

City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2022 MAY -6 P 1:10

CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

MEETINGS SCHEDULED

INÊS LEITE
ASSISTANT CITY CLERK

CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
TUESDAY, MAY 10, 2022

AGENDA

5:55 P.M. CITY COUNCIL PUBLIC HEARINGS

Second Hand Article Store:

1. Malerie Rosa, d/b/a Black Brick Market, 415 Warren Street, Fall River, MA 02721 for permission to operate and maintain a second hand article store located at 575 Globe Street (clothes, household items, decorations, and toys to be sold).

Curb Removals:

2. Joaquim Fernandes, 4380 North Main Street, Apt. 402, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
178 Lake Avenue	25.1'	0'	0'	25.1'

The petitioner has constructed a horseshoe driveway connecting a 12.7' curb opening to a 12.4' curb opening. The total street opening exceeds the allowed 16 feet. As on-street parking is not relied upon in this neighborhood, the City Engineer has no objection to this request.

3. Karl A. Cabucio, 1297 North Main Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
1297 North Main Street	13'	16'	0'	29'

The petitioner has an existing 13 foot driveway on the northerly side of the property and is requesting removal of 16 feet for an additional driveway on the south side of the property for a total of 29 feet. The new opening will access a proposed new parking area. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side and repair all sidewalks, roadway and curbing affected by this construction.

4. Barret Castro, 554 Reading Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
554 Reading Street	12'	14'	0'	26'

The petitioner has an existing 12 foot driveway and is requesting removal of an additional 14 feet to the north side of the existing driveway for a total opening of 26 feet. This will require the removal of a large tree within the right of way. The expanded opening will align with the existing driveway on the private property it would serve. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side and repair all sidewalks, curbing and roadway affected by this construction.

5. Barret Castro, 554 Reading Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
Valentine Street side	11.5'	8.5'	0'	20'

The petitioner has an existing 11.5' driveway and is requesting removal of an additional 8.5' to the west side of the existing driveway for a total opening not to exceed 20 feet. This will require the removal of a large tree within the right of way. The expanded opening will align with the existing driveway on the private property it would serve. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side and repair all sidewalks, curbing and roadway affected by this construction.

6. Michael Mota, 388 Quincy Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
388 Quincy Street	16'	13'	0'	29'

The petitioner has an existing 16 foot opening that provides access to an existing garage and concrete driveway area. The applicant proposes to extend the existing curb opening an additional 13 feet to the North for a total opening of 29 feet. The new driveway would be constructed in an area that is currently lawn and will connect to an existing concrete driveway.

7. Phil Ponte, 500 State Avenue, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
500 State Avenue	26'	16'	0'	42'
The petitioner has an existing 26 foot curb opening and driveway to the East of the existing multifamily dwelling that provides access to an existing garage and provides off-street parking. The applicant is proposing the removal of 16 feet of granite curb to create an additional driveway to West of the existing structure. This new driveway would be constructed in an area that is currently lawn. The total curb opening for the parcel would be 42 feet.				

8. Kenneth Perreira, 515 Smith Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
515 Smith Street	16'	6'	0'	22'
The petitioner has an existing 16 foot driveway and is requesting removal of another 6 feet to the south side of the existing opening for a total opening of 22 feet. The expanded opening will align with the existing driveway on the private property it would serve. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side and repair all sidewalks, roadway and curbing affected by this construction.				

9. Paulo J. Amaral, 110 Andrews Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
110 Andrews Street	20'	10'	0'	30'
The petitioner has an existing 20 foot driveway on the northerly side of the property and is requesting removal of 10 feet for an additional driveway on the south side of the property for a total of 30 feet. The new opening will access a proposed new parking area. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side and repair all sidewalks, roadway and curbing affected by this construction.				

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

1. Citizen Input
2. *Resolution – Administration consider implementing the use of body cameras by the Fall River Police Department (referred 1-18-22)
3. Transfers and appropriations (see #s 3 & 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:
 - a. John Sylvia to the Board of Appeals
 - b. Lisa Robitaille to the Election Commission
2. *Mayor requesting confirmation of the following reappointments:
 - a. Richard Calderon to the Community Preservation Committee
 - b. Jeffrey Silvia to the Board of Park Commissioners
 - c. Victor Farias to the Board of Park Commissioners
3. *Mayor and order transferring \$12,000.00 from City Council Expenses to City Council Salaries (see #3 Finance)
4. *Mayor and order appropriating:
 - a. \$21,151.00 from the FY21 Surplus Revenue to the School Appropriation
 - b. \$850,000.00 from State and County Assessments to the School Appropriation (see #3 Finance)
5. *Mayor and order appropriating \$2,511,737 from Community Preservation Act funds for Fiscal Year 2023 Community Projects
6. *Mayor and order for Fiscal Year 2023 Revolving Funds

PRIORITY COMMUNICATIONS

7. *Traffic Commission recommending amendments to traffic ordinances

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

8. *Proposed Ordinance – Traffic, Handicapped Parking (inserting)

294 Barnaby Street	138 Blackstone Street	292 Durfee Street
74 Fulton Street	552 North Underwood Street	185 Smith Street
225 Washington Street		

First Reading:

9. *Proposed Ordinance – Traffic, Miscellaneous
 - Stop Intersections designated
Indian Town Road at Blossom Road
Granite Street at Rock Street
 - One-way Streets designated
Granite Street from Purchase Street to Rock Street
 - Thirty minute parking
1942 South Main Street

Handicapped parking (striking out)

57 Lyon Street	205 Barnaby Street	152 Buffinton Street
34 Canonicus Street	492 Division Street	1124 Dwelly Street
875 Eastern Avenue	354 Linden Street	26 Oliver Street
169 Pitman Street	27 Harriman Street	23 Tripp Street
897 Charles Street	534 William Street	

10. *Proposed Ordinance – Water and Sewer Rates
11. *Proposed Ordinance – Residential Compost Recycling Program
12. *Proposed Ordinance – Historical Preservation

ORDINANCES – None

RESOLUTIONS

13. *Com. on Finance convene to discuss allowable use of the Bristol County ARPA funds that Fall River will be receiving
14. *Com. on Public Works and Transportation convene to discuss and review expenses related to past winter snow storms
15. *Com. on Health and Environmental Affairs convene to discuss construction on Stonehaven Road

CITATIONS – None

ORDERS – HEARINGS

Second Hand Article Store:

16. Malerie Rosa, d/b/a Black Brick Market – 575 Globe Street

Curb Removals:

17. Joaquim Fernandes, 4380 North Main Street – 25.1 feet at 178 Lake Avenue
18. Karl A. Cabucio, 1297 North Main Street – 29 feet at 1297 North Main Street
19. Barret Castro, 554 Reading Street – 26 feet at 554 Reading Street
20. Barret Castro, 554 Reading Street – 20 feet at 554 Reading Street (Valentine Street side)
21. Michael Mota, 388 Quincy Street – 29 feet at 388 Quincy Street
22. Phil Ponte, 500 State Avenue – 42 feet at 500 State Avenue
23. Kenneth Perreira, 515 Smith Street – 22 feet at 515 Smith Street
24. Paulo J. Amaral, 110 Andrews Street – 30 feet at 110 Andrews Street

ORDERS – HEARING TO BE SCHEDULED – None

ORDERS – MISCELLANEOUS

25. Police Chief's report on licenses:

2022 Taxicab Drivers:

Justin Alix Jesse Cox Peter G. Hadad

2022 Second Hand License Renewal:

Antiques & Used Furniture located at 1091 Plymouth Avenue

26. Auto Repair Shop License Renewal:

Keyrlos Inc. d/b/a South End Sunoco located at 2322 South Main Street

27. Auto Body Shop License Renewal:

Daniel Aguiar d/b/a Advanced Collision Center and Sales located at 39 Eleventh Street

28. Auto Repair Shop License Transfer:
Transfer of auto repair shop license no. 168 located at 697 Pleasant Street from Antonio Pavao d/b/a Dave's Muffler Shop to Jose Pinheiro d/b/a Pinheiro Automotive and Repair Center, Inc.

COMMUNICATIONS – INVITATIONS – PETITIONS

29. *Claims
30. *City Engineer – Street opening less than 5 years at 150-166 Purchase Street
31. *Open Meeting Law complaint filed by Patrick Higgins re: May 3, 2022 alleged violation by City Council Committee on Ordinances and Legislation/Councilor Shawn E. Cadime
32. *Communication – Freidman, Framme & Thrush, P.A. re Collin Dias – Public Comment Censorship
33. Drainlayer Licenses:
a. Geosearch, Inc.
b. Century Paving & Construction Corp.
c. S. Oliveira Construction Corp.
d. Raposo Company Landscape & Construction LLC
e. J.H. Landscaping and Construction, Inc.
f. Sherry Construction Corp.
34. Zoning Board of Appeals Minutes – March 17, 2022
35. Structure on or over a public way permit – Steppingstone, Inc. – Banner between 111 and 134 Durfee Street promoting 2022 Get Steppin Walk
City Council Minutes:
36. *Regular Meeting of the City Council – April 12, 2022

BULLETINS – NEWSLETTERS – NOTICES

37. *National Grid re: Vegetation Management Plan and approved 2022 Yearly Operational Plan


City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: MAY 10, 2022

PRIORITY MATTERS

- 6a. *Mayor and TIE Agreements for:
a. 64 Durfee, LLC
b. Mechanics Mill One, LLC

City of Fall River, In City Council

(Councilor Trott Lee)

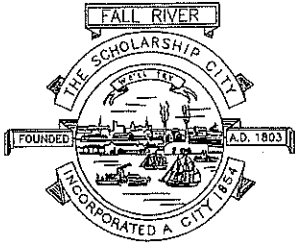
WHEREAS, the City of Fall River has received multiple requests from citizens to increase and improve transparency regarding public safety, now therefore

BE IT RESOLVED, that the Administration consider implementing the use of body cameras by the Fall River Police Department to increase transparency and to further protect both the citizens and police officers in any disputes.

CITY OF FALL RIVER
IN CITY COUNCIL

JAN 18 2022

Referred to the J.
Committee on Finance, 9 years



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

April 27, 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: John Sylvia

Address: 51 Ada Street
Fall River, MA 02721

Position: Board of Appeals

Effective: April 27, 2022

Term to Expire: April 27, 2024

Replacing: n/a

Sincerely,

Paul E. Coogan
Mayor

PC/amos

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2022 APR 28 P 2:10

CITY CLERK
FALL RIVER, MA



City of Fall River
Massachusetts
Office of the Mayor

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2022 APR 28 P 2:10

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

April 27, 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:

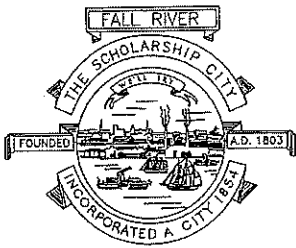
Please see the attached appointment letter for the confirmation of John Sylvia to the Board of Appeals. Mr. Sylvia reached out to express his interest as a City resident in serving on a board/ commission.

After review of his resume, I believed that his over 10 years serving in a leadership role and as a member of a neighborhood association gives him the necessary qualifications to serve as an alternative member of the Board of Appeals. Mr. Sylvia is and has been very involved in this community as well as working to improve the quality of life for residents within our City. I feel that he will be a tremendous asset to the Zoning Board of Appeals.

I greatly appreciate his willingness to serve the City as an appointee to a City board/commission. I respectfully ask for your consideration with this appointment.

Best Regards,

Paul E. Coogan
Mayor



City of Fall River
Massachusetts
Office of the Mayor

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2022 MAY -3 A 9:12

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

May 2, 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: Lisa Robitaille

Address: 973 Wood Street, #1
Fall River, MA 02721

Position: Election Commission

Effective: May 2, 2022

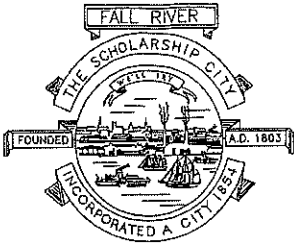
Term to Expire: April 1, 2023

Replacing: Manuel Leite (resigned)

Sincerely,

Paul E. Coogan
Mayor

PC/amos



City of Fall River
Massachusetts
Office of the Mayor

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2022 MAY -3 A 9:12

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

May 2, 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 Lisa Robitaille. Ms. Robitaille reached out to express her interest as a City resident in serving on a board/ commission.

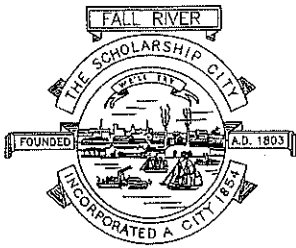
After review of her resume, I believed that her position as a service coordinator, teacher and advocate for children and families has built a strong skill set that will serve her well as a member of the Election Commission. Ms. Robitaille is and has been very involved in this community as well as working to improve the quality of life for children and families in need of services.

I greatly appreciate her willingness to serve the City as an appointee to a City board/commission. I respectfully ask for your consideration with this appointment.

Best Regards,

Paul E. Coogan
Mayor

PC/amos



City of Fall River
Massachusetts
Office of the Mayor

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2022 APR 28 P 2:10

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

April 27, 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 reappointment:

Name: Richard Calderon

Address: 649 Alden Street
Apt. #224
Fall River, MA 02723

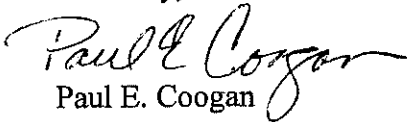
Position: Community Preservation Committee

Effective: April 27, 2022

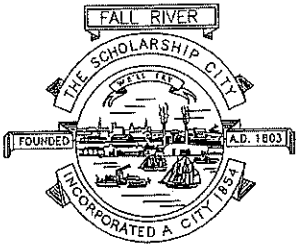
Term to Expire: April 27, 2025

Replacing: n/a

Sincerely,


Paul E. Coogan
Mayor

PC/amos



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

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2022 MAY -5 P 1:30

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

May 3, 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 reappointment:

Name: Jeffrey Silvia

Address: 282 Ridge Street
Fall River, MA 02721

Position: Board of Park Commissioners

Effective: May 3, 2022

Term to Expire: May 3, 2023

Replacing: N/A

Sincerely,

Paul E. Coogan
Mayor

PC/amos



City of Fall River
Massachusetts
Office of the Mayor

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2022 MAY -5 P 1:30

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

May 3, 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 reappointment:

Name: Victor Farias

Address: 4980 North Main Street
Apt # 117, Bldg #1
Fall River, MA 02720

Position: Board of Park Commissioners

Effective: May 3, 2022

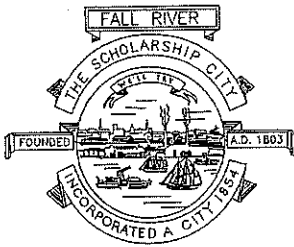
Term to Expire: May 3, 2024

Replacing: N/A

Sincerely,

Paul E. Coogan
Paul E. Coogan
Mayor

PC/amos



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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2022 MAY -5 P 1:31

CITY CLERK
FALL RIVER, MA

May 5, 2022

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

Dear Honorable Council Members:

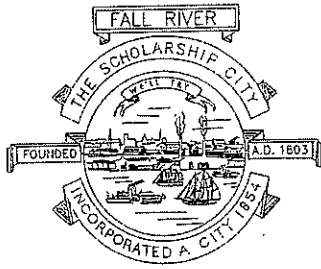
In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws,
I recommend the following appropriations to your Honorable Body.

1. \$12,000.00 That the sum of \$12,000.00 be, and the same is, hereby transferred to
the CITY COUNCIL, SALARIES from the CITY COUNCIL,
EXPENSES.

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

Best Regards,

Paul Coogan
Mayor



City of Fall River Massachusetts
Office of the City Clerk
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3

2022 MAY -5 P 1:31

ALISON M. BOUCHARD
CITY CLERK

CITY CLERK _____
FALL RIVER, MA

INÊS LEITE
ASSISTANT CITY CLERK

May 4, 2022

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

Dear Mr. Mayor:

On behalf of the City Council President, it is respectfully requested that you approve the transfer of \$12,000.00 from City Council, Expenses (11010002 530200) to City Council, Salaries (11010001 511000) to supplement the account through the remainder of the fiscal year.

This deficit is due to the unanticipated buyout of an employee who resigned in July of 2021.

Thank you in advance for your consideration.

Sincerely,

Alison M. Bouchard
City Clerk

c: Seth Aitken, City Administrator

Approved:

Mayor 5-4-22
Date

3

City of Fall River, In City Council

May 10, 2022

ORDERED:

That the sum of \$12,000 be, and the same is, hereby transferred to the CITY COUNCIL, SALARIES from CITY COUNCIL, EXPENSES:

CITY COUNCIL, EXPENSES


\$12,000.00

3

FY22 Appropriation/Transfer Number Analysis

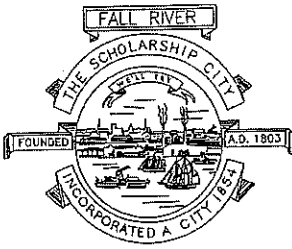
Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
CITY COUNCIL, EXPENSES	\$ 50,319.95	\$ (12,000.00)	38,319.95
CITY COUNCIL, SALARIES	\$ 28,883.48	\$ 12,000.00	40,883.48

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



Ashley Pires, City Auditor

May 10, 2022



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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2022 MAY -5 P 1:30

CITY CLERK _____
FALL RIVER, MA

4
a+b

May 4, 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. \$21,151.00 That the sum of \$21,151.00 be, and the same is, hereby appropriated to the SCHOOL APPROPRIATION from the FY 21 SURPLUS REVENUE.
2. \$850,000.00 That the sum of \$850,000.00 be, and the same is, hereby appropriated to the SCHOOL APPROPRIATION from STATE AND COUNTY ASSESSMENTS.

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

Best Regards,

Paul Coogan
Mayor

4 a+b

City of Fall River, In City Council

May 10, 2022

ORDERED:

**That the sum of \$871,151 be, and the same is, hereby appropriated to the
SCHOOL APPROPRIATION from:**


FY21 SURPLUS REVENUE	\$ 21,151.00
STATE AND COUNTY ASSESSMENTS	\$ 850,000.00

4 a+b

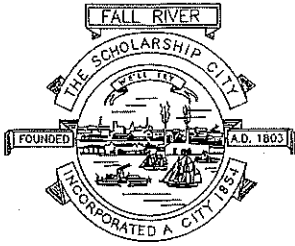
FY22 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
FY 21 Surplus Revenue	\$ 1,628,791.00	\$ (21,151.00)	\$ 1,607,640.00
School Appropriation	\$ 133,650,343.00	\$ 871,151.00	\$ 134,521,494.00

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


 Ashley Pires, City Auditor

May 10, 2022



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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2022 MAY -5 P 1:30

CITY CLERK
FALL RIVER, MA

May 3, 2022

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

Dear Honorable Council Members:

The Community Preservation Committee (CPC) has identified community projects for the fiscal year 2023 and had made recommendations for funding in accordance with the Community Preservation Act (CPA) MGL Chapter 44B Sections 4 to 7.

The total CPA funding request for FY 23 is \$2,511,737 as outlined in the proposed Appropriation Order.

Your approval of the associated Appropriation Order is respectfully requested.

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

Best Regards,

Paul E. Coogan
Mayor

APPROPRIATION ORDER

ORDERED, that the following FY 23 appropriations be provided through the Community Preservation Act (CPA), revenues and reserves under the MGL Chapter 44B Sections 4 to 7 in the aggregate, amounting to \$2,511,737 to be appropriated as follows:

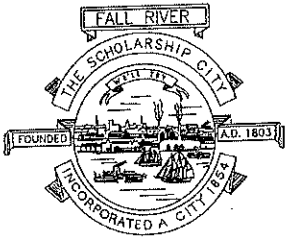
Voted: That \$1,985,961 be appropriated from the CPA Fund FY 23 Annual Revenues

For CPA Administrative Expenditures	\$45,000
For CPA Open Space/Outdoor Recreation PROJECTS	\$1,005,605
For CPA Historic Resources Preservation PROJECTS	\$736,760
For CPA Community Housing RESERVES	<u>\$198,596</u>
<u>TOTAL</u>	<u>\$1,985,961</u>

And that \$525,776 be appropriated from fund balance:

For Historic Resources Preservation PROJECTS	
From CPA Fund Balance Unreserved/Undesignated	<u>\$525,776</u>
<u>TOTAL</u>	<u>\$525,776</u>

Note: This is the tenth year of CPA implementation. Anticipated CPA Surcharge revenue is \$1,380,673. Supplemental state trust fund distributions are estimated at \$605,287. Total \$1,985,961. Minimum 10% (\$198,596) has to be spent or reserved under each of the three categories and the Administrative expenditure cannot exceed 5% (\$99,298).



5

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

JOHN BRANDT
Chairman

KRISTEN CANTARA OLIVEIRA
Vice-Chairman

**COMMUNITY PRESERVATION
FY23 PROJECTS RECOMMENDED TO CITY COUNCIL FOR APPROVAL
PROJECT DESCRIPTIONS**

PUBLIC PROJECTS

Father Kelly Park:

4 new poles, removal of old wooden poles, electronic controls light bulbs, light system, permit fees, inspections, and insurance, setting pole studs, crane rental, landscape, transformer, electric score board, all wiring need for fixture, rewire poles, install box

Quequechan River Trail Extension:

Extension of the Quequechan River Rail Trail to the Westport Town Line. The funds include construction and materials for this five hundred plus foot extension. Also included is the amount of \$605 for a deed restriction and filing fee.

Central Fire Station:

The bulk of the work involves the Bedford Street façade. Masonry cleaning & repointing, masonry consolidation, masonry construction, install new wind – North side/Bedford Street (375 square feet), spand rail panels, bay doors, install mini split, lighting, design fees. Also included is the amount of \$605 for a deed restriction and filing fee.

Fall River Fire Museum:

Window restoration, Phase I Fire side, 24 windows, Phase II Police side, 23 windows installed, window frames and sash, architectural fees, vestibule restoration. Also included is the amount of \$105 for deed restriction filing fee.

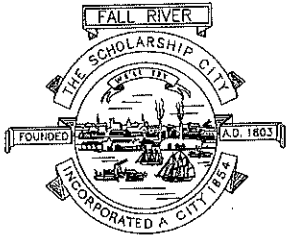
Copicut Reservoir Water Supply Land Acquisition:

This project involves the acquisition of a sixteen-acre parcel within the Bio-Reserve Phase II – Silvia & Massey Parcel located at Indian Town Road (Diagram attached)

Barnabas Blossom Workshop:

Roof replacement, granite foundation restoration, clap board shingles restoration, clap siding shingle siding painting, basement windows restoration – 2, 1st floor window restoration 12
2nd Floor window restoration 4, door restoration, general wood consolidation, bulkhead replacement, structural framing, concrete stair patch and new railing
Also included is the amount of \$605 for a deed restriction and filing fee.

PRIVATE PROJECTS



City of Fall River Massachusetts Community Preservation Committee

5

JOHN BRANDT
Chairman

KRISTEN CANTARA OLIVEIRA
Vice-Chairman

St. Anne's Church:

Exterior restoration-Slate roof and \$605 for a deed restriction and filing fee.
Contingent upon additional funding from other sources

Fall River Art Association:

Porch, new wood, railing, molding, gutters, roof system, electrical exterior light fixtures, replace wood siding, repainting wood, replacing wood trim, repair damage to wood trim
repaint wood trim, window restoration, remove fire escape, repair roof and fire escape, new down spouts, repair wood gutters, architectural fees
Also included is the amount of \$605 for a deed restriction and filing fee.

Antioch School

Masonry cleaning repointing, brick chimney, granite Foundation, masonry repointing, window doors, replace wind trim, replace Damage windows, repaint window trim
replace siding dome on new cedar shingles, replace metal flashing, replace new cedar shingles, install new air moist air vapor barriers, new dental molding & wood trim to match existing
repaint wood elements, new down spouts
Architectural fees included and \$605 for deed restriction and filing fee.

Dr. Fiske House:

Replace shingle roof and down spouts and \$105 for deed restriction filing fee.

36-56 Water Street

Window replacement, masonry restoration
Windows - East side, 5 windows, South side, 4 windows, West side, 9 windows, total of 18 windows
Repoint brick masonry, clean masonry, wind installation
Also included is the amount of \$605 for a deed restriction and filing fee.

Massasoit Number Five:

Deed Restriction Filing Fee.

**COMMUNITY PRESERVATION COMMITTEE
FINAL REPORT 2022
FY23 Project & Funding Recommendations**

Adoption and Preparation

The Citizens of Fall River approved the adoption of the community Preservation Act in the November 2012 election. 57.9% of the voters in the election cast ballots in support of its local adoption. The Community Preservation Committee was formed in October 2013 and held its first meeting on October 28, 2013.

The membership of the Community Preservation Committee includes two members appointed by the Mayor, two members appointed by the City Council, a representative from the Housing Authority, a representative from the Historic Commission, a representative from the Planning Board, a representative from the Conservation Commission and a representative from the Park Board.

Committee Member	Position	Phone Number	Email Address	Appointment
Richard Calderon	Member	(774) 991-5110	richardnavi@yahoo.com	Mayor
Caroline Aubin	Member	508-287-0944	cahaubin@gmail.com	City Council
Kristen Cantara Oliveira	Vice-Chair	508-837-4447	kriscan242@gmail.com	Historic Comr
John Brandt	Chair	508-717-2948	oldfirehousesmokeshop@verizon.net	Conservation Commission
Victor Farias	Member	508-673-3302-Home	thepats36@aol.com	Park Board
	Member	774-451-1190-Cell		
John Ferreira	Member	508-493-3311-Cell	jfgeneral@aol.com	Planning Boar
Paul Machado	Clerk	508-678-3418	paulmachado@comcast.net	Mayor
Alexander Silva	Member	774-301-9668	xandersilvz@gmail.com	City Council
			alexandersilvafr@gmail.com	
Jason Burns	Member	774-319-9570	Jasonjburns@comcast.net	Housing Auth

The Community Preservation Committee has developed a local CPA Plan, established the application and hearing process and has become familiar with the statute, GL Ch. 44B and applicable rules. The Community Preservation Committee continues to work closely with the Executive Director of the Community Preservation Coalition as a resource for technical guidance on the implementation of this Act. The Committee frequently utilizes the resources of the Community Preservation Coalition on matters that require clarification.

A webpage and Facebook have been developed and remains updated for public access. Materials are available through the City of Fall River website as well as at the Community Preservation Committee office at Government Center, 3rd Floor, room 321. Due to the COVID-19 pandemic the CPC Annual Meeting was postponed until 2022. This public meeting will be preceded by legal notices published in the Fall River Herald News. The annual meeting is an opportunity for the public to obtain information on projects and the financial condition of the committee. In addition, to the annual public hearings, members of the public have been recognized at each of the CPC's meetings. The identity of the speakers and their comments are documented in the Committee's minutes and the Fall River Government TV video's. No member of the public wishing to address the Community Preservation Committee has ever been denied the opportunity to express his/her views.

The effectiveness of the efforts by the Community Preservation Committee to advertise the availability of these funds is evidenced by the fact that for FY23 a total of A total of 19 projects were submitted, 2 projects withdrew, all projects met eligibility. A total of 17 projects made it to the funding round for consideration to recommend to City Council for approval.

Since the inception of the Community Preservation Committee tools have been implemented. Award agreements have been drafted and financial protocols have been developed. Due to the COVID-19 pandemic, many projects have been delayed.

The Process

The Community Preservation Committee adopted a four-step process. This process was followed during the FY23 funding cycle. Eligibility Hearings, Funding Hearings, Deliberation Meeting, Vote to recommend to City Council meeting.

Eligibility

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

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

The following projects were submitted for FY223

FY23 ELIGIBLE PROJECTS SUBMITTED		FY23 ELIGIBLE PROJECTS SUBMITTED	
PROJECT	CAT-OS/REC	CAT-HP	PROJECT

5

Father Kelly Park/Poles & Lights	\$400,000		Father Kelly Park/Poles & Lights
Westport Extension Quequechan River Rail Trail	\$297,000		Westport Extension Quequechan River Rail Trail
Watuppa Park	\$150,000		Watuppa Park
PUBLIC PROJECTS OTHER			PUBLIC PROJECTS OTHER
Cook Pond Trail Phase One Survey	\$10,000		Cook Pond Trail Phase One Survey
Bell Tower/Relocation & Restoration		\$69,987	Bell Tower/Relocation & Restoration
Interlachen Cultural Resource Stabilization Project and Interpretive Ranger		\$36,630	Interlachen Cultural Resource Stabilization Project and Interpretive Ranger
Barnabas Blossom Workshop Restoration		\$137,570	Barnabas Blossom Workshop Restoration
North Watuppa Pond Seawalls Condition Assessment and Restoration Plan		\$86,625	North Watuppa Pond Seawalls Condition Assessment and Restoration Plan
Copicut Reservoir Water Supply Land Acquisition	\$230,000		Copicut Reservoir Water Supply Land Acquisition
Copicut Woods Accessible Nature Play Trail and Property Improvements	\$45,598		Copicut Woods Accessible Nature Play Trail and Property Improvements
Central Fire Station exterior restoration/North Façade		\$644,474	Central Fire Station exterior restoration/North Façade
Fall River Fire Museum/repair items required to open to the general public		\$391,690	Fall River Fire Museum/repair items required to open to the general public
NON-PROFIT PROJECTS			NON-PROFIT PROJECTS
Dr. Fiske House		\$190,000	Dr. Fiske House
Antioch School Exterior Restoration-Phase I		\$234,878	Antioch School Exterior Restoration-Phase I

5

Greater FR Art Assoc. East elevation restoration		\$283,140	Greater FR Art Assoc. East elevation restoration
Historic St. Anne's Church exterior restoration		\$150,000	Historic St. Anne's Church exterior restoration
Watuppa Rowing Center Docks & Lane Marking System		\$200,000	Watuppa Rowing Center Docks & Lane Marking System
PRIVATE PROFIT PROJECTS			PRIVATE PROFIT PROJECTS
36-56 Water Street window replacement and limited masonry restoration		\$137,760	36-56 Water Street window replacement and limited masonry restoration
Massasoit No. 5 Fire/Police Station Hayloft Exterior Restoration		197,300	Massasoit No. 5 Fire/Police Station Hayloft Exterior Restoration
FY23 ELIGIBLE PROJECTS SUBMITTED			FY23 ELIGIBLE PROJECTS SUBMITTED

During FY23 funding cycle eligibility hearings were held:
September 22, 2021

This meeting was held at city hall in the City Council Hearing Room
Projects that were submitted were presented to the CPC Committee (see above project list).

The Community Preservation Committee considered the eligibility of each project even when the applicant was not present.

The second part of the process involves an application for funding due on January 15th before 12:00pm/noon. Upon receipt of each application for funding the Committee scheduled funding hearings and notified each applicant. The purpose of these hearings is for the Committee to become familiar with the projects through applicant presentations. The committee members had frequent questions for these presenters.

Once the funding hearings were completed the Community Preservation Committee held a meeting to deliberate on each project. Once deliberations were concluded the fourth and final meeting was held to vote and select projects to submit to the City Council for recommendation. A total of 19 projects were submitted, 2 projects withdrew, All projects met eligibility. A total of 17 projects made it to the funding round for voting to recommend to City Council for approval

Projects that withdrew

- Cook Pond Trail Phase One Survey

- Watuppa Rowing Center Docks & Lane Marking System

All Funding Hearings were held remotely via ZOOM due to the COVID-19 pandemic. Each of the applicants received notification of the hearing date. The applicants had the opportunity to supplement their earlier presentations and to submit additional materials. The Committee members also used this opportunity to ask questions of each applicant. It is strongly recommended that applicants attend the Funding Hearings.

Funding Hearings

Funding Hearings were held February 3, 2022, February 10, 2022, February 24, 2022
Funding Hearings were held remotely via ZOOM due to the COVID-19 pandemic.
Each applicant presented their project to the committee. Each committee member had the opportunity to ask questions of the applicants.

Deleiberation

Deliberations were held March 24, 2022
Deliberations were held remotely via ZOOM due to the COVID-19 pandemic.
The third part of the process involves deliberation. A meeting is set for the committee to discuss the projects and the process of scoring each project.
The fourth phase is the meeting to vote on specific projects to recommend for funding to the City Council.

Meeting to Vote

Meeting to vote for recommended projects to present to City Council for approval was held March 31, 2022 and April 27, 2022
These meetings were held remotely via ZOOM due to the COVID-19 pandemic.
Each committee member received a voting ballot to score each project. This ballot allowed each committee member to rate each project a 1 (high interest), 2 (moderate interest) or a 3 (low interest). Each committee member completed this ballot after the deliberations for funding had been concluded and was allowed to assign 6 #1, 6 #2 and 6 #3 to the 18 projects. Sandy Dennis, CPC Administrator compiled the votes. The votes on these ballots were non-binding but were useful in informing for discussion on each project for the Funding round to recommend to the City Council.
The following projects were scored for consideration to recommend.

FY23 FUNDING APPLICATIONS		
PUBLIC PROJECTS	OS/REC	HP
Father Kelly Park/Poles & Lights	\$400,000	
Westport Extension Quequechan River Rail Trail	\$297,000	
Watuppa Park	\$150,000	
Bell Tower/Relocation & Restoration		\$69,987

Interlachen Cultural Resource Stabilization Project and Interpretive Ranger		\$36,630
Barnabas Blossom Workshop Restoration		\$137,570
North Watuppa Pond Seawalls Condition Assessment and Restoration Plan		\$86,625
Copicut Reservoir Water Supply Land Acquisition	\$230,000	
Copicut Woods Accessible Nature Play Trail and Property Improvements	\$45,598	
Central Fire Station exterior restoration/North Façade		\$644,474
Fall River Fire Museum/repair items required to open to the general public		\$391,690
NON-PROFIT PROJECTS		
Dr. Fiske House		\$190,000
Antioch School Exterior Restoration- Phase I		\$234,878
Greater FR Art Assoc. East elevation restoration		\$283,140
Historic St. Anne's Church exterior restoration		\$150,000
PRIVATE PROFIT PROJECTS		
36-56 Water Street window replacement and limited masonry restoration		\$137,760
Massasoit No. 5 Fire/Police Station Hayloft Exterior Restoration		197,300

A Second meeting was held, Wednesday, April 27, 2022 to address updated project information. A meeting was also held with the City Treasurer identifying un-spent funds to be transferred into the general account categories. With this additional funding the committee discussed and voted for additional projects to be recommended to the City Council for approval.

5

The FY23 projects that were voted on by the committee to recommend to the City Council for approval are as follows:

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

ALLOCATION TO APPROPRIATE	AMOUNT FY23	RESERVES	CATEGORY
OPEN SPACE/RECREATION			
Father Kelly Park/Poles & Lights	400,000		Open Space/Recreation
Westport Extension Quequechan River Rail Trail	297,605		Open Space/Recreation
Copicut Reservoir Water Supply Land Acquisition	230,000		Open Space/Recreation
Bonds			
<i>Year 2 Bio Reserve Project # land acquisition - Public</i>	78,000		Open Space/Recreation
SUB TOTAL	1,005,605		
HISTORIC PRESERVATION			
Barnabas Blossom Workshop Restoration	138,176		Historic Preservation
Historic St. Anne's Church	150,605		Historic Preservation
Greater Fall River Art Association	283,140		Historic Preservation
Dr. Fiske House	\$74,105.00		Historic Preservation
Antioch School	\$234,878.00		Historic Preservation
36-56 Water Street	\$137,865.00		Historic Preservation
Fall River Fire Museum (\$463,080)/Central Fire Station (\$644,474)-5-Year Bond	243,662		Historic Preservation
Massasoit No. 5 Fire/Police Station	105		Historic Preservation
SUB TOTAL	1,262,536		
COMMUNITY HOUSING			
No projects for recommendation in this category for FY23		198,596	Community Housing
SUB TOTAL	198,596		
Administrative	\$45,000.00		Administrative
SUB TOTAL	\$45,000.00		

5

CPC OPEN SPACE/RECREATION	1,005,605		
CPC HISTORIC PRESERVATION	\$1,262,536.00		
CPC COMMUNITY HOUSING	198,596		
CPC ADMINISTRATIVE	\$45,000.00		
<i>TOTAL FY23 APPROPRIATION</i>	<i>\$2,511,737.00</i>		

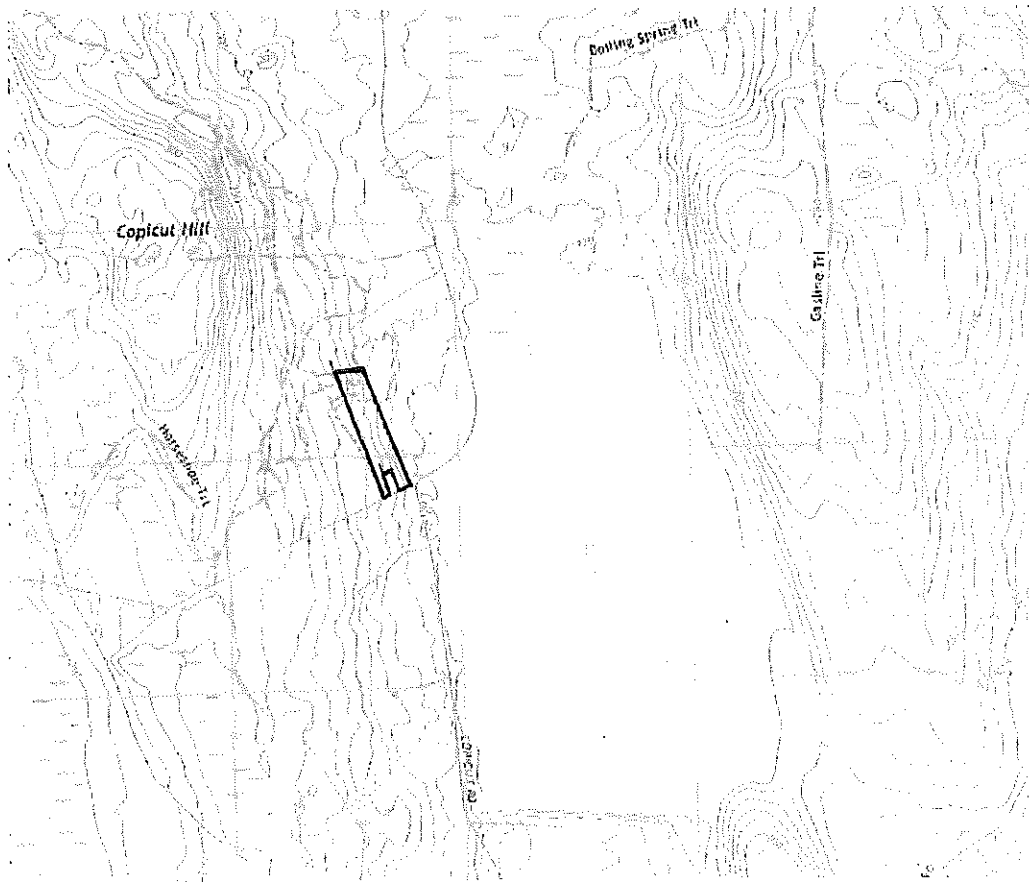
Each item to be considered a separate appropriation.

Conclusion

The Community Preservation Committee encouraged applications and followed an open and extended review process. Public input was and will continue to be encouraged. The Committee considered many factors in making these final recommendations. Among the factors that the Committee considered was geographic diversity so that the funded projects benefit all areas of the city. A number of other factors influence these final recommendations. In the Historic Preservation category, the urgency of repairs, the importance of preserving, protecting in addition was the benefits to the public.

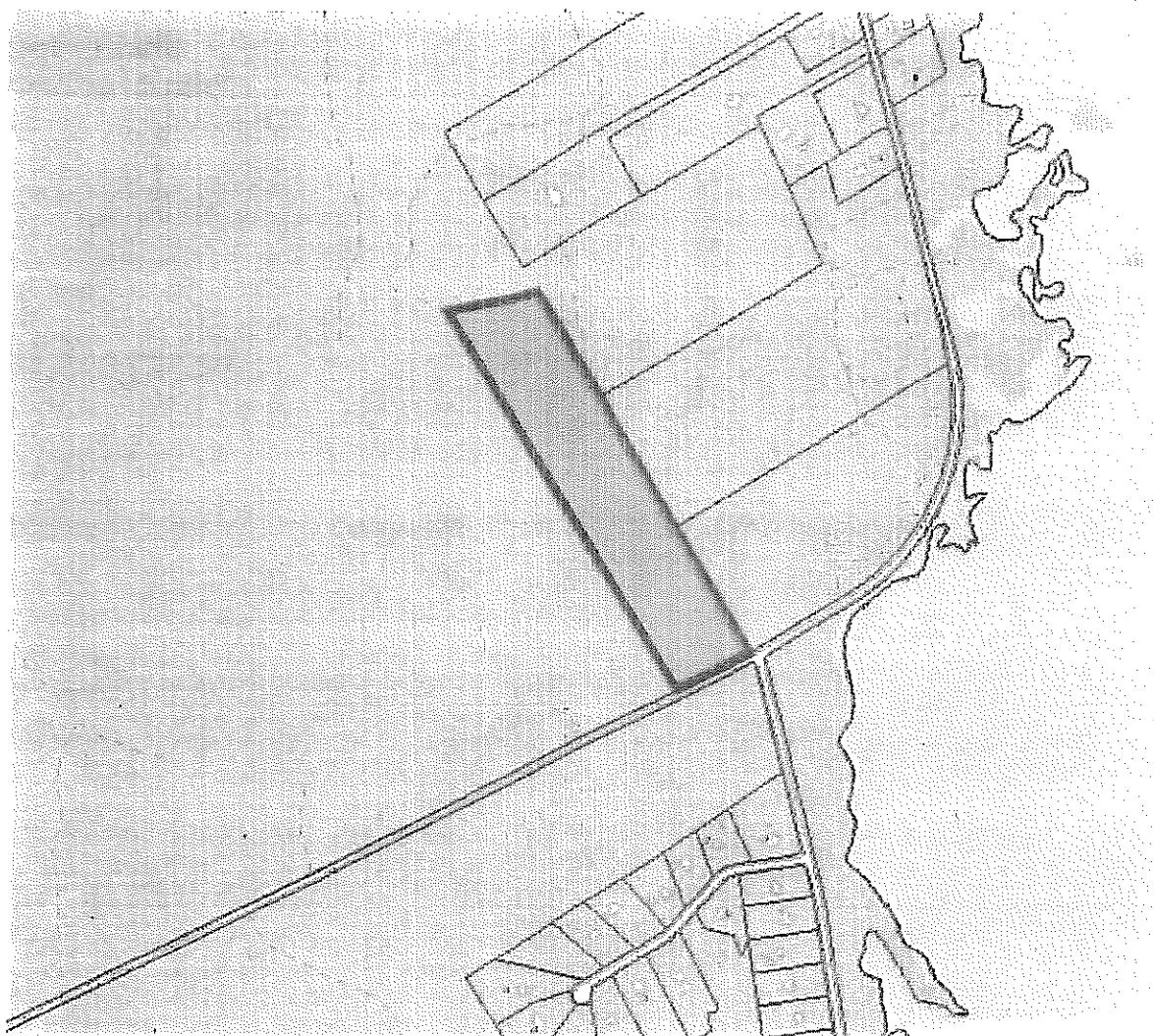
5

LAND GRANT 2021, FALL RIVER ASSESSORS PARCEL W-37-0012M, 2450 INDIAN TOWN ROAD, FALL RIVER, MASS



5

2450 Indian Town Road
Fall River Assessors' Parcel W-37-0012



6



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

RECEIVED

2022 MAY -5 P 4: 39

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

May 5, 2022

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

Dear Honorable Council:

Massachusetts General Laws Chapter 44, 53E1/2 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.

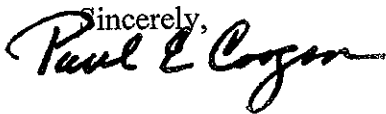
Ordered, that under the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½, the City of Fall River by vote of the City Council, hereby establishes authorized spending limits for the following Revolving Funds for FY 23:

Fire Department	\$20,000	Hazardous Material Recovery
Community Services	\$50,000	Cleaning & Securing Buildings
Community Services	\$200,000	Demolition
Community Maintenance	\$10,000	Home Composting
Community Maintenance	\$10,000	Solid Waste – Recycling Recovery

6

Community Maintenance	\$40,000	Trolley & handicap Bus
Community Maintenance	\$25,000	Street Light Poles Repairs/Replacement
Facilities Maintenance	\$50,000	Vehicle Trade-In
Police Department	\$6,000	Moorings Maintenance
Police Department	\$40,000	Police Cruiser
School Dept	\$100,000	Summer Tuition
School Dept	\$50,000	Athletic Events
School Dept	\$25,000	Music Revolving
School Dept	\$5,000	School Store
School Dept	\$50,000	Culinary Arts Meals/ Functions
School Dept	\$200,000	Daycare Services
School Dept	\$175,000	School Buildings Use

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

Sincerely,


Paul E. Coogan

Mayor

City of Fall River, *In City Council*

6

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:

Fire Department	\$20,000	Hazardous Material Recovery
Community Services	\$50,000	Cleaning & Securing Buildings
Community Services	\$200,000	Demolition
Community Maintenance	\$10,000	Home Composting
Community Maintenance	\$10,000	Solid Waste – Recycling Recovery
Community Maintenance	\$40,000	Trolley & handicap Bus
Community Maintenance	\$25,000	Street Light Poles Repairs/Replacement
Facilities Maintenance	\$50,000	Vehicle Trade-In
Police Department	\$6,000	Moorings Maintenance
Police Department	\$40,000	Police Cruiser
School Dept	\$100,000	Summer Tuition
School Dept	\$50,000	Athletic Events
School Dept	\$25,000	Music Revolving
School Dept	\$5,000	School Store
School Dept	\$50,000	Culinary Arts Meals/ Functions
School Dept	\$200,000	Daycare Services
School Dept	\$175,000	School Buildings Use



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

April 27, 2022

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

RECEIVED
2022 APR 28 A 11:00
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
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

<u>INSERT</u>		
Name of Street	Side	Location
Eagle Street	West	Starting at a point 71 feet south of William Street, for a distance of 20 feet south.

Gerald Mederios
223 Eagle Street
Fall River MA 02721

Very truly yours,

Laura Ferreira
Director of Traffic & Parking



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

April 27, 2022

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, 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
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Pleasant Street	North	Starting at a point 168 feet east of Barlow Street, for a distance of 20 feet east.

Dorna Sousa
1956 Pleasant Street
Fall River MA 02723

Very truly yours,

Laura Ferreira
Director of Traffic & Parking

RECEIVED
2022 APR 28 A 11:08
CITY CLERK
FALL RIVER, MA



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

April 27, 2022

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

RECEIVED
2022 APR 28 A 11:00
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
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Slade Street	North	Starting at a point 276 feet east of Church Street, for a distance of 20 feet east.

Desiderio Gutierrez
610 Slade Street
Fall River MA 02724

Very truly yours,

Laura Ferreira
Director of Traffic & Parking



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

7

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

April 27, 2022

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

RECEIVED
2022 APR 28 A 11:00
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:

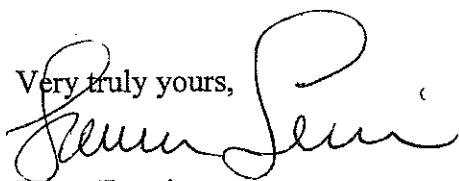
Article: 70
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Williston Street	West	Starting at a point 334 feet north of Cambridge Street, for a distance of 20 feet north.

Debra St. Laurent
139 Williston Street
Fall River MA 02721

Very truly yours,

Laura Ferreira
Director of Traffic & Parking

CITY OF FALL RIVER

8

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 3, 2022, voted unanimously to recommend the accompanying proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilors Bradford L. Kilby and Trott Lee absent and not voting.

Callen A. Taylor
Clerk of Committees

EMERGENCY PREAMBLE

WHEREAS, the immediate passage of the accompanying proposed ordinance is deemed necessary inasmuch as it vitally affects the health and safety of the public, now therefore

BE IT RESOLVED, that said ordinance is hereby deemed an emergency measure in accordance with the provisions of Section 2-9(b) of the City Charter.

City of Fall River, *In City Council*

8

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

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

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

Name of Street	Side	Location
Barnaby Street	West	Starting at a point 315 feet north of Lincoln Avenue, for a distance of 20 feet northerly
Blackstone Street	West	Starting at a point 131 feet south of Nashua Street, for a distance of 20 feet southerly
Durfee Street	West	Starting at a point 23 feet south of Locust Street, for a distance of 20 feet southerly
Fulton Street	West	Starting at a point 87 feet south of Suffolk Street, for a distance of 20 feet southerly
North Underwood Street	West	Starting at a point 184 feet north of Stewart Street, for a distance of 20 feet northerly
Smith Street	West	Starting at a point 69 feet north of Grinnell Street, for a distance of 20 feet northerly
Washington Street	West	Starting at a point 161 feet north of Union Street, for a distance of 20 feet northerly

CITY OF FALL RIVER

9

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 3, 2022,
voted unanimously to recommend that the accompanying proposed ordinance be
passed through first reading, with Councilors Bradford L. Kilby and Trott Lee absent and not
voting.

Cullen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

9

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

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

Section 1.

By inserting in Section 70-241, which section relates to stop intersections designated, the following:

Name of Street	Direction of Travel	At Intersection of
Indian Town Road	Eastbound	Blossom Road
Granite Street	Eastbound	Rock Street

Section 2.

By inserting in Section 70-281, which section relates to one-way streets designated, the following:

Name of Street	Direction of Travel	Location
Granite Street	Easterly	From Purchase Street to Rock Street

Section 3.

By inserting in Section 70-374, which section relates to thirty minute parking, the following:

Name of Street	Side	Location	Hours/Days
South Main Street	East	Starting at a point 289 feet south of Charles Street for a distance of 25 feet south	8:00 a.m. to 5:00 p.m. Monday through Friday

Section 4.

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

Name of Street	Side	Location
Third Street	East	Starting at a point 25 feet north of Lyon Street, for a distance of 20 feet northerly
Barnaby Street	East	Starting at a point 123 feet south of Lincoln Avenue, for a distance of 20 feet southerly
Buffinton Street	North	Starting at a point 435 feet west of Coggeshall Street, for a distance of 20 feet westerly
Canonicus Street	North	Starting at a point 168 feet east of Quequechan Street, for a distance of 20 feet easterly
Division Street	North	Starting at a point 21 feet west of Mulberry Street, for a distance of 20 feet westerly
Dwelly Street	North	Starting at a point 32 feet west of Montaup Street, for a distance of 25 feet westerly
Eastern Avenue	West	Starting at a point 259 feet north of Edgemond Street, for a distance of 20 feet northerly
Linden Street	West	Starting at a point 132 feet north of Walnut Street, for a distance of 25 feet northerly
Oliver Street	North	Starting at a point 135 feet east of South Beach Street, for a distance of 20 feet easterly
Pitman Street	West	Starting at a point 234 feet south of Harriman Street, for a distance of 20 feet southerly

9

Raymond Street	West	Starting at a point 22 feet south of Harriman Street, for a distance of 20 feet southerly
Tripp Street	West	Starting at a point 117 feet south of Dwelly Street, for a distance of 20 feet southerly
Tuttle Street	East	Starting at a point 46 feet south of Charles Street, for a distance of 20 feet southerly
William Street	North	Starting at a point 20 feet west of Hunter Street, for a distance 20 feet westerly

CITY OF FALL RIVER

10

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 3, 2022,
voted 2 yeas, 1 nay to recommend that the accompanying proposed ordinances be passed
through first reading, with Councilor Michelle M. Dionne voting in the negative and Councilors
Bradford L. Kilby and Trott Lee absent and not voting.

Colleen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

10

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

That Chapter 74 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to utilities, be amended as follows:

By striking out Sec. 74-353 in Appendix A-Fee Schedule, which section relates to utilities, in its entirety, and inserting in place thereof, the following:

For water billed on or after July 1, 2022, per 100 cu. ft.

\$3.57

City of Fall River, *In City Council*

10

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

That Chapter 74 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to utilities, be amended as follows:

Sub-Section 1.

By striking out in sub-section (1) of said section, "\$5.67", and inserting in place thereof, "\$5.75", and by striking out "October 1, 2021", and inserting in place thereof, "July 1, 2022".

Sub-Section 2.

By striking out in paragraph (a) of sub-section (2) of said section, "\$5.67 ", and inserting in place thereof, "\$5.75", and by striking out "October 1, 2021", and inserting in place thereof, "July 1, 2022".

Sub-Section 2.

By striking out in paragraph (b) of sub-section (2) of said section, "\$2.67", and inserting in place thereof, "\$2.71", and by striking out "October 1, 2021", and inserting in place thereof, "July 1, 2022".

Sub-Section 4.

By striking out in sub-section (4) of said section, all dollar values and inserting in place thereof, the following:

\$ 189.26
\$ 367.22
\$ 551.34
\$ 733.40
\$ 916.50
\$ 1,096.52
\$ 1,278.58
\$ 1,457.56
\$ 1 639.62
\$ 1,823.74

and, by striking out in said sub-section (4) "October 1, 2021", and inserting in place thereof, "July 1, 2022".

CITY OF FALL RIVER

11

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 3, 2022,
voted unanimously to recommend that the accompanying proposed ordinance be
passed through first reading, with Councilors Bradford L. Kilby and Trott Lee absent and not
voting.

Cecilia A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

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

That Chapter 62 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to solid waste, be amended by inserting a new section as follows:

Section 62-33 Residential Compost Recycling Program.

A. Findings and intent.

The City Council, in consultation with the Board of Health, find that the excessive food and organic materials deposited into the solid waste stream and authorized receptacles in the City are harmful to the environment and are creating a potential health and safety hazard for residents, affect the general welfare of the public, increase the cost associated with solid waste disposal for the City, and may constitute a public nuisance. It further finds that composting is a powerful method to reduce household waste. According to the United States Environmental Protection Agency, food scraps accounted for 22% of the 34.6 million tons of municipal solid waste produced in 2018, and much of our municipal waste stream is compostable. As such, this article establishes the City's support for a residential compost program to help reduce the amount of compostable materials found within the City's solid waste stream. The program is also intended to educate and guide residents as to the importance of reducing waste through composting.

B. Definitions.

Unless otherwise set out in this article, any term defined in 310 CMR 16.00 shall have the same meaning in this article, and shall be expressly incorporated herein, and, to the extent any regulation set forth herein or adopted hereunder is less strict than the state regulations, the state regulations shall govern.

C. Purchase of composting bins.

After providing no less than 7 days-notice and an opportunity for public input, nothing herein shall prohibit residents from participating in a private compost recycling program so long as they comply with applicable standards, rules, and regulations for the placement and disposal of compost in the City.

D. Standards for placement of composting bins.

1. Compost bins and containers purchased from the Department of Community Maintenance shall not be used as domestic trash containers and shall be placed at the location or residence from which the compostable materials are disposed. The Compost Bins and containers shall be placed at least one (1) foot from all property lines and shall not be placed in the street or in any area which creates a safety or traffic hazard.
2. No such composting bins or receptacles shall be placed or maintained in such a manner as to constitute a safety hazard to pedestrians, cyclists, or motor vehicles. The Traffic Commission may prescribe additional rules and regulations governing the placing and maintaining of any composting bins, which may be amended from time to time.

- 11
3. Nothing herein shall be construed as replacing or supplanting the requirement that certain persons apply for permits and licenses with respect to non-exempt solid waste disposal. All persons shall comply with any other applicable federal, state, or local laws with respect to solid waste disposal.

E. Educational materials.

1. The Department of Community Maintenance shall make available educational materials to all residents of the City, as well as information about how residents may participate in the Compost Recycling Program.
2. Introductory materials about the benefits of composting and how to maintain a composting bin also may be found in the rules and regulations promulgated hereunder as well as at the Massachusetts Department of Environmental Protection.

F. Rules and regulations.

Regulations adopted hereunder shall generally outline the process for providing and distributing any bins and educational materials, as well as the types of materials that may and may not be composted and separated from the City's solid waste stream. Prior to promulgating regulations concerning the types of materials that may be composted, the Director of Community Maintenance shall first consult with Director of Health and Human Services, and then with the Board of Health, which board shall approve, in open session, the proposed list of compostable and non-compostable items, and provide such other policy direction, consistent with its statutory authority, as it deems appropriate. The Director of Community Maintenance shall be authorized, following the provision of no less than 7 days-notice on the city website and an opportunity for public input, to promulgate appropriate regulations concerning that departments responsibilities for implementing this program.

G. Violations and penalties; disposition of fines.

The provisions of this article shall be enforced by the Police Department, Board of Health, the Director of Health and Human Services, Department of Community Maintenance, or their agents or designees, in law or in equity. Each day that any composting bin or other receptacle is placed or maintained in violation of this section shall constitute a separate offense and shall be punishable as provided in § 2-1025 of the City Code.

CITY OF FALL RIVER

12

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 3, 2022,
voted unanimously to recommend that the accompanying proposed ordinance be
passed through first reading, with Councilors Bradford L. Kilby and Trott Lee absent and not
voting.

Cullen A. Taylor
Clerk of Committees

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

That Chapter 38 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Historical Preservation, be amended as follows:

Section 1.

By striking out ARTICLE II. Historical Commission in its entirety and inserting in place thereof the following:

ARTICLE II. Historical Commission

§ 38-31. Established

There is hereby established under the provisions of MGL c. 40, § 8D, the Historical Commission of the City, for the purposes and with the rights and duties provided by law.

§ 38-32. Purpose

The purpose of this article is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings, structures, and places significant in the history of the Fall River.

§ 38-33. Definitions

As used in this article, the following terms shall have the meanings indicated:

ALTERATION; TO ALTER

The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

BUILDING

A combination of materials forming a shelter for persons, animals or property.

CERTIFICATE

A certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship as set forth in this article.

COMMISSION

The Historical Commission as established in this article.

CONSTRUCTION; TO CONSTRUCT

The act of building, erecting, installing, enlarging, moving and other similar activities.

EXTERIOR ARCHITECTURAL FEATURE

Such portion of the exterior of a building or structure as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

LOCAL HISTORIC DISTRICT

An area designated as historic by the Historical Commission because the area/district contains a significant portion of buildings, structures or other improvements which, considered as a whole, merit preservation and protection due to distinctive characteristics and architecture.

PERSON AGGRIEVED

The applicant; an owner of adjoining property; an owner of property within the same district area; an owner of property within 100 feet of said district area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, buildings or districts.

STRUCTURE

A combination of materials other than a building including, but not limited to, a sign, fence, wall, terrace, walk, driveway, monument, cemetery, or fountain.

TEMPORARY STRUCTURE OR BUILDING

A building not to be in existence for a period of more than two years; a structure not to be in existence for a period of more than one year. The Historical Commission may further limit the time periods set forth herein as it deems appropriate.

§ 38-34. Membership of the Historical Commission

The Historical Commission shall consist of seven members. Four members shall be appointed by the Mayor; two members initially to be appointed for one year, one for two years, and one for three years. Three members shall be appointed by the City Council; one member initially to be appointed for one year, one for two years, and one for three years. Each successive appointment shall be made for three years.

§ 38-35. Powers and Duties of the Historical Commission

- A. The Historical Commission is responsible for monitoring the preservation of historically significant structures and resources in the City. The Commission's duties include encouraging proper development and maintenance of historic structures, creating public awareness of historic preservation, reviewing demolition and alteration requests of historic properties, and conducting studies of significant historical events.
- B. The Historical Commission shall monitor and approve any proposed alteration or demolition of any historic structure or building within a designated historic district, as set forth under the procedures and criteria established in this article. In exercising its powers and duties hereunder, the Historical Commission shall pay due regard to the distinctive characteristics of each building, structure and district area.
- C. The Historical Commission may designate additional properties, structures, or resources as historic, may expand existing historic districts, and may create additional historic districts.
- D. The Historical Commission may adopt reasonable rules and regulations, setting forth such forms and procedures as it deems necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for certificates, fees, hearing procedures and other matters. The Historical Commission shall file a copy of any such rules and regulations with the office of the City Clerk.

- E. The Historical Commission, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in the Fall River Government Center and in a newspaper of general circulation, may adopt and amend guidelines which set forth the designs for certain exterior architectural features which are, in general, suitable for the issuance of a certificate. No such design guidelines shall limit the right of an applicant for a certificate to present other designs to the Historical Commission for approval.
- F. The Historical Commission shall annually elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the City Clerk.
- G. The Historical Commission shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.
- H. The Historical Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of a district.

§ 38-36. Demolition, Alteration and Construction Prohibited without Certificate

In a Local Historic District, no building permit or demolition permit shall issue unless the Historical Commission has first issued a certificate of appropriateness, certificate of non-applicability, or certificate of hardship for the proposed construction, alteration or demolition.

§ 38-37. Review of Applications; Determinations; Appeals

- A. Any person who desires to obtain a certificate shall file an application with the Historical Commission for a certificate of appropriateness, certificate of non-applicability, or certificate of hardship. The application shall be accompanied by such plans, elevations, specifications, material, and other information required by the Historical Commission to enable it to make a determination on the application. In the case of demolition or removal, a statement of the proposed condition and appearance of the property thereafter is required.
- B. The Historical Commission does not have jurisdiction over interior renovations or exterior architectural features not visible from a public way and, therefore, shall immediately issue a certificate of non-applicability for said applications.
- C. The Historical Commission shall determine, within fourteen (14) days of the filing of an application for a certificate, if the Commission has jurisdiction over the application because the proposal involves substantial alteration of exterior architectural features visible from a public way.
- D. If the Historical Commission has jurisdiction, it shall hold a public hearing on the application within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days prior to the public hearing, public notice shall be given by posting a notice in a conspicuous place in the Fall River Government Center and in a newspaper of general circulation in Fall River. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall also be mailed to the applicant, to the owners of all adjoining properties, and to the Planning Board. A public hearing on an application for a certificate need not be held if such hearing is waived in writing by all persons entitled to notice thereof.

- E. The concurring vote of a majority of the members shall be required to issue a certificate.
- F. The Historical Commission shall issue a certificate, a conditional approval, or a disapproval notice within sixty (60) days of the application filing date. Each certificate shall be signed by the Chair, or other person designated to sign certificates on behalf of the Historical Commission. Copies of the decision shall be sent to the applicant, the City Clerk, and the Building Commissioner. If the Historical Commission fails to comply with this sixty (60) day deadline, and has not obtained the applicant's written agreement to extend the time for filing the decision, then the City Clerk shall issue, upon the applicant's request, a certificate of hardship. The official date for issuance of the certificate or disapproval shall be the date the decision is filed with the City Clerk.
- G. If the application for a certificate is conditionally approved, the Historical Commission may impose certain conditions and limitations before issuing a certificate of appropriateness, such as requiring architectural or plan modifications consistent with the intent and purpose of this article.
- H. If the application for a certificate is denied, the disapproval notice shall set forth the reasons for the denial, and may include recommendations that would make any subsequent application more suitable for approval.
- I. When considering issuance of a certificate of hardship, the Historical Commission shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the district generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this article. The Historical Commission may issue a certificate of hardship even when not specifically requested by the applicant.
- J. Any person aggrieved by a decision of the Historical Commission may, within twenty (20) days of the decision, file a written appeal with the Fall River City Planner. The appeal will be reviewed by the City Planner, or a person or persons designated by the City Planner, and a written decision on the appeal shall be filed with the City Clerk within forty-five (45) days of the request. The decision of the City Planner or designee shall be binding on the applicant and the Historical Commission, unless a further appeal is sought in the Superior Court, as provided in MGL c. 40C, § 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the City Planner or designee has been filed with the office of the City Clerk.

§ 38-38. Criteria for Determinations

- A. In deliberating on applications for certificates, the Historical Commission shall consider the historic significance and architectural value of the site, building or structure, including its relationship to similar buildings and structures in the surrounding area.
- B. In the case of an addition to an existing building or structure within a Local Historic District, the Historical Commission shall consider the materials to be used for the addition and the appropriateness of the scale, shape and proportions of the building or structure both in relation to the land area upon which the building or structure is situated and in relation to buildings and structures in the vicinity.

- C. When ruling on applications for certificates on solar energy systems as defined in MGL c. 40A, § 1A, the Historical Commission shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.
- D. The Historical Commission shall not consider interior arrangements or architectural features not subject to public view from a public way.

§ 38-39. Exclusions

- A. The Historical Commission shall issue a certificate of non-applicability for any construction, alteration, or request that is not within the purview of the Commission, including the following categories:
 - 1. The color of paint;
 - 2. Terraces, walks, driveways, sidewalks and similar structures, provided that any such structure is substantially at grade level;
 - 3. Storm windows and doors, screen windows and doors, and window air conditioners;
 - 4. The color of roofing materials;
 - 5. The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other natural causes, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.
- B. Nothing in this article shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature that does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of this article.

§ 38-40. Categorical Approval

After a public hearing, the Historical Commission may determine that certain categories of exterior architectural features, structures or buildings may be constructed or altered without review by the Commission without causing substantial derogation from the intent and purpose of this article.

§ 38-41. Enforcement; Violations and Penalties

- A. The Historical Commission shall be charged with the enforcement of this article, and shall determine whether a particular activity is in violation.
- B. The Historical Commission may, upon its own initiative, or upon a written complaint of any resident of Fall River, take action to prevent, correct, restrain or abate alleged violations of this article. The Commission may not, however, file a lawsuit or take other formal legal action in the name of the City of Fall River without first obtaining the approval of the Corporation Counsel. If the Historical Commission declines to take action on a written complaint submitted by a resident, the Commission shall promptly notify the resident of the decision.

- C. Whoever violates any of the provisions of this article may be punishable by a daily fine of up to \$300 for each offense.
- D. The Historical Commission may designate the Building Commissioner of the City of Fall River to act on its behalf and to enforce this article.

§ 38-42. Severability

If any of the provisions, sections, subsections, sentences or clauses of this article shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this article shall continue to be in full force and effect.

§ 38-43 through § 38-60. (Reserved)

Section 2.

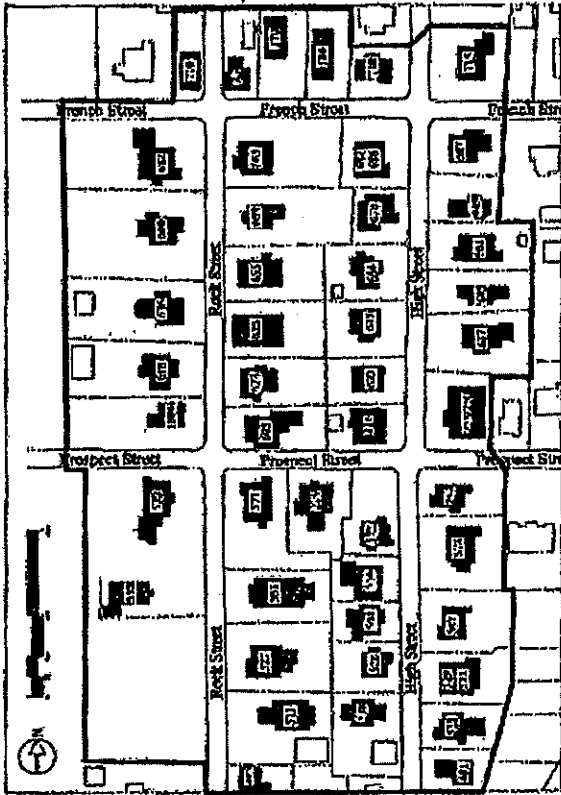
By striking out ARTICLE IV. Highlands Local Historic District in its entirety and inserting in place thereof the following:

ARTICLE IV. Local Historic Districts

§ 38-150. Highlands Local Historic District

The Highlands Local Historic District shall consist of the following addresses, depicted in the attached map:

French Street:	162, 170, 186
Prospect Street:	216, 225, 258/260, 259
Rock Street:	497, 511, 527, 551, 570, 577, 603, 604, 618, 623, 635, 636, 655, 660, 669, 682, 685, 710
High Street:	491, 513, 518, 528, 529/531, 544, 547, 556, 572, 573, 622, 637, 638, 645, 654, 661, 669, 670, 682/686, 687, 710, 715



§ 38-151 through § 38-162. (Reserved)

City of Fall River, *In City Council*

13

(Council President Pam Laliberte-Lebeau)
(Councilor Michelle M. Dionne)

WHEREAS, the City of Fall River will be receiving \$16,035,844.70 in Bristol County ARPA funds, and

WHEREAS, the spending of these funds requires signatures of 5 members of the Fall River City Council, now therefore

BE IT RESOLVED, that each member of the City Council review the ARPA Funds allowable uses and be prepared to make recommendations to the Administration on how these funds are spent, and

BE IT FURTHER RESOLVED, that the City Administrator, and the Director of Financial Services be invited to attend the Committee on Finance meeting on scheduled for Tuesday, May 24, 2022 to discuss and provide guidance on the Council's recommendations, in order to ensure the final decision on the use of these funds is reached in cooperation with the Administration, and in the best interest of the residents, businesses, and City of Fall River.

City of Fall River, In City Council

(Councilor Michelle M. Dionne)
(Council President Pam Laliberte-Lebeau)

WHEREAS, Snow removal represents a significant expense, and is the only account that is subject to deficit spending, and

WHEREAS, accountability, documentation, record keeping, and receipts supporting the cost and expenditures of past snow storms have been lacking, and

WHEREAS, the use of GPS, proper documentation for licensing, proof of insurance, and registration are in question, and

WHEREAS, the question of improper use of City and private contractor vehicles, and lack of oversight for the use of products in the removal of snow and treatment of streets related to storms has given rise to serious concerns, now therefore

BE IT RESOLVED, that the City Administrator, Director of Financial Services, and the Director of Community Maintenance be invited to a future meeting of the Committee on Public Works and Transportation to discuss and review these matters, and

BE IT FURTHER RESOLVED, that a complete accounting of each individual snow storm this past winter be presented, including start and end times for each storm, both City and private contractor hours worked, and any and all charges incurred by the City.

City of Fall River, *In City Council*

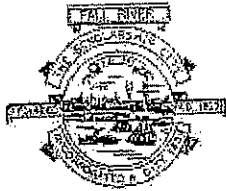
15

(Councilor Trott Lee)

WHEREAS, the Fall River City Council has received multiple communications regarding environmental concerns regarding construction on Stonehaven Road, now therefore

BE IT RESOLVED, that the Committee of Health and Environmental Affairs convene with residents from the Stonehaven Road neighborhood and the Administrator of Community Utilities to address concerns.

Filed 5-5-22



City of Fall River
Notice of Claim

RECEIVED

2022 MAY -2 A 11: 19

CITY CLERK #22-50
FALL RIVER, MA

29

1. Claimant's name: D. Schumacher Landscaping INC
2. Claimant's complete address: 390 Pleasant street West Bridgewater MA 02379
3. Telephone number: Home: 508-427-7077 Work: 203-312-1717
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage): _____ Property damage _____
5. Date and time of accident: 03/12/2020 6:33 Amount of damages claimed: \$ 23,568.50
6. Exact location of the incident: (include as much detail as possible): _____ Front street at the intersection of Wordell street in Fall River MA
7. Circumstances of the incident: (attach additional pages if necessary): _____ The operator and police officer of Fall River city responded to a dispatch call and proceeded to drive onto Wordell street and struck the claimants pickup truck that was just in front of the brick wall
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 Yes CNA insurance company / Spartan

recoveries 25 Orville Drive Suite 101 Bohemia NY 11716
Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

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

Date: 4/27/2022 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 ☒ Police

Date: 5/2/2022

30



City of Fall River Massachusetts

Engineering Department

PAUL E. COOGAN
Mayor

DANIEL N. AGUIAR
City Engineer

MEMO

TO: Fall River City Council
FROM: Daniel Aguiar, City Engineer
DATE: April 25, 2022
RE: 150-166 Purchase Street- 5 Year Street Opening Request

CITY CLERK
FALL RIVER, MA

2022 APR 25 P 12:09

RECEIVED

The engineering department is in receipt of a permitting request from the property owner regarding the proposed installation of utilities within Purchase Street (attached) which has been reconstructed within the last 5 years (2019). The owner has subdivided the property and a condition of approval from the Zoning Board of Appeals was that utilities needed to be separated (attached).

The property owner understands that a minimum patch width of 15' will be required and that Purchase Street shall be reconstructed from curb to curb including the installation of a new concrete sidewalk.

I respectfully request that the matter be voted upon at the May 10, 2022 City Council meeting. Thank you for your attention.

FALL RIVER ZONING BOARD OF APPEALS DECISION

Petitioner: 150 FOREST STREET TRUST
c/o Marino Zachary Benevides, Trustee
Property Location: 146-148, 150 Purchase St., Lot N-08-48, 49
Owned By: 150 Forest Street Trust
Title Reference: Book 9739, Page 177

I hereby certify that the following is a true and correct copy of the action taken by the Fall River Zoning Board of Appeals on March 17, 2022, and that copies of the same have been filed with the City Clerk on March 31, 2022.


David M. Assad, Chairperson

In the matter of 150 Forest Street Trust, request for a finding and determination that Condition #2 of the Decision of the ZBA issued on July 15, 2021, should be modified.

In a motion made by Mr. Calkins and seconded by Mr. Dupere, the Board unanimously voted to grant a modification of Condition #2. Mr. Calkins, Mr. Dupere, Mr. Pereira, Mr. Saffady, and Mr. Frank voted in favor of the motion and the request was GRANTED to modify Condition #2.

The Board found that

1. On July 15, 2021, The Zoning Board of Appeals issued a decision on the original petition to allow the subdivision of the existing parcel into four parcels, waiving requirements in the [B-L] and [AOD] Districts. Parcel 1 would retain the existing mixed use building, Parcel 2 would retain an existing two family dwelling, and Parcel 3 would retain the existing garage structure and convey/combine such parcel with abutting land owned by Fall River Preservation Society Commission. Parcel 4 would contain a to-be constructed 2-unit Townhouse Apartment Building. A Special Permit was granted for reduced parking. The decision included the Condition #2: "All utilities shall be separated and an affidavit signed under the penalties of perjury indicating that all utilities have been separated shall be recorded at the Bristol County Fall River Registry of Deeds prior to the sale and/or transfer of the property, but no later than one year from the date of the grant of the variance."
2. City Ordinance Chapter 66, Section 392, prohibits the excavation of Purchase Street until 2024.
3. Pursuant to M.G.L. Chapter 40A, Section 14, the Board granted a modification of Condition #2 as follows: "All utilities shall be separated and an affidavit, signed under the penalties of perjury indicating that all utilities have been separated, shall be recorded at the Bristol County Fall River Registry of Deeds no later than 120 days from the granting of an exception of the Fall River City Council to excavate Purchase Street OR 120 days post moratorium of Purchase Street excavation (pursuant to City ordinance Ch. 66, Sec. 392), whichever is the earliest to occur."

RECEIVED
2022 MAR 31 A 9:45
CITY CLERK
FALL RIVER, MA

30

This is to certify that twenty (20) days have elapsed since the filing on March 31, 2022, of the Decision of the Board of Appeals contained herein and no notice of any appeal against the same has been filed with the City Clerk.

Attest: Alison M Bouchard

Date: APR 21 2022

RECEIVED

2022 MAR 31 A 9:45

CITY CLERK
FALL RIVER, MA

RECEIVED

31



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General

One Ashburton Place

Boston, MA 02108

2022 MAY -4 A 9:27

CITY CLERK
FALL RIVER, MA

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patrick

Last Name: Higgins

Address: P O Box 290

City: Northport State: AL Zip Code: 35476

Phone Number: 5086743140 Ext. _____

Email: patrick@patrickhiggins.co

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

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐ Individual☒ Organization☐ Media

Public Body that is the subject of this complaint:

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

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

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

Shawn Cadime – Chairman

Date of alleged violation:

05/03/2022

31

Description of alleged violation:

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

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

The Fall River City Council on Ordinances and Legislation violated the open meeting law by not listing specifics on their posted agenda, and then not discussing the specifics for items on their posted agenda. Specifically, they had an item listed on the posted agenda that states: "Proposed Ordinance - Traffic, miscellaneous (referred 3-22-22 and 4-12-22) which contained no other information. During the meeting they approved this item without discussion so that the general public who was observing by video, had no idea what the specifics were that they had accepted as a "proposed ordinance." See video of the meeting at <https://www.youtube.com/watch?v=KMgNnH6IFDQ> from 3:13 to 3:55 minutes into the video.

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

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

Put more specifics on the posted agenda of what "miscellaneous" items are that are going to be deliberated upon and be sure to discuss the "miscellaneous" items before blindly voting to approve them.
Learn and comply with the open meeting law. All members should be required to attend a training webinar on the open meeting law. See <https://www.mass.gov/service-details/open-meeting-law-trainings> for the scheduled webinar trainings.

Review, sign, and submit your complaint**I. Disclosure of Your Complaint.**

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

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

II. Consulting With a Private Attorney.

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

III. Submit Your Complaint to the Public Body.

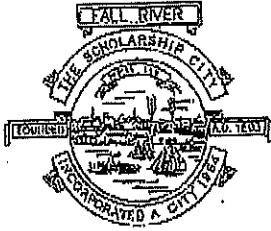
The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

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

Signed: _____

Date: 05/03/2022

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COLLEEN A. TAYLOR
CLERK OF COMMITTEES

CITY OF FALL RIVER, MASSACHUSETTS
CITY COUNCIL

2022 APR 29 P 1:15

CITY CLERK
FALL RIVER, MA
SIERRA AGUIAR
ASSISTANT CLERK OF COMMITTEES

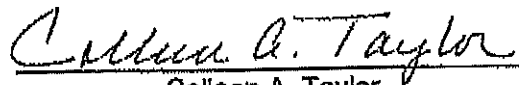
CITY COUNCIL COMMITTEE ON ORDINANCES AND LEGISLATION

TUESDAY, MAY 3, 2022 AT 5:15 PM

CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

AGENDA

1. Citizen Input
2. Minutes – February 8, 2022
3. Minutes – March 1, 2022
4. Proposed Ordinance – Traffic, handicapped parking (referred 3-22-22 and 4-12-22)
5. Proposed Ordinance – Traffic, miscellaneous (referred 3-22-22 and 4-12-22)
6. Proposed Ordinances – Water and Sewer Rates (referred 3-22-22)
7. Proposed Ordinance – Compost Recycling Program (tabled 7-26-21)
8. Resolution – Consider combining the Historical Commission with the Fall River Historic District Commission (tabled 2-4-21)
9. Resolution – Committee on Ordinances and Legislation convene to discuss unregistered motorbikes travelling on city streets (adopted, as amended 4-12-22)


Colleen A. Taylor
Clerk of Committees

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

FRIEDMAN ■ FRAMME

■ THRUSH ■

ATTORNEYS AT LAW

RECEIVED

2022 MAY -4 P 2:27

CITY CLERK
FALL RIVER, MA

April 29, 2022

Fall River School Committee
ATTN: Mayor Paul Coogan
417 Rock Street
Fall River, MA 02720

Re: Collin Dias
Public Comment Censorship
Our File: MA-J3Y-4B3

To whom it may concern:

Please be advised that Mr. Collin Dias consulted with me at my office and asked that I contact you regarding the above-referenced matter. This letter is not intended to imply my full representation of Mr. Dias in any past, present, or future litigation. This letter is further not intended to be entered into the record as part of the school committee's public comment process.

Mr. Dias advises me that as a dedicated participant in the school committee meeting he has often submitted comments during the designated citizens' input time window. On occasion his comments have been denied from proper reading at the committee meetings.

Under Massachusetts precedent, the Superior Court held in *Spaulding v. Town of Natick School Committee*, Civ. A. No. 2018-01115 (Mass. Super. Nov. 21, 2018) that strikingly similar silencing of public comment by the participants was unconstitutional. Free speech protection applies to public comment made in designated public forum. As always, a balancing test must be applied to weigh government's legitimate concerns against those of the citizens seeking to speak. Any restrictions on free speech "must be narrowly tailored to serve a compelling government interest."

As discussed in former communications from entities such as the ACLU, attached, the Fall River School Committee violated Mr. Dias's free speech rights by failing to give his comments proper acknowledgement and discussion and by failing the *compelling government interest* test. Mr. Dias advises me that despite the Committee's commitment to revising its procedures it continues to target his submissions to silence his necessary input. This letter serves as a reminder for the Committee to continue to observe promoting citizen input by facilitating the protection of their free speech rights.

PRINCIPALS

WILLIAM H. THRUSH, III (MD, DC, VA, IN)
WARR E. GLAZIER (MD, DC, VA)
REBECCA A. CARTER (MD, DC, VA)
DAVID HARE (MD)
EDWARD L. FRIEDMAN (MD, DC)

SINIOR COUNSEL

TOMMY E. FRIEDMAN (MD, DC)
LAWRENCE W. FRAMME (MD, DC)

OF COUNSEL

NICHOLAS J. WENSTOCK
EDWARD E. MCCORMICK (MD)
ALISON REISMAN (MD)
THOMAS PARKER (MD)
SUSAN KLEIN (MD, DC, VA)

MANAGING ATTORNEYS

ROBERT E. SOLOMON (MD, DC)

ATTORNEYS

JORDAN I. SCHER (MD, DC)
A. ZACHARY TROFF (MD, DC)
FRED LUNDY (MD, DC)
ELISE STURDYANT (MD)
DEBORAH W. STEELE (MD)
TAMARA LESHMAN (MD)
JESSAMINE KAYS (MD, DC, NO)
ELLY RACHEL BARNHILL (MD, IN, VT, DC)
KATHY KODHAK (MD)
KELANNE MACGILL (MD)
JOSEPH A. ROSENTO (MD)
FRANCIS P. SULLIVAN (MD)
KATHLEEN D. TARTER (MD)
CAROL J. ZACHARY (MD)
MICHAEL TOWNSHIP (MD)
RYAN HERSHEY (MD)
KEVIN O'NEAL (MD, IN, VT)
GERALD KEBERT (MD, DC)
MELANIE KEDON (MD)
REHABAB PETERS (MD)
NIA FOLEY BERNSON (MD, IN, NO)
DEA DADEN (MD, DC)
KATHLEEN DODD (MD)
JONATHAN A. MILLER (MD)
SHERIKA BARKSHAW (MD, VA)
STEPHANIE EVANS (MD, DC)
SACHIN KODHAK (MD)
ARISTO JACOBSON (MD, IN, DC)
TODD KANG (MD)
NICHOLAS KANG (MD)
GEORGE VARRS (MD, DC, VA)
ROBERT KODHAK (MD)
MATTHEW HALL (MD, DC)
NINA DEACY (MD)
DAVE ANDERSON (MD)
ALEXANDRA LOBB (MD, DC)
JASON MANTON (MD, DC)
SHARON PHILLIPS (MD)
JORDAN MOORE (MD)
PRYANNA KODHAK (MD, DC)
MARY GRIFFITH (MD, NO)
ANDREW SILVERMAN (MD)
JESSICA DAY (MD)
NICHOLAS J. MURRAY (MD, IN)
KATHLEEN L. CRISTON (MD)
MATTHEW THOMAS (MD)
EVAN FATEL (MD)
ROBERT WIGANDY (MD)
BRYAN KODHAK (MD)
KYLE MODOGA (MD)
JENNIFER KODHAK (MD)
ANNIE BROWN (MD)
ROBERT HENNING (MD)
KATHY HENNING (MD)

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Please respond in writing within 7 days and direct your response to the physical address, email address, or facsimile number provided.

Your prompt attention to this matter is appreciated.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Travis Parker', with a long horizontal flourish extending to the right.

Travis Parker, Esq.
Friedman, Framme & Thrush, P.A.

cc: Collin Dias
500 Ray Street
Fall River, MA

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, April 12, 2022 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Pam Laliberte-Lebeau, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Trott Lee, Leo O. Pelletier, Linda M. Pereira and Andrew J. Raposo

ABSENT: Councilors Joseph D. Camara and Bradford L. Kilby

IN ATTENDANCE: Seth Thomas Aitken, City Administrator

President Pam Laliberte-Lebeau called the meeting to order at 7:49 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor and resolution for Comm. Development Agency Year Three Annual Action Plan
On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the resolution, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.
Approved, April 13, 2022, Paul E. Coogan, Mayor
2. Mayor and order appropriating \$1,427,230 from Insurance to the School Appropriation
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.
3. Mayor and proposed ordinance regarding the salary schedule for contract personnel
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.
4. Mayor and proposed ordinance regarding the salary schedule for executive officers, department heads and non-union positions
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

PRIORITY COMMUNICATIONS

5. Traffic Commission recommending amendments to traffic ordinances
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

COMMITTEE REPORTS

Committee on Finance recommending:

Grant leave to withdraw:

6. Resolution – Improvements and repairs at city parks and baseball fields
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the resolution be granted leave to withdraw, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

ORDINANCES – None

RESOLUTIONS

7. Committee on Public Safety convene to discuss unregistered motorbikes traveling on city streets

On a motion made by Council President Pam Laliberte-Lebeau and seconded by Councilor Trott Lee, it was unanimously voted to amend the resolution by changing the committee from the Public Safety Committee to the Committee on Ordinances and Legislation, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt the resolution, as amended with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

8. Committee on Public Safety convene to discuss fire hydrant testing
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was unanimously voted amend the resolution be deleting line three of the resolution, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was unanimously voted to adopt the resolution, as amended with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

9. Committee on Public Works and Transportation convene to discuss ways to keep residents informed of daily street closures

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted to waive the rules to allow the City Administrator to answer questions, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting. Councilor Linda M. Pereira stated that she has received numerous calls from bus drivers stating that there should be some type of notification system so that buses can plan to take detour routes, to allow students to be delivered to school on time. Councilor Shawn E. Cadime stated that dispatch for the Police, Fire and EMS Departments notifies those departments daily on detours and street closures. He then asked if dispatch could also notify the School Department so that they could notify all school transportation services. The City Administrator stated that an award letter was drafted yesterday to upgrade the City website. Councilor Linda M. Pereira stated that the new website should be user friendly and the City Council should have some input in the process. On a further motion made by Councilor Michelle M. Dionne and seconded by

Councilor Linda M. Pereira, it was unanimously voted to adopt the resolution, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

10. Committee on Public Safety convene to discuss ways to improve safety in the area of the Hudner Building

The City Administrator stated that he is aware that the owner of the property has been in contact with the Chief of Staff regarding some issues in the area. He then stated that he has researched the matter and did not find any calls to the Police Department regarding any complaints. He also mentioned that trash in that area has been a constant severe problem. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the resolution, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

11. Administration appoint a "Veterans' Advisory Board" in accordance with M.G.L. Section 115, Chapter 12

A motion was made by Councilor Andrew J. Raposo and seconded by Councilor Linda M. Pereira, to refer the matter to the Committee on Ordinances and Legislation. Councilor Linda M. Pereira stated that she did not feel that the matter needed to be referred to the Committee on Ordinances and Legislation, as she would prefer to have the Administration establish the board. Councilor Shawn E. Cadime stated that if the board is just advisory, then it will not need to adhere to the open meeting law when sensitive conversations need to take place. Councilor Leo O. Pelletier stated that he had been made aware of numerous issues in the Veterans' Department. On a further motion made by Councilor Andrew J. Raposo and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the resolution, as amended with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

12. Committee on Finance meet in Executive Session to discuss recent developments in the Fall River Police Department

Councilor Linda M. Pereira stated that she filed the resolution due to the numerous issues within the Fall River Police Department. Indicating that she did not feel as though she would have the support of her colleagues, and on a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the resolution be granted leave to withdraw, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

CITATIONS – None

ORDERS – HEARINGS

Underground conduit and pole locations:

13. Airport Road – (4) new poles and 150 feet of underground conduit

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

Approved, April 13, 2022, Paul E. Coogan, Mayor

Curb removal:

14. Michael Toupin, 452 Oak Grove Avenue – 26 feet at 452 Oak Grove Avenue

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the order with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

Approved, April 13, 2022, Paul E. Coogan, Mayor

ORDERS – HEARING TO BE SCHEDULED

Auto Repair Shop License:

15. Naomi Soares d/b/a RS Performance and Repair located at 1030 Dwelly Street
On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the order with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

ORDERS – MISCELLANEOUS

16. **Police Chief's report on licenses:**

2022 Taxicab Drivers:

Gilbert Dallaire	Ronell Clark	Timothy Kelley
Thomas Miranda	John Silvia Jr.	Michael Wasilowski Sr.

2022 Second Hand License Renewals:

Curt Barreira d/b/a Jimmy Jr's Tire Service – 729 Davol Street
 William F. Leach d/b/a Marine Consignment of Fall River, 75 Ferry Street
 TVI, Inc. d/b/a Savers Thrift Store – 109 Mariano Bishop Boulevard
 GameStop, Inc. d/b/a GameStop 6735 – 153 Mariano Bishop Boulevard
 Aaron Tetrault, Spindle City Pawnbrokers, Inc. d/b/a Fall River Pawnbrokers –
 1435 Pleasant Street
 Wayne Confoey d/b/a Cash for Gold – 1503 Pleasant Street
 Pacheco's Furniture – 255 South Main Street
 Pawtucket Pawnbrokers Too, Inc. – 302 South Main Street
 Aaron Tetrault, Spindle City Pawnbrokers, Inc. d/b/a Fall River Pawnbrokers –
 364 South Main Street
 New England Pawn, Inc. – 407 South Main Street
 Joseph Bilan, BP Auto Service Repair, Inc. – 1091 South Main Street
 Patenaude Jewelers, Inc. – 1473 South Main Street
 Aaron Tetrault, Fall River Pawnbrokers, Inc. – 1475 South Main Street
 Alan Confoey d/b/a Alan's Jewelry – 1661 South Main Street
 Beverly Post d/b/a Anything – 1791 South Main Street

2022 Pawnbroker License Renewals:

Aaron Tetrault, Spindle City Pawnbrokers, Inc. d/b/a Fall River Pawnbrokers –
 1435 Pleasant Street
 Pawtucket Pawnbrokers Too, Inc. – 302 South Main Street
 Aaron Tetrault, Spindle City Pawnbrokers, Inc. d/b/a Fall River Pawnbrokers –
 364 South Main Street
 New England Pawn, Inc. – 407 South Main Street
 Aaron Tetrault, Fall River Pawnbrokers, Inc. – 1475 South Main Street

2022 Pool/Billiards Renewals:

CAPMRPM, LLC d/b/a Rack-Em-Up Billiards – 129 Griffin Street
 Robert & John Albin d/b/a Straight Shooters – 288 Plymouth Avenue

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt the order, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

17. Application for Taxicab License – Fall River Taxi Service, Inc., 67 Talbot St. (1 vehicle)
On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Trott Lee, it was unanimously voted to adopt the order with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

Approved, April 13, 2022, Paul E. Coogan, Mayor

Auto Body Shop License Renewal:

18. Antonio F. Pinto d/b/a Pinto's Auto Repair and Sales, Inc. – 2447 So. Main St.
On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the order with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

Approved, April 13, 2022, Paul E. Coogan, Mayor

Auto Repair Shop License Renewal:

19. Jessica M. Rodrigues d/b/a Stafford Road Auto Repair and Sales – 182 Stafford Rd.
On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the order with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

Approved, April 13, 2022, Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

20. Claims

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted to refer the claims to Corporation Counsel, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

21. Hoyle, Tanner & Associates, Inc. re: Jefferson Street Bridge over Sucker Brook
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Andrew J. Raposo, it was unanimously voted that the communication be accepted and placed on file, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

22. Drainlayer Licenses:

- a. J. & R. Resendes Corp.
- b. Farland Corporation, Inc.
- c. G. Lopes Construction, Inc.
- d. Dixon, Incorporated
- e. Thermo-Mechanical Systems, Corp.
- f. Rosciti Construction Company, LLC
- g. K.R. Rezendes, Inc.
- h. Biszko Contracting Corp.
- i. Bristol Pacific Homes, Inc.
- j. Joseph Botti Co., Inc.
- k. ELJ, Inc.
- l. Steen Realty & Development Corporation
- m. Green Acres Landscape & Construction Co., Inc.
- n. Sandstone Construction, Inc.
- o. Narragansett Improvement Company
- p. Alexandre's Excavating, Incorporated
- q. Dasilva Landscaping & Construction, LLC
- r. B & B Excavation, Inc.
- s. Albert Moreira & Son

t. MJD Excavating, Inc.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to approve the licenses, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

Approved, April 13, 2022, Paul E. Coogan, Mayor

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #23 through #25 together, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

23. Zoning Board of Appeals Minutes – December 16, 2021

24. Zoning Board of Appeals Minutes – January 20, 2022

25. Zoning Board of Appeals Minutes – February 17, 2022

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted that items #23 through #25 be accepted and placed on file, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

City Council Minutes:

26. Public Hearing – March 22, 2022

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Andrew J. Raposo, it was unanimously voted to approve the minutes, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES

27. D.E.P. re: Waterways License – Chapter 91 License/Permit No. 15506

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the notice be accepted and placed on file, with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

28. D.P.U. re: Net Zero Greenhouse Gas Emissions by 2050

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the notice be accepted and placed on file, with Councilors Joseph D. Camara and Bradford L. Kilby 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 9:02 p.m., with Councilors Joseph D. Camara and Bradford L. Kilby absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:

Alison M. Bouchard
City Clerk

RECEIVED

nationalgrid

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April 25, 2022

2022 MAY -2 A 11: 17

Fall River City Council President
1 Government Center
Fall River, MA 02722

CITY CLERK _____
FALL RIVER, MA

Dear City Council President:

In a letter sent on November 9, 2021, you received notification that National Grid would carry out late winter-spring mechanical control, cut surface (CST) or basal treatment; a summer selective foliage treatment; and, as necessary, summer and fall CST and basal treatments on rights-of-way, which pass through your municipality. Information on National Grid's approved Yearly Operational Plan (YOP) and maps showing the rights-of-way to be treated were included with that letter.

The current Vegetation Management Plan (VMP) and approved 2022 YOP are posted on the state website:

<https://www.mass.gov/doc/national-grid-vmp-2019-2023/download>
<https://www.mass.gov/doc/national-grid-2022-yop/download>

Although you already received and reviewed copies of the YOP map(s) with the original notification please let us know if there are any additional *sensitive areas* located on or near the rights-of-way. Please advise us as soon as possible so we can establish permanent GIS records and implement appropriate field protective actions. We particularly rely on this process to collect corrections to the public wells and to record the location of private wells.

National Grid's YOP details specific information pertaining to the intended 2022 program. Please note that the YOP also lists the rights-of-way from the 2021 treatment program in case National Grid needs to request a "touch-up" retreatment of scattered locations from our contractor(s). If upon review of the previous year's treatments, National Grid finds a site(s) within your municipality that need follow-up treatments, this letter serves as notification of that follow-up treatment. The individual landowner(s) will be also be notified about this work. *Please note that scheduled rights-of-way are subject to change based on workplan constraints*

Commonwealth of Massachusetts recommended herbicides for use in *sensitive areas* listed in Section 7 (pages 13-15) of the YOP will be selectively applied to target vegetation by experienced, Massachusetts' licensed/certified applicators that walk along the rights-of-way using backpack equipment. Copies of the manufacturers' herbicide labels and fact sheets are also included in the YOP, Appendices 8 and 9.

Potential Treatment Periods*

January 17, 2022 – May 30, 2022	May 30, 2022 - Oct 15, 2022	Oct 15, 2022 – Dec 31, 2022
CST	Foliar	CST
Basal	CST	Basal
Dormant stem	Basal	Dormant Stem
	Cut stubble	

* The exact treatment dates are dependent upon weather conditions and field crew progress.

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In compliance with 333 CMR 11.06-11.07, no herbicide applications will occur before the conclusion of the 45-day YOP review period, the 21-day treatment notice and the 48-hour newspaper notice. At the end of these review periods, which can run concurrently, no application shall commence more than ten days before nor conclude more than ten days after the treatment periods listed above.

The work will be performed by one of the following vegetation management vendors:

Lewis Tree Service, Inc.	Stanley Tree	Vegetation Control Service, Inc.
300 Lucius Gordon Drive	662 Great Road	2342 Main Street
West Henrietta, NY 14586	North Smithfield, RI 02896	Athol, MA 01331
(585) 436-3208	(401) 765-4677	(978) 249-5348
Lucas Tree Experts	BluRoc	
12 Northbrook Drive	15 Atwood Dr, Suite 301	
Falmouth, ME 04105	Northampton, MA 01060	
(800) 339-8873	(413) 887-3653	

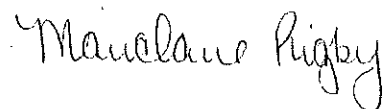
This informational 21-day notification follows Chapter 132B, section 6B of the Massachusetts General Laws, 333 CMR 11.05-11.07 Rights of Way Management and Chapter 85, Section 10 of the Acts of 2000. National Grid's vegetation management program is subject to federal and state regulations only. By statute, local permits or rulings are not applicable.

For inquiries concerning safety of the herbicides, please contact:

Director of Rights-of-Way Programs
Department of Agricultural Resources
251 Causeway Street, Suite 500
Boston, MA 02114-2151
Telephone: (617) 626-1781

Please contact me if you have any questions about the application and monitoring of the vegetation control program. The best way to contact me is through email at mariclaire.rigby@nationalgrid.com or please leave a message at 508-860-6282

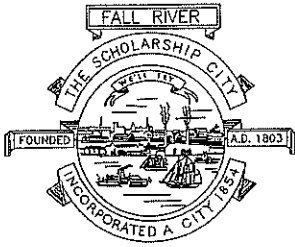
Sincerely,



Mariclaire Rigby
Lead Vegetation Strategy Specialist

cc: Board of Health
Conservation Commission
Massachusetts Pesticide Bureau

Municipality: Fall River ROW#(S): 2022 2024 2025



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

ba
a+b

RECEIVED

2022 MAY -6 P 12: 35

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

May 6, 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 amended Tax Increment Exemption (TIE) Agreements for 64 Durfee St, LLC and Mechanics Mill One, LLC approved by the Tax Increment Finance (TIF) Board on Tuesday, May 3, 2022. The two (2) TIE agreements are before the City Council for consideration.

Thank you for your attention to this request.

Sincerely,

Paul E. Coogan
Paul E. Coogan
Mayor

PC/amos



CITY OF FALL RIVER
TAX INCREMENT FINANCING BOARD

RESOLUTION APPROVING AMENDMENT OF TAX INCREMENT EXEMPTION
AGREEMENT

BY AND BETWEEN
THE CITY OF FALL RIVER
AND
64 DURFEE, LLC

After having met at a duly called and posted Meeting on May 3, 2022, and having duly considered the draft AMENDMENT OF THE TAX INCREMENT EXEMPTION AGREEMENT BY AND BETWEEN THE CITY OF FALL RIVER AND 64 DURFEE, LLC DATED APRIL 27, 2018, and attached hereto, the Tax Increment Financing Board of the City of Fall River hereby:

1. Approves the proposed Amendment of the Tax Increment Financing Agreement dated May 2022 and attached hereto; and further
2. Recommends that the Fall River City Council approve said Amendment and authorize the Mayor, as Chairman of the Tax Increment Financing Board, to execute said Amendment, and all documents necessary to effectuate said Amendment in forms acceptable to the Corporation Counsel.

Voted this 3rd day of May, 2022.

Yea 6 Nay 0

6a
a.

6a
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TAX INCREMENT EXEMPTION AGREEMENT AMENDMENT
BY AND BETWEEN
THE CITY OF FALL RIVER,
AND
64 DURFEE, LLC,

This Agreement made this _____ day of May, 2022, by and between the CITY OF FALL RIVER, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, acting through its Tax Increment Financing Board, having a principal place of business at One Government Center, Fall River, Massachusetts, 02722, (hereinafter called the "CITY"), and 64 DURFEE, LLC, a Massachusetts Limited Liability Company with a principal place of business at 1082 Davol Street, Fall River, Massachusetts, 02720 (hereinafter called the "64 DURFEE"), amends the Tax Increment Exemption by and between the CITY and 64 DURFEE dated April 27, 2018 (hereinafter the "2018 TIE"). This Agreement shall take effect immediately upon final approval by the Massachusetts Department of Housing and Community Development on May _____, 2022.

Whereas, the CITY and 64 DURFEE executed the 2018 TIE on April 27, 2018, and pursuant to the 2018 TIE, 64 DURFEE agreed to develop a Certified Housing Development Project, as defined by Chapter 40V of the General Laws of Massachusetts and the regulations promulgated thereto, containing forty-two (42) Market Rate Residential Units (hereinafter "the PROJECT") located in the former Bradford Durfee Textile College Complex located at 64 Durfee Street, Fall River, Massachusetts (hereinafter "the PROPERTY"), as more fully described in the 2018 TIF; and

Whereas, the CITY agreed to grant a Tax Increment Exemption to the 64 DURFEE in accordance with said Chapter 40V, and the regulations promulgated thereto, as more fully described in the 2015 TIE; and

Whereas, the CITY inadvertently applied the Exemption set forth in the 2018 TIE to the partial Assessed Value of the PROJECT even though the DHCD had not yet granted Final Certification of the PROJECT; and

Whereas, the parties hereto wish to correct said foregoing inadvertent errors and further amend certain language of the 2018 TIE as set forth herein

Now, Therefore, in consideration of good and valuable consideration, the receipt and sufficiency of which is acknowledged, the CITY, and 64 DURFEE agree to amend the 2018 TIE as follows:

1. The parties hereto hereby amend Section 1 of the 2018 TIE by inserting the words "a portion of" immediately before the words "the Property" in the fourth line of said Section.

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2. The parties hereto amend Section 2 of the 2018 TIE by inserting the following definition after the definition of "MRRU" and before the definition of "Property":

Project: A portion of the Property consisting of a portion of the Durfee Building and the Textile Building located at 64 Durfee Street, Fall River, MA

3. The parties hereto agree to strike Section 3.A of the 2018 TIE and replace it with the following:

Substantial Rehabilitation of the Project. Sponsor will undertake the substantial rehabilitation of the Project in accordance with the work and schedule set forth in the Rehabilitation Plans.

4. The parties hereto agree to strike Section 3.B(1) of the 2018 TIE in its entirety and replace it with the following:

- 1) There shall be a total of fifty-five (55) residential rental units created in the Project of which forty-four (44) shall be MRRUs comprised of one (1) three bedroom, twenty-nine (29) two bedroom and fourteen (14) one bedroom. The monthly rent for such units shall be priced- consistently with prevailing rents or sale prices in the Municipality as determined based on criteria established by the department., as set forth in Exhibit 3, "Market Rate Residential Units - Pricing Plan".

5. The parties hereto agree to strike the word "Property" in the Section 3.D of the 2018 TIE and replace it with the word "Project".
6. The parties hereto agree to strike the word "Property" in the first line of Section 4 of the 2018 TIE and replace it with the word "Project".
7. The parties hereto agree to strike the number "100" from Section 4.B the 2018 TIE and replace it with the number "80".
8. The parties hereto agree to Section 4.C the 2018 TIE in its entirety and replace it with the following:

Exemption Percentage. Commencing on the Effective Date of the Exemption which shall be July 1st of the first Fiscal Year following DHCD's Final Certification of the HD Project pursuant to the requirements of Chapter 40V of the General Laws of Massachusetts and the Regulations promulgated thereto, and which date is anticipated to be July 1, 2022, the Exemption provided herein to the Project shall be 80% for the first five (5) immediately successive Fiscal

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Years and 20% for the following immediately successive five (5) Fiscal Years.

9. The parties agree to strike Section 6.D. and replace it with the following:

Assignment. The Sponsor shall not assign any interest in this Agreement, and shall not transfer any interest in the same, without the prior written consent of the Municipality, which approval shall not be unreasonably withheld. The foregoing notwithstanding, the rights and obligations of this Agreement shall inure to the benefit of any entity succeeding to the interests of the Sponsor by merger. The foregoing further notwithstanding, the rights and obligations of this Agreement shall inure to the benefit of: (i) a lender of the Sponsor that succeeds to the interest of the Sponsor as a result of a foreclosure of the loan secured by the Project from the lender to the Sponsor, or (ii) the entity that succeeds to the interest of the Sponsor as a result of such foreclosure, either as a direct purchaser at such foreclosure or as the purchaser from the lender subsequent to such foreclosure.

10. The parties hereto strike "Tax Increment Exemption – Confirmation of Calculation" attached to the 2018 TIE as Exhibit 4, replace it with of the Tax Increment Exemption – Confirmation of Calculation" attached hereto as Exhibit "A".

11. The parties hereto amend Exhibit 2 as attached to the 2018 TIE by inserting the following at the end of said Exhibit:

Notwithstanding the foregoing, the Project is more specifically defined as a portion of the Durfee Building and the textile Building located at 64 Durfee Street, Fall River, MA

The CITY and 64 DURFEE hereby ratify all other provisions of the 2018 TIE not expressly amended herein.

SIGNATURES FOLLOW ON NEXT PAGE

THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.

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

TAX INCREMENT FINANCING BOARD,
CITY OF FALL RIVER

64 DURFEE, LLC
By Durfee MM, LLC, Manager

Paul Coogan
Mayor and Chairman

Name

Date

Title

Date

Approved as to form & manner of execution:

Alan Rumsey, Esq.
Corporation Counsel

Date

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CITY OF FALL RIVER

TAX INCREMENT EXEMPTION - CONFIRMATION OF CALCULATION 64 DURFEE STREET, FALL RIVER, MA

In connection with the Tax Increment Exemption Agreement dated April 27, 2018 by and between the CITY OF FALL RIVER, One Government Center, Fall River, Massachusetts, and 64 DURFEE, LLC, a Massachusetts Limited Liability Corporation with an address at P.O. Box 428, Fall River, MA 02720 with respect to the property at 64 Durfee Street, Fall River, as amended (hereinafter the "Agreement"), the parties hereby confirm the following elements of the Agreement. Unless otherwise stated, capitalized terms have the meaning set forth in the Agreement.

1. The Effective Date of the Agreement is:
2. The MRRU is: 80 %
3. The assessed value of the of the residential portion of the Property upon Completion is: _____.

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

MUNICIPALITY
CITY OF FALL RIVER

SPONSOR
64 DURFEE, LLC
By Durfee MM, LLC, Manager

Paul E. Coogan
Mayor

Alan Macomber
Agent for Durfee MM LLC

Pamela Laliberte-Labeau
City Council President

Dated:

Dated:

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HOUSING DEVELOPMENT INCENTIVE PROGRAM

TAX INCREMENT EXEMPTION (TIE) AGREEMENT

between
MUNICIPALITY
and
SPONSOR

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

Section 1 – Agreement

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

Section 2 – Definitions

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

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

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

Lead Municipality: IF APPLICABLE

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

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

Regulations: 760 CMR 66.00.

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

Sponsor: 64 Durfee, LLC, a Massachusetts Limited Liability Company, with an address at PO Box 428, Fall River, MA 02720 its successors and assigns.

Section 3 – Sponsor's Covenants

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

B. Market Rate Residential Units.

1) There shall be a total of 42 residential rental units created in the Project of which 42 shall be MRRUs comprised of 28 two bedroom and 14 one bedroom. The monthly rent for such units shall be priced- consistently with prevailing rents or sale prices in the Municipality as determined based on criteria established by the department., as set forth in Exhibit 3, "Market Rate Residential Units – Pricing Plan".

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

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

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

Section 4 – Tax Increment Exemption

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

A. Base Value. \$151,000.

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

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

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

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

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

Section 5 -- Default

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

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

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

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

B. Rights on Default.

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1) Prior to Final Certification. Upon the occurrence of an Event of Default prior to Final Certification, then this Agreement shall become null and void.

2) Subsequent to Final Certification. Upon the occurrence of an Event of Default subsequent to Final Certification, then:

a. Revocation of Certification. Pursuant to the terms of the Act, the Municipality, may, at its sole discretion, request that DHCD revoke the Final Certification of the Project, such revocation to take effect on the first day of the fiscal year in which DHCD determines that a material variance commenced.

b. Termination of Agreement. Upon revocation of certification, this Agreement shall become null and void as of the effective date of such revocation.

c. Recoupment of Economic Benefit. Upon revocation of certification, the Municipality may bring a cause of action against Sponsor for the value of any economic benefit received by Sponsor prior to or subsequent to such revocation.

3) Other Remedies. The Municipality's rights upon the occurrence of an Event of Default are in addition to those granted to DHCD and the Massachusetts Commissioner of Revenue under the terms of the Act.

Section 6 - Miscellaneous

A. Effective Date. The effective date of the HD TIE shall be July 1st of the first Fiscal Year following DHCD's Final Certification of the HD Project pursuant to the requirements of the Act and the Regulations, which date is anticipated to be July 1, 2020. The Effective Date shall be confirmed as required in paragraph F, below.

B. Term of Agreement. This Agreement shall expire upon the Municipality's acceptance of the annual report, as required below, for the final Fiscal Year for which the Municipality is granting the TIE.

C. Reporting. Sponsor shall submit reports to the Municipality not later than thirty (30) days after June 30 of each Fiscal Year for the term of this Agreement. Each report shall contain the following information:

1) Until Completion, the status of construction in relation to the schedule contained in the New Construction or Rehabilitation Plan;

2) Until Completion, the status of marketing in relation to the New Construction or Rehabilitation Plans; and

3) For each MRRU, the number of bedrooms in the unit, whether it was leased as of the end of the most recent fiscal year and the monthly rent charged.

D. Assignment. The Sponsor shall not assign any interest in this Agreement, and shall not transfer any interest in the same, without the prior written consent of the Municipality, which approval shall not be unreasonably withheld. The foregoing notwithstanding, the rights and obligations of this Agreement

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

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

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

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

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

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

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

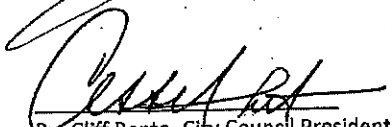
F. Modifications. No modification or waiver of any provision of this Agreement, nor consent to any departure by the Sponsor therefrom shall in any event be effective unless the same shall be in writing, and then such waiver or consent shall be effective only in the specific instance and for the purpose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

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

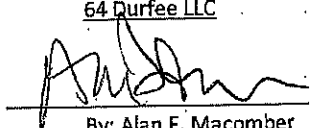
[SIGNATURES ON NEXT PAGE]

City of Fall River


By: Jasiel F. Correia II, Mayor


By: Cliff Ponte, City Council President

64 Durfee LLC


By: Alan F. Macomber

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EXHIBIT 1

MAP OF PROPERTY

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HD ZONE DEVELOPMENT ACTIVITIES

HD ZONE: 

- Commonwealth Landing
- Bicentennial Park
- City Pier
- Cove Restaurant
- Battleship Cove
- ROUTE 78 PROJECT
- The Creative Class at 64

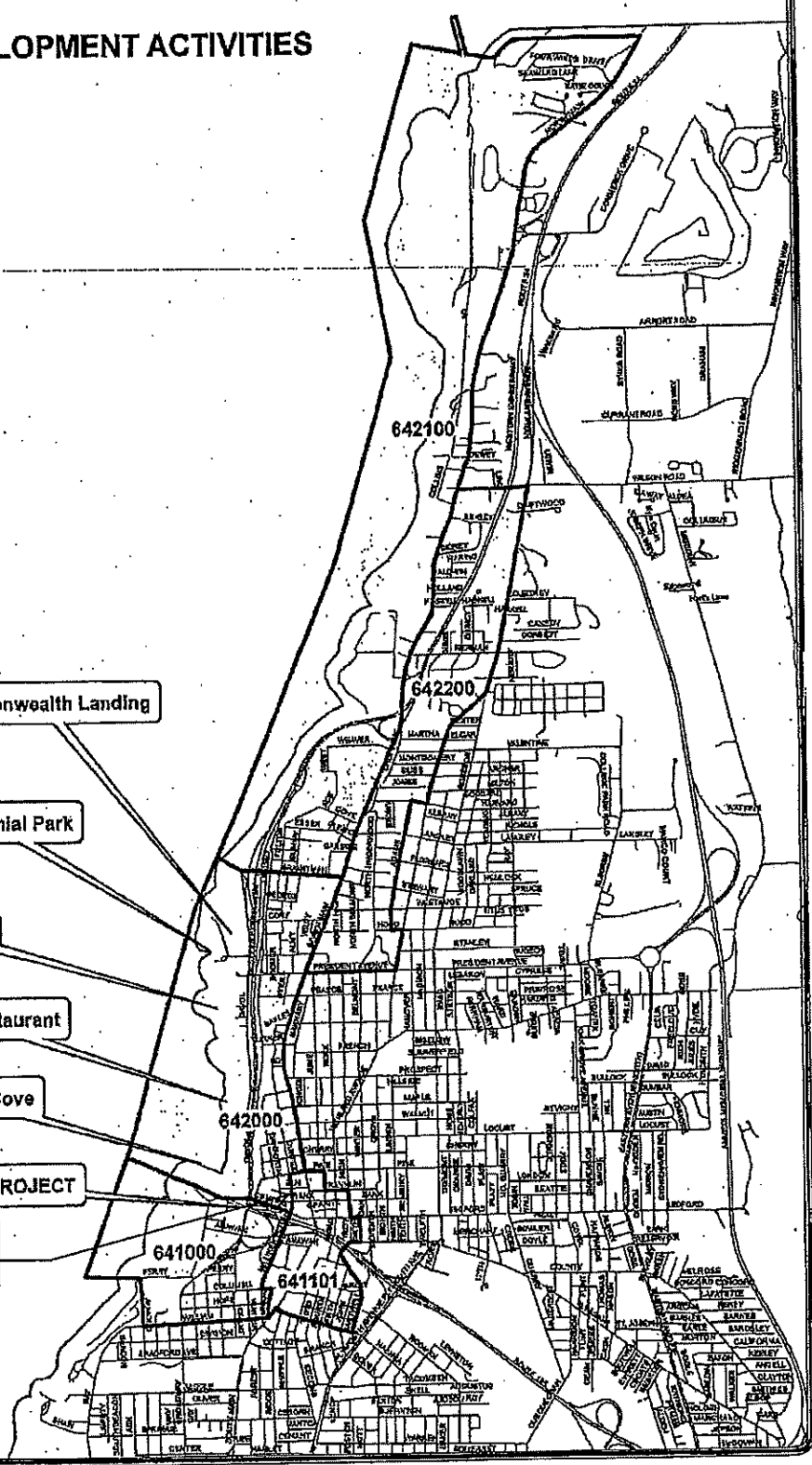


EXHIBIT 2

DESCRIPTION OF PROPERTY

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64 Durfee, LLC Project Description

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

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

Bradford Durfee Textile College (43 years)
Institute of Technology (12 years)
College of Technology (3 years)
SMU Technical Institute (9 years)
Bristol Community College (33 years)

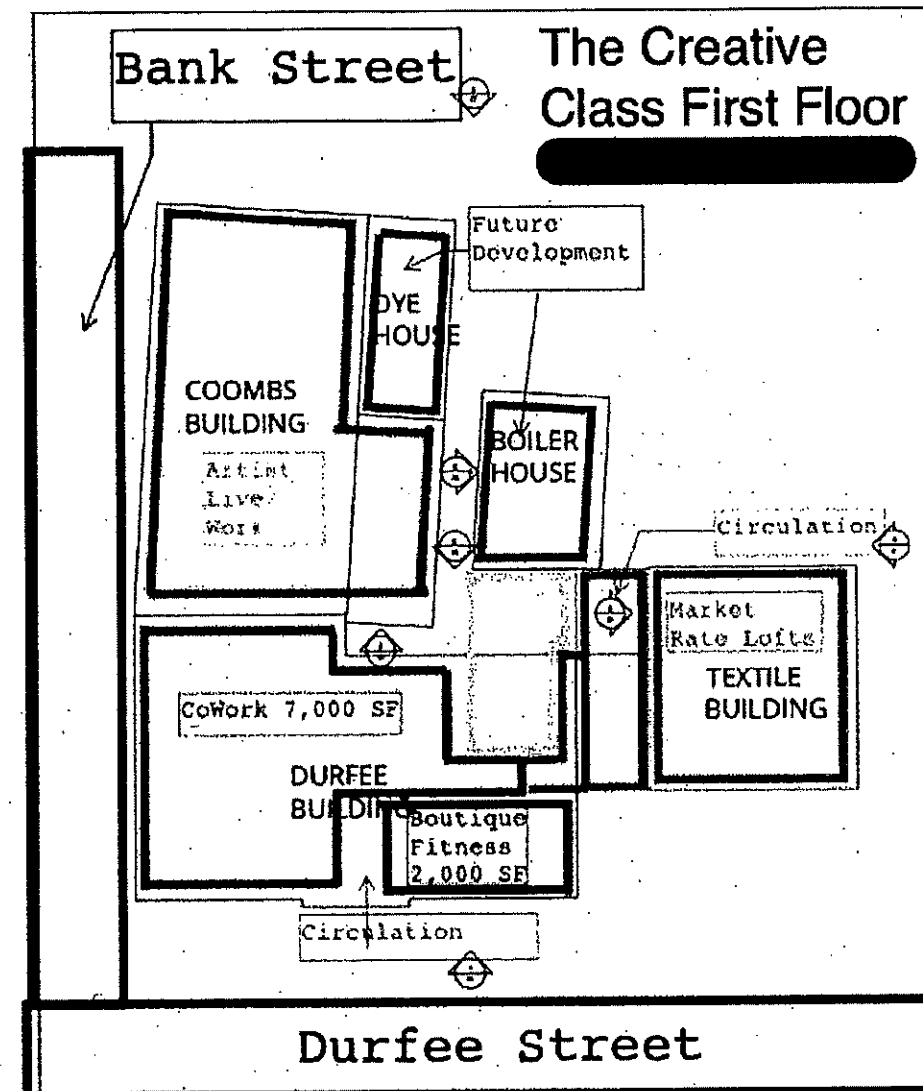
Vacant for 17 years, the site will be developed into a mix of retail, artist housing and market rate apartments. "The Creative Class" name literary recognizes the 100 years the building served as "class" room space and represent Fall River's transition from a working class to a creative class economy.

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

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

First Floor Conceptual Layout

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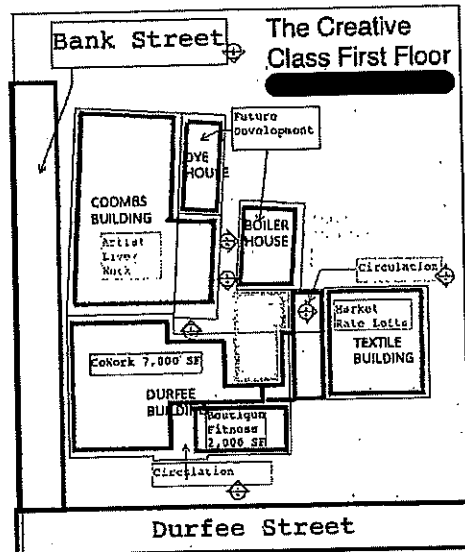


64 Durfee, LLC Project Description Continued

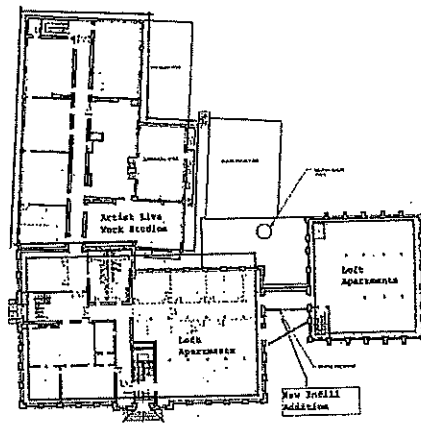
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Conceptual Layout by Floor

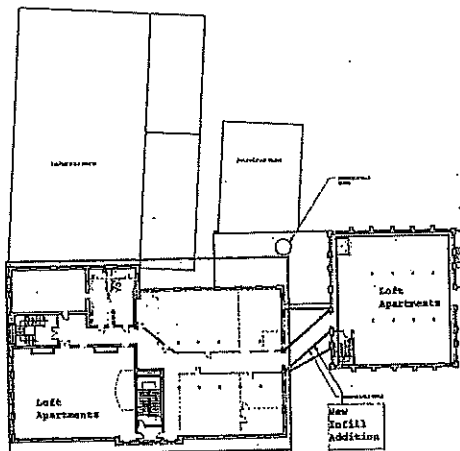
First Floor



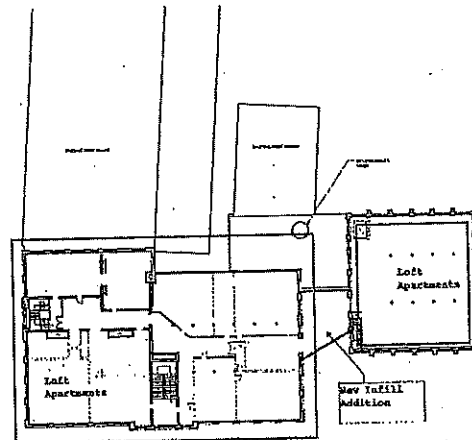
Second Floor



Third Floor



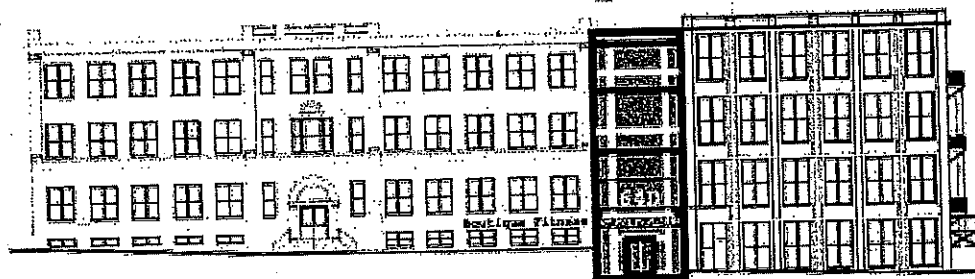
Fourth Floor



64 Durfee, LLC Project Description Continued

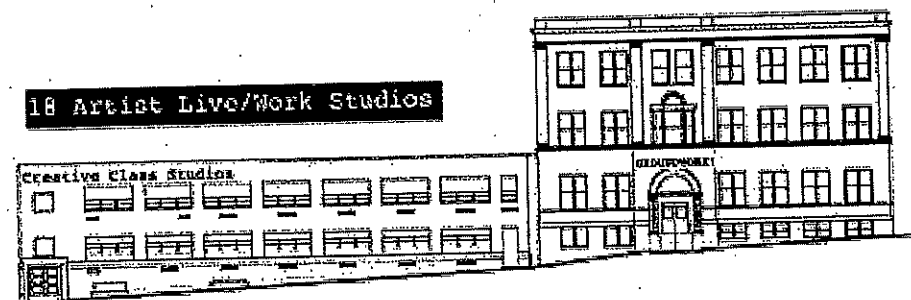
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42 Market Rate Apartments



First Floor Retail

18 Artist Live/Work Studios



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EXHIBIT 3

MARKET RATE RESIDENTIAL UNITS – PRICING PLAN

Pricing Area: OCT 642000

Proposed Initial
Monthly Rent: \$1,350

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EXHIBIT 4

TAX INCREMENT EXEMPTION -- CONFIRMATION OF CALCULATION

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

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

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

MUNICIPALITY


By: [CHIEF EXECUTIVE OFFICER]

SPONSOR


By:

By: [LEGISLATIVE BODY]

By:

Dated: _____

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EDIP Local Incentive Only Application Exhibit 1: Local Incentive Valuation

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

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

*The base value for this project is \$151,000.
Total Yearly Value of Local Tax Incentives minus PILOT = _____



CITY OF FALL RIVER
TAX INCREMENT FINANCING BOARD

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RESOLUTION APPROVING AMENDMENT OF TAX INCREMENT EXEMPTION
AGREEMENT
BY AND BETWEEN
THE CITY OF FALL RIVER
AND
MECHANICS MILL ONE, LLC

After having met at a duly called and posted Meeting on May 3, 2022, and having duly considered the draft AMENDMENT OF THE TAX INCREMENT EXEMPTION AGREEMENT BY AND BETWEEN THE CITY OF FALL RIVER AND MECHANICS MILL ONE, LLC DATED MAY 7, 2015, and attached hereto, the Tax Increment Financing Board of the City of Fall River hereby:

1. Approves, *nunc pro tunc*, the submission of the PROJECT as defined in said AMENDMENT to the provisions of Chapter 183 of the General Laws of Massachusetts; and further
2. Approves, *nunc pro tunc*, the conveyance of Condominium Unit #2 as defined in the Master Deed submitting the Property to the provisions of the Massachusetts Condominium Law with said Registry of Deeds in Book 8958, Page 174, thereby creating the Commonwealth Landing Condominium (hereinafter the "CONDOMINIUM"); and further
3. Approves the proposed Amendment of the Tax Increment Financing Agreement dated May 2022 and attached hereto; and further
4. Recommends that the Fall River City Council approve said Amendment and authorize the Mayor, as Chairman of the Tax Increment Financing Board, to execute said Amendment, and all documents necessary to effectuate said Amendment in forms acceptable to the Corporation Counsel.

Voted this 3rd day of May, 2022.

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TAX INCREMENT EXEMPTION AGREEMENT AMENDMENT

BY AND BETWEEN

THE CITY OF FALL RIVER,
MECHANICS MILL ONE, LLC,

AND

MECHANICS MILL TWO, LLC

This Agreement made this day of May, 2022, by and between the CITY OF FALL RIVER, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, acting through its Tax Increment Financing Board, having a principal place of business at One Government Center, Fall River, Massachusetts, 02722, (hereinafter called the "CITY"), and MECHANICS MILL ONE, LLC, a Massachusetts Limited Liability Company with a principal place of business at 171 Pleasant Street, Fall River, Massachusetts, 02721 (hereinafter called the "MECHANICS MILL ONE"), and MECHANICS MILL TWO, LLC, a Massachusetts Limited Liability Company with a principal place of business at 171 Pleasant Street, Fall River, Massachusetts, 02721 (hereinafter called the "MECHANICS MILL TWO"), amends the Tax Increment Exemption by and between the CITY and MECHANICS MILL ONE dated May 7, 2015 (hereinafter the "2015 TIE"). This Agreement shall take effect immediately upon final approval by the Massachusetts Department of Housing and Community Development on May , 2022.

Whereas, the CITY and MECHANICS MILL ONE executed the 2015 TIE on May 7, 2015, and pursuant to the 2015 TIE, MECHANICS MILL ONE agreed to develop a Certified Housing Development Project, as defined by Chapter 40V of the General Laws of Massachusetts and the regulations promulgated thereto, containing One Hundred Three (103) Market Rate Residential Units on the upper three (3) floors (hereinafter "the PROJECT") of the historic circa 1868 mill structure located at 1082 Davol Street, Fall River, Massachusetts (hereinafter "the PROPERTY"), as more fully described in the 2015 TIF; and

Whereas, the CITY agreed to grant a Tax Increment Exemption to the MECHANICS MILL ONE in accordance with said Chapter 40V, and the regulations promulgated thereto, as more fully described in the 2015 TIE; and

Whereas, subsequent to the execution and approval of the 2015 TIE, on May 24, 2016 MECHANICS MILL ONE recorded the Commonwealth Landing Condominium Declaration of Trust with the Bristol County (Fall River District) Registry of Deeds in Book 8959, Page 104 (hereinafter the "DECLARATION OF TRUST"), and on the same date, May 24, 2016, MECHANICS MILL ONE recorded a Master Deed submitting the Property to the provisions of the Massachusetts Condominium Law with said Registry of Deeds in Book 8958, Page 174, thereby creating the Commonwealth Landing Condominium (hereinafter the "CONDOMINIUM"); and

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Whereas, subsequent to the creation of the CONDOMINIUM, MECHANICS MILL ONE conveyed Condominium Unit 2, consisting of the upper three (3) floors of the mill structure to MECHANICS MILL TWO on June 9, 2016 by a Unit Deed recorded with said Registry of Deeds in Book 8973, Page 155 (hereinafter "CONDOMINIUM UNIT 2"); and

Whereas, Section 6(D) of the 2015 TIE prohibits MECHANICS MILL ONE from transferring any interest in the PROJECT and the 2015 TIE without first obtaining the prior written consent of the CITY, which consent shall not be unreasonably withheld, yet MECHANICS MILL ONE inadvertently did not so request, or obtain, such prior written consent; and

Whereas, Section 4(A) of the 2015 TIE sets forth the Base Value as \$3,867,100 (which inadvertently includes both the residential and commercial value of the PROPERTY) and said Base Value should have been set forth as \$1,106,910; and

Whereas, the parties hereto wish to correct said foregoing inadvertent omissions and further amend certain language of the 2015 TIE as set forth herein

Now, Therefore, in consideration of good and valuable consideration, the receipt and sufficiency of which is acknowledged, the CITY, MECHANICS MILL ONE, and MECHANICS MILL TWO agree to amend the 2015 TIE as follows:

1. The CITY hereby grants permission to MECHANICS MILL ONE, *nunc pro tunc*, to convert the Property to a condominium and to convey the Project, as described as being CONDOMINIUM UNIT 2 to MECHANICS MILL TWO.
2. The City of Fall River, acting through its Tax Increment Financing Board, with the approval of the City Council of the City of Fall River, hereby assents to the assignment and amendment, as provide herein, of the 2015 TIE Agreement to Mechanics Mill Two, LLC. (copies of the Votes of Tax Increment Financing Board and the City Council of the City of Fall River, respectively, are attached hereto and incorporated herein)
3. The parties hereto hereby amend Section 1 of the 2015 TIE by inserting the words "a portion of" immediately before the words "the Property" in the fourth line of said Section.
4. The parties hereto amend Section 2 of the 2015 TIE by inserting the following definition after the definition of "MRRU" and before the definition of "Property":

Project: Condominium Unit 2, consisting of the upper three (3) floors of the mill structure conveyed to MECHANICS MILL TWO on June 9, 2016 by a Unit Deed recorded with said Registry of Deeds in Book 8973, Page 155.

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5. The parties hereto agree to strike the definition of "Sponsor" set forth in Section 2 of the 2015 TIE and replace it with the following:

Sponsor: Mechanics Mill Two, LLC, a Massachusetts Limited Liability Company, with an address of 171 Pleasant Street, Fall River, MA, 02721, its successors and assigns.

6. The parties hereto agree to strike Section 3.A of the 2015 TIE and replace it with the following:

Substantial Rehabilitation of the Project. Sponsor will undertake the substantial rehabilitation of the Project in accordance with the work and schedule set forth in the Rehabilitation Plans.

7. The parties hereto agree to strike the word "Property" in the Section 3.D of the 2015 TIE and replace it with the word "Project".
8. The parties hereto agree to strike the word "Property" in the first line of Section 4 of the 2015 TIE and replace it with the word "Project".
9. The parties hereto agree to strike subsection A of Section 4 the 2015 TIE and replace it with the following:

A. Base Value - \$1,106,910.

10. The parties agree to strike Section 6.D. and replace it with the following:

Assignment. The Sponsor shall not assign any interest in this Agreement, and shall not transfer any interest in the same, without the prior written consent of the Municipality, which approval shall not be unreasonably withheld. The foregoing notwithstanding, the rights and obligations of this Agreement shall inure to the benefit of any entity succeeding to the interests of the Sponsor by merger. The foregoing further notwithstanding, the rights and obligations of this Agreement shall inure to the benefit of: (i) a lender of the Sponsor that succeeds to the interest of the Sponsor as a result of a foreclosure of the loan secured by the Project from the lender to the Sponsor, or (ii) the entity that succeeds to the interest of the Sponsor as a result of such foreclosure, either as a direct purchaser at such foreclosure or as the purchaser from the lender subsequent to such foreclosure.

11. The parties hereto agree to strike the name of the Sponsor entitled to notice in Section 6.E of the 2015 TIE and replace it with:

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Sponsor: Mechanics Mill Two, LLC, a Massachusetts Limited Liability Company, with an address of 171 Pleasant Street, Fall River, MA, 02721

12. The parties hereto strike "Tax Increment Exemption – Confirmation of Calculation" attached to the 2015 TIE as Exhibit 4, replace it with of the Tax Increment Exemption – Confirmation of Calculation" attached hereto as Exhibit "A", and acknowledge, and specifically ratify, the execution of the "Tax Increment Exemption – Confirmation of Calculation" nunc pro tunc.
13. The parties hereto amend Exhibit 2 as attached to the 2015 TIE by inserting the following at the end of said Exhibit:

Notwithstanding the foregoing, the Project is more specifically defined as Condominium Unit 2, consisting of the upper three (3) floors of the mill structure conveyed to Mechanics Mill Two, LLC on June 9, 2016 by a Unit Deed recorded with said Registry of Deeds in Book 8973, Page 155.

The CITY, MECHANICS MILL ONE, and MECHANICS MILL TWO hereby ratify all other provisions of the 2015 TIE not expressly amended herein.

SIGNATURES FOLLOW ON NEXT PAGE

THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.

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

TAX INCREMENT FINANCING BOARD,
CITY OF FALL RIVER

MECHANICS MILL ONE, LLC

Paul Coogan
Mayor and Chairman

Name

Date

Title

Date

Approved as to form & manner of execution:

MECHANICS MILL TWO, LLC

Alan Rumsey, Esq.
Corporation Counsel

Name

Date

Title

Date

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CITY OF FALL RIVER

TAX INCREMENT EXEMPTION - CONFIRMATION OF CALCULATION CONDOMINIUM UNIT 2, 1082 DAVOL STREET, FALL RIVER, MA

In connection with the Tax Increment Exemption Agreement dated May 7, 2015 by and between the CITY OF FALL RIVER, One Government Center, Fall River, Massachusetts, and MECHANICS MILL TWO, LLC, a Massachusetts Limited Liability Corporation with an address at 171 Pleasant Street, Fall River, MA 02721 with respect to the property at Condominium Unit #2, 1082 Davol Street, Fall River, as amended (hereinafter the "Agreement"), the parties hereby confirm the following elements of the Agreement. Unless otherwise stated, capitalized terms have the meaning set forth in the Agreement.

1. The Effective Date of the Agreement is:
2. The MRRU is: 80 %
3. The assessed value of the of the residential portion of the Property upon Completion is: _____.

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

MUNICIPALITY
CITY OF FALL RIVER

SPONSOR
MECHANICS MILL TWO, LLC
By its Manager
Mechanics MM, LLC

Paul E. Coogan
Mayor

Anthony F. Cordeiro
Manager, Mechanics MM, LLC

Pamela Laliberte-Labeau
City Council President

Dated:

Dated:

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HOUSING DEVELOPMENT INCENTIVE PROGRAM

TAX INCREMENT EXEMPTION AGREEMENT

between

City of Fall River

and

Mechanics Mill One, LLC

This AGREEMENT is made this 7th day of July, 2015 by and between the City of Fall River, ("Municipality") and Mechanics Mill One, LLC, a Massachusetts Limited Liability Company with an address at 171 Pleasant Street, Fall River, MA 02721.

Section 1 - Agreement

The Municipality and the Sponsor, for good and valuable consideration and in consideration of the covenants and agreements herein contained, hereby make this agreement regarding a tax increment exemption pursuant to the Housing Development (HD) Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 860 CMR 66.00 (HD.TIE), with respect to the Property as herein defined.

Section 2 - Definitions

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

- Act: M.G.L. c. 40V as may be amended from time to time.
- Completion: Certificates of occupancy have been issued for the entire Project.
- DHCD: Department of Housing and Community Development
- Event of Default: An "Event of Default" as defined in Section 5 below.
- Final Certification: Determination by DHCD that the Sponsor has completed the substantial rehabilitation of the Property, consistent with the Rehabilitation Plans, including the creation of MIRRUs, as set forth in the Act and the Regulations.
- Fiscal Year: An annual period of July 1 through June 30.
- HDIP AMI: Housing Development Incentive Program Area Median Income as defined at 860 CMR 66.04(2)(f)(1) and set forth in Exhibit B.
- HD Project: A Certified Housing Development Project as defined in the Act and the Regulations.
- HD Zone: The Housing Development Zone adopted by City of Fall River City Council on December 13, 2013 and approved by DHCD as evidenced by a Certificate of

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Approval dated January 10, 2014 and recorded with the Bristol County Registry of Deeds, Book 8417, Page 161.

Lead Municipality: IF APPLICABLE

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

Property: 1082 Davol Street as shown in Exhibit 1, "Map of Property" and further described in Exhibit 2, "Legal Description of Property".

Regulations: 760 CMR 66.00.

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

Sponsor: Mechanics Mill One, LLC, a Massachusetts Limited Liability Company, with an address at 171 Pleasant St, Fall River, MA 02721, its successors and assigns.

Section 3 - Sponsor's Covenants

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

B. Market Rate Residential Units.

1) There shall be a total of 103 residential rental units created in the Project of which 103 shall be MRRUs comprised of 66 - one bedroom, 28' - two bedroom and 9 - three bedroom apartments. The monthly rent for such units shall be priced to be affordable to households at not less than 110% of HDIP AMI, as set forth in Exhibit 3, "Market Rate Residential Units - Pricing Plan".

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

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

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

Section 4 - Tax Increment Exemption

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

A. Base Value, \$3,867,100.

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

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

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

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

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

Section 5 - Default

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

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

2) Breach of Covenant Subsequent to Final Certification. Subject to the limitations set forth in the Regulations at section 66.05(5), and as determined by DHCD, Sponsor's conduct is materially at variance with the representations made in its Rehabilitation Plans; such variance is found to frustrate the public purposes that Final Certification was intended to advance, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

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

B. Rights on Default.

1) Prior to Final Certification. Upon the occurrence of an Event of Default prior to Final Certification, then this Agreement shall become null and void.

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2) Subsequent to Final Certification. Upon the occurrence of an Event of Default subsequent to Final Certification, then:

a. Revocation of Certification. Pursuant to the terms of the Act, the Municipality, may, at its sole discretion, request that DHCD revoke the Final Certification of the Project, such revocation to take effect on the first day of the fiscal year in which DHCD determines that a material variance commenced.

b. Termination of Agreement. Upon revocation of certification, this Agreement shall become null and void as of the effective date of such revocation.

c. Recoupment of Economic Benefit. Upon revocation of certification, the Municipality may bring a cause of action against Sponsor for the value of any economic benefit received by Sponsor prior to or subsequent to such revocation.

3) Other Remedies. The Municipality's rights upon the occurrence of an Event of Default are in addition to those granted to DHCD and the Massachusetts Commissioner of Revenue under the terms of the Act.

Section 6 - Miscellaneous

A. Effective Date. The effective date of the HD TIE shall be July 1st of the first Fiscal Year following DHCD's Final Certification of the HD Project pursuant to the requirements of the Act and the Regulations, which date is anticipated to be July 1, 2017. The Effective Date shall be confirmed as required in paragraph F, below.

B. Term of Agreement. This Agreement shall expire upon the Municipality's acceptance of the annual report, as required below, for the final Fiscal Year for which the Municipality is granting the TIE.

C. Reporting. Sponsor shall submit reports to the Municipality not later than thirty (30) days after June 30 of each Fiscal Year for the term of this Agreement. Each report shall contain the following information:

- 1) Until Completion, the status of construction in relation to the schedule contained in the Rehabilitation Plan;
- 2) Until Completion, the status of marketing in relation to the Rehabilitation Plans; and
- 3) For each MRRU, the number of bedrooms in the unit, whether it was leased as of the end of the most recent fiscal year and the monthly rent charged.

D. Assignment. The Sponsor shall not assign any interest in this Agreement, and shall not transfer any interest in the same, without the prior written consent of the Municipality, which approval shall not be unreasonably withheld. The foregoing notwithstanding, the rights and obligations of this Agreement shall inure to the benefit of any entity succeeding to the interests of the Sponsor by merger.

E. Notices. Any notice, request, instruction or other document to be given hereunder to either party by the other shall be in writing and delivered personally or sent by recognized overnight courier, receipt

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confirmed or sent by certified or registered mail, postage prepaid, as follows, and shall be conclusively deemed to have been received and be effective on the day on which personally delivered or, if sent by certified or registered mail, three (3) days after the day on which mailed or, if sent by overnight courier, on the day after delivered to such courier.

- 1) Municipality: City of Fall River, Government Center, Fall River, MA 02721
- 2) Sponsor: Mechanics Mill One, LLC, 171 Pleasant St, Fall River, MA 02721
- 3) Copy to DHCD: All such notices shall be copied to DHCD at:

Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02124
ATTN: Associate Director, Housing Development

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

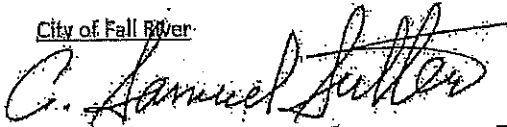
F. Modifications. No modification or waiver of any provision of this Agreement, nor consent to any departure by the Sponsor therefrom shall in any event be effective unless the same shall be in writing, and then such waiver or consent shall be effective only in the specific instance and for the purpose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

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

[SIGNATURES ON NEXT PAGE]

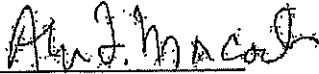
MDIP -- Form of Tax Increment Exemption Agreement -- RENTAL
(Name of Municipality & Property Reference)

City of Fall River

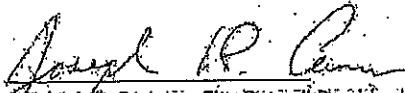


By: C. Samuel Sutter, Mayor

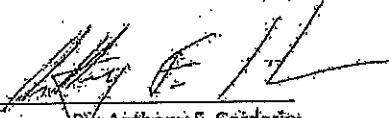
Mechanics Mill One, LLC



By: Alan F. Macomber



By: Joseph Camara, City Council President



By: Anthony F. Corderio

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


EXHIBIT 1

MAP OF PROPERTY

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HD ZONE DEVELOPMENT ACTIVITIES

HD ZONE 

Commonwealth Landing

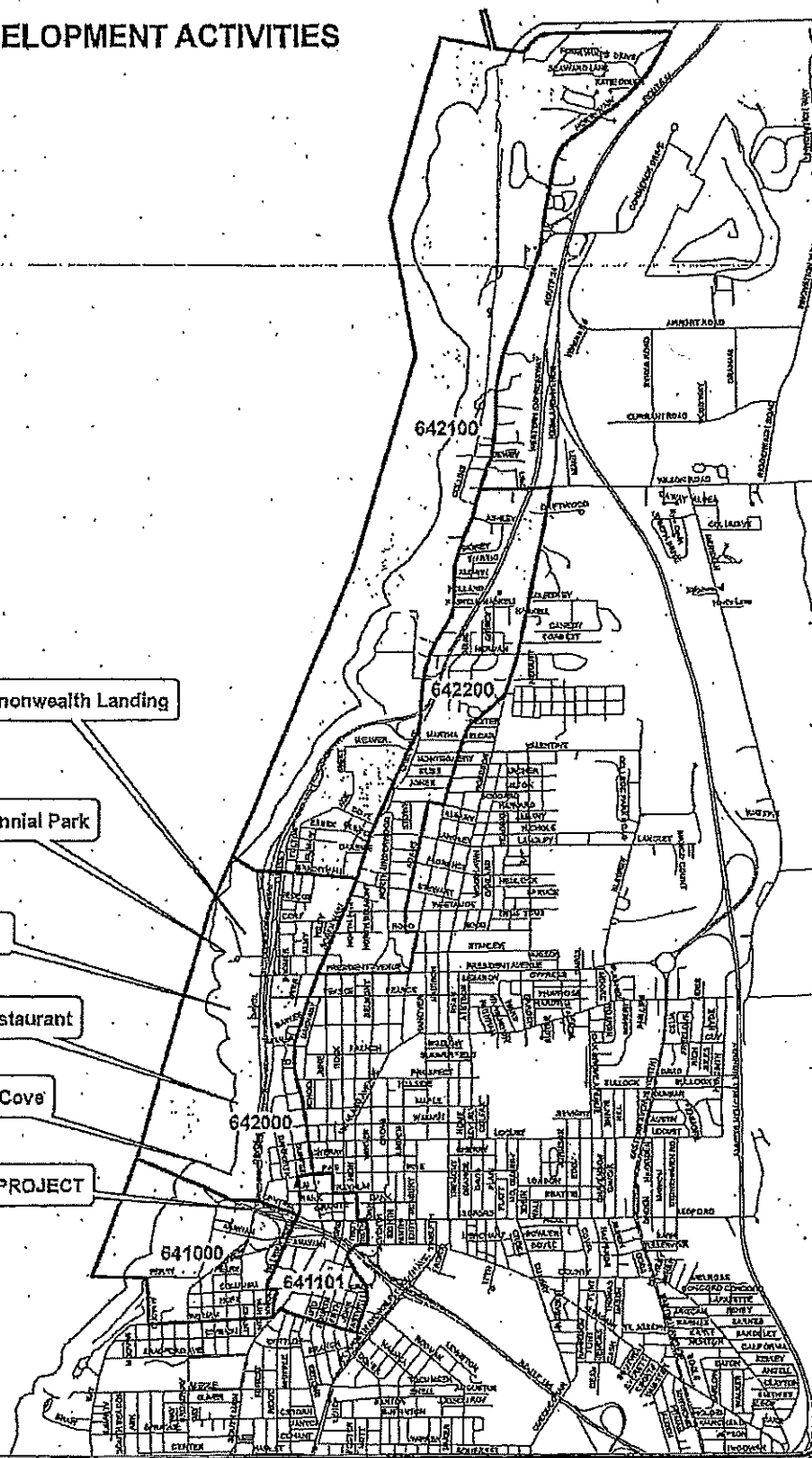
Bicentennial Park

City Pier

Regatta Restaurant

Battleship Cove

ROUTE 79 PROJECT



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EXHIBIT 2

DESCRIPTION OF PROPERTY

Mechanics Mill, located at 1082 Davol Street, Fall River, MA was purchased at auction in 2010. The five and a half story historic structure was built in 1868 and was most recently occupied by the now bankrupt Quaker Fabrics. The developers envisioned a mixed use redevelopment of the structure with commercial and retail occupying the first two floors plus the lower level and residential occupying the upper three floors.

The developers submitted and received approval for a two phase historic re-habilitation project from the National Park Service and the Massachusetts Historical Commission. Phase 1 with retail/office space was put in service in December 2013. Phase 2 of the re-development will be residential loft apartments on the top three floors.

The developers invested \$8M exclusive of the purchase price to develop commercial and retail on the lower level and floors one and two as well as most of the site work. Commercial tenant capital investment in the project represents an additional \$3.5M. The total cost to purchase the property and redevelop 105,000 square feet of the building was \$13M.

There are two restaurants on site, Jerry Remy's Sports Bar and Grill and Red Cedar, a brick oven casual dining establishment. Both restaurants have a full liquor license and outdoor seating with water views.

Two artist studios are on the first floor, Brian Fox Gallery and Leatherwood Photography. A salon, boutique and worship center round out the retail components in the building.

Three large commercial tenants occupy the rest of the commercial space; Bristol Community College, Arbour Healthcare and Community Connections Inc.

The majority of site work, common core and shell were completed as part of phase 1.

The top three floors are currently vacant run down mill space. Phase 2 will require an additional investment of \$18.8M to develop 103 residential market rate apartments. The balance of the site work, common core and shell will be completed during phase 2, including a new roof, two additional elevators, and a resident lobby entrance, leasing office, re-pointing and adding windows.

The apartment design including kitchen, bathroom, flooring, sound proofing and lighting will feature granite countertops, hardwood floors, stainless steel appliances, high ceilings, large bedrooms and closets and open floor plans will be standard.

City Side One Bedroom - 48 Units ~ 830 SF

Water Side One Bedroom - 18 Units ~ 760 SF

Water Side Two Bedroom - 20 Units ~ 1,150 SF

Town House - 17 Units ~ 1,760 SF

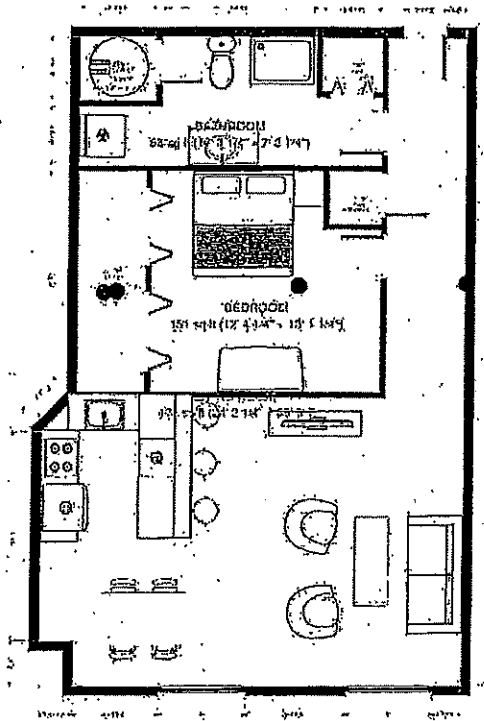
Lobby and two additional Elevators

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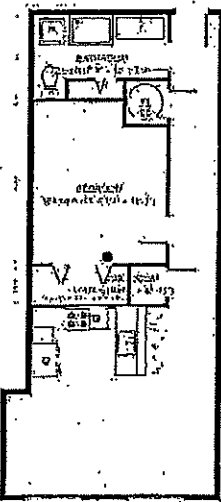
1 EAST ELEVATION
1/4" = 1'-0"

CITY SIDE ONE BEDROOM - 48 UNITS - 830 SF

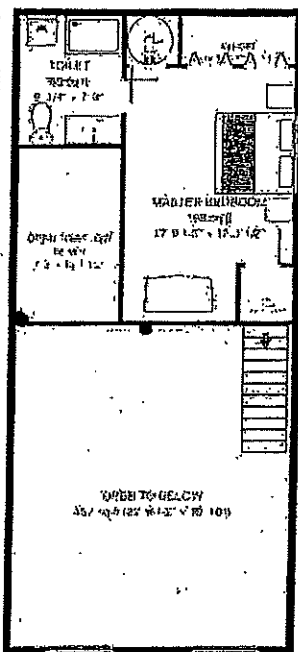


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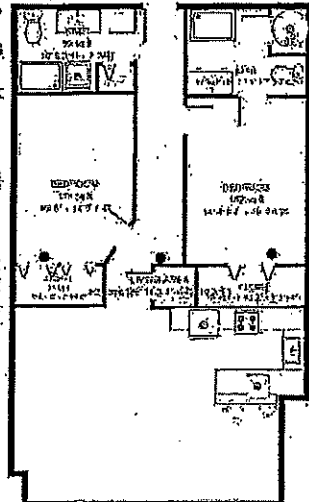
WATER SIDE
ONE BEDROOM
18 UNITS/760 SF



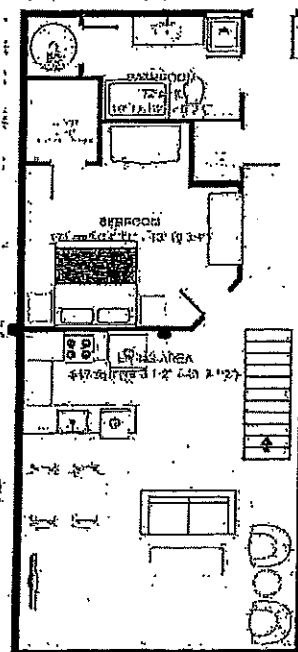
WALK IN LEVEL
17 UNITS



WATER SIDE
TWO BEDROOM
20 UNITS/1,160 SF



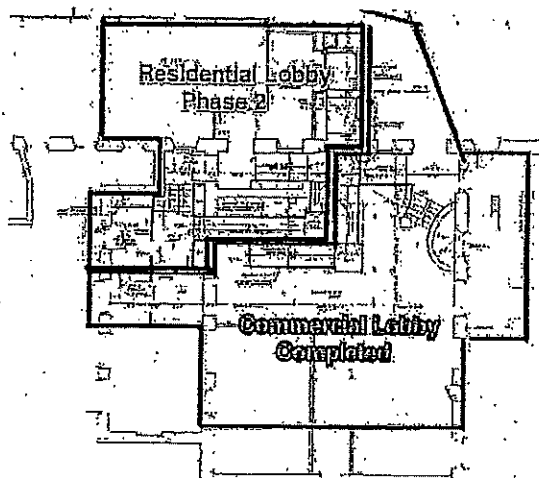
TOWN HOUSE UPSTAIRS
1,760 SF



TOWN
HOUSE

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LOBBY AND TWO ADDITIONAL ELEVATORS



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EXHIBIT 3

MARKET RATE RESIDENTIAL UNITS - PRICING PLAN

HDIP AMI: \$35,482, as may be amended from time to time consistent with changes in the Pricing Area.

Pricing Area: QCT 642000

Proposed Initial
Monthly Rent: \$1275

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EXHIBIT 4

TAX INCREMENT EXEMPTION -- CONFIRMATION OF CALCULATION

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

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

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

MUNICIPALITY

SPONSOR

By: [CHIEF EXECUTIVE OFFICER]

By: _____

By: [LEGISLATIVE BODY]

By: _____

Dated: _____