

COMMITTEE ON CITY PROPERTY - September 23, 2019
MEETING AT 6:30 PM, City Hall, 133 William Street, New Bedford, MA City Council Chambers -
Room 214
AGENDA

1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a request, that pursuant to Section 2-65 of the City Code, the Council begin Committee on City Property proceedings to seek proposals for the disposition of a twenty-year leasehold interest in property owned by the City of New Bedford, consisting of approximately 2.745 acres of vacant land located on the West Side of East Rodney French Boulevard, shown on City of New Bedford Assessor's Map 12, as Lot 298. (Ref'd 2/28/19) (5/21/19 – Committee VOTED to approve the twenty-year leasehold and to accept the RFP, as amended.)

1a. COMMUNICATION, Blair Bailey, Tax Title Attorney, to Councillor Naomi R. A. Carney, Chairperson, Committee on City Property, submitting an RFP Response from Servedwell New Bedford LLC, related to the Lease of Vacant Land on East Rodney French Boulevard. (Ref'd from Committee 7/26/19)

INVITEES: Blair Bailey, Tax Title Attorney; Susan Bruce, Director, Purchasing; David Gerwatowski, Legal Counsel Attorney; Stephen Silverstein, Applicant; Representative, Mayor's Office

In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact the Clerk of Committees Office at 508-979-1482. Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.



Item Title:

COMMUNICATION & RFP RESPONSE re Vacant Land / East Rodney French Blvd

Item Detail:

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Additional Information:

ATTACHMENTS:

Description	Type
1. COMM re Vacant Land E. Rodney French Blvd	Cover Memo
1a. RFP Response - Vacant Land E. Rodney French Blvd	Cover Memo



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

CITY CLERKS OFFICE
NEW BEDFORD, MA

2019 FEB 21 A 10:45

CITY CLERK

February 20, 2019

City Council President Linda M. Morad
Honorable Members of the City Council
City of New Bedford
133 William Street
New Bedford, MA 02740

Dear Council President Morad and Honorable Members of the City Council:

I write to request that the City Council, pursuant to Section 2-65 of the City Code, begin Property Committee proceedings to seek proposals for the disposition of a twenty-year leasehold interest in property owned by the City of New Bedford, consisting of approximately 2.745 acres of vacant land located on the West Side of East Rodney French Boulevard shown on City of New Bedford Assessor's Map 12, as Lot 298.

I recommend that any disposition initiated by the Council require the Lessee to improve the property to a level that meets the minimum standards for a parking lot established by the City of New Bedford. Lessees should further be required to agree that any improvement made to the property will automatically become the property of the City upon the termination of the lease.

Thank you for consideration in this matter.

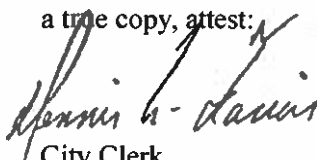
Sincerely,


Jon Mitchell
Mayor

Referred to the Committee on City Property.

IN CITY COUNCIL, February 28, 2019
Dennis W. Farias, City Clerk

a true copy, attest:


Dennis W. Farias
City Clerk



City of New Bedford
IN COMMITTEE

June 13, 2019

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on City Property at a Meeting held on Tuesday, May 21, 2019, considered a COMMUNICATION, Mayor Mitchell, to City Council, submitting a request, that pursuant to Section 2-65 of the City Code, the Council begin Committee on City Property proceedings to seek proposals for the disposition of a twenty-year leasehold interest in property owned by the City of New Bedford, consisting of approximately 2.745 acres of vacant land located on the West Side of East Rodney French Boulevard, shown on City of New Bedford Assessor's Map 12, as Lot 298. (Ref'd 2/28/19)

On motion by Councillor Coelho and seconded by Councillor Giesta, the Committee VOTED: to inform the City Council that the Committee on City Property approved a twenty-year leasehold interest in property owned by the City of New Bedford, consisting of approximately 2.745 acres of vacant land located on the West Side of East Rodney French Boulevard, shown on City of New Bedford Assessor's Map 12, as Lot 298. This motion passed on a voice vote.

On motion by Councillor Coelho and seconded by Councillor Giesta, the Committee VOTED: To inform the City Council that the Committee on City Property accepted the RFP with the changes that were recommended by the Committee to Attorney Blair Bailey and once the changes are made the RFP will be released. This motion passed on a voice vote.

IN COMMITTEE ON CITY PROPERTY

Naomi R.A. Carney

Councillor Naomi R. A. Carney, Chairperson

NRAC: dmb



CITY OF NEW BEDFORD

MASSACHUSETTS

OFFICE OF THE TREASURER

R. Renee Fernandes
Treasurer/Collector

Mark P. Fuller
Assistant Treasurer

Blair S. Bailey
Tax Title Attorney

BY HAND

July 26, 2019

Councilor Naomi R.A. Carney
Chair
Committee on City Property
New Bedford City Council
133 William Street
New Bedford, MA 02740

Re: RFP – Lease of Vacant Land
East Rodney French Boulevard

Dear Chairwoman Carney:

I am enclosing the following for the review and approval of the Committee on City Property in connection with the above-referenced matter:

- RFP Response of Servedwell New Bedford, LLC

I have reviewed the response and it is responsive to the terms of the RFP. My office is holding a check in the amount of \$500.00 as a deposit pending approval of the proposed transaction.

Please feel free to call if you have any questions or comments regarding the enclosed document or any other aspect of this matter.

Regards,

Blair S. Bailey

Cc: Purchasing
File

SUBMISSION REQUIREMENTS CHECKLIST

The proposer must submit one (1) original and four (4) copies of the proposal. Proposal packages must be marked on the outside of the package as **"RFP Lease Vacant Land - East Rodney French Boulevard, New Bedford MA."** Packages must include all of attached forms or will be considered non-responsive;

1. ☒ **APPLICANT INFORMATION - SIGNED AND DATED**
2. ☐ **EXECUTED AFFIDAVIT**
3. ☐ **EXECUTED BENEFICIAL INTEREST STATEMENT**
4. ☐ **EXECUTED DISCLOSURE STATEMENT**
5. ☐ **CERTIFICATE OF NON-COLLUSION**
6. ☐ **CERTIFICATE OF TAX COMPLIANCE**
7. ☐ **DISCLOSURE STATEMENT**
8. ☐ **PRICE PROPOSAL FORM**
9. ☐ **PROJECT COST ESTIMATE**
10. ☐ **DESCRIPTION OF PROPOSAL**
11. ☐ **CLOSING SCHEDULE**
12. ☐ **PARTICIPANTS IN PROPOSED PROJECT:** Each participant in the proposed project should be identified including his role in the project and an overview of his previous experience.
13. ☐ **FINANCING OF PROJECT:** Each Respondent will be responsible for securing the financing required for the acquisition and how the acquisition will be financed.
14. ☐ **AMOUNT OFFERED TO THE CITY:** Indicate the amount of compensation being offered to City for lease of the property.
15. ☐ **PROJECT AND FINANCIAL REFERENCES:** The following *may* be requested during the selection process, but need not be submitted with the proposal: (1) the names, addresses, phone numbers and relevant positions of banking and project references for each of the above noted previously completed projects and (2) sufficient financial information relating to the entity and/or principals involved in a form satisfactory to the City. The purpose of the references and financial information would be to enable the City to contact project representatives and lenders to determine the probability of the Respondent to successfully obtain any necessary financing needed to undertake and complete the project described in the proposal submitted.

APPLICANT INFORMATION:

Proposed Lease Price: \$15,000/YR
(Minimum Bid Price \$15,000.00/yr.)

Name: Servedwell New Bedford, LLC

Address: 307 Smith Neck Road, Dartmouth, MA 02748

Telephone Number: 508-328-9859 Fax Number: 774-206-8210

Email Address: c/o mkehoe@psh.com

Occupation: operator of various hospitality enterprises

Employer Name: N/A

Employer Address: _____

Other Principals/Co-Developers:

Name	Address	Tel. #.	Ownership/Relationship
<u>Stephen Silverstein</u>	<u>307 Smith Neck Rd.</u>	<u>508-328-9859</u>	<u>manager/owner</u>
_____	_____	_____	_____
_____	_____	_____	_____

If Applicant is Developer – Operating Status (check appropriate item):

- ☐ A corporation
- ☐ A non-profit (IRS 501C3)
- ☐ A partnership
- ☐ An individual
- ☒ Other LLC

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CITY OF NEW BEDFORD AFFIDAVIT

City of New Bedford
133 William Street
New Bedford, MA 02740

This Affidavit must be truthfully completed and submitted with every Project Application.

- 1) Do any of the principals owe the City of New Bedford any monies for incurred real estate taxes, rents, water and sewer charges or other indebtedness?

YES ☐ NO ☒

- 2) Are any of the principals employed by the City of New Bedford? If so, in what capacity? (Please include name of agency or department.)

YES ☐ NO ☒

- 3) List all properties that each applicant owns or has owned, including those owned with a corporation, trust, partnership or joint venture.

Property presently owned

Property formerly owned

Property Address

Property Address

307 Smith Neck Rd.
Dartmouth, MA
(i.e. Dartmouth)
8 Eagle Drive

24 High Street
Dartmouth, MA

(If you need more room, please attach another sheet.)

- 4) Were any of the principals ever the owners of any property upon which the City of New Bedford foreclosed for his/her failure to pay real estate taxes?

YES ☐ NO ☒

- 5) Have any of the principals ever been convicted of any arson related crimes, or are any of the principals currently under indictment for any such crimes?

YES ☐ NO ☒

- 6) Have any of the principals been convicted of violating any law, code, statute or ordinance regarding conditions of human habitation within the last five years?

YES ☐ NO ☒

N/A

The above information is true and complete to the best of my knowledge. I/We hereby authorize the City of New Bedford to investigate my/our records of credit.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 12th DAY OF July, 2019.



Signature of Applicant

Signature of Co-Applicant

Address of Applicant

Address of Co-Applicant

CITY OF NEW BEDFORD

BENEFICIAL INTEREST STATEMENT

WHEREAS, the undersigned intends to enter into an agreement to lease real property from the City of New Bedford, I hereby certify pursuant to Section 40J of Chapter 7 of M.G.L. that the following are the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property.

(Please print names and addresses of Applicant and Co-Applicants)

NAME	ADDRESS
Stephen Silverstein	
307 Smith Neck Road	
Dartmouth, MA 02748	

I nor my co-applicants are acting as an agent, representative, or straw of the prior owner(s), or any or his/her successor-in-title or interest to the subject property or an agent, representative or straw of any of their associates, straws, assignees or designees. I nor my co-applicants are acting as an agent, representative, or straw of any other individual, party or entity not disclosed above or as an agent, representative or straw of their associates, straws or assignees or designees.

In the event that any one or all of these statements are determined to be untrue after I and any of the co-applicants have become the successful bidder, I and the co-applicants will, on demand, terminate the lease with the City of New Bedford, forfeiting any and rights thereunder.

This Statement is made under the pains and penalties of perjury this
12th Day of July, 2019

 Applicant (signature)

____ Co-Applicant (signature)

____ Co-Applicant (signature)

CITY OF NEW BEDFORD

DISCLOSURE STATEMENT

In compliance with Chapter 60, Section 77B of the Massachusetts General Laws as amended by Chapter 803 of the Acts of 1985. I hereby certify, that I have never been convicted of a crime involving the willful and malicious setting of a fire or of a crime involving the aiding, counseling, or procuring of a willful and malicious setting of a fire or of a crime involving the fraudulent filing of a claim for fire insurance; nor am I delinquent in the payment of real estate taxes in the City of New Bedford, or being delinquent an application for the abatement of such tax is pending or a pending petition before the appellate tax board has been filed in good faith.

This statement is made under the pains and penalties of perjury this 12th day of JULY, 2019.

 Applicant (signature)

____ Co-Applicant (signature)

____ Co-Applicant (signature)

CITY OF NEW BEDFORD

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under the pains and penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.



Signature of individual submitting proposal

JULY 12, 2019

Date

**COMMONWEALTH OF MASSACHUSETTS
CORPORATE CERTIFICATE OF TAX COMPLIANCE**

Pursuant to the requirements of G.L. c. 62C, s. 49A, the undersigned does hereby state the following:

I, Stephen Silverstein, as the Manager of Servedwell New Bedford, LLC, whose principal place of business is located at 307 Smith Neck Rd., Dartmouth, MA 02748 do hereby certify that the above named firm has complied with all laws of the Commonwealth of Massachusetts relating to taxes and has no outstanding obligation to the Massachusetts Department of Revenue.

Signed under the penalties of perjury:

Federal Identification Number

83-2519832

Date

7/12/2019

Date

Name of ~~XXXXXXX~~ LLC

Signature of ~~XXXXXX~~ Manager

Signature of ~~XXXXXX~~ Manager

COMMONWEALTH OF MASSACHUSETTS

On this 12th day of July, 2019, before me, the undersigned notary public, personally appeared Stephen Silverstein, proved to me through satisfactory evidence of identification, which consisted of personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it as MANAGER for SERVEDWELL NEW BEDFORD, LLC, a corporation, voluntarily for its stated purpose.

NAME:

Notary Public My commission expires: 3/2/2023



COMMONWEALTH OF MASSACHUSETTS
INDIVIDUAL CERTIFICATE OF TAX COMPLIANCE

Pursuant to the requirements of G.L. c. 62C, s. 49A, the undersigned does hereby state the following:

I, Stephen Silverstein, certify that I have filed all state tax returns, have paid all state taxes required under law, and have no outstanding obligation or unpaid debt to the Massachusetts Department of Revenue.

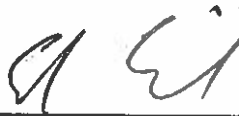
Signed under the penalties of perjury:

July 12, 2019

Date

012-36-8791

Social Security Number



Signature

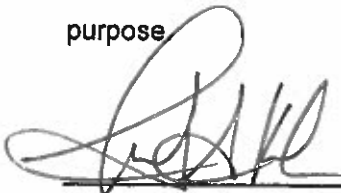
Stephen Silverstein

Typed or Printed Name

COMMONWEALTH OF MASSACHUSETTS

On this 12th day of July, 201~~4~~⁹, before me, the undersigned notary public, Stephen Silverstein personally appeared

Stephen Silverstein, proved to me through satisfactory evidence of identification, which consisted of personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.



NAME:

Notary Public

My commission expires: 3/2/2022



**Please see Tab #4
Disclosure Statement**

CITY OF NEW BEDFORD

PRICE PROPOSAL FORM

The undersigned hereby submits the attached proposal for the lease of property to the City of New Bedford in response to the Request for Proposals (RFP) for East Rodney French Boulevard in the City of New Bedford.

Proposer's Name: Stephen Silverstein

Owner's Name (if different from proposer):

Servedwell New Bedford, LLC

Owner Entity and State of Incorporation:

Servedwell New Bedford LLC, Massachusetts

Proposer's Address:

307 Smith Neck Road, Dartmouth, MA 02748

Proposer's Telephone:

(774) 206-8200

Proposer's E-Mail:

MYKHIE@PSH.COM

Proposer's Fax Number:

(774) 206-8210

Parcel Location: Street Address or Location of Property:

2.745 x 1 Acres West Side East Rodney French Blvd. Plot 12, Lot 298

Proposed Lease Price:

\$15,000/year for 20 years

UPON CLOSING FOR
14867 1494 EAST RODNEY
FRENCH BLVD. New Bedford

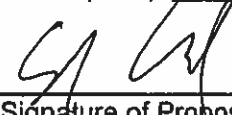


Signature of Proposer

July 12, 2019

Date

Name (Print): Stephen Silverstein



Signature of Proposer

July 12, 2019

Date

Name (Print): Stephen Silverstein

The proposal anticipates the expenditure of approximately \$50,000 to improve the area for utilization as an ancillary parking lot.

This Proposal is to lease a 2.745 acre (+/-) parcel of unimproved City land for \$15,000/year rental fee for a 20-year term upon acquisition of 1480 and 1494 East Rodney French Boulevard, New Bedford, Massachusetts . The parcel shall be used for parking of motor vehicles – particularly customers of the restaurant and hospitality area to be developed on the East side of East Rodney French Boulevard by the Property. No development on site is anticipated, so the real estate will be available to the City for other potential uses after the lease term expires.

It is anticipated that the closing would occur after acquisition of 1480 and 1494 East Rodney French Boulevard, New Bedford by April 2020.

- Servedwell New Bedford, LLC – Operating Entity for Restaurant and Hospitality Venue
- Stephen Silverstein – Entrepreneur/restaurateur – extensive experience creating and operating successful restaurant and hospitality venue.
- SITEC Engineering – extensive engineering experience with commercial site development.

No financing anticipated for the Lease.

Financing anticipated for restaurant/hospitality project on the East side of East Rodney French Boulevard.

\$15,000 per year for 20 year term

- Stephen Silverstein – 307 Smith Neck Road, Dartmouth, MA 02748
- Carols DaCunha – Senior VP – St. Anne's Credit Union, 286 Oliver Street, Fall River, MA 02724-2998
- Stephen Gioiosa, PE – President – SITEC Inc., 449 Faunce Corner Road, Dartmouth, MA 02747

SUBMISSION PROPOSAL:

- ☐ **OVERVIEW OF PROPOSAL / EXECUTIVE SUMMARY:** Provide a brief summary of the project.

The overall project is to create a restaurant and entertainment experience on the east side of East Rodney French Boulevard (former site of Davey's Locker and Smugglers Den). It is anticipated that this dining experience will be an attraction unlike any other in the Southeast region. The 2,745 Acre parcel is important to the project because it will provide ancillary parking that may be needed from May - October. The Project wants all customers to have and to utilize off-street parking supplied by the Applicant. This will keep the surrounding neighborhood streets from congestion of parked cars caused by the Project.

- ☐ **CLOSING SCHEDULE:** Indicate the proposed lease date.
Anticipated closing in April 2020, but Applicant is amenable to an earlier closing.

- ☐ **PARTICIPANTS IN PROPOSED PROJECT:** Each participant in the proposed project should be identified including his role in the project and an overview of his previous experience. (see Sheet 15)

- ☐ **FINANCING OF PROJECT:** Each Respondent will be responsible for securing the financing required for the lease and development. The proposal should describe how the lease and development will be financed.

None anticipated

AMOUNT OFFERED TO THE CITY:

Indicate the amount of compensation being offered to City for lease of the property.

\$ 15,000/yr for 20 years

(Minimum Bid Price - \$15,000.00/yr.)

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Item Title:
Accessibility Statement

Item Detail:

In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact the Clerk of Committees Office at 508-979-1482. Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.

Additional Information: