City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

SEPTEMBER 21, 2012
MEETINGS SCHEDULED FOR NEXT WEEK
TUESDAY, SEPTEMBER 25, 2012

6:00 P.M. COMMITTEE ON FINANCE

1. Disc. w/Administration & Camp, Dresser & McKee re recent rainstorm flooding (reso. adopted 9-11-12)
2. Transfers & appropriations (see #1 below)

AGENDA

7:00 P.M. REGULAR MEETING OF THE CITY COUNCIL

PRIORITY MATTERS

1. *Transfers & appropriations (see #2 Finance)
2. *Mayor & TIF agreements for:
   a. Walter A. Furman Co.
   b. Portugalia Marketplace
3. *Mayor & reso. authorizing submission of grant application for extension of Robb Way in Industrial Park

PRIORITY COMMUNICATIONS

4. *Mayor req. library at new Morton Middle School be named in memory of Juliet Lambert-Raposa
5. *Mayor req. Arts Center at new Morton Middle School be named in memory of Army Spc. Scott A. Andrews
6. *Purchasing Agent – Listing of surplus property for auction
7. *Corporation Counsel & proposed cart ordinance
8. *Rep. David B. Sullivan re House Bill 4030, An Act relative to appointment & status of Fire Chief

COMMITTEE REPORTS - None

ORDINANCES

Second Reading and Enrollment:

9. *Zoning – Brayton Avenue & Stevens Street – Neighborhood Shopping District
10. *Food Vending Push Carts

RESOLUTIONS - None

CITATIONS

11. St. Anne's Hospital – Telemetry Unit
12. St. Anne's Hospital – Emergency Room Staff

ORDERS – HEARINGS FOR TONIGHT

Underground Conduit:

13. Innovation Way

ORDERS – HEARINGS TO BE SCHEDULED - None

ORDERS – NO HEARING REQUIRED – None

ORDERS – MISCELLANEOUS

14. Police Chief's report on licenses

COMMUNICATIONS – INVITATIONS – PETITIONS

15. *Claims
16. *Street opening request – less than 5 years –237 Endicott Street
17. Planning Board Minutes – July 17, 2012

BULLETINS – NEWSLETTERS – NOTICES - None

Alison M Bouchard
City Clerk

One Government Center • Fall River, MA 02722
TEL 508-324-2220 • FAX 508-324-2211 • EMAIL city_clerks@fallriverma.org

WILLIAM A. FLANAGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED
2012 SEP 21 P 2:09
CITY CLERK
FALL RIVER, MA

September 21, 2012

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.	$175,000	That the sum of $175,000 be, and the same is, hereby transferred and appropriated from **STABILIZATION,** to be credited to **COMMUNITY MAINTENANCE, EXPENSES**.

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

Sincerely,

WA Flanagan

William A. Flanagan
Mayor

One Government Center • Fall River, MA 02722
TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL mayor@fallriverma.org

IN CITY COUNCIL September 25, 2012

1

ORDERED:

That the sum of $175,000 be, and the same is, hereby transferred and appropriated from **STABILIZATION,** to be credited to **COMMUNITY MAINTENANCE, EXPENSES.**

City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

SHAWN E. CADIME
City Administrator

MEMO

TO: William A. Flanagan, Mayor

FROM: Shawn E. Cadime, City Administrator

RE: Financial Transfers

DATE: September 21, 2012

FINANCIAL TRANSFERS AND APPROPRIATIONS

1. The appropriation and transfer request of $175,000 to purchase land on Chicago Street from the Fall River Diocese.

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TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL scadime@fallriverma.org

Appropriation/Transfer Analysis

Line	Original/Revised Appropriation	Amount Transferred	New Appropriation
Stabilization Fund	$ 769,453	$ (175,000)	$ 594,453
Community Maintenance, Expense	$ 346,350	$ 175,000	$ 521,350

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

Stacy Medeiros, Asst City Auditor

Krishan Gupta, City Auditor

9/21/2012

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City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

September 20, 2012

Honorable Linda M Pereira
President
Fall River City Council
One Government Center
Fall River, MA 02722

Dear Council President Pereira:

Attached for your information, review and City Council action, please find two Local Tax Incentive Economic Assistance Coordinating Council Applications, Draft TIF Agreements and City Council Resolutions for the Walter A. Furman Company and Portugalia Marketplace. Please note that both companies are seeking real property tax and personal property benefit approval from the Fall River City Council and the Commonwealth of Massachusetts Economic Assistance Coordinating Council through a Local Tax Incentive Economic Assistance Application. In addition, Portugalia Imports is also seeking an Abandoned Building Renovation Deduction as part of their Local Tax Incentive Economic Assistance Application. With the approval of the City Council, the Resolution, draft TIF Agreement and all other corresponding documents will be forwarded to the State of Massachusetts' Economic Assistance Coordinating Council for final approval.

The Walter A. Furman project consists of an expansion at its current facility located at 180 Liberty Street, Fall River, MA . Since 1954, the Furman Company has produced premium quality architectural millwork for financial institutions, law offices and select private residences throughout the Northeast. As part of their expansion, the Furman Company expects to increase business volume 6 - 10% per year over the next five years and create job opportunities for skilled cabinet makers, experienced finish carpenters and additional office space. The Furman Company expansion will represent an estimated $1,250,000 investment, the creation of 30 new jobs, and the retention of 60 existing jobs. As a result of this project, new manufacturing jobs will be created and approval of the proposed Local TIF Agreement will allow the company to remain in Fall River as opposed to moving their facility to Rhode Island.

Portugalia Marketplace is a new business start up that will be located in a previously vacated building at 56 Eleventh Street, Fall River, MA. Portuagalia Marketplace is a follow-up from Portugalia Imports Inc., which was founded and incorporated by its principal officer Fernando Benevides in 1988. Portugalia Imports is a family owned and operated food service company engaged in the whole and retail sale of Portuguese and international products throughout New England and the United States.

In October 2011, Candelaria, LLC (Fernando Benevides, Executive Officer) acquired an existing and vacant mill building located at 56 Eleventh Street, Fall River, MA. Candelaria, LLC will be leasing the

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facility to Portuaglia Marketplace. Portugalia Marketplace is in the process of converting the building into a retail market for the sale of Portuguese and international foods. Approximately 15,000 square feet of the facility will be dedicated to retail sales of groceries, beer, wines and prepared food. A brick oven kitchen will also be added to the footprint of the building for food preparation. Further, a 5,000 square foot addition with sky lights will be added to the building to improve the appearance.

The Portugalia Marketplace project will represent an estimated $2,000,000 dollar investment and the creation of 12 new jobs. As a result of this project, in addition to 12 new jobs being created, a vacant building will be rehabilitated and revitalized for use as a marketplace, which will attract customers from throughout the region.

The TIF Board, established by City Council ordinance on November 29, 1994, will be meeting on Monday, September 24, 2012 to consider approval for these projects. Subject to said approval by the TIF Board, I respectfully request that the City Council also look favorably upon these applications and approve them as presented and subject to EACC approval.

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

Sincerely,

William A Flanagan
Mayor

Attachments

cc: City Council Members

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Economic Assistance Coordinating Council
LOCAL TAX INCENTIVE ONLY PROJECTS

1. APPLICANT(S) INFORMATION			
Business Names of Applicant(s):	Walter A. Furman Co., LLC New 180 Liberty St., LLC		
Business Address of Applicants:	180 Liberty Street Fall River MA 02724		
FEIN #:	27-2703097		
Executive Officer:	Timothy Manny		
Contact Person (If different):	Timothy Manny & Jason Rosati		
Email:	tim@walterafurman.com / jrosati@walterafurman.com		
Phone:	(508) 674-7751	Fax:	(508) 679 - 1244

2. NATURE AND HISTORY OF THE APPLICANT BUSINESS
Please provide a general description of the applicant's business, history and reason for the project (for example, the company outgrew its existing space).

Since 1954, the Walter A. Furman Company has produced premium quality architectural millwork for financial institutions, law offices, corporate headquarters, and select private residences throughout the Northeast. We have outgrown our existing facility. The business plan is to expand our facility to accommodate expected future growth of the business.

3. PROJECT and LOCAL TAX INCENTIVE INFORMATION

Project Name:	Walter A. Furman Co. Expansion
Economic Opportunity Area and Project Address:	180 Liberty Street
Municipality:	Fall River

Local Tax Incentive: Please identify whether Tax Increment Financing or Special Tax Assessment Agreement, the duration of the incentive and percentage exemption (for example, 5 Year TIF (50-40-30-20-10):

		Yr 1-3	YR 4	Yr 5	Yr 6	Yr 7
7 Years	☒ TIF ☐ STA Exemption Schedule:	100%	75%	50%	25%	25%

Base Taxable Value of Property:	$178,900
Projected total value of local real estate tax exemption:	$1,250,000
Projected total value of local personal property tax exemption:	$500,000
Start of TIF / STA:	July 1, 2013
If applicable, has the building been 75% vacant for 24 months or more?	☐ Yes ☐ No ☒ N/A
Project Job Creation (Full Time, Permanent):	Full Time
Project Job Retention (Full Time, Permanent):	Full Time
Project Investment:	$1,250,000

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As a result of the project, will there be any consolidation, relocation or closing of Massachusetts' facilities? If yes, please explain.	☐ Yes ☒ No
Will the project facility be owned or leased by the applicant? If leased, please identify property owner and confirm that property tax savings will be provided to the EDIP applicant.	**Owned** ☐ **Leased** ☒ **Property Owner: New 180 Liberty LLC** **All local property tax savings provided to EDIP applicant business** ☒

4. NATURE AND PURPOSE OF PROPOSED PROJECT

Please provide a summary description of the applicant's project including (a) detail and the proposed timeline of a purchase / lease and / or construction and occupation, (b) equipment purchases, (c) skills needed for new employees and hiring methods. Please explain why local incentives are necessary for the project to move forward.

Our business plan is to increase our volume 6 to 10% per year over the next 5 years. The future growth will provide more jobs to skilled caninetmakers and finishers in the greater Fall River area, experienced finish carpenters in the Boston area and additional office staff in Fall River. Currently we have approximately 31,500 square feet of manufacturing space and 3,500 square feet of office space. We will need more space.

The future plan is to:
2012: purchase 25,000 square feet of land to our south side. Work with City officials to have the paper streets surrounding our facility discontinued and obtain variance from the City to eliminate setback requirements so we can build to the perimeter of the land.
2013: expand our warehouse
2014: expand our finish room - which would include a new state of the art spray room, ventilation system and stacks.

The alternative is to move out of our existing facility to a larger facility in Rhode Island that is already set up for our type of business.

Financially, local incentives will play a role in our decsion making of whether to stay or move.

5. MUNICIPAL INFORMATION

Municipal Contact:	**Ken Fiola Jr.**		
Municipal Address:	**One Government Center Fall River MA 02722**		
Municipal Email:	**kenfiolajr@aol.com**		
Municipal Phone:	**(508) 324 - 2620**	**Municipal Fax:**	**(508) 677-2840**

6. LOCAL APPROVAL and CERTIFICATE OF GOOD STANDING

Date Municipality Approved Local Tax Incentive:	
Approving Authority:	
Attach Municipal Vote Approving Incentive:	☐
Attach TIF/STA Agreement	☐

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Certificate of Good Standing - Provide proof of good tax standing in the Commonwealth of Massachusetts via a Massachusetts Department of Revenue Certificate of Good Standing for each of the businesses intending to take advantage of tax incentives. To obtain a Certificate of Good Standing go to https://wfb.dor.state.ma.us/webfile/Certificate/Public/WebForms/Welcome.aspx	Attached ☒

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PART II. LABOR AFFIRMATION	
Part A:	
☒ As an applicant requesting Certified Project approval, Timothy Manny, affirms (check box) that this business will not unlawfully misclassify workers as self-employed or as independent contractors, and certifies compliance with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.	
☒ As an applicant requesting Certified Project approval, Timothy Manny, affirms (check box) that this business will not knowingly employ developers, subcontractors, or other third parties that unlawfully misclassify workers as self-employed or as independent contractors, or that fail to comply with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.	
Part B: Within the past five years, has the applicant or any of its officers, directors, employees, agents, or subcontractors of which the applicant has knowledge, been the subject of (if yes, please provide details):	
(a) an indictment, judgment, conviction, or grant of immunity, including pending actions, for any business-related conduct constituting a crime under state or federal law;	☐Yes ☒No Details:
(b) a government suspension or debarment, rejection of any bid or disapproval of any proposed contract subcontract, including pending actions, for lack of responsibility, denial or revocation of prequalification or a voluntary exclusion agreement; or	☐Yes ☒No Details:
(c) any governmental determination of a violation of any public works law or regulation, or labor law or regulation or any OSHA violation deemed "serious or willful?"	☐Yes ☒No Details:

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I/We Timothy Manny (names and titles) of the applicant business applying for approval of tax incentives from the Commonwealth of Massachusetts, Economic Assistance Coordinating Council hereby certify that I/we have been authorized to file this application and to provide the informatior within and accompanying this application and that the information provided herein is true and complete and
that it reflects the applicant's intentions for investment and job creation. I/we understand that the information provided with this application will be relied upon by the Commonwealth in deciding whether to approve tax incentives and that the Commonwealth reserves the right to take action against the applicant or any other beneficiary of the tax incentives if the Commonwealth discovers that the applicant intentionally provided misleading, inaccurate, or false information. I/we make this certification under the pains and penalties of perjury.

AND Certification as to accuracy and Public Records Law acknowledgement:

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

Timothy Manny June 15, 2012	Partner	6/15/12
Name	Title	Date
Name	Title	Date

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MASSACHUSETTS DEPT. OF REVENUE
P.O. BOX 7066
BOSTON, MA 02204

AMY PITTER, COMMISSIONER
ROBERT O'NEILL, BUREAU CHIEF

WALTER A FURMAN CO LLC
180 LIBERTY ST.
FALL RIVER, MA 02724

T/P ID 272703097
Date 9/13/2012
Bureau CERTIFICATE

CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE

The Commissioner of Revenue certifies as of the above date, that the above named individual or entity is in compliance with its tax obligations payable under M.G.L. c. 62C, including corporation excise, sales and use taxes, sales tax on meals, withholding taxes, room occupancy excise and personal income taxes, with the following exceptions.

This Certificate certifies that individual taxpayers are in compliance with income tax obligations and any sales and use taxes, sales tax on meals, withholding taxes, and/or room occupancy taxes related to a sole proprietorship. Persons deemed responsible for the payment of these taxes on behalf of a corporation, partnership or other business entity may not use our automated process to obtain a Certificate.

This Certificate does not certify that the entity's standing as to taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law. Taxpayers required to collect or remit the following taxes must submit a separate request to certify compliance: Alcoholic Beverage Excise, Cigarette Excise, Sales Tax on Boats, International Fuels Tax Agreement, Smokeless Tobacco or Ferry Embarkation.

THIS IS NOT A WAIVER OF LIEN ISSUED UNDER GENERAL LAWS, CHAPTER 62C, SECTION 52.

Very truly yours

Robert O'Neill, Bureau Chief

Walter A. Furman Co., LLC
Schedule of Projected Growth
Years Ending 2012 to 2017

	Shop	New Shop Jobs 10% (round)	Total Shop	Field	New Field Jobs 10% (round)	Total Field	Office	Total	% Increase	Projected Revenues
2012	34	0	34	10	0	10	16	60		$9,300,000
2013	34	3	37	10	1	11	16	64	0.0666667	$9,920,000
2014	37	4	41	11	1	12	17	70	0.09375	$10,850,000
2015	41	4	45	12	1	13	18	76	0.0857143	$11,780,000
2016	45	5	50	13	1	14	19	83	0.0921053	$12,865,000
2017	50	5	55	14	1	15	20	90	0.0843373	$13,950,000

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TAX INCREMENT FINANCING AGREEMENT

DRAFT

CITY OF FALL RIVER, MASSACHUSETTS

and

WALTER A. FURMAN COMPANY

This Agreement is made this ____ day of _____, 2012, by and between: **City of Fall River**, 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 **Walter A. Furman Company,**, a corporation with a principal place of business at 180 Liberty Street, Fall River, Massachusetts, 02724, acting through Timothy Manny, Trustee (hereinafter called "the COMPANY"); and 180 Liberty Street LLC a Massachusetts corporation with a principal place of business at 180 Liberty Street, Fall River, Massachusetts, 02724 (hereinafter called "the LANDLORD"). This Agreement shall take effect immediately upon final approval by the Massachusetts Economic Assistance Coordinating Council on _____, 2012.

WHEREAS, the COMPANY is has operated in Fall River since 1954 and has produced premium quality architectural millwork for financial institutions, law offices and select private residences throughout the Northeast.; and

WHEREAS, the COMPANY intends to add a 20,000 square foot addition to its existing facility in Fall River at a site to be acquired by the owned by the LANDLORD at 180 Liberty Street and located within Fall River's Economic Opportunity Area (hereinafter called "the FACILITY"), and

WHEREAS, the COMPANY expects to increase business volume 6 - 10% per year over the next five years and create job opportunities fir skilled cabinet makers, experienced finish carpenters and additional office space. is a small family-owned business specializing in retailing; and

WHEREAS, THE Company will be the sole lessee concerning a lease agreement entered into with the LANDLORD and all local property tax savings shall be provided to lessee through said lease; 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 strategy of significant capital investment in plant equipment and job creation at its FACILITY in Fall River, the CITY shall grant said tax exemptions in return for a guarantee of capital investment at the FACILITY and employment opportunities for local workers; and

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

A. THE COMPANY'S OBLIGATIONS

1. The COMPANY shall invest approximately $1,250,000 in the FACILITY for expansion purposes at 180 Liberty Street, Fall River, Massachusetts. The Company further agrees to retain sixty (60) permanent full time existing jobs and create and retain thirty (30) new permanent full-time jobs within sixty months (60) months of the CITY issuing the COMPANY a Certificate of Occupancy.

2. The COMPANY agrees to operate its business at its FACILITY so long as this Agreement is in force. The COMPANY further agrees to continuously maintain the level(s) of jobs required under this Agreement from the date(s) such level(s) is/are first required to be maintained and/or achieved until the expiration or termination of this Agreement.

3. The COMPANY shall cooperate with the Bristol County Training Consortium and other local and state 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.

4. The COMPANY shall make all good faith efforts to use local contractors for the construction of the new FACILITY. The COMPANY also shall 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 apprenticeship programs with the Commonwealth of Massachusetts to encourage the training of a skilled workforce.

   (a) In the event that the COMPANY agrees to, and documents, by way of signed agreement, the use of union labor for the complete construction o the FACILITY, the COMPANY shall be entitled to an additional 10% Tax Increment Financing real estate exemption above and beyond that which is identified in Section B1 of this Agreement.

   (b) In the event that the COMPANY fails to fulfill its use of local union labor in accordance with the terms and conditions of this Agreement for the complete construction of the FACILITY, the COMPANY shall repay any additional Tax Increment Financing real estate exemption savings realized through the promised use of local union labor and they would no longer be entitled to further exemption savings under this provision.

5. If the COMPANY and/or LANDLORD 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 and/or LANDLORD shall make all good faith efforts to give the CITY at

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least six (6) months notice of said 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 LANDLORD discontinues or otherwise alters its relationship with the COMPANY, it is agreed that the LANDLORD and the COMPANY shall be jointly and severally liable for any obligations or liabilities incurred by, or due from, the LANDLORD and/or COMPANY under the terms and conditions set forth in this Agreement

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

Said quarterly report shall be forwarded to to the Mayor of the City of Fall River, President of the Fall River City Council, Fall River City Clerk, Fall River Assessor, and Jobs for Fall River, Inc. (d/b/a Fall River Office of Economic Development), One Government Center, Fall River, MA, 02722. Jobs for Fall River, Inc. shall be responsible for monitoring job creation activities and compliance with the terms and conditions set forth in this Agreement. The COMPANY also shall notify Jobs for Fall River, Inc. 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 and/or redeveloped, as described in FACILITY above. Said exemption shall be valid for a period of seven (7) fiscal years, beginning July 1, 2013 (FY14) and ending June 30, 2020 (FY20). Said exemption shall also apply to any supplemental real estate tax bills issued by the CITY within the aforesaid time period.

DRAFT

The exemption schedule is as follows:

Term	*Exemption*	*Taxes Due*
Year 1-3	100%	0%
Year 4	75%	25%
Year 5	50%	50%
Year 6 -7	25%	75%

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 sixty (60) permanent full time existing jobs and create and retain thirty (30) new permanent full-time jobs within sixty months (60) months of the CITY issuing the COMPANY a Certificate of Occupancy, the Tax Increment Financing exemption pertaining to real property and personal tax exemptions shall be revoked.

   Upon such revocation, the City shall have the ability to recoup, and the COMPANY agrees to pay, the value of any economic benefit, as identified by the City, and received by the controlling business prior and subsequent to such revocation. The CITY's determination under this paragraph that the COMPANY has failed to meet or maintain employment goals or comply with the other terms of this Agreement shall be final and shall not be subject to any right of appeal.

C. OTHER CONSIDERATIONS

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

Executed as a sealed instrument.

Tax Increment Financing Board,
City of Fall River

_____
Mayor William A Flanagan, Chairman

_____
Date

Walter A. Furman Company

_____
Name

_____
_____
Title

_____
Date_____

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180 Liberty Street LLC

DRAFT

_____
Name

_____

_____
Title

_____

_____
Date_____

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WALTER A. FURMAN CO.

DRAFT

Architectural Woodwork

August 31, 2012

Mayor William A. Flanagan
Chairman, Tax Increment Financing Board
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mayor Flanagan:

Walter A. Furman, LLC is pleased to submit the enclosed Certified Project application. As a long standing Fall River business we would like to remain and grow in Fall River and access any the local and state tax incentives available through the Economic Development Incentive Program (see attached draft Local Tax Incentive Only Project TIF Application) to facilitate to our expansion plans and create additional employment opportunities.

Since 1954, the Walter A. Furman Company has produced and installed premium architectural millwork for financial institutions, law offices, corporate headquarters, and select private residences throughout the Northeast. Our veteran craftsmen have worked with every type of material and assembly, and we engineer down to the smallest part of every project. We utilize more than $6 million of precision machinery to produce high-end, technically-demanding millwork. We exceed premium grade on every project we build, and we offer expert advice on veneers, laminates, composites, solid woods, joinery, framing, adhesives, hardware, and finishes.

As you may know, we began working with the Fall River Office of Economic Development in June 2012. Our business plan is to increase our volume 6 to 10% per year over the next five years. The future growth will provide more jobs to skilled cabinet makers, finished carpenters and office staff in Fall River and the surrounding area. Our plan is to purchase 25,000 s/f of land to our south, seek a variance for setback requirements and work with the city to discontinue abutting paper streets to accommodate our proposed development. The alternative to expanding in Fall River is to move our existing business to a larger facility in Rhode Island that is suited for our type of business.

Rather than move to Rhode Island, we prefer to remain in Fall River and hope you can assist our business through the issuance of a seven year TIF and closure of the paper streets to our south and west to allow for our expansion. Thank you in advance for your assistance and support. We look forward to building a successful partnership with the City of Fall River.

If you have any questions, do not hesitate to contact us at (508) 674 – 7751.

Sincerely,

Tim Manny

LINDA M. PEREIRA
President
City Council

City of Fall River
Massachusetts
City Council

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RESOLUTION

APPROVING

ECONOMIC DEVELOPMENT INCENTIVE

LOCAL TAX INCENTIVE

CERTIFIED PROJECT

OF

WALTER A. FURMAN COMPANY

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

WHEREAS, the City of Fall River has been designated a gateway municipality by the Commonwealth of Massachusetts and the Walter A. Furman Company plans to invest an estimated $1,250,000 in an expansion of its current facility located at 180 Liberty Street, Fall River, Massachusetts. Said investment will result in the creation of 30 new manufacturing and manufacturing related jobs and the retention of 60 manufacturing and manufacturing related jobs; and

WHEREAS, the Walter A. Furman Company is seeking a Local Tax Incentive as part of the Certified Project approval and meets the minimum requirements of 402 CMR 2.00 and the project described in the Economic Assistance Coordinating Council Local Tax Incentive Only Project Application and will have a reasonable chance of creating employment opportunities for residents of the Economic Target Area; and

WHEREAS, the proposed Local Tax Incentive Certified Project is located at 180 Liberty Street, Fall River, Massachusetts, which is within the boundaries of the gateway municipality of Fall River; and

WHEREAS, approval of the Walter A. Furman Company Economic Assistance Coordinating

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TEL (508) 324-2233 • FAX (508) 324-2211 • EMAIL city_council@fallriverma.org

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Council Local Tax Incentive Only Project Application in accordance with the above referenced laws, rules and regulations of the Commonwealth of Massachusetts is hereby accepted by the City Council;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Fall River approves the Walter A. Furman Company Economic Assistance Coordinating Council Local Tax Incentive Only Project Application and Certified Project status and forwards said application for final project certification to the Massachusetts Economic Assistance Coordinating Council for its approval and endorsement.

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Economic Assistance Coordinating Council
LOCAL TAX INCENTIVE ONLY PROJECTS

1. APPLICANT(S) INFORMATION			
Business Names of Applicant(s):	Portugalia Marketplace		
Business Address of Applicants:	56 Eleventh Street		
FEIN #:	455410181		
Executive Officer:	Fernando Benevides		
Contact Person (If different):	Michael Benevides		
Email:	info@portugaliaimports.com		
Phone:	508-679-9307	Fax:	508-673-1502

2. NATURE AND HISTORY OF THE APPLICANT BUSINESS

Please provide a general description of the applicant's business, history and reason for the project (for example, the company outgrew its existing space).

Portugalia Imports Inc. was founded and incorporated in Massachusetts in 1988 by its principal officer Fernando Benevides. Portugalia Imports is a family owned and operated food service company.

Since inception, Portugalia's main focus has always been to provide high quaity products from Portugal and other countries at a competitive price. This coupled with the personal hands-on approach and exceptional service has made Portugalia Imports what it is today; the premier supplier of both retail and wholesale of Portuguese and international products throughout New England and the United States.

We are expanding due to the growth of our retail operation and as a result have outgrown our existing space.

The new location will offer specialty foods, a wine and beer shop, and a café.

3. PROJECT and LOCAL TAX INCENTIVE INFORMATION	
Project Name:	Portugalia Marketplace
Economic Opportunity Area and Project Address:	I-195 Corridor, Parcel #N-01-0051 56 Eleventh Street
Municipality:	Fall River, MA 02721

Local Tax Incentive: Please identify whether Tax Increment Financing or Special Tax Assessment Agreement, the duration of the incentive and percentage exemption (for example, 5 Year TIF (50-40-30-20-10):

5 Years ☒TIF ☐STA Exemption Schedule: 100-75-50-25-10

Base Taxable Value of Property:	$402,300
Projected total value of local real estate tax exemption:	$600,000 +/-
Projected total value of local personal property tax exemption:	$300,000-$400,000

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Start of TIF / STA:	**July 1, 2013**
If applicable, has the building been 75% vacant for 24 months or more?	☒Yes ☐No ☐N/A
Project Job Creation (Full Time, Permanent):	**12**
Project Job Retention (Full Time, Permanent):	**N/A**
Project Investment:	**$2,000,000**
As a result of the project, will there be any consolidation, relocation or closing of Massachusetts' facilities? If yes, please explain.	☐Yes ☒No
Will the project facility be owned or leased by the applicant? If leased, please identify property owner and confirm that property tax savings will be provided to the EDIP applicant.	**Owned** ☐ **Leased** ☒ **Property Owner: Candelaria, LLC (Fernando Benevides, Executive Officer)** **All local property tax savings provided to EDIP applicant business** ☒

4. **NATURE AND PURPOSE OF PROPOSED PROJECT**

Please provide a summary description of the applicant's project including (a) detail and the proposed timeline of a purchase / lease and / or construction and occupation, (b) equipment purchases, (c) skills needed for new employees and hiring methods. Please explain why local incentives are necessary for the project to move forward.

a) Candelaria, LLC (Fernando Benevides, Executive Officer) acquired an existing mill building in October 2011. The LLC will be leasing this property to Portugalia Marketplace. The construction on the building began in April 2012 and we anticipate that the store will be open in January/February 2013.

b) We will be purchasing all new shelving units, refrigeration, furniture, data systems, and kitchen equipment.

c) Twelve (12) new full-time jobs will be created for food retail clerks, an administrative assistant and a store manager. We plan to train our employees and pay them competitive wages to maximize retention. We will advertise in the local paper/media for the positions in addition we will contact the career center for potential applicants.

We are making substantial investment in the City of Fall River and the local incentives would help to facilitate the additional operating expenses associated with this project.

5. **MUNICIPAL INFORMATION**

Municipal Contact:	**Kenneth Fiola Jr., Executive Vice President, Fall River Office of Economic Development**		
Municipal Address:	**One Government Center**		
Municipal Email:	**kenfiolajr@aol.com**		
Municipal Phone:	**508-324-2620**	**Municipal Fax:**	**508-677-**

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			2840

6. LOCAL APPROVAL and CERTIFICATE OF GOOD STANDING	
Date Municipality Approved Local Tax Incentive:	
Approving Authority:	City of Fall River
Attach Municipal Vote Approving Incentive:	☐
Attach TIF/STA Agreement	☐
Certificate of Good Standing - Provide proof of good tax standing in the Commonwealth of Massachusetts via a Massachusetts Department of Revenue Certificate of Good Standing for each of the businesses intending to take advantage of tax incentives. To obtain a Certificate of Good Standing go to https://wfb.dor.state.ma.us/webfile/Certificate/Public/WebForms/Welcome.aspx	Attached ☒

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PART II. LABOR AFFIRMATION	
Part A:	
☒ As an applicant requesting Certified Project approval, Fernando Benevides, President, affirms (check box) that this business will not unlawfully misclassify workers as self-employed or as independent contractors, and certifies compliance with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.	
☒ As an applicant requesting Certified Project approval, Fernando Benevides, President, affirms (check box) that this business will not knowingly employ developers, subcontractors, or other third parties that unlawfully misclassify workers as self-employed or as independent contractors, or that fail to comply with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.	
Part B: Within the past five years, has the applicant or any of its officers, directors, employees, agents, or subcontractors of which the applicant has knowledge, been the subject of (if yes, please provide details):	
(a) an indictment, judgment, conviction, or grant of immunity, including pending actions, for any business-related conduct constituting a crime under state or federal law;	☐Yes ☒No Details:
(b) a government suspension or debarment, rejection of any bid or disapproval of any proposed contract subcontract, including pending actions, for lack of responsibility, denial or revocation of prequalification or a voluntary exclusion agreement; or	☐Yes ☒No Details:
(c) any governmental determination of a violation of any public works law or regulation, or labor law or regulation or any OSHA violation deemed "serious or willful?"	☐Yes ☒No Details:

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*I/We Fernando Benevides, President and Michael Benevides, Vice President************** (names and titles) of the applicant business applying for approval of tax incentives from the Commonwealth of Massachusetts, Economic Assistance Coordinating Council hereby certify that I/we have been authorized to file this application and to provide the information within and accompanying this application and that the information provided herein is true and complete and that it reflects the applicant's intentions for investment and job creation. I/we understand that the information provided with this application will be relied upon by the Commonwealth in deciding whether to approve tax incentives and that the Commonwealth reserves the right to take action against the applicant or any other beneficiary of the tax incentives if the Commonwealth discovers that the applicant intentionally provided misleading, inaccurate, or false information. I/we make this certification under the pains and penalties of perjury.*

AND Certification as to accuracy and Public Records Law acknowledgement:

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

Fernando Benevides	President	August 27, 2012
Name	Title	Date
Michael Benevides	Vice President******	August 27, 2012
Name	Title	Date

JOB CREATION AND WORKFORCE ANALYSIS PLAN

	CURRENT EMPLOYMENT LEVEL IN MA	TOTAL, Projected New Permanent Jobs		New Jobs: Year One (2013)	New Jobs: Year Two (20___)	New Jobs: Year Three (20___)	New Jobs: Year Four (20___)	New Jobs: Year Five (20___)
# of Permanent Full-Time Employees at Certified Project Facility in Mass.	0							
# of Permanent Full-Time Employees in Massachusetts at other sites.	6	0		0	0	0	0	0
# of Permanent Full-Time Employees to be hired at Certified Project Facility	0	12		12	0	0	0	0
# of Permanent Full-Time Employees at Certified Project Location who live in the ETA of the Certified Project	0	12		12	0	0	0	0
JOBS BY CLASSIFICATION	**SALARY RANGE**	**TOTAL FULL-TIME**		**Year One**	**Year Two**	**Year Three**	**Year Four**	**Year Five**
# of Management Positions	$40,000 - $50,00	3		3	0	0	0	0
# of Professional Positions	$0 - $0	0		0	0	0	0	0
# of Skilled Positions	$30,000 - $35,000	1		1	0	0	0	0
# of Unskilled Positions	$25,000 - $30,00	8		8	0	0	0	0

Insert Company Name

[Date]

JOB CREATION AND WORKFORCE ANALYSIS PLAN

Insert Company Name

[Date]

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TAX INCREMENT FINANCING AGREEMENT

DRAFT

CITY OF FALL RIVER, MASSACHUSETTS

and

PORTUGALIA MARKETPLACE

and

CALDELARIA, LLC

This Agreement is made this ____ day of _____, 2012, by and between: **City of Fall River**, 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 **Portugalia Marketplace**, a corporation with a principal place of business at 56 Eleventh Street, Fall River, Massachusetts (hereinafter called "the COMPANY"); and **Caldelaria, LLC,** a corporation with a principal place of business at 56 Eleventh Street, Fall River, Massachusetts, 02721, acting through Fernando Benevides, Executive Officer , the owner and lessor of property located 56 Eleventh Street Fall River, Massachusetts 02721 (hereinafter called "the LANDLORD"). This Agreement shall take effect immediately upon final approval by the Massachusetts Economic Assistance Coordinating Council on _____, 2012.

WHEREAS, the COMPANY is a small family-owned business specializing in the retailing of high quality food products from Portugal and other countries; and

WHEREAS, the COMPANY shall rehabilitate an abandoned 15,000 square foot building and add 5,000 square feet of new space to the existing building for retail sales of imported food, beer , wine and prepared foods from a newly installed brick oven at a site currently owned by the LANDLORD at 56 Eleventh Street located within Fall River's Economic Opportunity Area (hereinafter called "the FACILITY"), and obtain certain tax exemptions from the CITY for said FACILITY; and

WHEREAS, the COMPANY shall be the sole lessee concerning a triple net lease agreement entered into with the LANDLORD and all local property tax savings shall be provided to lessee through said triple net lease

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

WHEREAS, the COMPANY shall embark upon a strategy of significant capital investment in plant equipment and job creation at its FACILITY in Fall River;

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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 rehabilitate an abandoned 15,000 square foot building and add 5,000 square feet of new space to the existing building for retail sales of imported food, beer, wine and prepared foods from a newly installed brick oven at a site currently owned by the LANDLORD at 56 Eleventh Street, Fall River, Massachusetts .

2. The COMPANY shall invest approximately $2.0 million in the FACILITY and create twelve (12) new permanent full-time jobs within twelve (12) months of the CITY issuing the COMPANY a Certificate of Occupancy. 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.

3. The COMPANY shall cooperate with the Bristol County Training Consortium and other local and state 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.

4. The COMPANY shall make all good faith efforts to use local contractors for the construction of the new FACILITY. The COMPANY also shall 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 apprenticeship programs with the Commonwealth of Massachusetts to encourage the training of a skilled workforce.

   (a) In the event that the COMPANY agrees to, and documents, by way of signed agreement, the use of union labor for the complete construction and/or any future repairs or renovations to the FACILITY, the COMPANY shall be entitled to an additional 10% Tax Increment Financing real estate exemption above and beyond that which is identified in Section B1 of this Agreement.

   (b) In the event that the COMPANY fails to fulfill its use of local union labor in accordance with the terms and conditions of this Agreement for the complete construction and/or any future repairs or renovations to the FACILITY, the COMPANY shall repay any additional Tax Increment Financing real estate exemption savings realized through the promised use of local union labor and they would no longer be entitled to further exemption savings under this provision.

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5. If the COMPANY and/or LANDLORD 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 and/or LANDLORD shall make all good faith efforts to give the CITY at least six (6) months notice of said sale or transfer but no less than sixty (60) days shall be required. This Agreement is non-transferable without the consent of the TIF Board and City Council. Said notice shall be given by certified mail, return receipt requested, to the Mayor of the City of Fall River, One Government Center, Fall River, Massachusetts, 02722.

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

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

   Said quarterly report shall be given to the Mayor of the City of Fall River, President of the Fall River City Council, Fall River City Clerk, Fall River Assessor, and Jobs for Fall River, Inc. (d/b/a Fall River Office of Economic Development), One Government Center, Fall River, MA, 02722. Jobs for Fall River, Inc. shall be responsible for monitoring job creation activities and compliance with the terms and conditions set forth in this Agreement. The COMPANY also shall notify Jobs for Fall River, Inc. 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 and/or redeveloped, as described in FACILITY above. Said exemption shall be valid for a period of five (5) fiscal years, beginning July 1, 2013 (FY14) and ending June 30, 2018 (FY18). Said exemption shall also apply to any supplemental real estate tax bills issued by the CITY within the aforesaid time period. The exemption schedule is as follows:

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Term	*Exemption*	*Taxes Due*
Year 1	100%	0%
Year 2	75%	25%
Year 3	50%	50%
Year 4	25%	75%
Year 5	10%	90%

2. If the CITY determines, after a hearing before, and determination from, the CITY'S Tax Increment Financing Board, that the COMPANY has failed to meet or maintain employment goals, including its obligations to create twelve (12) new permanent full time existing jobs within twelve (12) months of the CITY issuing the COMPANY a Certificate of Occupancy, the Tax Increment Financing exemption pertaining to real property and personal tax exemptions shall be revoked.

   Upon such revocation, the City shall have the ability to recoup, and the COMPANY agrees to pay, the value of any economic benefit, as identified by the City, and received by the controlling business prior and subsequent to such revocation. The CITY's determination under this paragraph that the COMPANY has failed to meet or maintain employment goals or comply with the other terms of this Agreement shall be final and shall not be subject to any right of appeal.

C. OTHER CONSIDERATIONS

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

Executed as a sealed instrument.

Tax Increment Financing Board,
City of Fall River

_____
Mayor William A. Flanagan, Chairman

_____
Date

Portugalia Marketplace

_____
Name

_____
Title

_____
Date

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Candelaria LLC

DRAFT

Name

Title

Date

B

City of Fall River
Massachusetts
City Council

LINDA M. PEREIRA
President
City Council

RESOLUTION

APPROVING

ECONOMIC DEVELOPMENT INCENTIVE

LOCAL TAX INCENTIVE

CERTIFIED PROJECT

OF

PORTUGALIA MARKETPLACE

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

WHEREAS, the City of Fall River has been designated a gateway municipality by the Commonwealth of Massachusetts and Portugalia Marketplace plans to invest an estimated $2,000,000 in the rehabilitation of a vacated building located at 56 Eleventh Street, Fall River, MA. Said investment will facilitate the creation of a retail market with a focus on the sale of Portuguese and international food, beer and wine and lead to the creation of twelve new jobs; and

WHEREAS, Portugalia Marketplace is seeking a Local Tax Incentive and an Abandoned Building Renovation Deduction as part of the Certified Project approval and meets the minimum requirements of 402 CMR 2.00 and the project described in the Economic Assistance Coordinating Council Local Tax Incentive Only Project Application on will have a reasonable chance of creating employment opportunities for residents of the Economic Target Area; and

WHEREAS, the proposed Local Tax Incentive Certified Project is located at 56 Eleventh Street, Fall River, Massachusetts, which is within the boundaries of the gateway municipality of Fall River; and

One Government Center • Fall River, MA 02722
TEL (508) 324-2233 • FAX (508) 324-2211 • EMAIL city_council@fallriverma.org

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WHEREAS, approval of the Portugalia Marketplace Economic Assistance Coordinating Council Local Tax Incentive Only Project Application in accordance with the above referenced laws, rules and regulations of the Commonwealth of Massachusetts is hereby accepted by the City Council;

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

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FALL RIVER
OFFICE OF
ECONOMIC
DEVELOPMENT

September 19, 2012

Honorable Linda M Pereira
President
Fall River City Council
One Government Center
Fall River, MA 02722

Dear Council President Pereira:

Attached for your information, review and City Council action, please a resolution pertaining to City Council authorization for the submission of a MassWorks Infrastructure Program Grant Application for the extension on of Robb Way in the Fall River Industrial Park.

Please note that the proposed MassWorks Grant request in the amount of $550,000 is designed to construct a new sidewalk along Robb Way and extend the existing Robb Way roadway and associated utilities the property line of John Matouk & Company to facilitate the construction of a new and expandable 50,000 square foot manufacturing building and the creation of 80 new job opportunities overt the next five years.

Below please find several bullet points highlighting the project:

- John Matouk & Company ("Matouk") currently occupies 30,000 SF of space and has 85 employees in Fall River.

- In the first phase, Matouk will construct a new 50,000 SF industrial building designed specifically for manufacturing. This building would have the capacity to be expanded by at least 20,000 SF in a second phase. I expect the expansion of the facility to occur in 5 years. The new building would enable Matouk to optimize its manufacturing system, invest substantially in new equipment (approximately $500,000) and add a projected 40 additional jobs over the next five years.

- Matouk will also in the first phase invest in the conversion of its existing 30,000 SF of manufacturing facility to retail space, administrative offices and an expanded shipping and distribution center. The administrative conversion should enable Matouk to add as many as 30 new positions over the next five years and the distribution conversion should enable the addition of 10 new jobs as well.

One Government Center, Fall River, Massachusetts 02722-7700
508.324.2620
508.675.1497
Fax: 508.677.2840

- Finally. the complete Matouk site will be redeveloped in the first phase with the goal of creating new entrance as well as a campus feel, preserving and enhancing green spaces and creating a looping walking path to enhance employee well-being. It will be a one-of-a-kind manufacturing facility that will surely be a showpiece for Fall River as well as the Commonwealth.

- the estimated cost for the first phase is $8M and I have summarized the costs below:

  - $5M in hard costs for the new building (50,000 SF)
  - $1.2M in hard costs for the renovation of the existing building (30,000 SF)
  - $1M of site work
  - $800k of soft costs related to architectural, engineering, legal, etc.
  - The second phase of the project will require an additional investment of $2.5M

- In addition to the significant investment summarized above, the project will create 50 construction jobs in the first phase and additional 20 in the second phase.

If Fall River is successful in securing the MassWorks grant and can commit to executing Robb Way extension project, construction will begin by July 2013 and it should be completed within 18 months.

It is also important to note that while the Robb Way extension project will provide the needed access for the Matouk project, it will also create a permanent transportation connection to the bus system on Currant Road, making Robb Way extension project a true transit oriented project.

Thank you for your time and attention in this matter. Please feel free to call with any questions.

Sincerely,

Kenneth Fiola, Jr., Esq. Ec.D.
Executive Vice President

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City of Fall River
Massachusetts
City Council

LINDA M. PEREIRA
President
City Council

RESOLUTION OF LOCAL GOVERNING BODY AUTHORIZING THE FALL RIVER OFFICE OF ECONOMIC DEVELOPMENT TO SUBMIT A MASSWORKS INFRASTRUCTURE GRANT APPLICATION ON BEHALF OF THE CITY OF FALL RIVER TO FACILITATE THE PROPOSED ROBB WAY EXTENSION WITHIN THE FALL RIVER INDUSTRIAL PARK

WHEREAS, the Commonwealth of Massachusetts established the MassWorks Infrastructure Program to provide grant funding for the construction , reconstruction and expansion of publically owned infrastructure including, but not limited to, sewers, utility extensions, streets, roads, curb-cuts, parking facilities, water treatment systems, and pedestrian and bicycle access;

WHEREAS, eligible public infrastructure must be located on public land on public leasehold, right-of-way or easement and the project must be procured in accordance with Massachusetts General laws c.30B s39M, c.149and c7.; and

WHEREAS, the Fall River Office of Economic Development, through its Executive Vice President Kenneth Fiola, Jr. has submitted a MassWorks Infrastructure Program Grant Application on behalf of the City of Fall River to facilitate the proposed Robb Way Extension Infrastructure Improvement Project so as to accommodate the expansion of John Matouk & Company and create much needed job opportunities; and

WHEREAS, the Mayor and local governing body must approve the submission of the grant application and authorize Mr. Fiola and the Fall River Office of Economic Development to implement the MassWorks Infrastructure Program requirements on behalf of the municipality.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Fall River approves the submission of the MASSWORKS application and the designation of the Fall River Office of Economic Development, and Mr. Fiola as it s authorized representative, to implement the MassWorks Infrastructure Program requirements on behalf of the municipality as they pertain to the proposed Robb Way Extension within the Fall River Industrial park.

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City of Fall River
Massachusetts
Office of the Mayor

4

RECEIVED

2012 SEP 19 P 4:21

CITY CLERK
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

September 19, 2012

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

Dear Madam President and Members of the Honorable Council:

I respectfully submit to the Honorable Council a request by the family of the late Juliet Lambert-Raposa to have the library at the new James M. Morton Middle School named in her memory. Juliet served on the Fall River School Committee from 1992-1993 and from 1998-2001. She was also involved in many community organizations such as We Love Children and the Isaiah Avila Foundation who primary purposes are to provide services to children.

Juliet was a tireless advocate for children in our community and was always looking to assist a child in need. I believe that this honor is a fitting tribute to an individual who dedicated her life to the children.

Please give this request your every consideration and thank you in advance for your time and attention.

Sincerely,

William A. Flanagan
Mayor

WAF/amos

One Government Center • Fall River, MA 02722
TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL mayor@fallriverma.org

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City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

RECEIVED
2012 SEP 19 P 4: 21
CITY CLERK
FALL RIVER, MA

September 19, 2012

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

Dear Madam President and Members of the Honorable Council:

I respectfully submit the attached letter to the Honorable Council for your consideration in naming the Arts Center at the new James M. Morton Middle School in honor of Army Spc. Scott A. Andrews who was killed in action on June 21, 2010 in Afghanistan.

As Mayor, I fully support the request made by Director of Veteran's Services, Raymond Hague, on behalf of Joanne Mello, Army Spc. Andrews' mother. I believe this will be a fitting tribute to a young man, a resident of Fall River who gave the ultimate sacrifice.

Please give this your every consideration and thank you in advance for your time and attention with this request.

Sincerely,

William A. Flanagan
Mayor

WAF/amos

One Government Center • Fall River, MA 02722
TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL mayor@fallriverma.org

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City of Fall River
Massachusetts
Department of Veterans' Services

WILLIAM A. FLANAGAN
Mayor

RAYMOND E. HAGUE
Director of Veterans' Services
Veterans' Benefits Agent

August 10, 2012

Honorable Mayor William A. Flanagan
One Government Center
Fall River, MA 02722

Dear Mayor Flanagan:

Joanne Mello, mother of Army Spc. Scott A. Andrews who was killed in action in Afghanistan has requested that the Arts Center at the new James M. Morton Middle School be named in honor of her son.

The Veterans' Services Department fully supports this honor and is requesting that you begin the process of naming the Arts Center at James M. Morton Middle School the Scott Andrews Art Center.

Scott was killed in action by an improvised explosive device (IED) on June 21, 2010 in Afghanistan.

Sincerely yours,

Raymond E. Hague
Director of Veterans' Services

REH/kbv

Cc: Shawn Cadime

One Government Center • Fall River, MA 02722 • TEL (508) 324-2432
FAX (508) 324-2027 • CELL (774) 319-2247 • EMAIL rhague@fallriverma.org

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City of Fall River, Massachusetts

Purchasing Department
One Government Center
(508) 324-2250

WILLIAM A. FLANAGAN
Mayor

ARLENE ROBINETTE
PURCHASING AGENT

RECEIVED
2012 SEP 18 A 11:20
CITY CLERK
FALL RIVER, MA

September 20, 2012

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

Members of the Council:

In accordance with City Ordinance Division 2, Purchasing Department Sec. 2-972 of the revised Ordinances of the City of Fall River, which reads in part as follows:

> **Surplus property determined by the Purchasing Agent to be no longer useful for any municipal purpose shall be sold or disposed of under such terms and conditions as the City Council shall by order determine.**

I am submitting to you, as per attached, a list of those items that are no longer of value to the City of Fall River. In addition items from decommissioned schools, not sold at the yard sales.

I would like to recommend at this time, that consideration be given to the auction process.

This auction will be consolidated with the Police Department auction as it has in the past with proven success. Pending approval of the City Council the auction will be held **Saturday, October 13, 2012 at 9:00 a.m.** at the Public Works Complex 10 Lewiston Street, Fall River, MA.

Very truly yours,

Arlene Robinette

Arlene Robinette
Purchasing Agent

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SURPLUS PROPERTY FY'13

6

AUCTION ITEMS DPW

FALL 2012

1. (min. bid $350.00) 1995 CROWN VICTORIA; RUNS, CHASIS ROTTED
2. (min. bid $250.00) 2001 FORD RANGER PICK UP; CHASIS ROTTED, DID RUN T-1
3. (min. bid $1500) 1996 GMC STAKE BODY; COMPLETE BRAKE JOB, ENGINE BLOCK ROTTED, RUNS
4. (min. bid $4000.00) 2001 MACK REAR LOADPACKER; BODY ROTTED, P-9
5. (min. bid $4000.00) 2001 MACK REAR LOAD PACKER; NEEDS SUSPENSION WORK, RUNS P-6
6. (min bid $4000.00) 2001 MACK REAR LOAD PACKER; BODY ROTTED, COMPLETE SUSPENSION WORK RUNS P-10
7. (min. bid $3000.00) 2002 INTERNATIONAL RECYCLING TRUCK R-4; CAB & BODY ROTTED, ELECTRICAL ISSUES, DID RUN
8. (min. bid $100.00) LANDA PRESSURE WASHER RUNS INTERMITTELY, FUEL LEAK
9. (min. bid $500.00) WOOD CHIPPER (NO SAFETY EQUIPMENT) IGNITION EQUIPMENT BURNT
10. (min. bid $3000.00) 2001 INTERNATIONAL RECYCLING TRUCK; CAB & BODY ROTTED, RUNS (R-3)
11. (min. bid $4000.00) 1999 MACK REAR LOAD PACKER; BODY & BODY ROTTED, NEEDS SUSPENSION WORK, DID RUN P-3
12. (min. bid $4000.00) 1999 MACK REAR LOAD PACKER; CAB & BODY ROTTED, NEEDS SUSPENSION WORK, DID RUN P-1
13. (min. bid $250.00) 2001 FORD RANGER PICK UP; CHASIS ROTTED T-3
14. (min. bid $350.00) 1994 CROWN VICTORIA; RUNS, CHASIS ROTTED
15. (min. bid $1500.00) 1999 INTERNATIONAL, CAB ONLY (FORMER SWEEPER) S-1 REAR CHASSIS ROTTED, SPRING ISSUES
16. (min. bid $1000.00) 1999 FORD EXPLORER CHASSIS AND BODY ROTTED, EXHAUST WORK NEED, T-12
17. (min. bid $1000.00) 2001 FORD F450 DUMP TRUCK BODY & CHASSIS ROTTED COMP. EXHAUST WORK T-6
18. (min. bid $1000.00) 2001 FORD F350 DUMP TRUCK BODY & CHASSIS ROTTED COMP. EXHAUST WORK T-7
19. Misc. office furniture & school furniture
20. Misc. computers and components
21. (min. bid range 50.00-150.00) gas fired unit heaters (8)

TOTAL MIN. BID $36,800.00

CUSTODIANS------GOVERNMENT CENTER BASEMENT

4 DESK 30+ YRS. OLD $20.00 EA.
1 LARGE GRAY CABINET GOOD SHAPE $50.00
2 FILING CABINETS WORK WELL $75.00 EA.
~~1 BROWN BOOK SHELF GOOD CONDITION $25.00~~
8 BLUE CHAIRS CONF. ROOM GOOD CONDITION $15.00 EA.
1 COFFEE TABLE FAIR CONDITION $15.00
1 YELLOW 6 DRAW CABINET 30+ YRS. OLD $10.00

COMMUNITY DEVELOPMENT AGENCY

DESCRIPTION	CONDITION	VALUE
COMPUTER MONITOR	POOR	0
TYPEWRITER	FAIR	$50.00
HP DESKJET 990 CX PRINTER	FAIR	$50.00
HP PSC 1210 PRINTER/SCANNER/COPIER	POOR	$25.00
COMPUTER TOWER	POOR	$25.00
2 COMPUTER KEYBOARDS	FAIR	0
LAMP	FAIR	0

COUNCIL ON AGING

ROYAL TA ELECTRIC TYPEWRITER DOES NOT WORK $10.00
LOCATED IN COA OFFICE RM. 423

SAMSUNG FAX MACHINE SF-560 POOR CONDITION $25.00
LOCATED IN COA OFFICE RM. 423

HP DESKJET PRINTER WORKS O.K. $25.00
LOCATED IN COA OFFICE RM. 423

BROTHER FAX MACHINE MODEL 1270E FAIR CONDITION $25.00
LOCATED AT 114 S. MAIN ST. SENIOR CENTER

HAMMOND ORGAN 125XL FAIR CONDITION $25.00
LOCATED AT 114 S. MAIN ST. SENIOR CENTER

PLANNING DEPARTMENT

HP COLOR PRINTER 10+ YRS. OLD NO KNOWN DEFECTS $25.00

6

SURPLUS PROPERTY

DESCRIPTION	APPROX. AGE	VALUE	DEFECTS
1 SHARP ELEC. CALCULATOR	5+ YRS	$20.00	DOESN'T PRINT
2 WESTCLOCK WALL CLOCK	5 YRS	$5.00	LOSES TIME
3 ABC HEATSEAL H200 LAMINATOR	8 YRS	$25.00	NOT WORKING
4 HOLMES HEATER	5+ YRS	$15.00	NOT WORKING
5 VAR. STAPLERS	UNKNOWN	??	NOT WORKING
6 COMPUTER KEYBOARD DRAWER	10+ YRS	$10.00	NONE

ALL ITEMS LOCATED IN THE CITY CLERK' S OFFICE

City Council Office

Description	Age	Value	Defects
Hewlett Packard Office Jet G85xi Printer/Fax/Scanner/Copier	10 yrs	$25.00	Paper Jams

Located in City Council Office

6

MIS Surplus List				
Equipment Name*	Model Number	Fall River Number	Serial Number	Cost Est
Dell Monitor 17"	170BFPT		07040L0801941	10.00
Gateway Monitor 17"	FPD1765		MG46570P00001	10.00
Cannon Typewriter	AP340		CA2024884	20.00
HP Printer	8150dn		JPRLM93897	100.00
Brother Intellifax	5750E		V60284L2J850489	25.00
Envision Monitor 17"	F1770		I9SG48A799236	10.00
Dell Case	DHM	5404	B3F5421	5.00
Dell Case		5638	GDK1W41	5.00
Computer Case - Generic				5.00
Dell Case	DHM		7X4LN31	5.00
HP Deskjet	1120c	5665	SG8C4131TM	10.00
Dell Case	DHM	5595	HTTNS51	5.00
Gateway Monitor 17"	NG in Box			10.00
Dell Case	DHM	5594	HHSNS51	5.00
Dell Case	DHM	5952	32TH051	5.00
Dell Case	DHM		BX4LN31	5.00
Gateway Case	E4300	5618	0035689189	5.00
Gateway Case	E4610D	5915	0037307700	5.00
Gateway	E4500D	5754	0036876361	5.00
Misc. Phone Equipment	Misc. Box			50.00
Dell	DHP	5632	C8QWV61	25.00
Defective Phones (5)	Misc. Box			25.00
Acer Monitor 17"	AL1714-B		ETL109031452005CDPQ12	10.00
Dell Power Cords & DVD/Floppy Drives	Misc. Box			25.00
Panasonic VHS Recorder w/Case	AG-185PAG	6288		25.00
Panasonic VHS Recorder w/Case		6289		25.00
Viewsonic 17"	VE170		A09011600156	10.00
HP Deskjet	932c		CN0BG1R2YN	10.00
Netgear Switch	FS750T		FT40145CA000743	10.00
Dell Case	DHS	5603	D4KCK71	5.00
Projection Screen	Broken	5788		0.00
Brother Intellifax	4750		U56460J174225	20.00
AOC Spectrum Monitor 17"	7VIlr		N7DN07G640965	10.00
Parallel Cables	Misc. Box			15.00
A/B Switches (10)	Misc. Box			25.00

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MIS Dept.

External Modems (7)	Misc. Box			25.00
Jet Direct Print Servers (4)	170X			25.00
Assorted Printer Cables	Misc. Box			20.00
Laptop Memory	Misc. Box		KVR100X64SC2-64	25.00
Computer Modular Adapters	Misc. Box			10.00
Assorted Telephone Cords	Misc. Box			10.00
Assorted Computer Adapters	Misc. Box			10.00
Epson Validator	M133A		BP20015869	5.00
OCR Reader	5133A		1533A0901651	5.00
DVD/RW (2)	Misc. Box			10.00
HP Printer	Q7812A		CND1F11722	15.00
Procomm Plus (8)	Misc. Box			10.00
300W Power Supplies (10-15)	Misc. Box			25.00
Epson Scanner - Perfection	J112A		ITAW163217	15.00
HP Deskjet	5440		TH5741318D	10.00
Faux Leather and Canvas Black Case	Small			5.00
Comdial Phones (White)	Misc. Box			15.00
Cisco Router	UBR900	5721		35.00
Cisco Router	UBR900	5640		35.00
Cisco Router	UBR900	5263		35.00
Serial/Parallel Cables	Misc. Box			15.00
Cables/Power Cords	Misc. Box			15.00
AMDEX		6340	25RS2601162	10.00
Keyboards (Misc.)	Misc. Box			15.00
Brother Intellifax	2820		U61325E5J972929	25.00
HPFax	920		MY01RE2218	20.00
CentreCom 8 Proxy HUB			M06F00061A	20.00
Brother Intellifax	2820		U61325E6j625623	25.00
HPPrinter	Deskjet D4160			15.00
HPPrinter	LaserJet 8150N	5398	JPBLL13877	100.00
HPPrinter	LaserJet 8150DN	5397	JPBLM27753	100.00
HPPrinter	LaserJet 8150N	6495	USBLL12491	100.00
Fellows UPS		5648		10.00
Fellows UPS				10.00
APC UPS			QSO238341114	10.00
HPPrinter	Deskjet 970	5438		15.00
Monitor Stand				5.00

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MIS Dept.

Hp Laserjet Paper Tray			JPBLB02067	5.00
PC computer case		6376		5.00
Cpu Case COPI	PT-2000/4000/128		4-10010	5.00
Compaq		5690		10.00
Fellows Shredder	MS-460CS			10.00
Gateway PC	E3600	5345	0027523538	5.00
Gateway PC	E3601		0027523539	5.00
EDX PC	PIIIi-PCI500MMX	6344	013562	25.00
EDX PC	PIIIi-PCI500MMX	5184	013548	25.00
HIQ PC			0801-35128-0009	25.00
Empty PC case		6453		5.00
Multiwave		5685	3098	5.00
Dell PC	DHP	5612	49QWV61	25.00
Linksys DSL Router	BEFRS41		C2120C411137	10.00
Cisco Router	UBR900		CAT0650W0AQ	35.00
Box of Landline Phones				15.00
Canier Fax	LF125m		69300511	15.00
brother intellifax	2820		u61325h5j483236	25.00
brother Intellifax	2820		u56577F2J472231	25.00
Dell Monitor			22569	10.00
acer monitor	LA17178	5994		10.00
gateway monitor			700G	10.00
Pitney bose printer/fax splitter			9811738	10.00
hp laserjet	4100	5667		25.00
hp laserjet	4050n			25.00
hp laserjet	2200d			25.00
Big Box of Misc PC Parts				50.00
box of cell phones/chargrers/batterys				25.00
Box of CD Media				20.00

Waste Water Treatment Facility

item description	condition/age/surplus or junk	value	known defects	location
mercoid switches exp proof qty 8	brand new never used. Surplus 15 yr old	25.00 each	none	wwtp
qty 1 small wood end table	used surplus 20years old	$5.00	NONE	WWTP
qty2 24x 20 electrical panels	used junk 25+ years old	10.00 pair	none	wwtp
qty 1 dayton oilfired bullet heater	used surplus 10 years old	$20.00	not working unsure why	wwtp
misc truck parts clutch,brake cans,filters	new junk obsolete truck's unsure what fits 15yearsold	$25.00	misctruck parts unsure of model and fittment years	wwtp
qty1 dewalt 3hp radial arm saw	used surplus 20+ years old	$50.00	work fine dusty dirty	wwtp
qty 4 misc exhaust truck pipes	new junk10 years old unsure fitment	$10.00	none	wwtp
qty 1 20" tv	used junk 25+ years old	$1.00	none	wwtp
qty 1 file cabnet	used surplus 10+ years old	$10.00	none	wwtp
qty stainless electrical cabnet 17"x18"	used surplus 10+ years old	$10.00	none	wwtp
qty 7 computers	used junk 20+years old	$10.00 for lot	unusable obsolete non working	wwtp
qty 1 rotary phase generator 1ph to 3 ph up to 7 1/2 hp	used surplus	$20.00	unsure of condition	wwtp
qty 1 tig/stick welder w/ cooling pump	used surplus 30+ years old	$100.00	unsure of operating condition	wwtp
qty 1 honeywell chart recorder	used junk 20+ years old	$10.00	non working	wwtp
qty 3 8ft rubber plow cutting edges	new surplus never used	$60.00 all three	none	wwtp
qty 2 plow lights parts	used junk	$5.00	parts only	wwtp
qty 1 truck mirror velvac wide angle	new surplus never used	$5.00	none	wwtp
qty 1 computer monitor	used junk	$1:00	non working	wwtp
qty lot of misc 1" hardware galvinized roughly 6 buckets	new surplus never used	$25.00	none	wwtp
qty 2 bucket draggers on trailers	used junk non working , work needed or for parts	$100.00each	non working	wwtp
qty 1 wakasha generator 115 kw 277-480 volt 3ph` transfer switch inc	used surplus worked when removed from bldg	$400.00	maybe missing some items	wwtp
qty 10 high pressure sodium lights ceiling mounted	used junk non working parts only	$25.00	non working	wwtp
qty 1 portable forklift 12 volt hydraulic	used junk non working , work needed or for parts 20+	$15.00	non working	wwtp
lot qty of misc staging sections	used surplus missing sections 10+years	$50.00	none	wwtp
qty 2 honda 9 hp vertical engines	used surplus 10+ years old	$50.00	not sure of running condition may be missing parts	wwtp
lot qty of misc bubbler level system parts	used junk 20+ years old	$10.00	none	wwtp
qty 2 file cabnets	used surplus 20+ years old	$15.00	none	wwtp
qty 1 20x 29 breaker panel	used junk 20+ years old	$10.00	none	wwtp
qty 1 ge motor 3ph 30 hp 230/460 c326hp16 frame	used junk 20+ years old	$25.00	none	wwtp
qty 1 shark robbin heated pressure washer	used surplus 15+ years old	$50.00	unsure of running condtion may not run	wwtp
lot qty electrical panels 2 in total large	used junk 20+ years old	$10.00	none	wwtp
qty 1 stainless steel electrical disconnect	used surplus 10+ yaers old	$10.00	none	wwtp
kenmore washer and dryer	used surplus 5+ years old	$100.00 for pair	in working conditon when stored away	wwtp
qty 1 fridge medium size	used junk 15+ years old	$20.00	unsure of running condition...	wwtp
lot qty misc lab equipment testing and measuring	used junk 20+ years old obsolete items	$25.00for the whole lot	none obsolete items no longer used	wwtp
qty 1 3" trash pumps non working condition	used surplus 15+ years old	$50.00	unsure of running condition or pump condition	wwtp
qty 1 electric gate actuator	used junk 20+ years old	$5.00	none	wwtp
qty 1 1980 75 gal pneaumatic air tank	used junk20+ years old	$5.00	none	wwtp
qty 2 used nonworking variable frequency drive 125hp	used junk non working parts only 15+years old	$50.00 pair	non working	wwtp
1 1990 Chevy Lumina	Not running	$150	needs motor and body work	wwtp
1 1999 Sterling Stetco truck	Needs a new dump body	$10,000	needs new dump body, unsure of motor condition	wwtp
1 1998 Ford Vaccuum truck	Needs a blower for vaccuum	$10,000	needs vaccuum, flusher works, runs	wwtp

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Water Maintenance Surplus | **No vehicles** | **Location all at 1620 Bedford Street**

Item	Age	Value	Defects
44) Box of 5/8" and 3/4" water meters.	?	?	unusable
2) 1 1/2" Neptune meters	?	?	unusable
3) 2" Neptune meters	?	?	unusable
2) 2" Rockwell meters	?	?	unusable
1) 1" Hersey meter	?	?	unusable
Small Cyclone sand blast	?	?	?
Antique Leak Detector Box	?	?	?
Fire Hydrant Front Port Siamese flush valve	?	?	None
Large chain link pipe cutter	?	?	out dated
Chemical injection pump	?	?	?
Pump station weekly flow charting machine	?	?	?
Fire hydrant steamer tank	?	?	incomplete
F.S. Brainard day flow charting machine	?	?	?
Dean control system	?	?	?
Box of old style machinist wrenches	?	?	none
Large floor jack	?	?	?
Old style vise	?	?	?

mall meters.jpg (JPEG Image, 1496x1122 pixels) - Scaled (49%)

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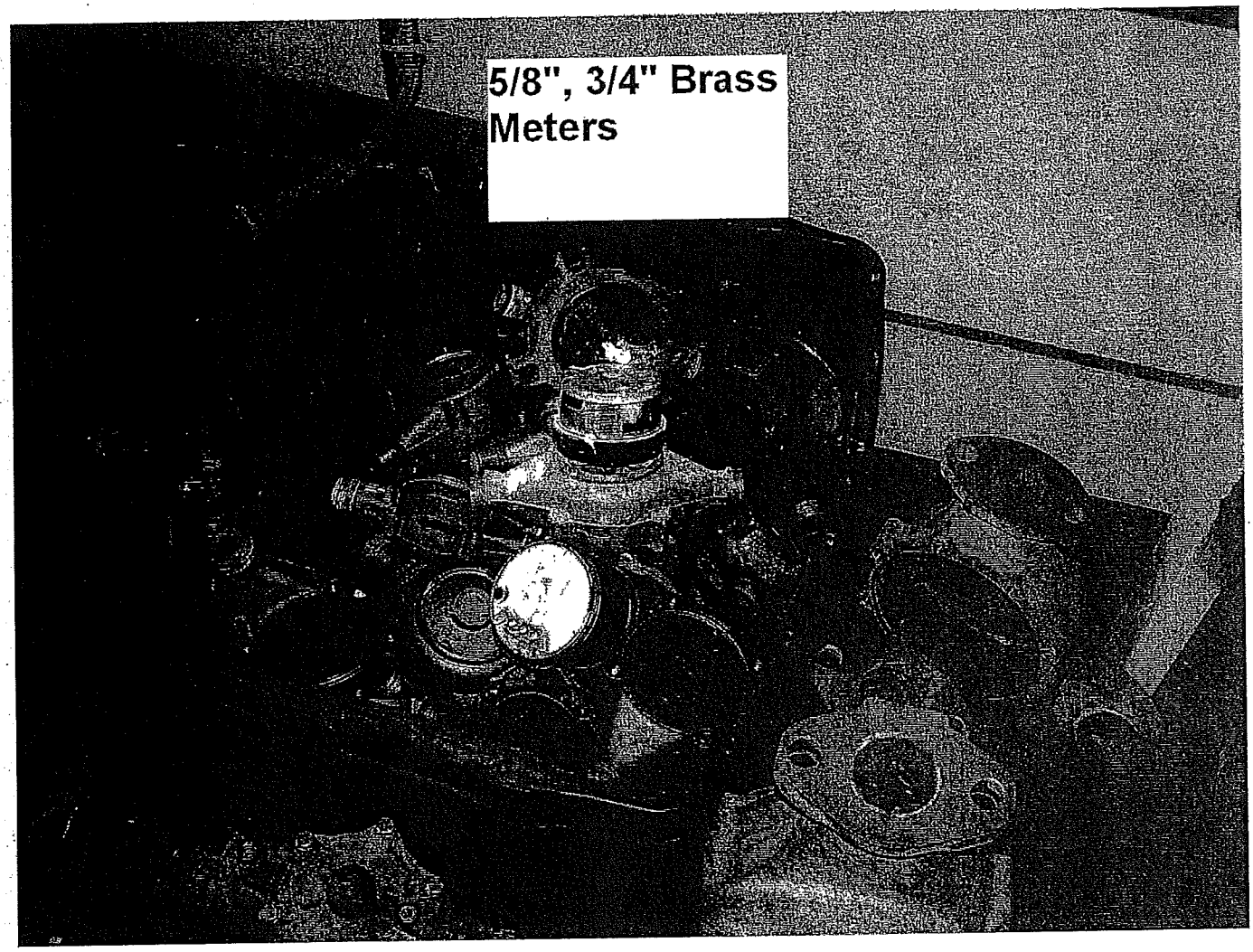

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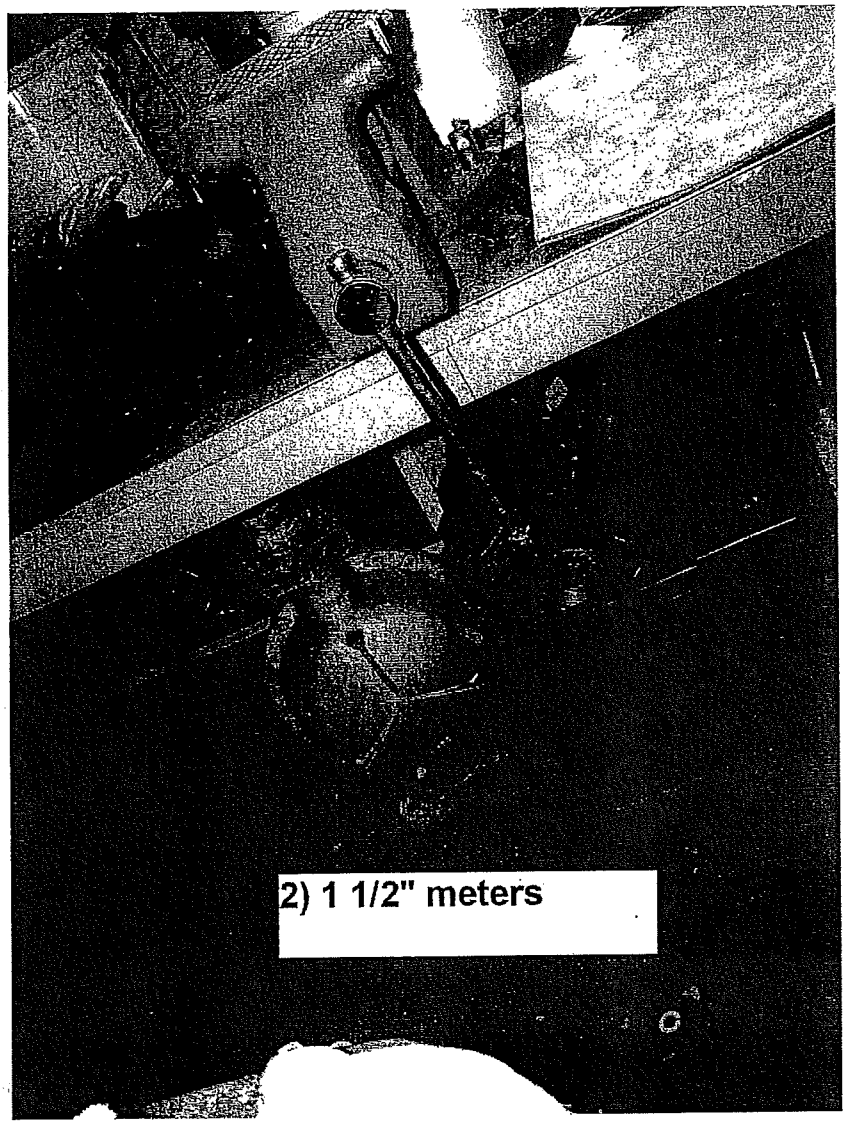

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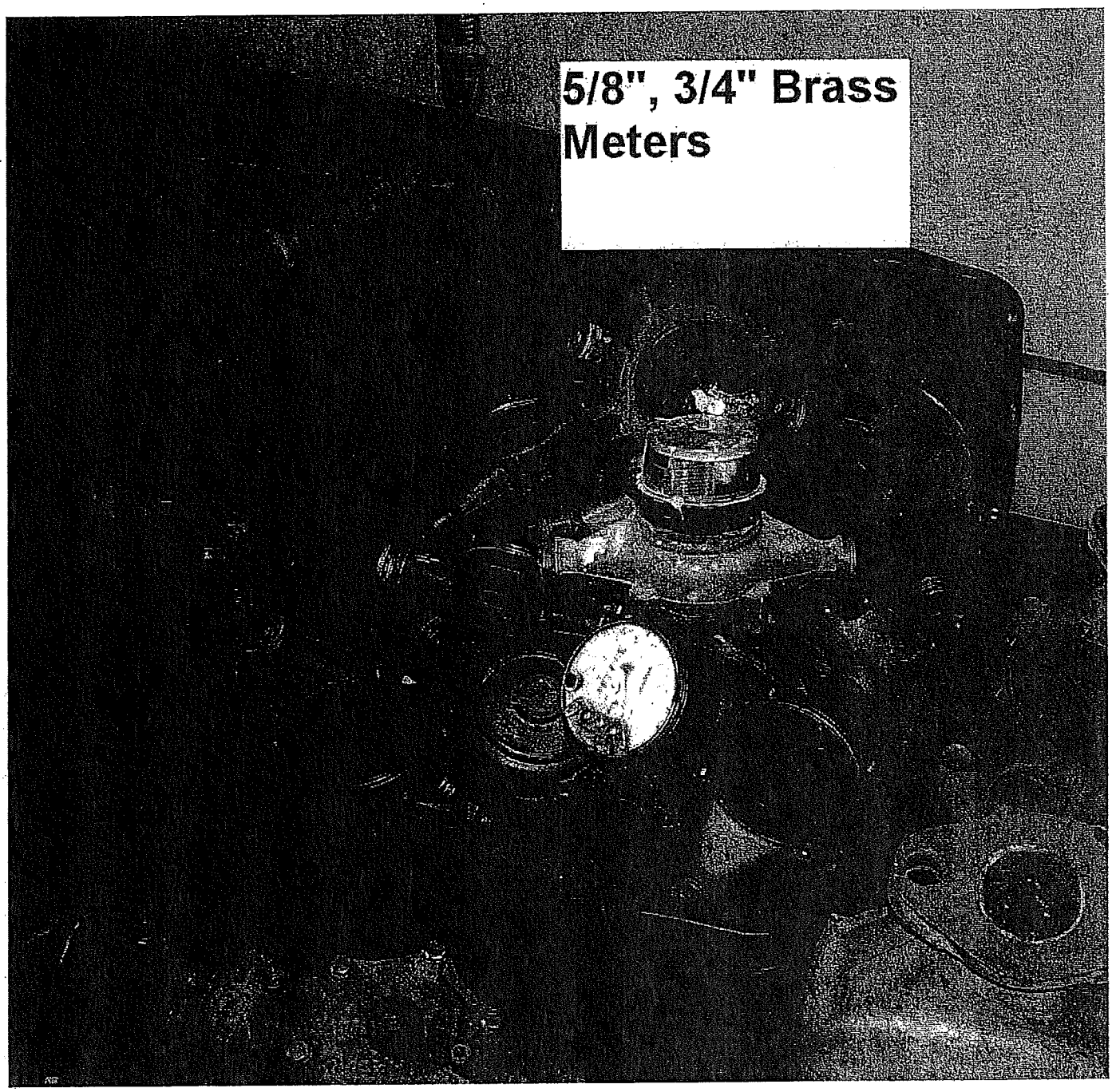
Subject: Maintenance surplus
From: "Rob Cloutier" <rcloutier@fallriverma.org>
Date: Mon, 20 Aug 2012 11:49:33 -0400
To: <purchasing@fallriverma.org>

Ms. Robinette,

Attached are the photos and a corresponding list of surplus that is located at 1620 Bedford Street water maintenance department.

Sincerely,

Robert Cloutier



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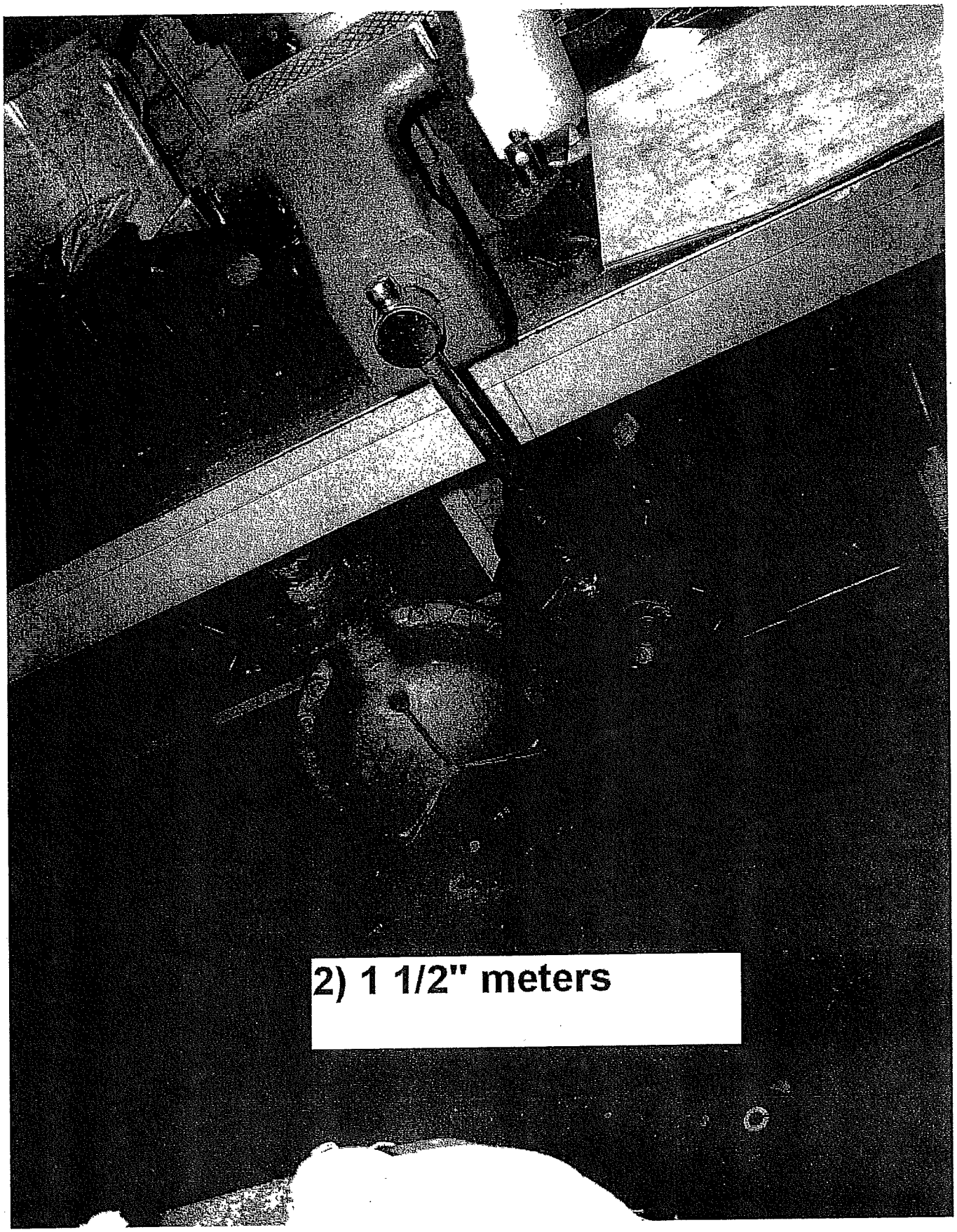

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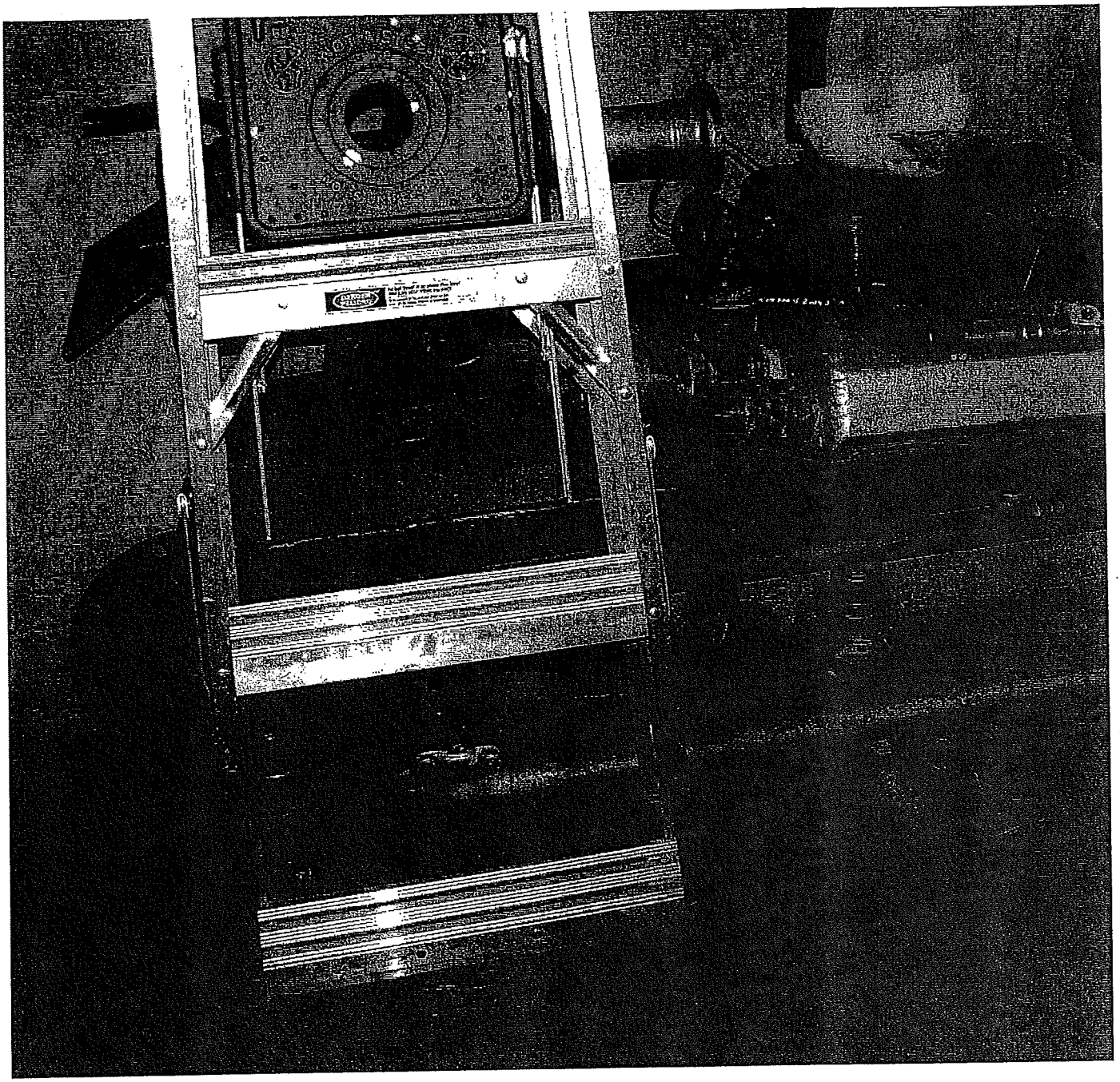

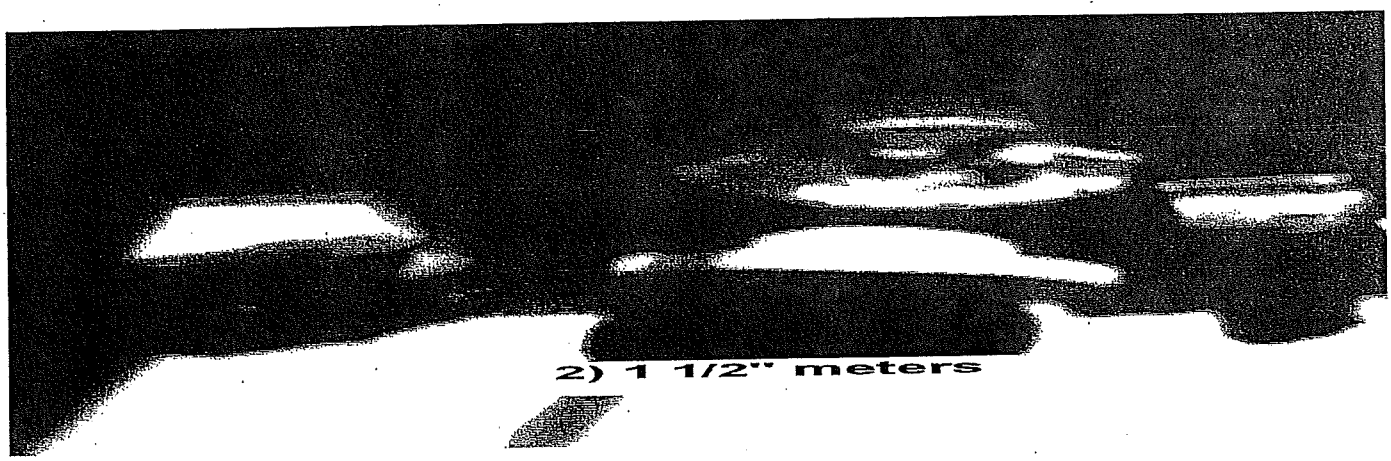

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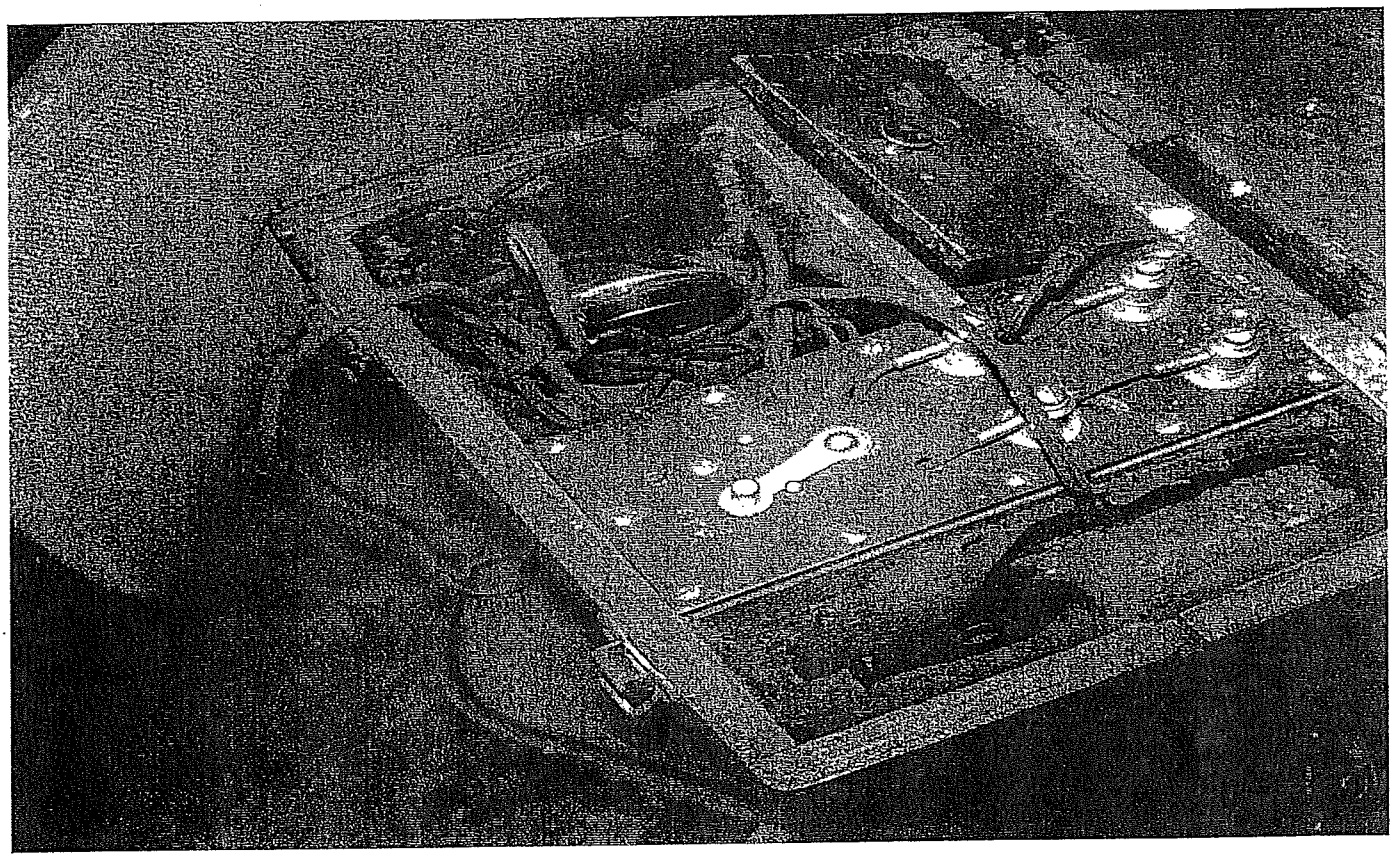

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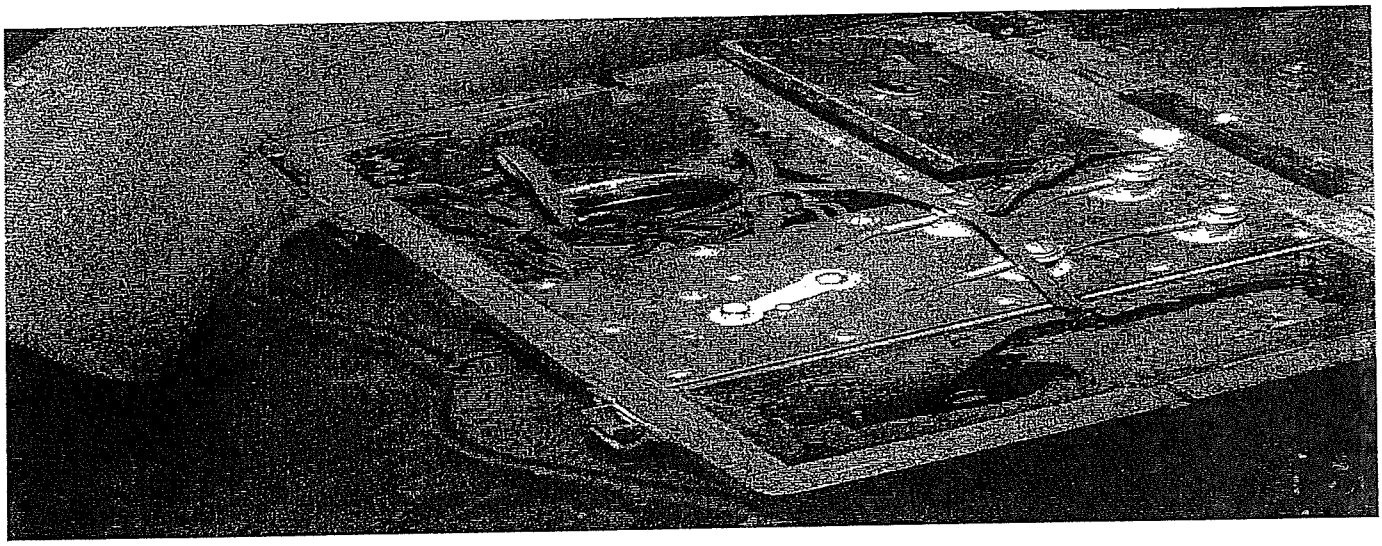

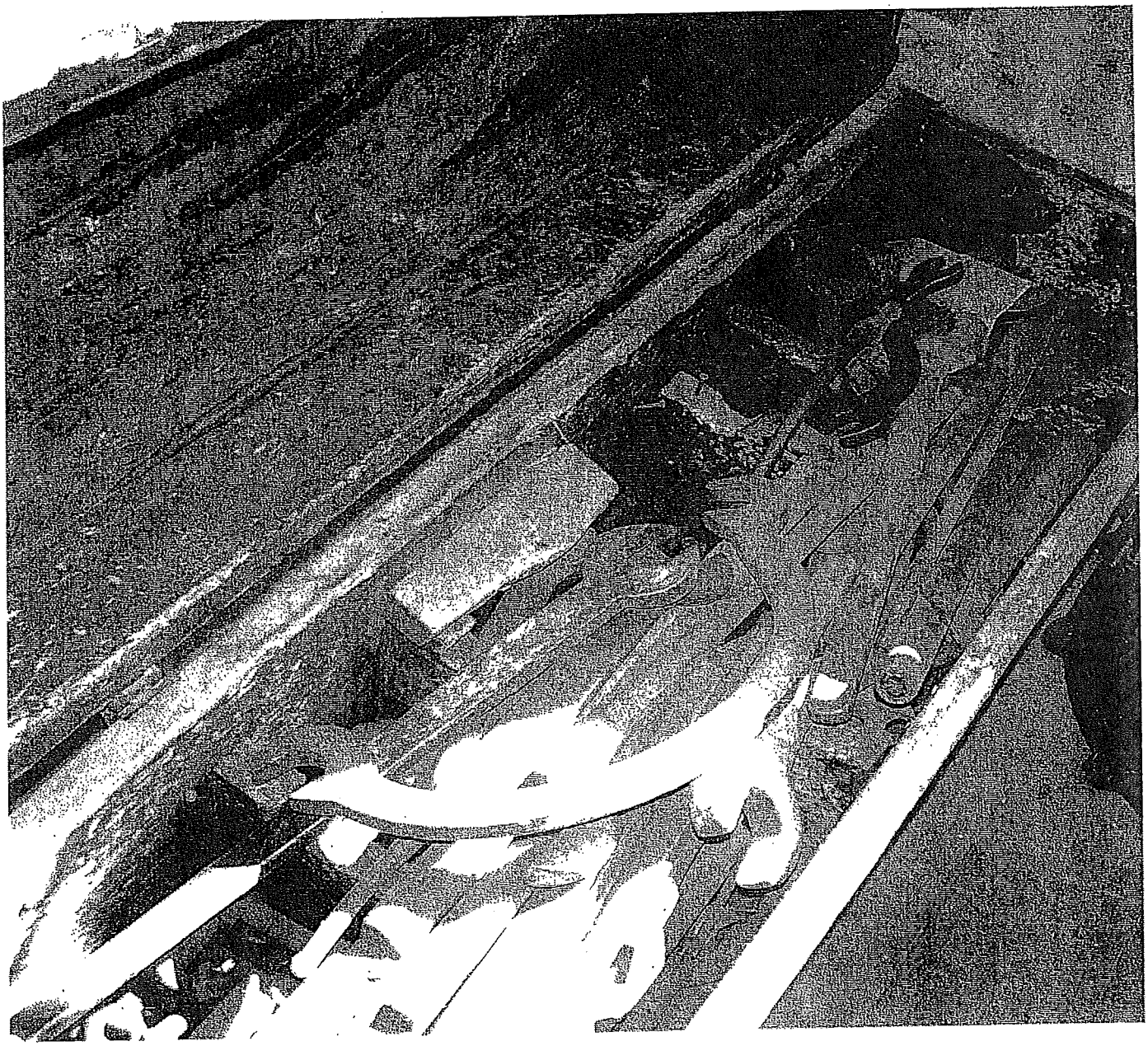

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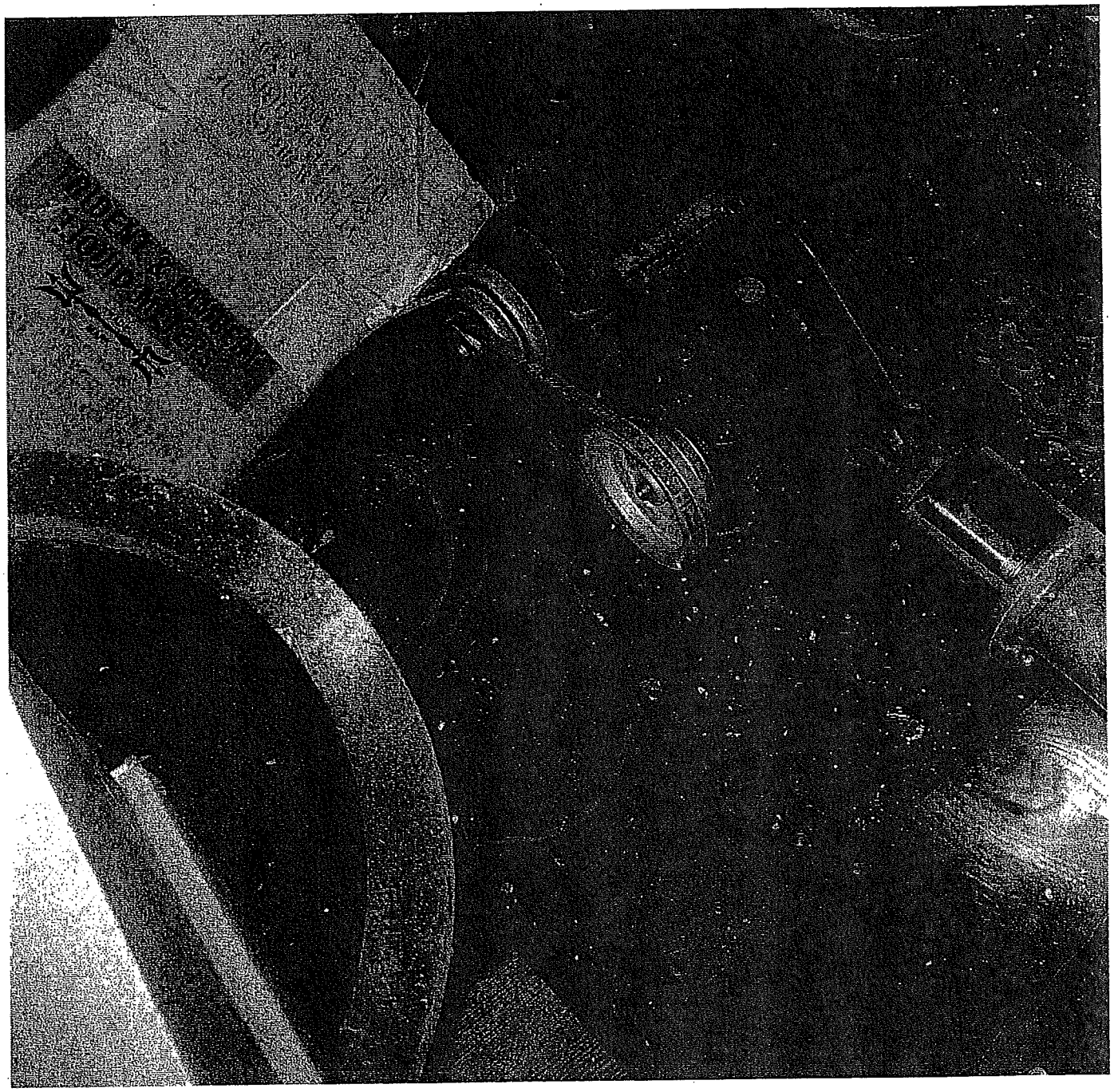

Maintenance surplus

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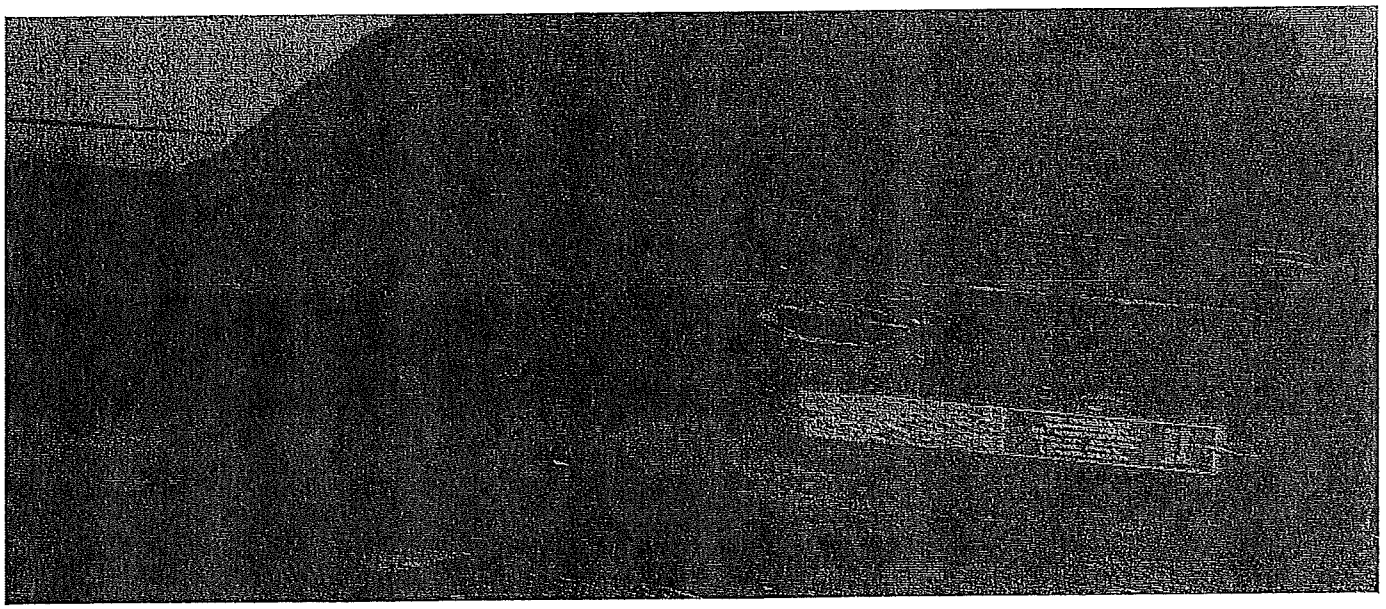

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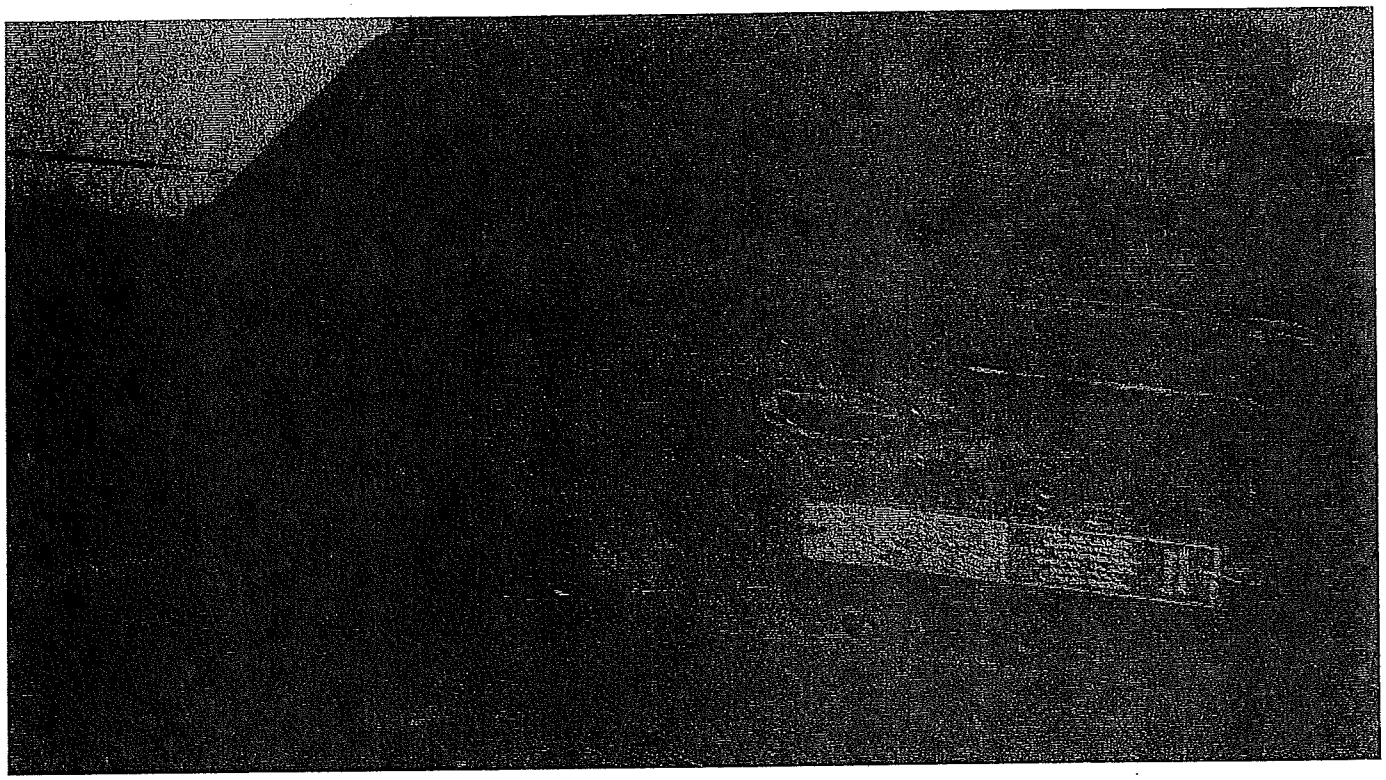

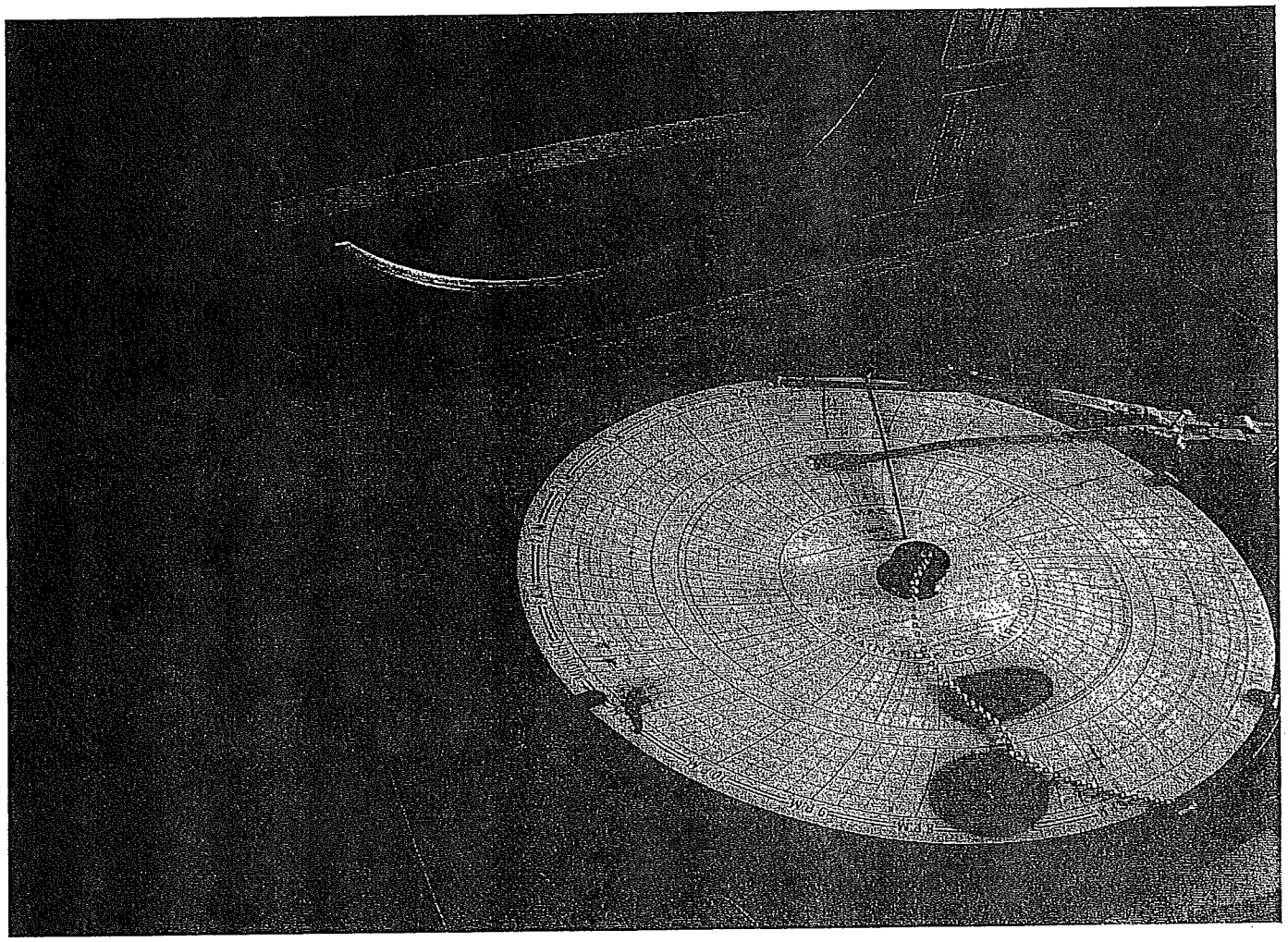

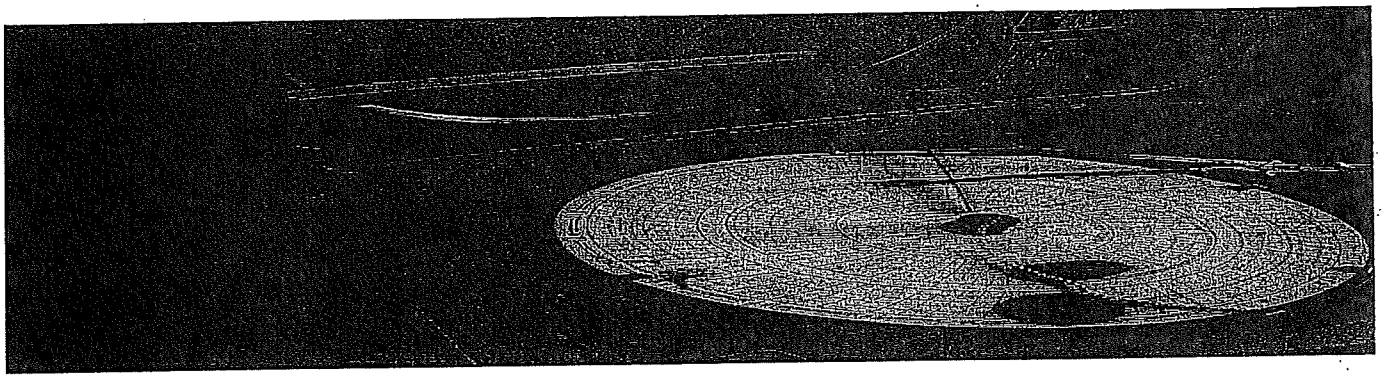

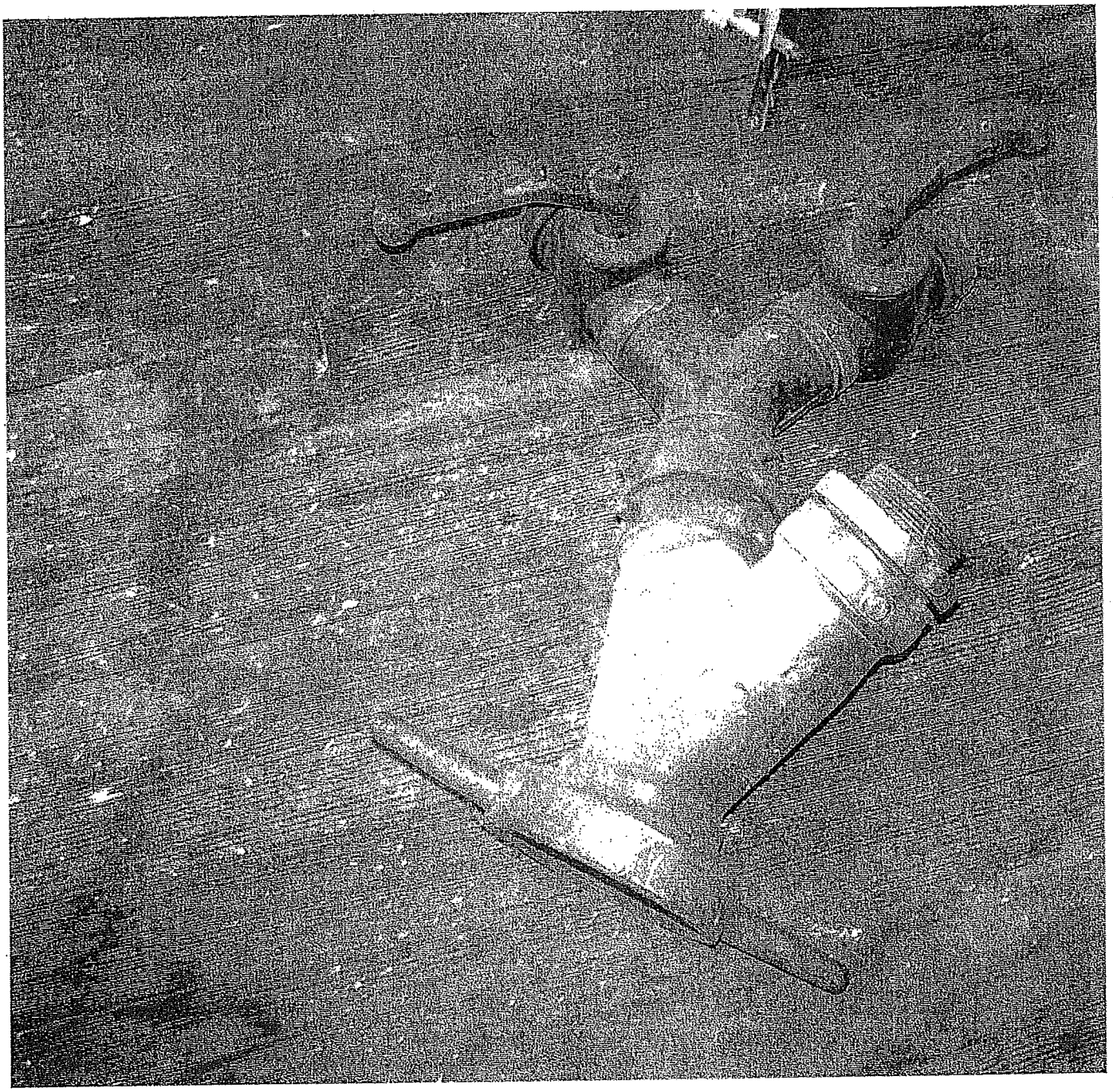

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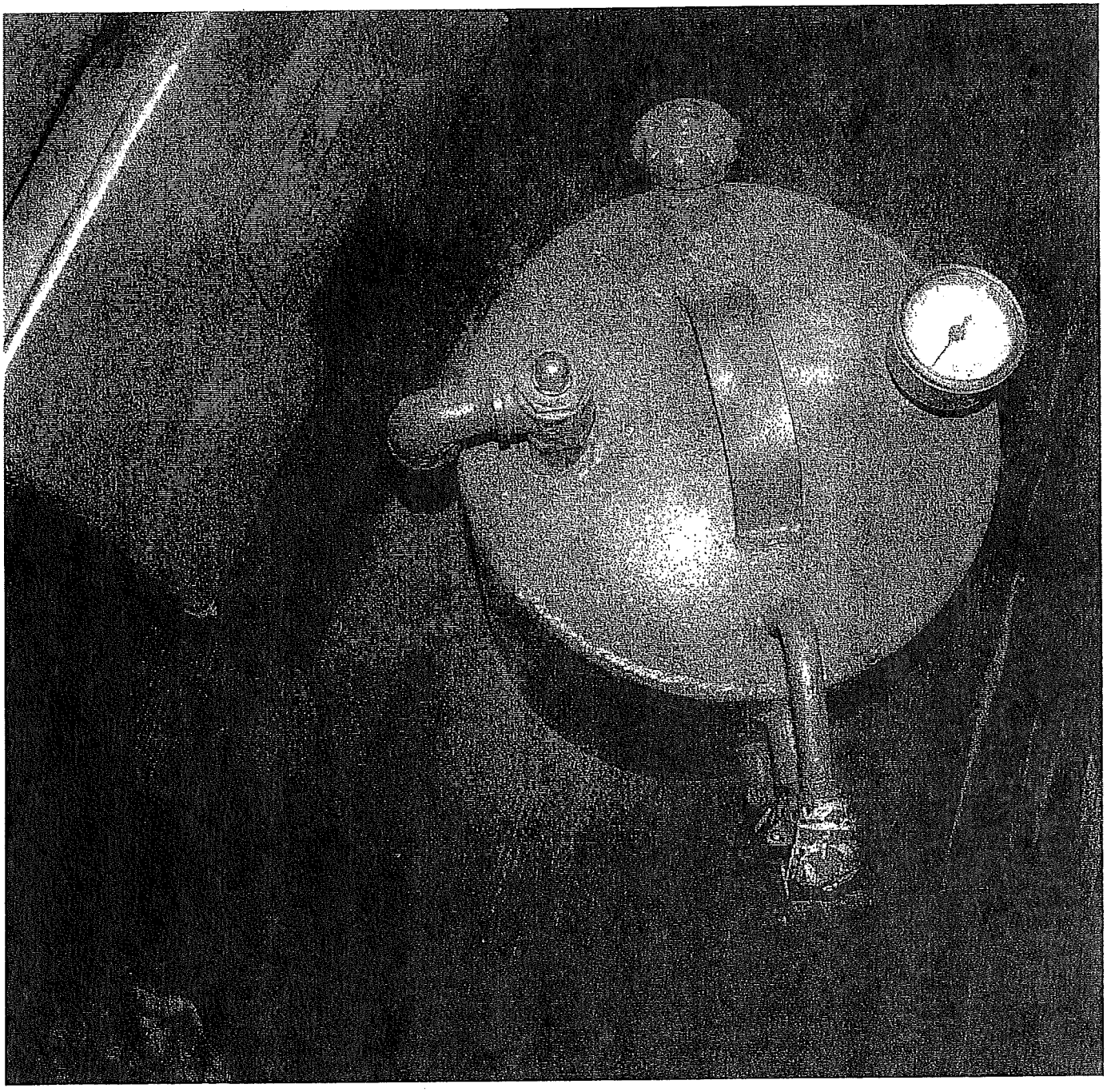

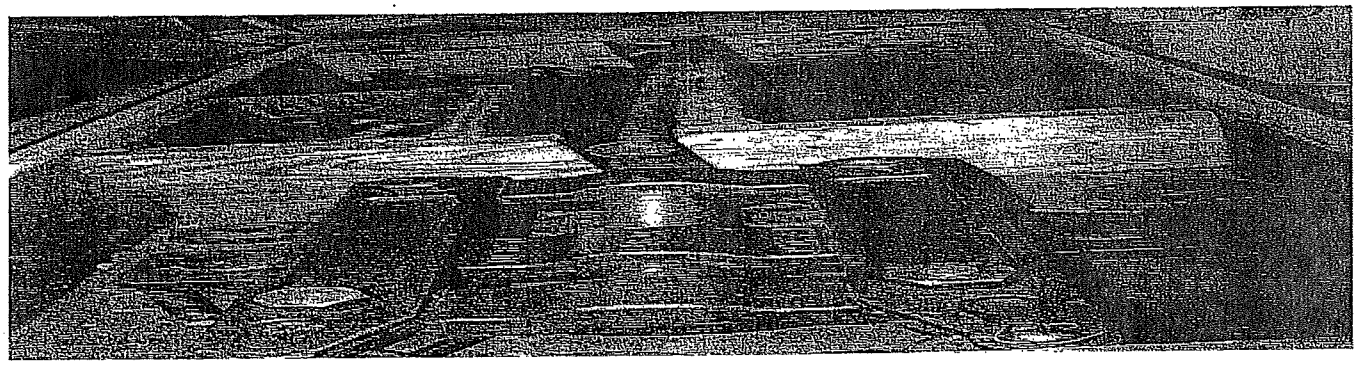

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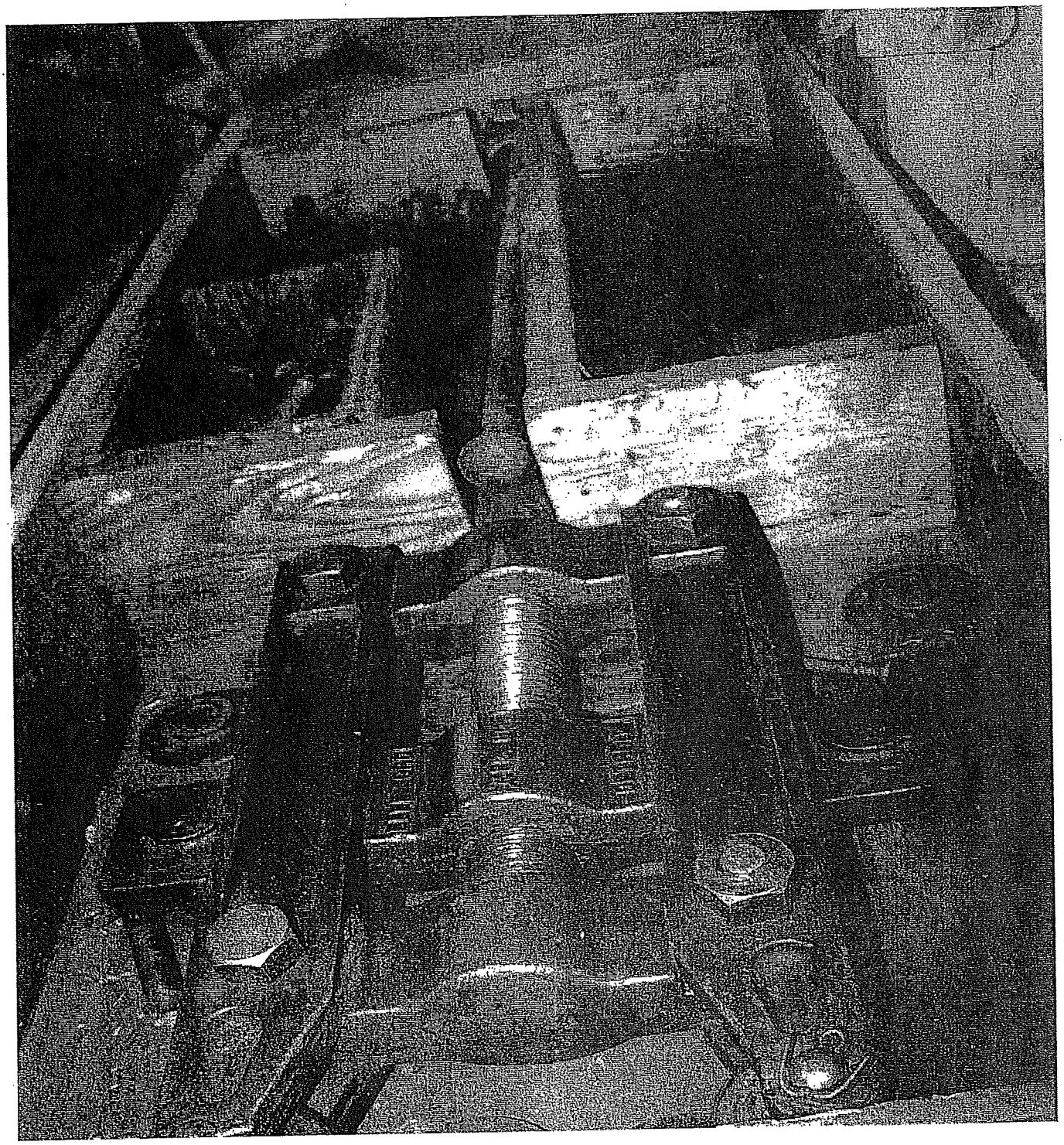

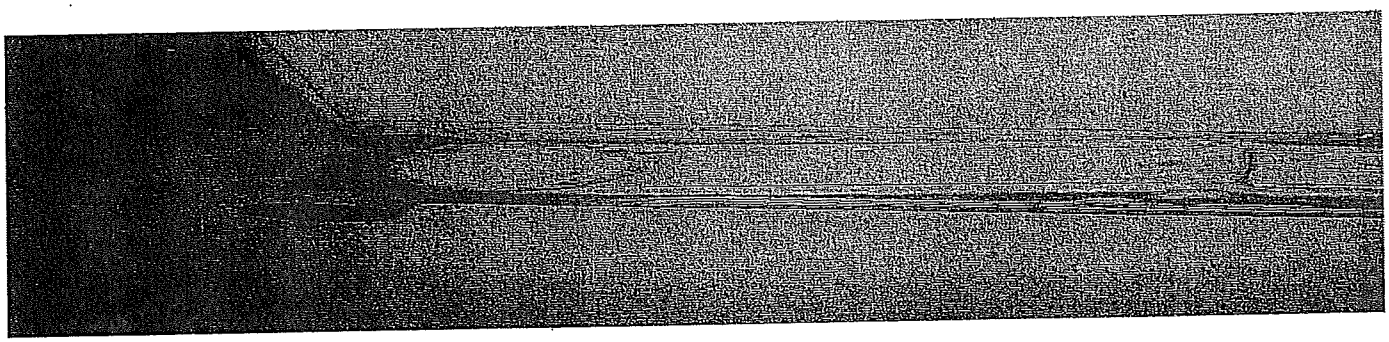

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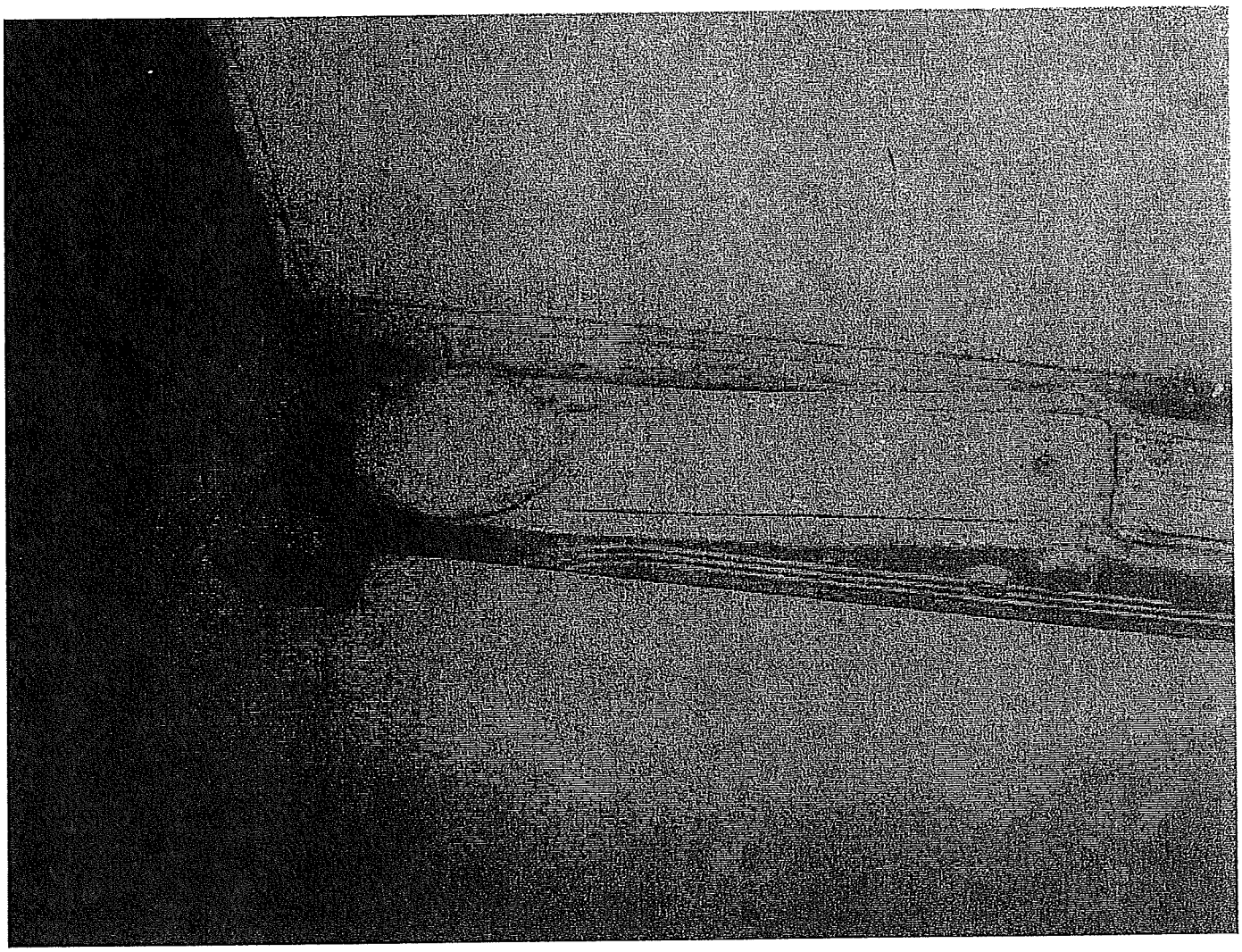

Maintenance surplus

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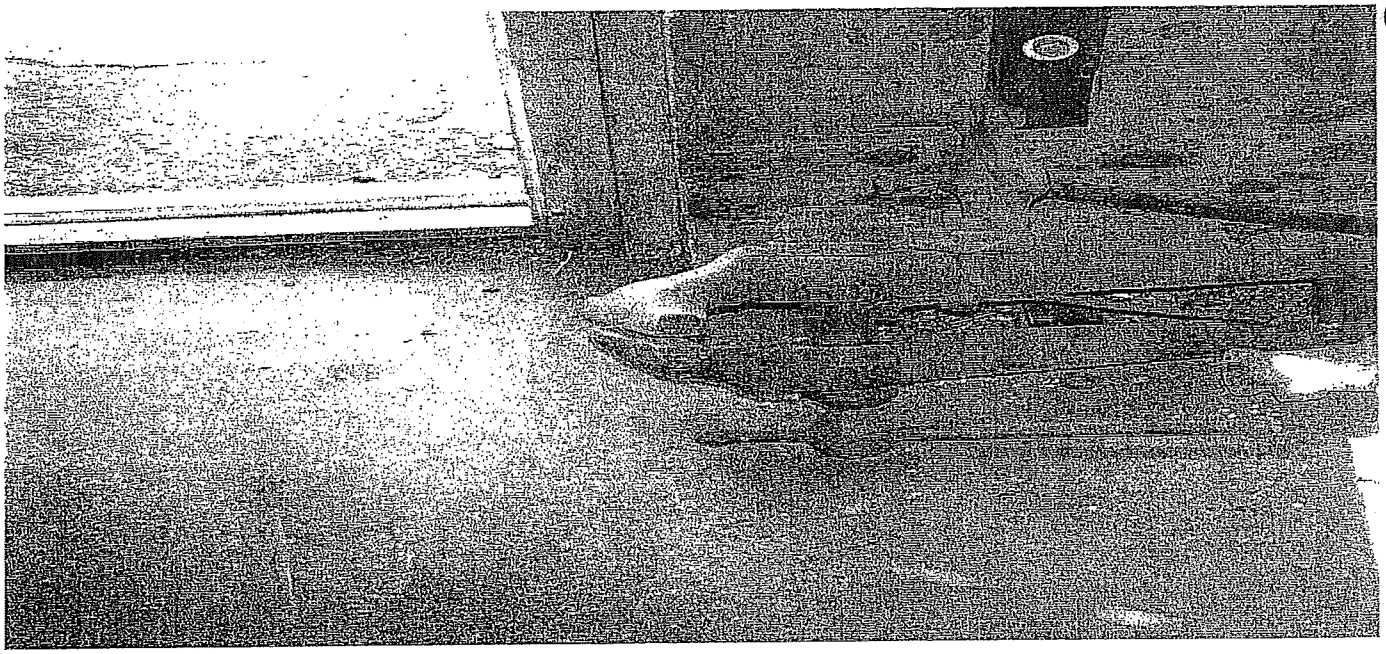

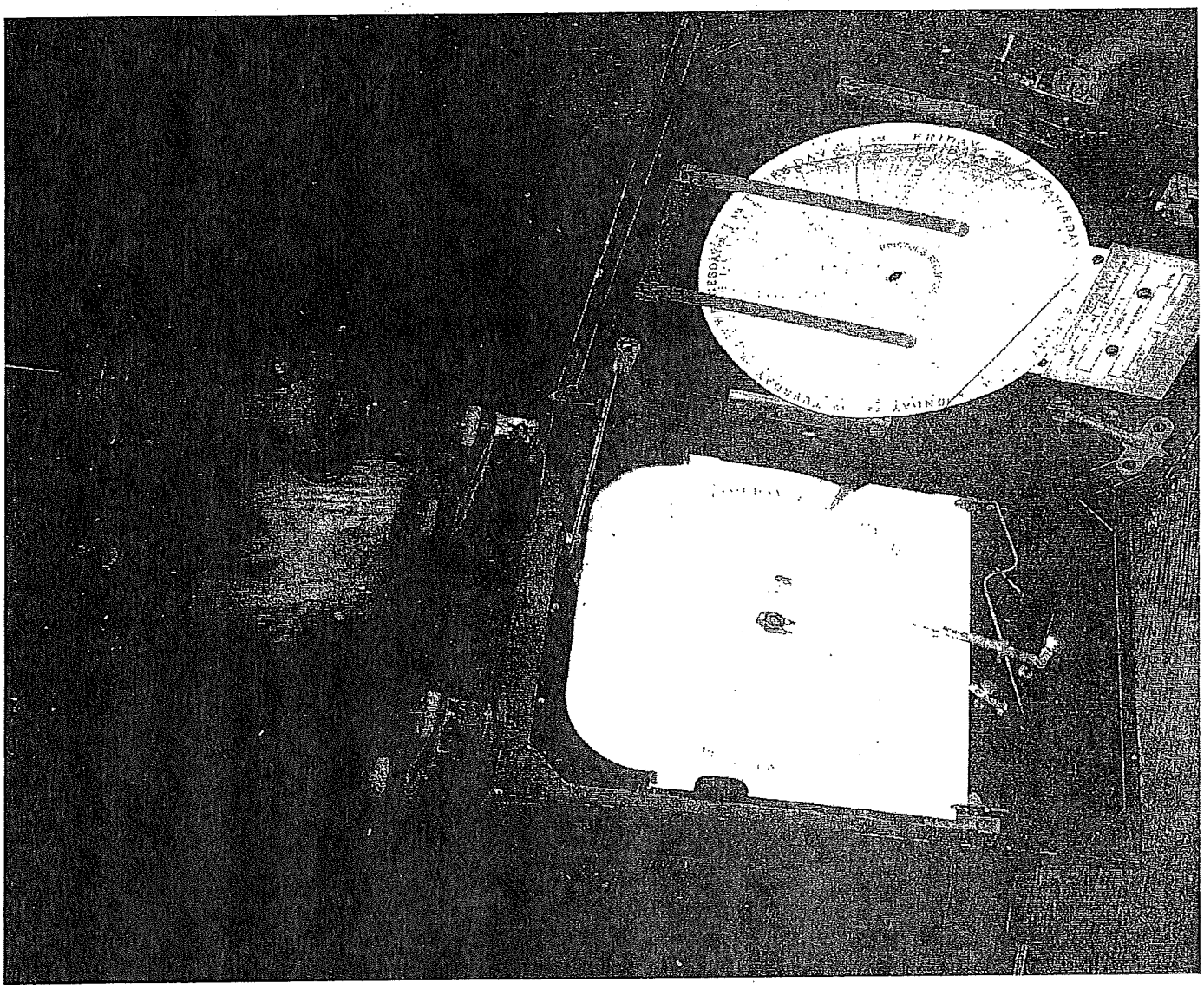

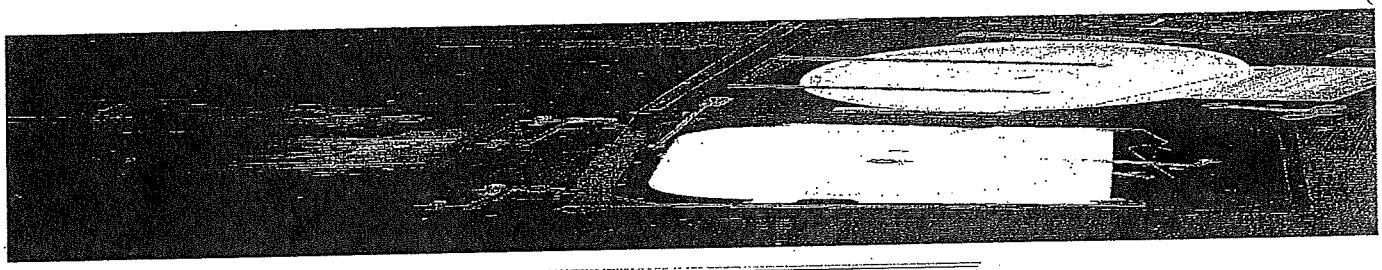

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2 1.5 inch meters.jpg	Content-Type: image/jpeg Content-Encoding: base64

2 inch Rockwell meter 1 inch Hersey meter.jpg	Content-Type: image/jpeg Content-Encoding: base64

2) 1.5 inch meters.jpg	Content-Type: image/jpeg Content-Encoding: base64

Antique leak detector box.jpg	Content-Type: image/jpeg Content-Encoding: base64

Box of old style machinist wrenches.jpg	Content-Type: image/jpeg Content-Encoding: base64

Chemical injection pump.jpg	Content-Type: image/jpeg Content-Encoding: base64

Cyclone sand blaster.jpg	Content-Type: image/jpeg Content-Encoding: base64

Dean control system.jpg	Content-Type: image/jpeg Content-Encoding: base64

F.S. Brainard day flow charting machine.jpg	Content-Type: image/jpeg Content-Encoding: base64

Fire hydrant front port siamese flush valve.jpg	Content-Type: image/jpeg Content-Encoding: base64

Fire hydrant steamer tank.jpg	Content-Type: image/jpeg Content-Encoding: base64

Large chain link pipe cutter.jpg	Content-Type: image/jpeg Content-Encoding: base64

6

Large floor jack.jpg	**Content-Type:** image/jpeg **Content-Encoding:** base64

Old style vise.jpg	**Content-Type:** image/jpeg **Content-Encoding:** base64

Pump Station weekly flow charting machine.jpg	**Content-Type:** image/jpeg **Content-Encoding:** base64

6

Crime Scene Unit

Item Description	*Age?*	*Est. $ Value*	*Defects?*
Thomas Duplex Super Safelight	15yrs	-$25	None
Beseler Enlarger 45MCRX	+30yrs	No Market Value	Obsolete, unknown working condition
MOHR Pro 8 File Processor ME-42	15yrs	No Market Value	Obsolete, Chemical build up on rollers
2 - Polaroid Specta Camera	20yrs	No Market Value	Obsolete / Operative?
2 – Polaroid Sun 660	20yrs	No Market Value	Obsolete / Inoperative
2 – Sony HVL-F1000 Flash	15yrs	No Market Value	Obsolete, broken battery door
Selecta Vision Video Casstte Recorder	30yrs	No Market Value	Obsolete, Complete?
Polaroid Close-up Stand Model 7500	20yrs	No Market Value	Obsolete
Sirchie Photo 4x5 Film ID Camera	+30yrs	No Market Value	Obsolete, Damaged shutter
Watson & Holmes Fingerprint Camera, 2x3 film(?)	+30yrs	No Market Value	Obsolete
Panasonic VHS Recorder AG-180	+20yrs	No Market Value	Obsolete, unknown working condition
Panasonic VHS Recorder	20yrs	No Market Value	Obsolete, unknown working condition
RCA VHS Recorder	20yrs	No Market Value	Obsolete, unknown working condition, parts
2 – Quantum Battery #2	20yrs	No Market Value	Unknown working condition, parts,
RCA VHS Camcorder	15yrs	No Market Value	Obsolete, unknown working condition, parts
Horseman 120 Film Camera in case	+50yrs	No Market Value	Obsolete, unknown working condition, parts
Handivac II Vacuum Cleaner	+20yrs	No Market Value	Obsolete, unknown working condition, parts
2 – File Cabinets, 6 drawer	15yrs	$25	Minor dents, scratches, marks

All items are located in the Crime Scene Unit Office.

Respectfully,

Andrew Wilson, Sgt

Capt Cauth
08-10-12

6

CARS FOR AUCTION ---POLICE DEPARTMENT

✓ 97 pontiac grand prix – 1G2WJ52K9VF350190 – 300 PD360

✓ 2005 ford crown vic - 2FAFP71W05X107551 – 300 PD 334

✓ 1995 ford crown vic - 2FALP71W8SX201420 – 300 PD 166

X 2005 ford crown vic - 2FAFP71W65X149173 – 300 PD351

✓ 1994 toyota camry - JT2SK12E80221885 – 450 PD 410

✓ 2008 ford crown vic - 2FAFP71V18X110714 – 300 PD 393

✓ 1999 mazda protégé - JM1BJ2226X0167067 – 450 PD 422

✓ 2004 ford crown vic - 2FAFP71W04X111792 – 300 PD 321

✓ 2008 ford crown vic - 2FAFP71V98X110718 – 300 PD 390

✓ 2001 ford tauras - 1FAFP53241A270818 – 300 PD 281

✓ 1995 ford crown vic - 2FALP71W5SX182812 – 300 PD162

✓ 2001 ford windstar - 2FMZA51451BC24038 – 350 PD 365

✓ 1997 buick century - 2G4WS52M2V1447146 – 350 PD 363

✓ 1999 nissan quest - 4N2XN11T7XD842767 – 350 PD 389

✓ 2007 ford crown vic - 2FAFP71WX7X122366 - 300 PD379

VEHICLES ARE CONSIDERED ONLY GOOD FOR SALVAGE.

6

FRPD - INFORMATION INVESTIGATION TECHNOLOGY UNIT

Description	Model	Age	Value	Defects	Location
Dell PC	280	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	280	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	280	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	280	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	280	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	280	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	280	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	280	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	280	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	280	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	280	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	280	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	280	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	280	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	270	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	520 D/T	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	520 D/T	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	520 D/T	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	520 Tower	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	520 Tower	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Dell PC	520 Tower	5+ Years	Less than $100	Obsolete	FRPD - BOOKING STORAGE
Custom White PC	P4	5+ Years	None	Obsolete	FRPD - BOOKING STORAGE
Custom White PC	P4	5+ Years	None	Obsolete	FRPD - BOOKING STORAGE
Dell Monitor	N/A	5+ Years	None	Obsolete	FRPD - BOOKING STORAGE
Dell Monitor	N/A	5+ Years	None	Obsolete	FRPD - BOOKING STORAGE
Dell Monitor	N/A	5+ Years	None	Obsolete	FRPD - BOOKING STORAGE
Dell Monitor	N/A	5+ Years	None	Obsolete	FRPD - BOOKING STORAGE
Dell Monitor	N/A	5+ Years	None	Obsolete	FRPD - BOOKING STORAGE
Dell Monitor	N/A	5+ Years	None	Obsolete	FRPD - BOOKING STORAGE
Dell Monitor	N/A	5+ Years	None	Obsolete	FRPD - BOOKING STORAGE
Dell Monitor	N/A	5+ Years	None	Obsolete	FRPD - BOOKING STORAGE
Dell Monitor	N/A	5+ Years	None	Obsolete	FRPD - BOOKING STORAGE
Dell Monitor	N/A	5+ Years	None	Obsolete	FRPD - BOOKING STORAGE
Dell Monitor	N/A	5+ Years	None	Obsolete	FRPD - BOOKING STORAGE
Dell Monitor Stand	None	5+ Years	Less than $50	Obsolete	FRPD - BOOKING STORAGE
Dell Monitor Stand	None	5+ Years	Less than $50	Obsolete	FRPD - BOOKING STORAGE
Dell Monitor Stand	None	5+ Years	Less than $50	Obsolete	FRPD - BOOKING STORAGE
Dell Monitor Stand	None	5+ Years	Less than $50	Obsolete	FRPD - BOOKING STORAGE
HP Printer	2300	5+ Years	Less than $50	Obsolete	FRPD - BOOKING STORAGE
HP Printer	940 C	5+ Years	Less than $50	Obsolete	FRPD - BOOKING STORAGE
HP Printer	4700	5+ Years	Less than $50	Obsolete	FRPD - BOOKING STORAGE
Brother Fax/Scanner	MFC-5840CN	5+ Years	None	Obsolete	FRPD - BOOKING STORAGE
					FRPD - BOOKING STORAGE

Police Dept

6

Surplus Property
Inspectional Services
August 16, 2012

1. HP Fax Machine – Model #920
   Approx. 15 Yrs. Old
   Estimated Value - $30.00 - $40.00
   In working condition.
   Location: Plumbing & Gas Inspectors Office (5th Floor)

2. HP ScanJet – Model #4200C
   10 Yrs. Approx.
   Estimated Value - $25.00 - $30.00
   Works, but needs software (May be able to download online).
   Location: Plumbing & Gas Inspectors Office (5th Floor)

3. Nakajima Typewriter – Model #AE-830
   Approx. 7 Yrs. Old
   Estimated Value - $20.00 - $25.00
   Works, but needs servicing
   Location: Sanitation Office (4th Floor)

4. Nakajima Typewriter – Model #AE-800
   Approx. 5 Yrs Old
   Estimated Value - $30.00 - $35.00
   In working condition.
   Location: Minimum Housing Office (4th Floor)

5. Canon Calculator – Model #MP12DH
   Approx. Age Unknown
   Estimated Value - $5.00
   Works only when the print option is off.
   Location: Building Inspectors Office (5th Floor)

Description of item	Approx. Age	$ Value	Defects	Location / Library
White Gateway Computer	7+ Years	50	unsure	Basement
White Flat Screen Monitor	7+ Years	10	none	Basement
White Keyboard	7+ Years	5	none	Basement
4 E Series Computers (Black)	5+ Years	75	none	ILL Room
2 Flat Screen Gateway Monitors	5+ Years	15	1screen faded	ILL Room
1 HP Color Printer	4+ Years	60	prints ghost image	ILL Room
1 Dell Computer	5+ Years	0	not working	ILL Room
4 Dell Keyboards	3+ Years	5	missing keys	ILL Room
2 White Gateway Computer	7+ Years	50	unsure	Telecom Closet
1 E Series Computer (Silver)	5+ Years	75	none	Telecom Closet
2 Dell Computers	5+ Years	50 / 0	1 does not boot up	Telecom Closet
1 Epson Receipt Printer	5+ Years	15	none	Telecom Closet
1 Dell Flat Screen Monitor	4+ Years	15	none	Telecom Closet
1 Dell Keyboard / Mouse	4+ Years	10	none	Telecom Closet
1 Epson Printer	20+ years	0	unsure	Technical Services
1 HP Color Printer	4+ Years	10	prints ghost image	Technical Services
2 Dell Dimension Comp. 3100 (silver)	5+ Years	0	not working	Technical Services
1 Dell (Black)	5+ Years	50	none	Technical Services
1 Old Comp & Monitor	10+ Years	0	unsure	Reference Closet
4 Black Flat Monitors	4+ Years	10	Screen Fades	Technical Services
2 Full Size Monitors (White)	9+ Years	5	none	Basement

1 Gateway Comp. (White)	9+ Years	30	none	Basement
3 HP 810c DeskJet Printers	9+ Years	15	none	Reference Office
4 Keyboards	5+ Years	5	none	Reference Office
2 Dell Computers	7+ Years	10	slow	Reference Office
3 Dell Computer	9+ Years	10	none	East Branch / Pleasant St.
3 Flat Screen Monitors + Mice	9+ Years	5	none	East Branch / Pleasant St.
Windows XP keyboard, mouse , speakers	9+ years	0	has virus	East Branch / Pleasant St.
Studio works computer, keyboard, mouse	9+ Years	0	none	East Branch / Pleasant St.
Apple Macintosh 40x Max	20 Years	0	unsure	East Branch / Pleasant St.
Royal Cash register	unsure	0	unsure	East Branch / Pleasant St.
1 HP 810c DeskJet Printers	9+ Years	0	unsure	South Branch / S. Main St.
Cisco systems microhub	5+ Years	0	broken	South Branch / S. Main St.
Orion VHS player	10+ Years	0	none	South Branch / S. Main St.

Library

FIRE DEPT

Description	Defects	Age	$ Value	Location
(1) 6 Draw metal Desk			?	F.D Garage
(1) 2.0 Hp, 2000 psi model #01040-0 Briggs & Stratton Pressure washer	Pump Leaks	10 yrs		F.D Garage
(1) Dip-stick 160 stick & mig welder Single Phase (Has No Mig Gun or Leads)		25 yrs		F.D Garage
(1) Air/Hyd. Floor Jack (Norco) w/wheels 22 Ton Model # 72200L		10 yrs		F.D Garage
(1) Cooper Trac Tire P225/75/R15	Fair			Center Station
(1) Bridgestone V-Steel LT245/75/R16	Fair			
(1) michelin 9.00/R20/X ZY	Fair			
(2) Goodyear P225/75/R18	Fair			
(1) michelin Pilot 245/70/R19.5	Fair			
(1) Goodyear V-Steel 11.50/R20	Good			
(1) Dunlop SP 780 11.00/R20	Junk			
(1) michelin 9.00 R20	Junk			
(1) michelin X 9.00/R20	Good			
(1) michelin X 11.00/R20	Junk			
(1) Goodyear 6159 11.00/R20	Good			
(1) michelin X 9.00/R20	Fair			
(1) Firestone 9.50/R16.5 LT	Fair			
(1) Goodyear P225/75/R15 w/Rim	Junk			
(1) Goodyear P225/75/R15 w/Rim	Good			
(1) Firestone P225/60/R16	Fair			
(2) Firestone Aero-Fire P225/70/R15	Fair			
(1) Cooper Transetter P225/75/15	Fair			

Fire Dept

Fire Dept

Description	Defects	Age	$ Value	Location
1 Goodyear P225/75/R15 w/Rim	Fair		?	Center Station
1 Hankook 8-245/70/19.5	Sidewall Damage			
1 Goodyear 245/70/19.5	Good			
1 Traction King LT 215/85/R16	Good			
3 Good year Workhorse LT 215/85/R16	New			
1 Michelin Pilot XZU4 245/70/R19.5	New			
2 Star Fire 195/75/R14	New			
1 Cooper 195/75/R14	New			
2 Goodyear S45 P195/70/R14	New			
4 Good year Club 165/80/R13	New			
4 Good year Work Horse 8.75/R16.5	New			
1 Good year P225/75/R15 w/Rim	Fair			
1 P225/75/R15 w/Rim	Good			
4 Yokohama LT 215/85/R16	New			
1 1974 Mack Bucket Truck Vin# CF686FAP1046	Fair			
1 1986 Ford Pumper Truck Vin# 1FDYD80UXGVA31371	Poor/Junk			
1 Large Coffee Urn 2 Spouts	No	?	$20	E6
1 Rubbermaid Water Cooler Orange	No	?	$5	E6

Fire Dept

FIRE DEPT

Description	Defects	Age	$ Value	Location
Dell 4600 (3)	no OS - no disks	10	$150	Fire HQ-Shop
Viewsonic 17" monitor (CRT)		10	$25	"
Dell 15" CRT monitor		10	$10	"
Dell PowerEdge 4600 (Cluster 2-Servers)	No disks	10	$500?	"
HP Deskjet 5550	Not working	5	$0	"
Cisco Pix 501	no Power supply	8	$-0-	"
Snap Appliance - Snap Server 4200	no setup disk working???	10	?	"
HP Officejet Pro L7680	Broken	5	-0-	"
HP Laserjet P1505	Broken	5	-0-	"
Toshiba A65 Laptop	Broken no Power Cord	10+	-0-	"
Box of Assorted Computer Accessories		?	-0-	"
Fax Machine	Broken		-0-	"
* Assorted stuff from FY2010-2011 which has not been picked up				

Fire Dept

Fire Dept

Description	Defects	Age	$ Value	Location
WASHER	OK	8	$75-	NORTH STA.
DRYER	OK	8	$75-	North STA.
DESK STEEL	OK	?	$75-	Center STA.
FLOOD LIGHT	OK	?	$15-	Center STA.
1" steel cable, 50-60 Ft.	OK	?	?	Center STA.
steel RAKES - 15 count	OK	?	?	Center STA.
steel Shovels - 10 count	OK	?	?	Center STA.
SCRAP CAST boiler chambers	SCRAP	?	?	Center STA.
Alum. Scba bottles - 50 count	SCRAP	?	?	Center STA.
WASHER	OK	8	$50	STANLEY STA
DRYER	OK	8	$50	STANLEY STA.
Refrigerator	OK	10	$50	STANLEY STA.

Fire Dept

ITEMS NOT SOLD
DECOMMISSIONED SCHOOLS

BOOKCASES (SMALL)
BOOK RACKS
BOOK SHELVES (METAL)
CHAIRS (STUDENT)
CHAIRS (TEACHER)
CHAIRS (FOLDING)
CHALKBOARDS
CLOCK
COMPUTERS
DESK (TEACHERS) METAL
DESK (TEACHERS) WOOD
FILE CABINETS (METAL)
FILE CABINETS (SMALL)
TABLES (CUT OUT)
TABLES (LARGE)
TABLES (SMALL ROUND)
TV CARTS
WHITEBOARD

City of Fall River

Office of the Corporation Counsel

7

RECEIVED
2012 SEP 17 P 3:58
CITY CLERK
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

ELIZABETH SOUSA
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

CHRISTY M. DIORIO
Assistant Corporation Counsel

September 17, 2012

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

Re: Cart Ordinance

Dear Ms. Bouchard:

Enclosed please find the Cart Ordinance that I was requested to modify for the City.

Any questions please feel free to contact me.

Very truly yours,

Gary P. Howayeck

Gary P. Howayeck MRR
Assistant Corporation Counsel

GPH/n
Enclosure

7

City of Fall River, In City Council September 17, 2012

Ordered that:

The Fall River Ordinances noted below shall be modified as follows:

Section 62-1. Definitions.

This section shall include a new definition noted below:

"*Cart* means the City supplied wheeled trash receptor. Blue Carts are solely used for recycling and green Carts for household trash."

The definition of *Rubbish* shall be stricken and replaced with the following:

"*Rubbish* means items of no value; broken glass, dishes, food wrappings, contaminated cardboard, items not suitable/designed for recycling; food waste. Excluded from the definition are small appliances, items which do not fit in the green trash Carts, any electronic devices, yard waste, branches, and bulky plastics."

Section 62-32. Compostable leaf and yard waste

This section shall add a section 'c' which shall read as follows:

(c) No leaf or yard waste materials shall be placed in the green or blue Carts.

Section 62-33. Ashes.

This section shall be stricken from the City Ordinances of Fall River.

Section 62-35 Papers, newspapers and paper cartons

This section shall be renamed: Recyclable Items

The section shall be stricken in its entirety and replaced with the following:

(a) "All Plastic bottles and containers labeled 1-7, clear, green and brown bottles and jars, tin, steel, aluminum cans (including both deposit and

7

non-deposit beverage cans), newspapers with inserts, cereal boxes, waxy milk and orange juice cartons, cookie boxes, flat or corrugated cardboard, mail, magazines, and all office/home paper shall be placed in the blue recycling Cart.

(b) Cans formerly containing hazardous materials, pizza boxes, plastic bags, Styrofoam, broken glass, hard-back books, scrap metal, plastic 6-pack holders, needles or syringes, plastic microwave trays, mirrors, ceramics or Pyrex, light bulbs, plates or vases, drinking glasses, window glass, hazardous or bio-hazardous waste, tissues, paper towels, napkins, waxed paper, stickers or sheets of address labels, and clothes hangers and pots and pans are not recyclable and shall be disposed in the green Cart.

(c) Shredded paper is recyclable, however must be placed in a paper bag before placing in blue recycling Cart."

Section 62-39 Time of placing receptacles for collection.

The section shall be stricken in its entirety and replaced with the Following title and section change:

The title shall be "Time of placing Carts for collection."

"Carts shall be place on the outer edge of the sidewalk no earlier than 4:00 p.m. the evening before and by 7:00 a.m. on collection day. The Carts must face the proper direction (lid opening to street side). Carts must be placed in front of the property to which they are assigned. Carts shall be placed approximately 2 feet apart. When empty Carts must be removed from the sidewalk area, but no later than 5:00 p.m. on the day following the day of collection. When possible, Carts should be left at the end of the driveway opening at the street for easy access. Cart areas shall be shoveled during snow events. All trash and recycling must be in the appropriate Carts with lids closed. No trash shall be picked up which is outside the Carts."

Section 62-40 Limitation on quantity of waste removed.

This section shall be stricken.

Section 62-41 Refuse deposited in streets to be in proper receptacles and bundles.

This section shall be retiled: "Refuse deposited in streets are to be in proper Carts."

In the section, the word "receptacles and bundles" shall be stricken and replaced with "Carts"

Section 62-44 Standards for garbage containers

The section shall be stricken in its entirety and replaced with the Following title and section change:

This section shall be retiled: "Standards for any City issued Carts"

The section shall now read as follows:

"Carts shall be of a type approved by the director of community maintenance and shall be kept in a clean, neat and sanitary condition at all times."

8

The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

DAVID B. SULLIVAN
STATE REPRESENTATIVE
6TH BRISTOL DISTRICT

800 DAVOL ST., 2nd FLOOR
FALL RIVER, MA 02720
TEL. (508) 676-1008

Committees:
Vice Chair, Education
House Ways & Means
Mental Health & Substance Abuse
Tourism, Arts & Cultural Development

ROOM 473G, STATE HOUSE
TEL. (617) 722-2070
FAX (617) 722-2817
E-Mail: David.Sullivan@MAhouse.gov

RECEIVED
2012 SEP 20 P 3:26
CITY CLERK
FALL RIVER, MA

Linda Pereira, City Council President
One Government Center
Fall River, MA 02722

September 20, 2012

Re: Chapter 281 of the Acts of 2012

Dear City Council President Linda Pereira,

On September 14th, Governor Deval L. Patrick signed into law **House Bill 4030**, *An Act Relative to the Appointment and Status of the Fire Chief and the Board of Fire Commissioners in the City of Fall River.*

Today, I write to request that the Fall River City Council takes a formal in order to amend the current city ordinance regarding the position of the Fire Chief.

As you already know **House Bill 4030** initiated as a home rule petition and will restore the Fall River Fire Chief's position to a civil service appointment. Thank you for your careful attention to this important matter. If you have any further questions, please do not hesitate to contact my office.

Sincerely,

David B Sullivan

David B. Sullivan
State Representative

H 4030

8

Chapter 281

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Twelve

AN ACT RELATIVE TO THE APPOINTMENT AND STATUS OF THE FIRE CHIEF AND THE BOARD OF FIRE COMMISSIONERS IN THE CITY OF FALL RIVER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the position of fire chief for the city of Fall River shall be governed by chapter 31 of the General Laws.

SECTION 2. Notwithstanding any general or special law to the contrary, the fire chief in the city of Fall River shall be the head of the fire department and shall be responsible for the management and operation of the department and shall be the appointing authority for all employees of the fire department under section 1 of chapter 31 of the General Laws, with all the rights, duties and privileges appurtenant thereto and as contained in said chapter 31 and any other general or special law applicable to chiefs of departments.

SECTION 3. The fire chief in the city of Fall River shall be appointed by the mayor and shall be confirmed by the city council. The terms and conditions of the fire chief's employment shall be contained in a contract under section 108O of chapter 41 of the General Laws, for a period not to exceed 3 years. The terms and conditions of said contract shall be negotiated by the mayor and approved by the city council.

SECTION 4. The board of fire commissioners of the city of Fall River shall consist of 3 persons who shall be appointed by the mayor and confirmed by the city council.

SECTION 5. Chapter 189 of the acts of 2008 is hereby repealed.

SECTION 6. This act shall take effect upon its passage.

House of Representatives, September 6, 2012.

Passed to be enacted, Paul J. Donato, Speaker.

In Senate, September 6, 2012.

Passed to be enacted, Eileen M. Donaghy, President.

14 Sept, 2012.

Approved,

at 3 o'clock and 07 minutes, P. M.

Governor

City of Fall River, *In City Council*

9

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

That the Planning Director be, and she is hereby authorized and directed to amend the map entitled "Zoning Map of the City of Fall River" which by Chapter 86, Section 121 of the Revised Ordinances of the City of Fall River, Mass., 1999, is made a part of said Chapter, by drawing on it, in addition to the presently existing districts shown thereon, the following:

As a Neighborhood Shopping District B-N, that area now in an Industrial District IND, bounded and described as follows:

Beginning at a point at the centerline intersection of Brayton Avenue and Stevens Street; thence southerly by the centerline of Stevens Street approximately 348 +/- feet to the southerly boundary of tax assessor's lot E-27-4; thence easterly along the property line of tax assessor's lot E-27-4 approximately 275 +/- feet; thence northerly along the easterly property line of tax assessor's lot E-27-4 to the centerline of Brayton Avenue approximately 349 +/- feet; thence westerly by the centerline of Brayton Avenue 278 +/- feet to the centerline intersection of Brayton Avenue and Stevens Street and the point of beginning. Being the same area as shown on the map entitled Zoning Change from IND to B-N; dated February 17, 2012.

City of Fall River, *In City Council*

10

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

By inserting in Chapter 14, which chapter relates to Businesses, a new Article XXI VENDING PUSH CARTS, and inserting under said article, the following new sections to read as follows:

Sec. 14-700 Food Vending Push Carts
The City Council finds that vending push carts offering pretzels, hotdogs, sausages, lemonade, and ice cream provide an atmosphere conducive for public enjoyment, leisure, and recreation. The City Council also finds that regulation of vending push cards is necessary to protect the public safety and welfare, as street-vending can pose particular hazards to pedestrians and impact vehicular traffic on public rights of way. The City Council further finds that food vending requires special regulation to protect the public health and limit the potential for unlicensed service of food to the public.

Sec. 14-701 Definitions
For purposes of this section, the following terms are defined as follows:

"City" means the City of Fall River.

"Department" means the Department of Engineering.

"Permitting authority" means the Clerk of the City of Fall River or her designee.

"Person" means an individual, corporation, partnership, or other business organization or entity.

"Push cart" means any wagon, cart, or similar wheeled container, but not a vehicle, from which food is offered for sale to the public.

Sec. 14-702 Permit requirement
No person shall sell, offer for sale, or provide any food or beverage from a push cart without first obtaining a food vending permit from the permitting authority. Nor shall any person employ, direct, or otherwise cause any other person to sell, offer for sale, or provide any food or beverage from a push cart without first obtaining a food vending permit from the permitting authority.

Sec. 14-703 Permit application
An applicant for a food vending push cart permit shall file with the permitting authority a written application containing:

A. The name, address, and telephone number of the applicant;
B. The name, address, and telephone number of the business, its owner or owners, and the mailing address of the business;
C. The items offered for sale or provided to the public;
D. The proposed location of the vending site, including two alternative locations, listed by order of preference;
E. Evidence that the push cart passed all necessary inspections required by the Board of Health.

Each application shall be accompanied by a fifty dollar ($50) permit fee.

Sec. 14-704 Approval process

A. A permit application shall be forwarded to the Department of Engineering for review and approval of the proposed location requested by the applicant. The Department shall determine whether the width of the sidewalk at the proposed location or service route contains a minimum of seven (7) feet, including a minimum 36-inch path of travel around the push cart. Failure of the sidewalk to possess a minimum width of seven (7) feet, including a minimum 36-inch path of travel around the push cart will result in automatic rejection of the proposed location or service route by the Department. The Department may also consider in its approval or rejection of the proposed location whether the proposed location or service route poses a danger or nuisance to the public health, safety, or welfare, or impedes pedestrian or vehicular traffic.
B. The Department may work with the applicant or permit holder to modify the location or service route at any time (i) before the issuance of a permit or (ii) after the issuance of a permit, if the grant of a permit or approval of the location or service route has led to the creation of a nuisance or otherwise endangers the public health, safety, welfare, or impedes pedestrian or vehicular traffic or (iii) by request of the permit holder.
C. The permit application shall be forwarded to the food inspector who shall determine whether the items listed to be sold or provided to the public are safe for handling, selling, or providing, given the nature of the push cart and the limitations imposed on the push cart under this Article. The food inspector shall examine the push cart that is the subject of the application to determine its compliance with all laws and regulations set by the Commonwealth of Massachusetts and the City with regard to applicable health codes.
D. The permit shall state the approved location or service route in which the push cart may be located and operated.

Sec. 14-705 Indemnification

Prior to the issuance of any food vending permit, the applicant shall execute an agreement holding the City, its employees, and agents harmless from any liability arising from the use of the permit.

Sec. 14-706 Insurance

The permit holder, at his or her sole cost and expense, shall obtain and maintain liability insurance for bodily injury and property damage in an amount not less than five hundred thousand dollars ($500,000). The policy or policies shall contain an endorsement listing the City of Fall River as additional insured, and shall provide that the City be given thirty (30) days written notice prior to cancellation or material change. Proof of insurance shall be submitted to the permitting authority prior to issuance of any food vending permit.

Sec. 14-707 Permit term and renewal

Each permit issued pursuant to this Article shall be for a period of one year commencing on May 1 and ending April 30. Renewal of any permit shall be for an additional one year term and requires the submission of a new application along with a fifty dollar ($50) renewal fee.

Sec. 14-708 Prohibition against transfer of permit

No person holding a food vending permit shall sell, lend, lease, assign, or transfer in any manner the food vending permit.

Sec. 14-709 Push cart regulations

A. Push cart operations shall be limited to sidewalks that conform to the requirements of this Article.
B. Each push cart shall have conspicuously affixed thereto the permit required by this Article.
C. The maximum dimensions for any push cart shall not exceed six feet in length by four feet in width.

D. The push cart may have affixed thereto or painted thereon a sign used in conjunction with the pushcart.
E. No operator of a push cart shall park, stand, or move a push cart and conduct business where the permit holder has not been authorized to operate.
F. No push cart operator or permit holder shall provide or allow any dining area, including, but not limited to, tables, chairs, booths, bar stools, benches, or standup counters.
G. A garbage receptacle shall be provided for patrons.
H. The push cart operator shall refrain from using bells, chimes, horns or other sounds, including the utterance of boisterous outcries to promote the sale of its food or beverage.
I. The permit holder and the operator are responsible for ensuring that the area surrounding the push cart is kept clean and free or trash and debris associated with the push cart operation.
J. The push cart shall not be unattended at any time. Nor shall the push cart be stored, parked or left at the permitted location over night.
K. No propane tanks or open flames are permitted for operation on the push cart.

Sec. 14-710 Exceptions
For the purposes of this Article, a food vending permit holder shall not be considered a transient vendor under Article XVI. Further, a food vending permit holder shall not be subject to the time limition described in Article VIII, Section 14-309.

Sec. 14-711 Revocation, hearing, and appeal
A violation of this article or violation of the State Sanitary Code 105 CMR 590 shall result in suspension of a food vending permit for up to five (5) days or revocation.

Prior to suspension or revocation of a permit, the permit holder shall be promptly afforded an opportunity for a hearing before the Board of Health.

Any person whose permit is suspended or revoked pursuant to this article may appeal in a non-criminal proceeding by making a written request to the Law Department of the City of Fall River within twenty-one (21) calendar days of the date of issuance of the suspension or revocation. Failure to timely appeal the administrative citation is deemed a waiver of the right to appeal.

Sec. 14-712 Enforcement
The Chief of Police or his designee as well as the Board of Health and its designee shall be vested with enforcement of this Article.

Sec. 14-713 Severability
The invalidity of any portion or portions of this article shall not invalidate any other portion, provision or section thereof.

CITY OF FALL RIVER
IN CITY COUNCIL
SEP 1 1 2012
Passed through first reading

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#12-49

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2012 SEP -7 A 8:23

CITY CLERK
FALL RIVER, MA

RECEIVED

2012 SEP -7 A 8:

CITY CLERK 12-49
FALL RIVER, MA

CLAIM FORM
City of Fall River, Massachusetts

Name: Theresa Smith

Address: 120 Diman St, Apt. 2A
Fall River, MA 02721

Phone #: (937) 303-2362

Type of Claim: _____ M.G.L. Chapter 84 _____ M.G.L. Chapter 258 _____ Other

Date of Incident: 9/5/2012
Time of Incident: 11:15
Location of Incident: 431 Duvall Street, Fall River, MA 02720

Provide a detailed description of your claim (attach additional sheets if necessary):

As I was driving down Duvall Street on my way back to school, a sewer cap popped up and hit the front bumper and bottom of my 2002 Volks. Beetle. This happened at the last sewer cap before passing the gas station at 431 Duvall St. As I drove away I noticed my carpeting was soaked, the speedometer is no longer working, the steering wheel locked up, I still drove to school on duvall street and the security guard said it was not safe to drive. After my father took a look, we noticed that not only is the front bumper off,

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

wrg + 2 copies law
1 DPW
1 C C

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CLAIM FORM
City of Fall River, Massachusetts

RECEIVED
2012 SEP -7 P 2:06
CITY CLERK FALL RIVER, MA

Name: PHYLLIS CHASE

Address: 537 GARDNERS NECK RD.
SWANSEA MA, 02777

Phone #: 508-951-8545

Type of Claim: _____ M.G.L. Chapter 84 _____ M.G.L. Chapter 258 _____ Other

Date of Incident: 8/10/12
Time of Incident: 5:15-5:20 P.M
Location of Incident: No. MAIN St.

Provide a detailed description of your claim (attach additional sheets if necessary):

On Friday, Aug 10th, 2012, during a rainstorm, at approximately 5:15-5:20 p.m. I was traveling south on North Main St. in Fall River, when a manhole cover popped up and hit my car (2011 Toyota Prius) causing front end damage and possibly damage to underneath the vehicle.

The street had become flooded. This happened on the part of ~~North~~ north Main about halfway between Wilson Rd. and the onramp to 79.

I am filing a claim with the city of Fall River for the amount that the insurance company will not cover, which is $500.00. You can contact Arbella Insurance to verify this. 508-217-0127 ext 7212 JEN.

See police report (attached)

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

orig + 2 copies Law
1 DPW
1 CC

Council
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2012 SEP 17 A 11:18

CITY CLERK
FALL RIVER, MA

1.

12-51

Dear Alision Bouchard

I'm writting in regards of an injury that accured on September 11, 2012. approxamatly at 1:33 P.M

I decided to go lay at the park like i do every day i went and layed on a bench where the monument is. There was two gentlemen mowing the grass with a large Capacity mower When i first got there the gentlmen were on the other side of the monument So they decided two come on the side i was laying and did not ask me to move very un professional.

So when he came closer my left arm was out and i felt something hit me i jumped it scared me i didn't know what happened i looked around and found a quarter dis mantled on the side of me it felt like my arm got cut off. thats how hard it hit about 5 minutes after that the gentlmen came up to me on the lawnmore and asked me if there was a problem and i said yea a quarter bucked up fro the machine and hit me in th arm. So he said to me well my superv is right there would you like to spe to him and i said yes. So the super came up to me asked me what had

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RECEIVED

2012 SEP 17 P 1:18

CITY CLERK 12-52
FALL RIVER, MA

CLAIM FORM
City of Fall River, Massachusetts

Name: Fernandes Yared

Address: 45 Fisher Rd
Westport MA 02790

Phone #: 5089160920

Type of Claim: _____ M.G.L. Chapter 84 _____ M.G.L. Chapter 258 _____ Other

Date of Incident: Nov. 17, 2012
Time of Incident: 12:15 pm
Location of Incident: Eastern Ave.

Provide a detailed description of your claim (attach additional sheets if necessary):

I was driving on Eastern Ave. when a rock from a lawnmower hit my drivers side rear window, and smashed it.

Emanuel Perera from Park Dept. was using the Mower

* Please consult with your own attorney in preparing this Claim Form to understand your legal rights

* Please file this Claim Form with: City Clerk, One Government Center, 2nd Floor, Fall River, MA 02722

CC

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2012 SEP 20 A 10: 31

CITY CLERK 1253
FALL RIVER, MA

CLAIM FORM
City of Fall River, Massachusetts

Name: Jonathan Beaupre

Address: 15 Summerfield lane
Tiverton, RI 02878

Phone #: (401) 662-6867

Type of Claim: ____ M.G.L. Chapter 84 ____ M.G.L. Chapter 258 X Other

Date of Incident: September 12, 2012
Time of Incident: 7:11 pm
Location of Incident: Wilbur St. Fall River, MA

Provide a detailed description of your claim (attach additional sheets if necessary):

Driving on Wilbur St. my car hit a "hole" in the road and the passenger side front Rim was bent bad... Please give me a call and let me know what I should do from here.

Thank you,
Jonathan Beaupre

any x 2 copies law
1 DPW
1 CK
1 city clerk

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

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CITY OF FALL RIVER
PLANNING DEPARTMENT - ENGINEERING DIVISION
One Government Center
Fall River, MA 02722
Phone: (508) 324-2512
Fax: (508) 324-2564
Email: Bholmes@fallriverma.org

BYRON R. HOLMES, P.E.
City Engineer

RECEIVED
2012 SEP 12 P 4:12
CITY CLERK
FALL RIVER, MA

MEMO

To: Fall River City Council

From: Byron Holmes, P.E.
City Engineer

Date: September 5, 2012

Subject: Street Opening Requests for Pavement less than 5 years old.

Comments:

Jesse and Kelly Carneiro have requested permission to open a street less than five years old for the purpose of installing a new water service. The location of this work is an existing vacant lot at 237 Endicott Street, Assessor Map D-5, Lot 51 (intersection of Endicott Street and Anderson Street).

Endicott Street was paved in November of 2010. Therefore, the 5-year moratorium is in effect until November of 2015.

Under Section Sec. 66-392 of City Ordinances, permission to open this street can only be granted by a majority vote of the city council.

If the Council grants this request, the following street repair criteria would apply:

1. Flowable fill shall be used to backfill the trench in the roadway.
2. Infrared patching of the joints will be required.
3. All work is to be inspected by the Engineering Department.