



Appointments & Briefings

July 16, 2013 – 7:00 PM – **Minutes**
City Council Chamber, Room 214, Municipal Building

****View Agenda ****

MEETING: COMMITTEE ON APPOINTMENTS & BRIEFINGS

DATE: JULY 16, 2013

TIME: 7:06 P.M.

PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS DENIS LAWRENCE, JR., CHAIRMAN; DAVID ALVES, VICE-CHAIRMAN; HENRY BOUSQUET; DEBORA COELHO; JANE GONSALVES (7:30); JOSEPH LOPES; STEVEN MARTINS; JAMES OLIVEIRA; JOHN SAUNDERS

ABSENT: COUNCILLORS BRUCE DUARTE, JR.; BRIAN GOMES

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Councillor Lawrence called the Appointments & Briefings Committee Meeting to order and took attendance. Communications from Councillors Gonsalves, Duarte and Gomes, stating she would be late and they are unable to attend were read into the record and received and placed on file by Councillor Martins and seconded by Councillor Coelho.

Councillor Lawrence announced the start up of Citizens Input Time, not to exceed the first half hour of this Committee meeting. (1a, 1b, 1c)

Mr. Konrad St. Gelais of New Bedford, addressed issues and concerns he has regarding the city's policy for issuing citations in the amount of \$100. He stated that as a landlord of several properties in the city, he receives numerous fines in this amount, but in reality, he cannot prevent the trash bags being laid directly on the sidewalk. He alluded to several incidents in which people looking through trash barrels for recyclables often remove the bags from the barrels they are in, take the bottles, etc. and never replace the bags into the barrels. Also, oftentimes tenants will leave the bags on the sidewalk rather than use the barrel. (1a)

On motion by Councillor Alves and seconded by Councillor Coelho, the Committee VOTED: To invite Mr. St. Gelais, a representative of the Board of Health, and the New Bedford Landlord Association to a future meeting of the Appointments & Briefings Committee for the purpose of discussing solutions and rectifying this problem right away. This motion passed on a voice vote.

Mr. Michael Motta of 85 Bullard Street spoke to the Committee about his company/website that can help the city with its marketing strategies, ideas, etc. He and his wife both run this organization, which utilizes social and news media to promote cities, towns, non-profits, etc. He handed out some information to the Committee, which was received and placed on file by Councillor Alves and seconded by Councillor Coelho. (1b)

On motion by Councillor Alves and seconded by Councillor Lopes, the Committee VOTED: To send a copy of Web Economic Development Platform (Web-EDP) to the Mayor for his review and response within thirty (30) days. This motion passed on a voice vote.

Ms. Diane Bolton of New Bedford was scheduled to speak on vicious dogs, regarding the attack on a toddler in the City and the lack of law enforcement regarding the leasing/tagging of dogs. Ms. Bolton was not in attendance. (1c)

On motion by Councillor Coelho and seconded by Councillor Alves, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a REPORT, Committee on Appointments & Briefings recommending to the City Council APPROVAL of the APPOINTMENT of ROBERT SCHILLING, New Bedford, MA 02740, to the NEW BEDFORD HOUSING AUTHORITY, replacing Reverend Leona Fisher, whose term has expired; this term will expire December 2014 (Ref'd 3/27/13) was received and placed on file by Councillor Alves and seconded by Councillor Coelho. (2)

On motion by Councillor Alves and seconded by Councillor Coelho, the Committee VOTED: To recommend to the City Council APPROVAL of the APPOINTMENT of ROBERT SCHILLING, New Bedford, MA 02740, to the NEW BEDFORD HOUSING AUTHORITY, replacing Reverend Leona Fisher, whose term has expired; this term will expire December 2014. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Communication, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MANDY ABOUCHANAB, New Bedford, MA 02746, to the HUMAN RELATIONS COMMISSION, replacing Reverend Richard Wilson, whose term has expired; this term will expire in December 2014. (Ref'd 12/20/12, 2/19/13 – tabled, applicant not present, 3/21/13 – tabled) (3)

This matter remained on the table as Ms. Abouchanab was not in attendance.

Councillor Lawrence informed the Committee that this matter was tabled twice before and if the applicant does not attend the next meeting, the Committee will take no further action on this matter.

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Notice, City Clerk of reference of a COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Noel P. Ciminello, 22 Shannon Way, North Dartmouth, MA 02747 d/b/a/ YES! WE VAN LLC., 167 Butler Street, New Bedford, MA 02740**, hereby submit a copy of the Application requesting a NEW Private Livery License, under the provisions of M.G.L. Chapter 159A, Section 1 and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation, to carry passengers for hire over the streets of New Bedford (Ref'd 5/23/13) was received and placed on file by Councillor Lopes and seconded by Councillor Alves. (4)

On motion by Councillor Lopes and seconded by Councillor Alves, the Committee VOTED: To recommend to the City Council APPROVAL on behalf of **Noel P. Ciminello, 22 Shannon Way, North Dartmouth, MA 02747 d/b/a/ YES! WE VAN LLC., 167 Butler Street, New Bedford, MA 02740**, of the Application requesting a NEW Private Livery License, under the provisions of M.G.L. Chapter 159A, Section 1 and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation, to carry passengers for hire over the streets of New Bedford. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Related Motion, Councillor Lopes, requesting that Paul Sellers, Senior Arborist Vegetation Management for NSTAR be invited to the Committee on Appointments and Briefings meeting to discuss NSTAR tree and power line maintenance policies and provide a list of all the Contractors that NSTAR uses (Ref'd 3/8/12) was received and placed on file by Councillor Alves and seconded by Councillor Martins. (5)

There was no one present to speak on this motion.

On motion by Councillor Alves and seconded by Councillor Coelho, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillors Lawrence, Lopes, Bousquet, Martins and Gonsalves, requesting that Mayor Mitchell and City Solicitor Markey immediately place a Cease and Desist Order on the selling of Butler's Flat Lighthouse until the ownership of said Lighthouse can be proven (Ref'd 6/13/13) was received and placed on file by Councillor Alves and seconded by Councillor Lopes. (6)

Councillor Alves took the Chair to allow Councillor Lawrence to ask questions and debate from the floor.

Councillor Lawrence asked Mr. Jeffrey Stieb, Executive Director of the Harbor Development Commission, why the decision was made to NOT express interest in taking over the light house.

Mr. Stieb replied that the HDC actually did place itself into the bidding process to take over the light house. However, once it was determined how much structural work and repair is actually needed to be done, the HDC Trustees chose to not put forth a formal bid. The restoration costs are simply too high. He added that they informed the Mayor of this decision.

Councillor Lawrence then asked what happens if a private entity does not take it over would the United States Government move to demolish it. Mr. Stieb responded that the HDC has been told that should that happen, which it rarely does, then the process would simply start over again. Demolition would not be an option. Councillor Lawrence then asked why every other group, agency and governmental body, including the County Commissioners, were told about this process and included in it, but the New Bedford City Council was not. Mr. Stieb replied that he does not know how the Federal Government determines who they notify or how and when.

Councillor Lopes asked if the HDC has a list of the light house's structural deficiencies that would need attention. Mr. Stieb said they do not, nor do they have plans to develop such a list, as Palmer's Island is on their priority list for this year.

On a Related Motion by Councillor Lopes and seconded by Councillor Lawrence, the Committee VOTED: That the Harbor Development Commission, within six (6) months time, provide the Committee on Appointments & Briefings with a list of structural deficits associated with Butler Flats and any potential costs associated with addressing those situations. This motion passed on a voice vote.

On a Related Motion by Councillor Lawrence and seconded by Councillor Lopes, the Committee VOTED: That the Committee on Appointments & Briefings send a Communication to the Harbor Development Commission asking that all future communications regarding the Butler Flats Lighthouse from the Federal Government and/or the State or any other Federal agencies be copied and sent to the Committee on Appointments & Briefings for further review. This motion passed on a voice vote.

On motion by Councillor Lawrence and seconded by Councillor Lopes, the Committee VOTED: To table this matter for future discussion.

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Notice, City Clerk of reference of a Written Motion, Councillor Gonsalves, requesting on behalf of the residents of Rotch Street, between Union Street and Hawthorn Street, that SRTA bus route be moved from

Rotch Street, in light of the extension of bus service into the evening hours (Ref'd 5/9/13) was received and placed on file by Councillor Alves and seconded by Councillor Lopes. (7)

Councillor Gonsalves asked the Chair to allow neighbors in attendance to speak on the issue.

Mr. Michael Cavanaugh of 55 Rotch Street stated that he has a petition consisting of 29 signatures from Rotch Street residents asking SRTA to change the bus route so that it no longer drives down Rotch Street, but rather that it go to Rockdale Avenue. He and other residents stated that the noise from and speed of the buses reduce the quality of life and safety of the street.

On motion by Councillor Gonsalves and seconded by Councillor Lopes, the Committee VOTED: To receive and place on file the Petition from Rotch Street residents, twenty-nine (29) signatures, that would like to have the bus route changed. This motion passed on a voice vote.

Nancy Feeney of 95 Rotch Street, Henry Mastey of 20 Rotch Street and Christopher Soares of 43 Rotch Street also addressed the issue of safety and quality of life, and were in full support of asking SRTA to change the route.

Jill Maclean, the Mayor's designee to the SRTA Board, stated that petitions often have more success when residents actually speak at the SRTA Board Meetings in such cases.

On motion by Councillor Gonsalves and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council that it request the SRTA Board to amend the Rotch Street bus route in such a manner that the buses no longer drive down Rotch Street, but rather go all the way to Rockdale Avenue as it is a main thoroughfare and can better accommodate large vehicles like buses; furthermore, that the petition signed by Rotch Street residents be also forwarded to the SRTA Board and that all residents of Rotch Street, from Union Street to Hawthorn Street be invited to said meeting when scheduled. This motion passed on a voice vote.

On motion by Councillor Gonsalves and seconded by Councillor Lopes, the Committee VOTED: That the Committee on Appointments & Briefings request DPI to look at Rotch Street between Union and Hawthorn Streets to determine whether it can be repaved and in particular the section between Maple and Hawthorn where there are several spots where the road has settled. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillor Saunders, requesting that the City Council consider the DISCONTINUANCE of a portion of KENYON STREET on the west side of North Front Street, running westerly to its' terminus along the side of lots 113 and 112 as shown on the Assessor's Map (Ref'd 2/9/12) was received and placed on file by Councillor Alves and seconded by Councillor Bousquet. (8)

Jill Maclean expressed that the applicant must provide the city with the metes and bounds, and other pertinent information for the discontinuance.

On motion by Councillor Saunders and seconded by Councillor Alves, the Committee VOTED: To recommend to the City Council to approve the discontinuance of this section of KENYON STREET, on the west side of North Front Street, running westerly to its' terminus along the side of lots 113 and 112 as shown on the Assessor's Map. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillors Bousquet, Duarte and Gonsalves, requesting that the AHA! Steering Committee consider taking up an application in order to make Downtown New Bedford a designated Cultural District as defined by the State of Massachusetts in order to qualify the

Downtown area for several tax incentives to small businesses, preserve and re-use historic buildings and enhance property values, and tourist outreach, all while fostering local cultural development in a district where it makes much sense to take advantage of this opportunity. (Ref'd 3/22/12) (9)

On motion by Councillor Bousquet and seconded by Councillor Lopes, the Committee VOTED: To take "No Further Action" on this matter at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillors Coelho, Martins, Gonsalves, Alves, and Lopes, requesting that New Bedford School Department Superintendent, Mary Louise Francis, Ed. D., attend a meeting of the Committee on Appointments and Briefings to discuss why the New Bedford School System has only one drop-out specialist, considering the high drop-out rate in our City. (Ref'd 6/23/11) (10)

On motion by Councillor Coelho and seconded by Councillor Alves, the Committee VOTED: To take "No Further Action" on this matter at this time. This motion passed on a voice vote.

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On motion by Councillor Alves and seconded by Councillor Coelho, the Committee VOTED: To follow the Chairman's recommendation and take "No Further Action" on items eleven (11) through twenty-one (21). This motion passed on a voice vote. They are as follows:

Notice, City Clerk of reference of a Written Motion, Councillor Duarte, requesting that the Committees and Briefings meet with the EPA, Representatives of CLEAN, Environmental Stewardship, the Administration and the Housing Authority to discuss the Parker Street dump site and the affect it has had on Westlawn Housing Development and the surrounding areas. (Ref'd 4/14/11) (11)

Notice, City Clerk of reference of a Written Motion, Councillor Duarte, requesting that Representatives of NOAA, meet with the Committee on Appointments & Briefings to discuss/explain our concerns with our local Fishermen and their families and further requesting that our local fishermen be invited to said meeting. (Ref'd 5/12/11) (12)

Notice, City Clerk of reference of a COMMUNICATION, Councillor Gonsalves, submitting letter from Joyce Rowley, New Bedford, MA regarding the Buttonwood Zoo Expansion. (Ref'd 8/18/11) (13)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Martins, Alves, Dehner, Lopes, Gonsalves, Coelho, Lawrence, Duarte and Council President Gomes, requesting that Department of Public Facilities Commissioner Lawrence D. Worden and Department of Public Infrastructure Commissioner Ronald Labelle, be invited to a Committee on Appointments and Briefings meeting, to discuss when Mayor Lang's tree replacement plans will be put into place, which is the replacement of two (2) trees for every one (1) tree lost during Tropical Storm Irene; and further, that the Committee be provided with a list of trees that were removed due to the storm, by street address. (Ref'd 9/8/11, 10/18/12 - Letters) (14)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Alves and Martins, requesting, on behalf of the Bus Riders United, Coalition for Social Justice, the City's elderly and the working people of New Bedford who rely on public transportation, that the City Council support an increase in public transportation, specifically, that SRTA consider increasing the current level of bus service by offering bus service on Sunday, Holidays and Evenings as necessary for improving the access to and the quality of public transportation in Southeastern Massachusetts, currently bus service does not run past 6:00 p.m., there has not been evening service since the 1960's, SRTA does not provide Sunday or Holiday bus service at all, this lack of service has left many bus riders without needed transportation for employment, especially in these difficult economic times. (Ref'd 9/8/11) (15)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Duarte, requesting, that NSTAR/Electric Company, be invited to a Committee on Appointments and Briefings meeting to discuss the

efforts in restoring power to City Residents during a storm situation and what can be done to restore power in a quicker manner; and further, requesting information about plans of upgrading infrastructure in the City of New Bedford. (Ref'd 9/8/11) (16)

Notice, City Clerk of reference of a Written Motion, Councillors Alves, and Duarte, requesting, on behalf of the residents of Olympia Towers, that the Committee on Appointments and Briefings meet with representatives of First Transit of Cincinnati, the Southeastern Regional Transit Authority in our area, to determine what their intentions are as to night and weekend service, and to discuss the problem many elders have had when trying to get on a bus in the past with shopping push carts. (Ref'd 10/13/11) (17)

Notice, City Clerk of reference of a Related Motion, Councillor Morad requesting that the Committee on Appointments and Briefings meet in Executive Session with Marianna DeSouza, Director of Public Health, to address the City Council as it relates to her daily direction and interaction with the Health Inspectors; and further requesting that Angela Natho, Director of Personnel, be invited to Executive Session Meeting. (Ref'd 10/27/11) (18)

Notice, City Clerk of reference of a Written Motion, Councillor Gonsalves, Lopes, and Alves, on behalf of Darrin Ramos, 324 Brock Avenue, requesting to address the City Council at the next Committee on Appointments & Briefings meeting, relative to the installation of a BMX Pump Track located in the City of New Bedford. (Ref'd 10/27/11) (19)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Alves, requesting that the Committee on Appointments & Briefings meet with DPI Commissioner Ronald Labelle and Mr. Joseph Mello and any other Representatives of Mar-Lee's Seafood facility to discuss the problem and potential solution to the excessive flooding at said facility during rain storms and that the committee meeting be scheduled as soon as possible to ensure the problem does not become a safety issue in the area of North Front Street and Wamsutta Street in the upcoming months. (Ref'd 11/10/11) (20)

Notice, City Clerk of reference of a Written Motion, Council President Gomes, requesting that the Committee on Appointments and Briefings meet with State Representative Keiko Orrall, to discuss any issues/concerns regarding the City and the Commonwealth; and further, requesting that the Chairman place this item on the next Committee on Appointments and Briefings agenda. (Ref'd 11/22/11) (21)

Councillor Alves made a motion to adjourn, which was seconded by Councillor Lopes.

This meeting adjourned @ 8:05 p.m.

ATTEST:

Clerk of Committees