

# City of Fall River Massachusetts

## Office of the City Clerk

**ALISON M. BOUCHARD**  
CITY CLERK

**INÊS LEITE**  
ASSISTANT CITY CLERK

### REGULAR MEETING OF THE CITY COUNCIL

**MEETING:** Tuesday, December 4, 2018 at 7:00 p.m.  
Council Chamber, One Government Center

**PRESENT:** President Cliff Ponte, presiding;  
Councilors Shawn E. Cadime, Joseph D. Camara, Steven A. Camara,  
Bradford L. Kilby, Pam Laliberte-Lebeau, Stephen R. Long,  
Leo O. Pelletier and Derek R. Viveiros

**ABSENT:** None

**IN ATTENDANCE:** None

President Cliff Ponte called the meeting to order at 7:24 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 requesting confirmation of the appointment of John Perry as Director of Community Maintenance  
*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to confirm the appointment.*
2. Mayor and loan order – \$750,000 Community Preservation Act Bio Reserve Project  
*A motion made by Councilor Stephen R. Long and seconded by Councilor Bradford L. Kilby to authorize the loan order to be published and referred to the Committee on Finance was objected to by Councilor Shawn E. Cadime and laid on the table until the next meeting in accordance with the City Charter.*
3. Mayor requesting confirmation of the appointment of Christine P. Blair-Cyr to the Urban Tree Commission  
*Councilor Steven A. Camara asked if Ms. Blair-Cyr was on any other boards or commissions. The City Clerk stated that she was not. Councilor Steven A. Camara then stated that he would like to see candidates with more expertise in the field that they are appointed to. He also stated that this candidate has an excellent educational background, however no experience regarding tree planting or maintenance. A motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier to confirm the appointment was objected to by Councilor Shawn E. Cadime and laid on the table until the next meeting in accordance with the City Charter.*

#### **PRIORITY COMMUNICATIONS**

4. Traffic Commission recommending amendments to the traffic ordinances  
*Councilor Steven A. Camara requested that copies of all recommendations be provided in the agenda packets. A motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long to refer the amendments to the Committee on Ordinances and Legislation was objected to by Councilor Shawn E. Cadime and laid on the table until the next meeting in accordance with the City Charter.*

#### **COMMITTEE REPORTS** – None

#### **ORDINANCES** – None

#### **RESOLUTIONS**

5. Administration declare reprieve of the PAYT program for one week from  
December 26, 2018 to January 2, 2019  
*A motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long to adopt the resolution was objected to by Councilor Shawn E. Cadime and laid on the table until the next meeting in accordance with the City Charter.*

#### **CITATIONS** – None

#### **ORDERS – HEARINGS** – None

#### **ORDERS – MISCELLANEOUS**

6. Police Chief's report on licenses:  
2018 Taxicab Driver:  
Diamond Jackson-Mesidor

2019 Taxicab Driver:  
Diamond Jackson-Mesidor

*A motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long to adopt the order was objected to by Councilor Shawn E. Cadime and laid on the table until the next meeting in accordance with the City Charter.*

#### **COMMUNICATIONS – INVITATIONS – PETITIONS**

7. Claims  
*A motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau to refer the claims to Corporation Counsel was objected to by Councilor Shawn E. Cadime and laid on the table until the next meeting in accordance with the City Charter.*
8. Communication from city resident regarding recycling at condominiums  
*A motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier to refer the communication to the Committee on Health and Environmental Affairs was objected to by Councilor Shawn E. Cadime and laid on the table until the next meeting in accordance with the City Charter.*

#### **BULLETINS – NEWSLETTERS – NOTICES** – None

**ITEMS FILED AFTER THE AGENDA WAS PREPARED:**  
**CITY COUNCIL MEETING DATE: DECEMBER 4, 2018**

**OTHER POTENTIAL MATTERS (to be acted upon if recommendation is received)**

**Committee on Real Estate recommendation(s):**

4a. Order re: gift of 80-84 North Main Street

Communication from Mayor requesting parking facilities controlled by the Fall River Redevelopment Authority be transferred back to the City

*Councilor Leo O. Pelletier stated that this is the second time the item has been before the City Council and he still feels that it is way too much money for the taxpayers to take this building over. The building needs boilers, asbestos removal, new roof and many other items. The City would have to keep it for three years and the elevators don't work, it is not handicapped accessible.*

*Councilor Steven A. Camara then stated that he voted no to recommend that the item be granted leave to withdraw, because he feels that it is an opportunity to make sure that a very important historical structure in the city remains in the City's hands. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was voted 8 yeas, 1 nay that the order be granted leave to withdraw, with Councilor Steven A. Camara voting in the negative. Councilor Shawn E. Cadime then objected, but was informed by the City Clerk that the matter had been before the City Council previously and an objection was not appropriate.*

*The Council President called for a recess at 7:39 p.m. and the City Council reconvened at 7:40 p.m.*

**PRIORITY MATTERS**

3a. Mayor requesting re-approval of TIF for Millstone Medical Outsourcing LLC

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the agreement.*

*Approved, December 5, 2018, Mayor Jasiel F. Correia II*

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn at 7:42 p.m.*

**List of documents and other exhibits used during the meeting:**

Agenda packet (attached)

DVD of meeting

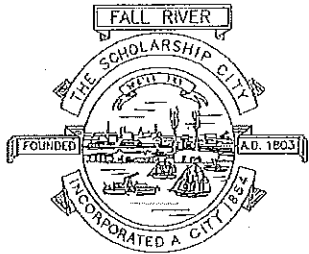
A true copy. Attest:



City Clerk

In City Council, January 8, 2019  
Approved.





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

RECEIVED  
2018 NOV 30 P 2:27  
CITY CLERK  
FALL RIVER, MA

**ALISON M. BOUCHARD**  
CITY CLERK

**INÊS LEITE**  
ASSISTANT CITY CLERK

**MEETINGS SCHEDULED**  
**CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**  
**TUESDAY, DECEMBER 4, 2018**  
**AGENDA**

**4:00 P.M. COMMITTEE ON REAL ESTATE MEETING**

**6:00 P.M. COMMITTEE ON FINANCE (OR IMMEDIATELY FOLLOWING COMMITTEE ON REAL ESTATE MEETING SHOULD IT RUN PAST 6:00 P.M.)**

1. Citizen Input
2. \*Resolution – Discuss winter snow plowing (tabled 3-27-18)
3. \*Resolution – Corporation Counsel discuss claims and process for payments (adopted 4-10-18)
4. \*Resolution – Corporation Counsel discuss status of Open Meeting Law complaints (adopted 2-21-17)

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

**PRIORITY MATTERS**

1. \*Mayor requesting confirmation of the appointment of John Perry as Director of Community Maintenance
2. \*Mayor and loan order – \$750,000 Community Preservation Act Bio Reserve Project
3. \*Mayor requesting confirmation of the appointment of Christine P. Blair-Cyr to the Urban Tree Commission

**PRIORITY COMMUNICATIONS**

4. Traffic Commission recommending amendments to the traffic ordinances

**COMMITTEE REPORTS – None**

**ORDINANCES – None**

**RESOLUTIONS**

5. \*Administration declare reprieve of the PAYT program for one week from December 26, 2018 to January 2, 2019

**CITATIONS – None**

**ORDERS – HEARINGS - None**

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

One Government Center • Fall River, MA 02722  
TEL 508-324-2220 • FAX 508-324-2211 • EMAIL [city\\_clerks@fallriverma.org](mailto:city_clerks@fallriverma.org)

**ORDERS – MISCELLANEOUS**

6. Police Chief's report on licenses:  
2018 Taxicab Driver:  
Diamond Jackson-Mesidor
- 2019 Taxicab Driver:  
Diamond Jackson-Mesidor

**COMMUNICATIONS – INVITATIONS – PETITIONS**

7. \*Claims
8. \*Communication from city resident regarding recycling at condominiums

**BULLETINS – NEWSLETTERS – NOTICES – None**

  
City Clerk

**ITEMS FILED AFTER THE AGENDA WAS PREPARED:**  
**CITY COUNCIL MEETING DATE: DECEMBER 4, 2018**

**OTHER POTENTIAL MATTERS (to be acted upon if recommendation is received)**

Committee on Real Estate recommendation(s):

Order re: gift of 80-84 North Main Street

Communication from Mayor requesting parking facilities controlled by the Fall River  
Redevelopment Authority be transferred back to the City

WHEREAS, the City of Fall River just had a winter storm, and

WHEREAS, the response time in combination with the lack of manpower and the potential concern with funding was apparent, now therefore

BE IT RESOLVED, that the Administration, Director of the Department of Community Maintenance, the Director of Streets and Highways, and representatives from MassDOT's Highway Division District 5 office be invited to a future meeting of the Committee on Finance to discuss any funding concerns with the Snow and Ice account, the process for winter storm preparation and operations of the current winter storm, changes in the process from prior fiscal years, manpower numbers including private vendors, the reason why there was a lack of manpower, and provide a detailed summary of the number of plow drivers that were called at this most recent storm in comparison to snow storms in recent years.

CITY OF FALL RIVER  
IN CITY COUNCIL

JAN - 9 2018

*referred to the Committee  
on Finance per amended*

*1-23-18  
tabled  
3-27-18  
tabled*

(Councilor Leo O. Pelletier)

BE IT RESOLVED, that the Corporation Counsel be invited to a future meeting of the Committee on Finance to discuss claims and the process for payments.

In City Council, April 10, 2018  
Adopted, 9 yeas.

A true copy: Attest:

*Alison M. Bouchard*

City Clerk



(Councilor Pam Laliberte-Lebeau)  
(Councilor Linda M. Pereira)

WHEREAS, several Open Meeting Law complaints have been filed regarding the City Council, and

WHEREAS, these complaints have been referred to Corporation Counsel for action, now therefore

BE IT RESOLVED, that the Committee on Finance convene with Corporation Counsel to review the process of answering these complaints and the current status on any complaints filed beginning January 1, 2016.

In City Council, February 21, 2017  
Adopted

A true copy. Attest:

  
City Clerk



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

RECEIVED

2018 NOV 30 P 12:45

CITY CLERK  
FALL RIVER, MA

**JASIEL F. CORREIA II**  
*Mayor*

November 30, 2018

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

Dear Madam Clerk:

I hereby make the following appointment:

Name: John Perry

Address: 155 Old Pine Hill Rd, Westport MA 02790

To: Director of Community Maintenance

Effective Date: December 10, 2018

Salary: \$90,000 per contract

Sincerely,

Jasiel F. Correia II  
Mayor

Human Resources

**JOHN A. PERRY JR.**  
**155 Old Pine Hill Rd.**  
**Westport, MA 02790**  
**508-922-6718**

## **Objective**

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To obtain the position of Director of Community Maintenance, in order to continue improving department standards, efficiency and to realize department goals and objectives moving forward to improve the department.

## **Education**

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**1989-1993** *Diman Regional Vocational Technical H.S. Fall River, MA*

- Electronic Technology
- Graduated Dean's List

## **Experience**

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**2012-2016**      **City of Fall River D.P.W.**      **Fall River, MA**  
**Director of Operations**

- Oversee day to day operations for the D.P.W.
- Work in tandem with DCM Director to accomplish department goals and objectives.
- Monitor budget to ensure efficiency and stay within designated budgeting figures and line items

**2005-2012**      **City of Fall River D.P.W.**      **Fall River, MA**  
**Supervisor**

- Oversee day to day operations of collection and street maintenance.
- Working with all departments in order to ensure the success of city projects and functions.
- Assists Director in all aspects of department operations.

**2002-2005**      **City of Fall River D.P.W.**      **Fall River, MA**  
**Working Foreman**

- Worked directly with all 1088 employees to ensure completion of all phases of department responsibilities.
- Implemented new collection method after landfill closure, to ensure completion of collections.

- Absorbed the responsibilities carried by three former working foreman due to retirements.

2000-2002

City of Fall River D.P.W.

Fall River, MA

#### Driver/Laborer

- Responsible for the completion of refuse collection route as a licensed driver.
- Labored whenever needed for refuse, street repair, cleanups, city functions and projects.
- Responsible for maintaining reuse truck provided by the city. Including all paperwork required for said refuse truck.

#### Interests

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While my interests are many, my understanding of the dedication and sacrifice necessary to perform at this position allows me only one true pastime which has to be a continuing effort to grow and excel at all aspects this position such as this entails.

1

**DIRECTOR OF COMMUNITY MAINTENANCE**  
**PUBLIC WORKS DEPARTMENT**

**JOB DESCRIPTION:**

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

Responsibility may include direct supervision of Street Maintenance; oversight of Engineering, Traffic, Trees, Parks and Cemetery.

**ESSENTIAL DUTIES & RESPONSIBILITIES:**

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

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

Maintain contact and work with the Director of Human Resources to insure that the parks and Community Maintenance employees receive instruction, training, and assistance with the department's procedures, performance standards, department or governmental rules, regulations and policies affecting their work. Participate in Collective Bargaining negotiations. Enforce disciplinary policies.

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

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

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

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

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

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

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

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

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

**MINIMUM QUALIFICATIONS:**

Candidates should have six (6) years of experience in a supervisory or management capacity; a degree in business/public administration or related field from an accredited institution of higher education; experience with street sidewalk construction; other equivalent experience will be considered.

**NECESSARY KNOWLEDGE, SKILLS & ABILITIES:**

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

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

Skills in budget management and capital planning.

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

**PHYSICAL ENVIRONMENT:**

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

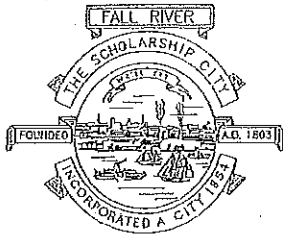
Normal office environment, not subject to extremes in temperatures, noise, odors, etc.

Regular interruptions to assist citizens.

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

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

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



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

2

RECEIVED

2018 NOV 29 P 2:14

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

**JASIEL F. CORREIA II**  
*Mayor*

November 29, 2018

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

Dear Councilors:

Please find enclosed the Loan Authorization to purchase 2 parcels of land that is being funded by CPC Funding:

- 861 Indian Town Road; Lot W-24-0001
- 75 Yellow Hill Road; Lots W-38-0050 and W-38-0051 (excluding the house and barn and 2-5 acres to be sub-divided).

861 Indian Town Road, Lot number W-27-0001 is within the Bioreserve and the watershed of the North Watuppa Pond. The Lot would be retained for conservation purposes adding to the Bioreserve and serving to continue future protection of our primary water supply. The lot is 16 acres and is entirely upland. The lot consists of a mature pine-oak forest. The parcel is contiguous to other protected lands. Funding is planned via the Community Preservation Plan. The proposed purchase/sale agreement and appraisal report are attached. The appraisal value was \$365,000. The agreed purchase price is \$325,000.

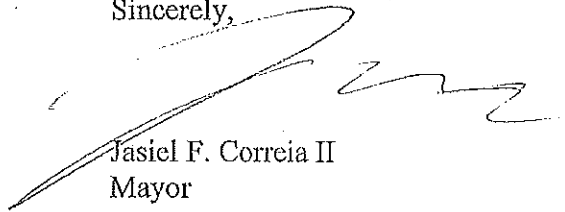
75 Yellow Hill Road, Lot numbers W-38-0050 and 51 are within the area of the Copicut Reservoir. The Lots would be retained for conservation purposes. The lot is 36 acres and consists of upland pine-oak forest, two abandoned agricultural fields and a small forested wetland. The parcel is proximal to other protected lands. The house, barn and 2-5 acres shall be sub-divided and not included in the purchase. Funding is planned via the Community Preservation Plan. The proposed purchase/sale agreement and appraisal report are attached. The appraisal value was \$425,000. The agreed purchase price is \$400,000.

2

The Authorization amount is for \$750,000 for the purchase of these properties that was approved by CPC and the City Council. This is for a 10 Year bond to be paid by CPC funding with and annual payment by CPC for \$78,000 (CPC contract attached).

Please contact me or Mr. Ferland if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jasiel F. Correia II', written over the printed name.

Jasiel F. Correia II  
Mayor



# City of Fall River, *In City Council*

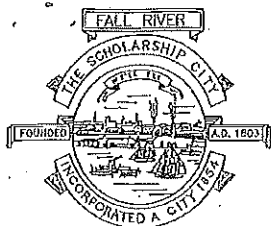
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## LOAN ORDER: COMMUNITY PRESERVATION ACT (Bio Reserve Project)

ORDERED: That the City appropriates the amount of Seven Hundred Fifty Thousand (\$750,000) for the purpose of purchasing land for the Bio Reserve Project including the payment of all cost incidental or related thereto. To meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority, and,

To meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said sum under and pursuant to M.G.L. Chapter 44 Section 7(9), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor, Any premiums received by the City upon the sale of any bonds or notes approved by this vote, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

BE IT FURTHER ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of the Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bond of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.



2

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

**JASIEL F. CORREIA II**  
*Mayor*

**CITY OF FALL RIVER  
COMMUNITY PRESERVATION ACT  
OPEN SPACE AWARD AGREEMENT**

**JAMES SOUZA**  
Chairman  
**ANTONE DIAS**  
Vice-Chairman

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

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

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

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

Land Acquisition:

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

**Located in the Bio Reserve, Fall River, MA 0272**

**Refer to Funding Application for details**

Date of City Council Approval: August 23, 2018

This award is subject to the following terms and conditions:

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

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

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

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

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

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

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

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

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

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

For Open Space Conservation and Outdoor Recreation Projects:

Conservation Restrictions

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

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

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

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

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

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

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

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

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

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

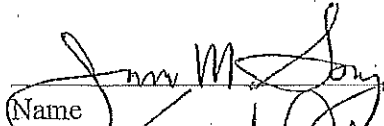
8. Community Preservation Act Awareness: If applicable, the recipient agrees to allow a sign to be posted on the property during the period of this agreement until thirty days after its completion. Recipient shall also identify that the project was funded through the City of Fall River Community Preservation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

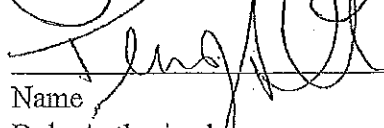
9. No Assignment: This agreement may not be assigned without the written approval of the City of Fall River.

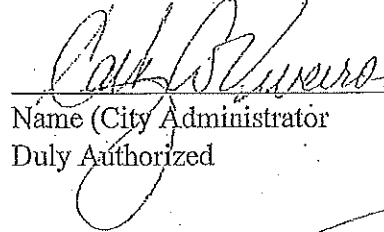
10. Entire Agreement: The agreement constitutes the entire agreement between the parties and may be amended only in writing executed by both parties. The signatory avers that he has authority to execute this agreement on behalf of the recipient.

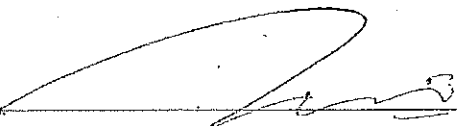
Executed on \_\_\_\_\_ 2019

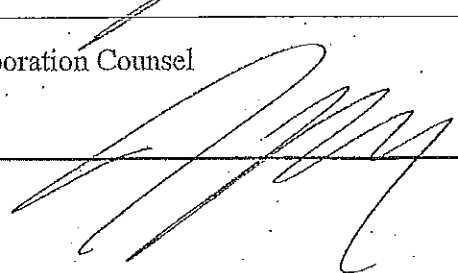
By: The City of Fall River, Community Preservation Committee acting by and through the Fall River Dept. of Community Utilities

Grantor:  10/23/18  
Name Date

Grantee:  10-15-18  
Name Date  
Duly Authorized

Grantee:  10-18-18  
Name (City Administrator Date  
Duly Authorized

Jasiel F. Correia II, Mayor:   
Date

Joseph Macy, Corporation Counsel  10/15/18  
Date

City of Fall River, *In City Council*

2

ORDERED, that the Mayor is hereby authorized to acquire the property identified as 75 Yellow Hill Road, Assessor Parcel Numbers W-38-0050 and W-38-0051 in Fall River, Massachusetts subject to any changes and final approval by the Corporation Counsel. The acquisition and ownership of said lot will provide a location for future conservation protection for the Community Utilities Department.

In City Council, September 11, 2018  
Adopted.

Approved, September 13, 2018  
Jasiel F. Correia, II, Mayor

A true copy, Attest:

*Alison M. Bouchard*

City Clerk

ORDERED, that the Mayor is hereby authorized to acquire the property identified as 861 Indian Town Road, Assessor Parcel Number W-24-0001 in Fall River, Massachusetts subject to any changes and final approval by the Corporation Counsel. The acquisition and ownership of said lot will provide a location for future conservation protection for the Community Utilities Department.

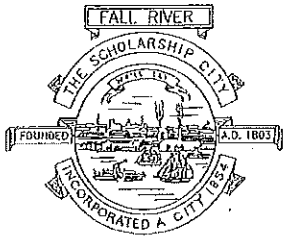
In City Council, September 11, 2018  
Adopted.

Approved, September 13, 2018  
Jasiel F. Correia, II, Mayor

A true copy. Attest:

*Alison M. Bouchard*

City Clerk



City of Fall River  
Massachusetts  
Office of the Mayor

3

RECEIVED

2018 NOV 29 A 9:56

CLERK  
FALL RIVER, MA

JASIEL F. CORREIA II  
Mayor

November 29, 2018

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

RE: **Urban Tree Commission.**

Mr. President and Members of the Honorable Council:

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

Christine P Blair - Cyr  
385 President Avenue  
Fall River, MA 02720

As a member of the Urban Tree Commission with a term commencing 11/29/2018 and expiring 11/29/2020.

Thank you for your favorable consideration in this regard.

Jasiel F. Correia II  
Mayor



3

Christine P Blair-Cyr  
385 President Avenue  
Fall River, MA USA 02720  
Telephone: 508 674-6193 cell: 774-526-4064

Background:

Present  
Holy Name School  
Fall River MA  
Computer Technology Teacher

2007-2014  
BMC Durfee High School  
Fall River MA  
Biology/Chemistry Teacher  
Assessment Center (MCAS position)

2005-2007  
Ste. Trinity College  
Cambridge shire, England  
Teacher - Business and ITT Computer Applications and Design

1995-2003      2005-2007 (layoff in between years)  
Diman Regional Vocational Technical High School  
251 Stonehaven Road, Fall River, MA 02723

Certified Massachusetts Department of Education Graphic  
Arts/Communications, Visual Design  
Desktop Publishing  
Business - Computers - PC and Mac  
Coach- Girls Varsity Volleyball, Girls Basketball  
Skills USA/VICA Advisor - Chapter Business Procedures -

City of Fall River, Teen works Summer Program 2009-2013  
Supervisor

\*Managing students working in the city with sign designs, art,

2002-2005  
Bishop Connolly High School  
277 Elsbree Street, Fall River, MA 02720  
Coach- Girls Varsity Volleyball, Boys Varsity Tennis

1985-present  
Graphic Glz Images Design  
Owner, designer, entertainment planner

1982-1995  
Fall River/New Bedford Real Estate Journal  
Co-owner Design Photoshop, computer

3

Educational Background:

Fitchburg State College  
Graphic Communications/Teacher  
Human Relations Teacher/Arts  
University of Massachusetts/Dartmouth/Boston  
Health and Human Relations  
Graphic Design/Teacher  
Bristol Community College/Fall River MA  
Health and Human Relations  
Business  
BMC Durfee High School/Fall River, MA  
1979 Graduate/Business

Certifications:

Massachusetts Department of Education - Teaching Computer/  
Graphic Arts/84 # 502-7922  
Special Needs in the Classroom  
Nutritionist  
Coach

Special Interest:

Holy Name School - Volunteer PTO  
Treasurer - Fall River Ride to Remember  
Veterans Association, Pine St Fall River MA  
Faxon Animal Shelter Fall River MA  
Associate - Miss Massachusetts Scholarship Program  
Associate - Miss America Scholarship Program  
Massachusetts Vocational Association officer and member

\*traveled abroad to England, Germany and Ireland during school breaks and summer working in class rooms as a teacher to learn additional curriculum and teaching skills in foreign countries

# City of Fall River, *In City Council*

(Councilor Pam Laliberte-Lebeau)

5

WHEREAS, during the holiday season residents have a greater amount of trash due to wrapping paper, gift boxes and food items, and

WHEREAS, the pay-as-you-throw program can be difficult during this time of the year, now therefore

BE IT RESOLVED, that the Administration declare a reprieve of the pay-as-you-throw program for one week from Wednesday, December 26, 2018 through Wednesday, January 2, 2019 with advance notice being publicized so that residents are informed ahead of time.



City of Fall River  
Notice of Claim

RECEIVED

2018 NOV 20 A 10:18

CITY CLERK 18-176  
FALL RIVER, MA

1. Claimant's name: Norvala Luzitano
2. Claimant's complete address: 818 Middle St apt 303 F.R. MA 02721
3. Telephone number: Home: 508 678 6328 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Hit pothole
5. Date and time of accident: Nov 18-2018 Amount of damages claimed: \$ 450.00
6. Exact location of the incident: (include as much detail as possible):  
Warren St, heading west, just after  
Warren St, heading west, just after
7. Circumstances of the incident: (attach additional pages if necessary):  
Heading home from Wal Mart, normal rate  
of speed (40), light traffic, deep pothole,  
pothole made very hard
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 11-20-18

Claimant's signature: Norvala Luzitano

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.

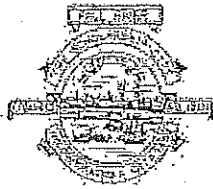
Return this from to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722

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

For official use only:

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

Date: 11/20/18



City of Fall River  
Notice of Claim

RECEIVED

2018 NOV 21 A 11:41

CITY CLERK 18-177  
FALL RIVER, MA

1. Claimant's name: Melanie Oliveira
2. Claimant's complete address: 49 Anthony St Somerset, MA 02725
3. Telephone number: Home: 508-207-447-7181 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
pothole on N Main St
5. Date and time of accident: Nov 2018 1130am Amount of damages claimed: \$ \$8.00 (Damage)  
Total: 78.00 \$200 on hubcap not yet purchased
6. Exact location of the incident: (include as much detail as possible):  
N Main St outside 1567 N. Main St Fall River, MA
7. Circumstances of the incident: (attach additional pages if necessary):  
pulled over a the pothole on N Main St  
outside 1567 W. Main St ripped open my front  
passenger side tire.  
It also ruined the hubcap which I have not yet replaced
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 11/21/2018

Claimant's signature: Melanie Oliveira

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, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722

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

For official use only:

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

Date: 11/21/18



RECEIVED

2018 NOV 28 A 10:48

CITY CLERK  
FALL RIVER, MACity of Fall River  
Notice of Claim

1. Claimant's name: Pamela Santos
2. Claimant's complete address: 25 CROSS ROAD NO. Dartmouth MA 02747
3. Telephone number: Home: 508994-7478 Work: 5089618256
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Pot hole damage to right tire
5. Date and time of accident: 11-6-18 6pm Amount of damages claimed: \$ 73.92
6. Exact location of the incident: (include as much detail as possible):  
NEW BOSTON ROAD AND EASTERN AVE
7. Circumstances of the incident: (attach additional pages if necessary): I was on New Boston Road stopped at lights when making a left hand turn on to Eastern Ave my car fell into something heard a bang so it was dark and there where no cone's or steel plates covering whatever it was my car fell into. I made it home by that time my tire was flat →
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 diagram

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: 11-26-18

Claimant's signature: Pamela Santos

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, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722

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

For official use only:

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

Date: 11-28-18



RECEIVED

2019 NOV 29 P 12:12

# City of Fall River Notice of Claim

CITY CLERK 18-179  
FALL RIVER MA

1. Claimant's name: Progressive Direct Insurance Company a/s/o REED, MARYELLEN
2. Claimant's complete address: PO BOX 512929 LOS ANGELES, CA 90051
3. Telephone number: Home: \_\_\_\_\_ Work: 440-910-5828
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
AUTO ACCIDENT
5. Date and time of accident: 09-08-18 Amount of damages claimed: \$ 10:05 AM
6. Exact location of the incident: (include as much detail as possible):  
439 MIDDLE ST
7. Circumstances of the incident: (attach additional pages if necessary):  
Our named insured's 2014 Ford Fusion was parked at 439 Middle St., when a City of Fall River 2008 Ford Vehicle, plate number M94517, was traveling on Middle St. and struck and damaged our insured's vehicle. The driver, Ronald Costa, is the proximate cause of this accident due to failure to maintain proper lookout.
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  
Progressive Direct Insurance Company PO BOX 512929 LOS ANGELES, CA 90051

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: 11/29/18

Claimant's signature: \_\_\_\_\_

Richard W Berlan  
Direct: 440.910.5828  
Fax: 888.781.6947  
Richard\_W\_Berlan@Progressive.com  
Attention our claim number

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, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

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

For official use only:

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

Date: 11/29/18

DANIEL STONE  
3865 N. Main St., Unit 1  
Fall River, MA 02720

8  
RECEIVED  
2018 NOV 28 A 10:49

November 24, 2018

CITY CLERK  
FALL RIVER, MA

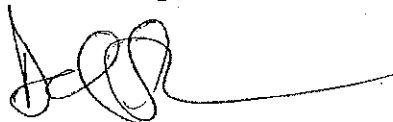
City Council  
One Government Center  
Room 619  
Fall River, MA 02722

Dear Council Members:

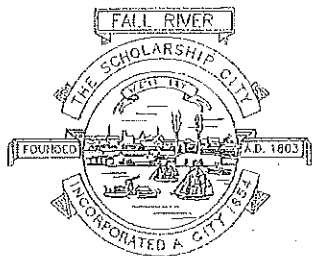
We recently moved to a condominium unit in Fall River. We were surprised to learn from the Fall River Department of Solid Waste that residents of condos and apartments have no access to recycling in this City. As I understand it, these residents cannot participate in the City's solid waste collection. They must have private collection and only those with City collection can obtain recycling bins. Fall River has no recycling at its solid waste facility on Lewiston Street.

We would be happy to do whatever was necessary to participate in a recycling program and assume that many other apartment/condo residents would as well. We hope that Fall River can make arrangements so that this significant proportion of its residents can recycle their recyclable waste.

Sincerely,







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

RECEIVED

2018 DEC -4 A 10:36

**ALISON M. BOUCHARD**  
CITY CLERK

**AMENDED AGENDA**  
ORIGINAL POSTING: NOVEMBER 30, 2018 AT 2:27 P.M.

CITY CLERK: **INÉS LEITE**  
FALL RIVER, MA  
ASSISTANT CITY CLERK

**MEETINGS SCHEDULED**  
**CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**  
**TUESDAY, DECEMBER 4, 2018**  
**AGENDA**

**4:00 P.M. COMMITTEE ON REAL ESTATE MEETING**

**6:00 P.M. COMMITTEE ON FINANCE (OR IMMEDIATELY FOLLOWING COMMITTEE ON REAL ESTATE MEETING SHOULD IT RUN PAST 6:00 P.M.)**

1. Citizen Input
2. \*Resolution – Discuss winter snow plowing (tabled 3-27-18)
3. \*Resolution – Corporation Counsel discuss claims and process for payments (adopted 4-10-18)
4. \*Resolution – Corporation Counsel discuss status of Open Meeting Law complaints (adopted 2-21-17)

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

**PRIORITY MATTERS**

1. \*Mayor requesting confirmation of the appointment of John Perry as Director of Community Maintenance
2. \*Mayor and loan order – \$750,000 Community Preservation Act Bio Reserve Project
3. \*Mayor requesting confirmation of the appointment of Christine P. Blair-Cyr to the Urban Tree Commission

**PRIORITY COMMUNICATIONS**

4. Traffic Commission recommending amendments to the traffic ordinances

**COMMITTEE REPORTS** – None

**ORDINANCES** – None

**RESOLUTIONS**

5. \*Administration declare reprieve of the PAYT program for one week from December 26, 2018 to January 2, 2019

**CITATIONS** – None

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

One Government Center • Fall River, MA 02722  
TEL 508-324-2220 • FAX 508-324-2211 • EMAIL [city\\_clerks@fallriverma.org](mailto:city_clerks@fallriverma.org)

**ORDERS – HEARINGS** - None

**ORDERS – MISCELLANEOUS**

6. Police Chief's report on licenses:  
2018 Taxicab Driver:  
Diamond Jackson-Mesidor

2019 Taxicab Driver:  
Diamond Jackson-Mesidor

**COMMUNICATIONS – INVITATIONS – PETITIONS**

7. \*Claims  
8. \*Communication from city resident regarding recycling at condominiums

**BULLETINS – NEWSLETTERS – NOTICES** – None

  
City Clerk

**ITEMS FILED AFTER THE AGENDA WAS PREPARED:**  
**CITY COUNCIL MEETING DATE: DECEMBER 4, 2018**

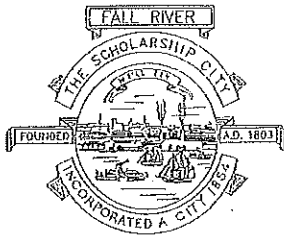
**OTHER POTENTIAL MATTERS (to be acted upon if recommendation is received)**

**Committee on Real Estate recommendation(s):**

Order re: gift of 80-84 North Main Street  
Communication from Mayor requesting parking facilities controlled by the Fall River  
Redevelopment Authority be transferred back to the City

**PRIORITY MATTERS**

\*Mayor requesting re-approval of TIF for Millstone Medical Outsourcing LLC



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

RECEIVED

2018 DEC -4 A 9:30

CITY CLERK  
FALL RIVER, MA

**JASIEL F. CORREIA II**

*Mayor*

December 5, 2018

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

President Ponte:

RE: Millstone Medical Outsourcing LLC

Subsequent to your City Council meeting on November 25, 2018, the Administration was advised by Millstone's consultant that changes regarding addresses in the TIF Agreement needed to be changed. While these changes are clerical in nature and have no impact on the terms of the TIF, they were not part of the Agreement approved by the City Council. In order to correct the Council's record, the amended TIF is before you for approval.

Your approval of the amended Millstone Medical Outsourcing LLC TIF Agreement is respectfully requested.

Best Regards,

Jasiel F. Correia II  
Mayor

CITY OF FALL RIVER  
IN CITY COUNCIL  
DEC 04 2018

# City of Fall River, *In City Council*

## TAX INCREMENT FINANCING AGREEMENT

### City of Fall River, Massachusetts and Millstone Medical Outsourcing LLC

This Agreement is made this 1<sup>st</sup> day of December, 2018 by and between: City of Fall River (hereinafter called the "CITY"), a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at One Government Center, Fall River, Massachusetts, 02722, acting through its Tax Increment Financing (TIF) Board (hereinafter called the "CITY"); and Millstone Medical Outsourcing LLC, a corporation with a principle place of business at 580 Commerce Drive, Fall River, Massachusetts, 02720, acting through Karl Neuberger, CEO (hereinafter called the "COMPANY"). This Agreement shall take effect immediately upon final approval by the Massachusetts Economic Assistance Coordinating Council on December 13, 2018.

WHEREAS, the COMPANY intends to construct a 60,000 s/f Medical Healthcare Device Inspection facility on land owned by the COMPANY (hereinafter called the "FACILITY"), and

WHEREAS, the COMPANY is seeking real property tax and personal property tax exemptions from the CITY for said FACILITY and the COMPANY shall embark upon a significant capital investment in plant equipment and job creation at its FACILITY in Fall River; and

WHEREAS, the CITY shall grant said tax exemptions in return for a guarantee of capital investment at the FACILITY and employment opportunities for local workers; and

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

#### A. The Company's Obligations

1. The COMPANY shall build a (+/-) 60,000 square foot building at AP Z-5, Lot 5, 633 Commerce Drive, Fall River, Massachusetts, 02720
2. The COMPANY shall invest approximately \$10,000,000 in a FACILITY at AP Z-5, Lot 5, 633 Commerce Drive, Fall River, Massachusetts 02720. The COMPANY further agrees to retain two hundred seventy-one (271) permanent full-time jobs at its current location and create 100 full-time jobs within the first five (5) years at this new FACILITY.

3. The COMPANY agrees to operate its business at Its FACILITY so long as this Agreement is in force. The COMPANY further agrees to continuously maintain the level(s) of jobs required under this Agreement from the date(s) such level(s) is/are first required to be maintained and/or achieved until the expiration or termination of this Agreement.
4. The COMPANY shall cooperate with Job Training Partnership Act programs and the Division of Employment and Training of the Commonwealth of Massachusetts, the Bristol County Training Consortium and other agencies, as appropriate, in seeking to fill vacancies at the COMPANY from the local community. The COMPANY shall commit to a policy of hiring qualified Fall River residents for any employment opportunities that become available at the FACILITY.
5. The COMPANY shall make good faith efforts to use local contractors for construction of the new FACILITY. The COMPANY shall also make all good faith efforts to use local contractors for any future repairs or renovations to the FACILITY. Further, the CITY expresses its preference that the COMPANY use local contractors who have registered apprenticeships programs with the Commonwealth of Massachusetts to encourage the training of a skilled workforce.
6. If the COMPANY plans to change its business plan as provided in the previous paragraphs, it may request to amend this agreement to amend its commitment. Said request for amendment shall be reviewed by the TIF Board and City Council. If the said amendment to the business plan results in a reduced commitment, the amended exemption shall be calculated in such a fashion that the total exemption provided under this Agreement for the project shall be reduced by the corresponding percentage.
7. If the COMPANY decide(s) to sell the FACILITY and/or the business or to otherwise transfer control of the FACILITY and/or business and the operations therein, the COMPANY shall make good faith efforts to give the CITY at least six (6) months' notice of said sale or transfer but no less than sixty (60) days shall be required. This Agreement is non-transferable without the consent of the TIF Board and City Council. Said notice shall be given by certified mail, return receipt requested, to the Mayor of the City of Fall River, One Government Center Fall River, Massachusetts, 02722.

Further, in the event that the COMPANY discontinues or otherwise alters, it is agreed that the COMPANY shall be jointly and severally liable for any obligations or liabilities incurred by, or due from, the COMPANY under the terms and conditions set forth in this Agreement.

8. The COMPANY shall provide the CITY with a Quarterly Report, to be supplied by the City, within thirty (30) days from the end of the quarter immediately following Project Certification and for each subsequent quarter thereafter until the expiration or termination of this Agreement. Said report shall contain at a minimum, the following information: (1) employment levels at the COMPANY at the beginning and end of the reporting period; (2) number of Fall River residents employed at the COMPANY at the beginning and the end of the reporting period; (3) utilization of local contractors during the reporting period; (4) supplies/materials purchased locally during the reporting period; and (5) the COMPANY's financial contribution to the city (i.e., property taxes, motor vehicle excise taxes, water and sewer fees) for the reporting period.

Said quarterly report shall be forwarded to the Mayor of the City of Fall River, President of the Fall River City Council, Fall River City Clerk, Fall River Assessor, and Fall River Redevelopment Authority (RDA), One Government Center Fall River, Massachusetts 02722. RDA shall be responsible monitoring job creation activities and compliance with the terms and conditions set forth in this Agreement. The COMPANY also shall notify RDA of its receipt of a Certificate of Occupancy for its FACILITY within ten (10) days of such receipt.

#### **B. THE CITY'S OBLIGATIONS**

1. The CITY shall grant a Tax Increment Financing exemption to the COMPANY in accordance with Massachusetts General Laws, Chapter 23A, Section 3E, Chapter 40, Section 59, and Chapter 59, Section 5. Said exemption shall be granted on the building to be constructed, as described in FACILITY above and personal property located within FACILITY. Said exemption shall be valid for a period of twelve (12) years, beginning July 1, 2020 (FY2021) and ending June 30, 2032 (FY2032). Said exemption shall not apply to any supplemental real estate tax bills issued by the CITY with the aforesaid time period.

The exemption schedule is as shown on attached Valuation Spreadsheet.

2. If the CITY determines, after a hearing before, and determination from, the CITY'S Tax Increment Financing Board, that the COMPANY has failed to meet or maintain employment goals, including its obligations to retain two hundred seventy-one (271) jobs and create one hundred (100) permanent full jobs within five (5) years of the CITY issuing the COMPANY a Certificate of Occupancy, the Tax Increment Financing exemption pertaining to real property and personal property tax exemptions shall be revoked.

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

C. OTHER CONSIDERATIONS

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

