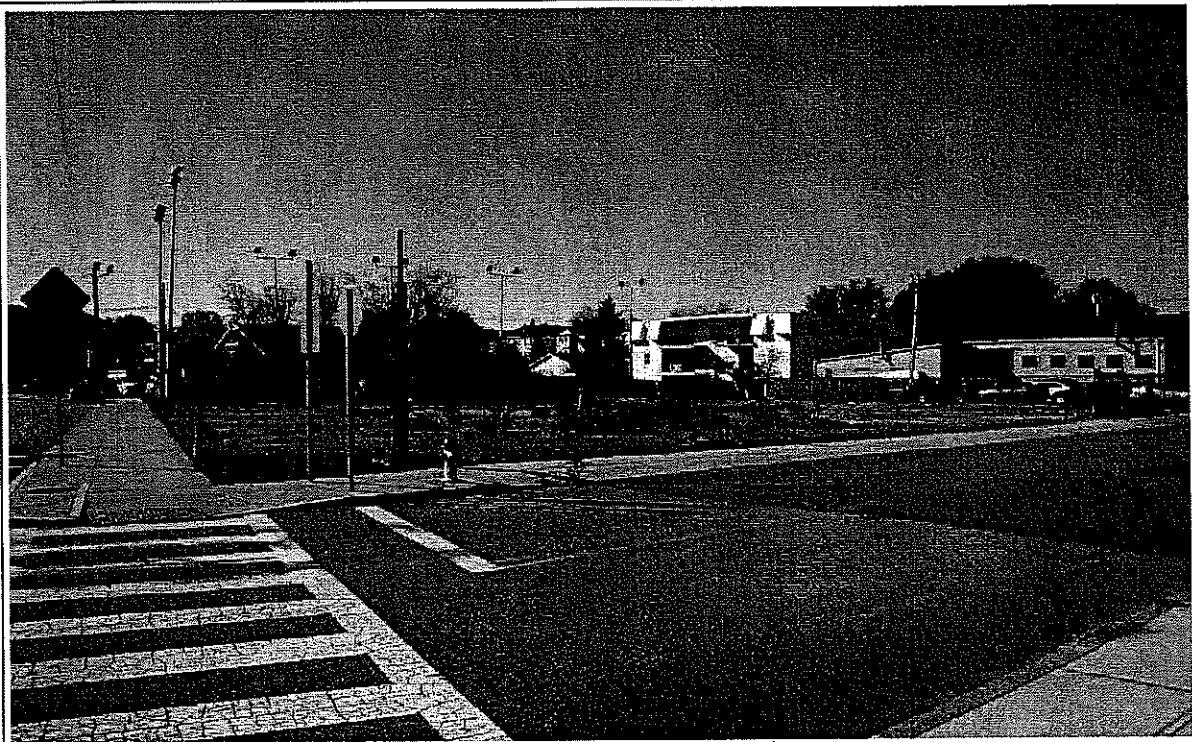
64 Stevens Street, Fall River, MA



MARKET DATA SHEET – COMP SALE #4

Address:	1495 Plymouth Avenue, Fall River, MA
Recording Date:	6-August-2020
Sale Price:	\$550,000
Land Area:	26,310 SF
Bldg Area:	2,798 SF bldg (razed after purchase)
Unadjusted Unit Price:	\$20.90 PSF Land
Street Frontage:	±171' on Plymouth Ave. and ±184' on Slade St.
Grantor:	Coastal Atlantic, LLC
Grantee:	Plymouth 1495, LLC
Title Reference:	Book 10,194 - Page 219
Zoning:	BL (Local Business District)
Location:	Good corner commercial location at busy intersection. Excellent visibility.
Utilities:	Municipal sewer and water available.
Topography:	Level
Assessor's Ref:	Map E-1 – Lot 63
Environmental:	2013 release required AUL on site.
Financing:	Cash to seller. \$1M from St. Anne's Credit Union
Sales History:	Previously sale was more than 10 years prior
Verification:	Broker - Jim Sabra
Buyer Motivation:	Redevelopment with retail store.
Sale Conditions:	Typical
Remarks:	Actual buyer is Seekonk Supply, which purchased with the intent of building a new plumbing supply store. The AUL does not impede the project. The demolition cost has been estimated at \$13,900 (based on \$5.00/SF bldg).

1495 Plymouth Street, Fall River, MA



Owner Notification

REYNOLDS COMPANY**REAL ESTATE APPRAISERS AND CONSULTANTS**329 MASSACHUSETTS AVENUE, LEXINGTON, MASSACHUSETTS 02420
TEL. (781) 862-1774 | REYNOLDSCOMPANYAPPRAISAL@GMAIL.COM

PAUL J. REYNOLDS, Emeritus

STEPHEN P. REYNOLDS, MAI, AI-GRS
MASS. CERT. GENERAL RE APPRAISER #3929

2 November 2021

Mr. David Vadeboncoeur
Spare Change, LLC
1706 President Avenue
Fall River, MA 02720Re: FRS-132
1040 North Main Street, Fall River, MA
Owned by Spare Change, LLC

Dear Property Owner or Representative:

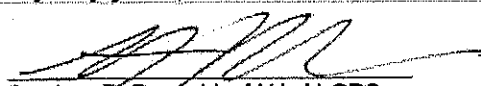
The Massachusetts Department of Transportation is preparing to begin construction in the area of the above described property. As I believe you have already been informed, one or more acquisitions from your property will be requested to facilitate the construction efforts. (Please see attached plan.)

The purpose of this letter is to notify you that Reynolds Company, an independent real estate appraiser, has been retained to provide an appraisal of the financial impact of these acquisitions on your property.

I will soon be conducting site visits to properties affected by this project. As the property owner or representative, you have the right to accompany me on my site visit. If you wish to accompany me, I can be reached by telephone at (781) 862-1774 or via email at stephenreynolds781@gmail.com.

Enclosed please find a MassDOT form, which I would request you sign and return to me in the provided self-addressed, stamped envelope. Also, please feel free to contact me if you have any questions, or if you wish to provide me with any information you feel it is important that I have to proceed with my appraisal. Thank you.

Very truly yours,


Stephen P. Reynolds, MAI, AI-GRS
Mass. Certified General R.E. Appraiser
License #3929VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED



Charles D. Baker, Governor
Kathy E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Thomas J. Tinko, Acting Administrator



Appraiser's Affidavit

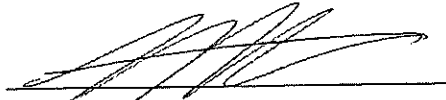
I, Stephen P. Reynolds, MAI, HEREBY CERTIFY:

that on or about 2 November 2021, I afforded the owner or the owner's

representative the opportunity to accompany me on the inspection of the

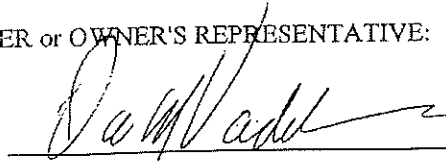
property located at, 1040 North Main Street, Fall River, MA.

APPRAISER:


Signature

2 / NOV / 2021
Date

OWNER or OWNER'S REPRESENTATIVE:


Signature

11-4-2021
Date

David N Vadeboncoeur
Print Name

Ten Park Plaza, Suite 4160, Boston, MA 02116
Tel: 857-368-4636, TTY: 857-368-0655
www.mass.gov/massdot

Acquisition Summary Report



MBTA ACQUISITION SUMMARY REPORT

South Coast Rail Project

RailLine: Fall River Secondary
SCR ParcelNumber: FRS-132-TE
Owner: Spare Change LLC
Property Location: 1040 N Main St, Fall River, MA
Owner Mailing Address: 39 Dublin St, Somerset, MA 02726
Assessor Map Number: 0-08-0008
Registry: Book 6113 Page 85
Property Description: 23,794 square foot site improved with a building containing a convenience store, restaurant, and one other business.
Acquisition(s): Temporary Easement, Permanent Easement

1. FRS-132-TE (1,138 +/- SF) – This temporary easement will be for sidewalk construction. This will include sidewalk widening, the installation of a parking curb, and signal conduit connections. New granite curbing will be installed at back of sidewalk and the northeast curb-cut on the N. Main Street side will be eliminated, leaving the property with three driveways instead of four. If suitable, existing granite curb will be re-used in the proposed work. The existing illuminated sign will be relocated approximately 7.5' back from its current location and the landscape island will be reset accordingly. The contractor will restore or improve the temporary easement area to pre-construction condition as noted in the pre-construction survey.
2. FRS-132-PE (161 +/- SF) – This permanent easement will be acquired by the city to provide area for a pedestrian push button and crossing signal as well as 6' by 12" signal controller cabinet and foundation.

General Assumptions & Limiting Conditions

GENERAL ASSUMPTIONS and LIMITING CONDITIONS

This appraisal has been made subject to the following assumptions and limiting conditions.

No opinion is intended to be expressed and no responsibility is assumed for the legal description or for any matters that are legal in nature or require legal expertise or specialized knowledge beyond that of a real estate appraiser. Title to the subject property is assumed to be good and marketable and the subject property is assumed to be free and clear of all liens unless otherwise stated. No title examination of the subject property was undertaken by the appraisers.

No land survey of the property has been made by the appraiser and no responsibility is assumed in connection with such matters.

Information contained in the appraisal or upon which the appraisal is based has been gathered from sources the appraisers assumes to be reliable and accurate. The appraiser shall not be responsible for the accuracy or completeness of such information, including the correctness of opinions, dimensions, sketches, exhibits and factual matters.

The opinions are only as of the date stated in this appraisal report. Changes since that date in external and market factors or in the subject property itself can significantly affect the conclusions.

This appraisal assumes responsible ownership and competent management of the subject property.

It is assumed that there are no hidden or unapparent conditions of the property, subsoil or structures which would render it more or less valuable and no responsibility is assumed for such conditions or for the engineering which may be required to discover such factors.

Unless noted otherwise in this appraisal, the existence of potentially hazardous material was not observed by the appraisers, nor do they have any knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. Since hazardous waste may have an effect on value, the client may wish to retain an expert in this field.

It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report.

(continued next page)

GENERAL ASSUMPTIONS and LIMITING CONDITIONS

(continued)

It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined and considered in the appraisal report.

It is assumed that the use of the land and improvements is within the property boundaries described, and that there is no encroachment or trespass unless noted within the report.

The physical condition of the improvements analyzed within the appraisal is based on visual inspection by the appraiser. The appraisers assume no responsibility for the soundness of structural members or for the condition of mechanical equipment, plumbing or electrical components.

Unless otherwise stated in the appraisal, compliance with the requirements of the Americans With Disabilities Act of 1990 (ADA) has not been analyzed in arriving at the opinion of value. Failure to comply with the requirements of the ADA may adversely affect the value of the property. To make any such determinations, the appraisers recommend that an expert in this field be employed.

The use of this report shall be only in its entirety and shall be limited to the purposes of the client except with the written consent of the appraiser.