



Appointments and Briefings

May 27, 2014 – 7:05 PM – **Minutes**
Chambers of the City Council, Room 214

****View Agenda****

MEETING: COMMITTEE ON APPOINTMENTS & BRIEFINGS

DATE: MAY 27, 2014

TIME: 7:05 P.M.

PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS DAVID ALVES, CHAIRMAN; JAMES OLIVEIRA, VICE-CHAIRMAN; NAOMI CARNEY; DEBORA COELHO; BRIAN GOMES (7:06); STEVEN MARTINS; LINDA MORAD; KERRY WINTERSON

ABSENT: COUNCILLORS HENRY BOUSQUET; JOSEPH LOPES; DANA REBEIRO

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Councillor Alves called the Committee on Appointments & Briefings Meetings to order and took attendance. Communications from Councillor Lopes stating he would not be in attendance due to a previous commitment and Councillor Rebeiro stating she would not be in attendance due to a work conflict were received and placed on file by Councillor Martins and seconded by Councillor Carney.

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Councillor Alves announced the beginning of Citizens Input Time taking place the first half hour of this meeting where citizens speak for three (3) minutes:

Barbara DePina, 117 Willis Street, New Bedford, MA speaking on a water meter bill and a broken door. She alluded to her previous appearance before the Committee, informed the Committee that she had not yet received any reimbursement from the city, as the Committee had made motions to put into action at that time.

Councillor Gomes promised her that he and the entire Council would look into it and make sure that their intentions from the previous meeting would be followed through so that she could be reimbursed. She thanked the Committee.

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Councillor Coelho asked that item number six (6) be taken out of order. There were no objections.

Notice, City Clerk of reference of a Communication, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JILL HORTON-SIMMS, New Bedford, MA, to the LIBRARY

BOARD OF TRUSTEES, replacing Dr. Joseph Silva, Jr., whose term has expired; this term will expire April 2017 (Ref'd 3/27/14) was received and placed on file by Councillor Coelho and seconded by Councillor Oliveira. (6)

Councillor Alves asked Ms. Jill Horton-Simms why she would like to serve as a Library Trustee. She stated that she has been passionately involved in literacy and art and believes strongly in the public library system of the city.

On motion by Councillor Morad and seconded by Councillor Coelho, the Committee VOTED: To recommend to the City Council APPROVAL of the APPOINTMENT of Jill Horton-Simms, New Bedford, MA to the LIBRARY BOARD OF TRUSTEES, replacing Dr. Joseph Silva, Jr., whose term has expired; this term will expire April 2017. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Communication/Demolition, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW of 1116 Chaffee Street, Map 130C, Parcel 39, advising that the New Bedford Historical Commission has determined that 1116 Chaffee Street is not a historically significant structure and not preferably preserved (Ref'd 4/10/14) was received and placed on file by Councillor Oliveira and seconded by Councillor Martins.

Councillor Oliveira informed Mr. Joe DeSousa, the property owner, that there is significant opposition to his plan to demolish this beautiful home and sub-divide the lot into three separate house lots from the neighbors. Mr. DeSousa stated that the house is old and in need of significant repairs, which he did not believe would be worth the expense. He will construct three very nice, 1,600 sq foot colonial homes which will fit in very nicely with the neighborhood.

Anne Louro, Preservation Planner was present and addressed the Committee.

Councillor Gomes, Councillor Morad and Councillor Oliveira urged Mr. DeSousa to do a good job, and all recognized his excellent track record of building quality homes in the city and doing things correctly.

On motion by Councillor Morad and seconded by Councillor Oliveira, the Committee VOTED: To recommend to the City Council APPROVAL of the DEMOLITION of 1116 Chaffee Street, Map 130C, Parcel 39, with the contingency that any and all required permits be first approved and granted by the Building Department and Planning Board. This motion passed on a voice vote.

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Notice, City Clerk of reference of a PUBLIC HEARING, on an APPLICATION, Ruben Jacob d/b/a SOFT TOUCH AUTO DETAIL, for a SPECIAL PERMIT for MOTOR VEHICLE, LIGHT SERVICE at 6 Hathaway Street, New Bedford, MA 02746 (Duly advertised in the Standard-Times on Wednesday, May 14, 2014 and Wednesday, May 21, 2014) The Chair opened the hearing. (2)

Mr. Ruben Jacob stated that he will simply be operating an auto detailing business in this showroom area. He will not be doing any repair work whatsoever, and that his business hours will be

between 8 am and 5 pm, Monday-Friday most of the time. He added that most of his business would be by appointment, rather than walk-in.

Speaking in favor was Mr. Carvalho, property owner, stating that it would be a very good, clean and quiet business.

No one was recorded in favor, and no one spoke or wished to be recorded in opposition. The Hearing was closed.

On motion by Councillor Martins and seconded by Councillor Coelho, the Committee VOTED: To recommend to the City Council APPROVAL of the APPLICATION, Ruben Jacob d/b/a SOFT TOUCH AUTO DETAIL, for a SPECIAL PERMIT for MOTOR VEHICLE, LIGHT SERVICE at 6 Hathaway Street, New Bedford, MA 02746. This motion passed on a voice vote.

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Notice, City Clerk of reference of a PUBLIC HEARING, on an APPLICATION, Antonio Camara & Jorge Da Luz d/b/a T & J SOLUTION REPAIR, for SPECIAL PERMIT for MOTOR VEHICLE, SALES & RENTALS , GENERAL REPAIRS and LIGHT SERVICE at 38 Collette Street, New Bedford, MA 02746. (Duly advertised in the Standard-Times on Wednesday, May 14, 2014 and Wednesday, May 21, 2014) Hearing opened. (3)

Speaking in favor was Ms. Ana Silva of 277 Davis Street, New Bedford; she stated that she would be the Office Manager for the business, and that her husband and his partner are owners. She stated it would be light repair work, brakes, oil changes, etc. Business hours would be between 8 am to 5pm, Monday-Friday, and 8 am – 12 noon on Saturdays.

No one else spoke, but wishing to be recorded in favor was Mr. Jorge Da Luz of 38 Collette Street, New Bedford. (One of the applicants).

No one spoke or wished to be recorded in opposition.

However, Mr. Antonio Abreu, resident of the property directly behind 38 Collette Street stated that previous businesses have given the neighborhood problems.

Councillor Gomes explained that that business is different from this one, and is actually being investigated by Building Department.

On motion by Councillor Martins and seconded by Councillor Coelho, the Committee VOTED: To recommend to the City Council APPROVAL of the APPLICATION, Antonio Camara & Jorge Da Luz d/b/a T & J SOLUTION REPAIR, for SPECIAL PERMIT for MOTOR VEHICLE, SALES & RENTALS , GENERAL REPAIRS and LIGHT SERVICE at 38 Collette Street, New Bedford, MA 02746. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Report, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the REAPPOINTMENT of JOHN RADCLIFFE,

New Bedford, MA 02740, to the CONSERVATION COMMISSION, this term will expire June 2016 (Ref'd 3/27/14) was received and placed on file by Councillor Winterson and seconded by Councillor Martins. (5)

John Radcliffe explained that he would like to continue serving on the Conservation Commission, as he has for the past six years.

Councillor Martins stated that he referred this back to Committee because he has received complaints regarding Mr. Radcliffe's lack of respect for some applicants during Conservation Commission Meetings. Councillor Martins' particular concern was a developer who recently spent hundreds of thousands of dollars to construct a solar panel field at a location within the Industrial Park, but was denied by the Conservation Commission and was informed that they were given the run-around and asked to repeatedly bring information back to the Board, and that the item was tabled over and over again, taking well over a year to simply receive a rejection.

Mr. Radcliffe explained that, while this was a very difficult vote, the Conservation Commission had no choice but to deny the request, due to the fact that the location is wetlands. He praised the concept of the project, but stated that the Board's hands were tied by Federal Law and had no choice but to deny the application. He stated that it was the developer and it's Attorney that continued to ask the Conservation Commission to come back with what they felt was evidence as to why it should be approved, but their information did not truly address the concerns of the Federal Law regarding wetlands.

Councillor Winterson echoed Councillor Martins' concerns about things he heard from constituents and others regarding Mr. Radcliffe's lack of respect. He reminded Mr. Radcliffe that there are two parts to serving on a Board in New Bedford; one of which is knowledge of the subject matter, but the other is the manner in which appointees conduct themselves when representing the city to residents and others in meetings.

Mr. Radcliffe stated that he had not been informed of such complaints and suggested that Councillors attend Conservation Commission meetings.

Councillor Martins responded that while he would like to attend those meetings, but is most often in City Council Chambers representing his constituents.

On motion by Councillor Coelho and seconded by Councillor Morad, the Committee VOTED: To recommend to the City Council APPROVAL of the REAPPOINTMENT of JOHN RADCLIFFE, New Bedford, MA 02740, to the CONSERVATION COMMISSION, this term will expire June 2016. This motion passed on a Roll Call Vote of Yeas 8, Nays 0.

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Notice, City Clerk of reference of a Communication, Mayor Mitchell, to City Council submitting the APPOINTMENT of REVEREND PAUL LANGSTON-DALEY, New Bedford, MA, to the HUMAN RELATIONS COMMISSION. Reverend Langston-Daley will be replacing Jessica Wildman, who has resigned. This term will expire in December 2016 (Ref'd 4/10/14) was received and placed on file by Councillor Oliveira and seconded by Councillor Gomes. (7)

Councillor Gomes asked the Reverend why he is interested in serving on the Human Relations Commission.

Reverend Langston-Daly stated that he was approached by the Chair of the Commission, who happens to be a member of his congregation about serving. He added that much of his ministry has been dedicated to social justice.

Councillor Morad made a motion to receive and place on file the email that Reverend Langston-Daly sent to all Councillors earlier that day, which was seconded by Councillor Gomes.

On motion by Councillor Gomes and seconded by Councillor Winterson, the Committee VOTED: To recommend to the City Council APPROVAL of the APPOINTMENT of REVEREND PAUL LANGSTON-DALEY, New Bedford, MA, to the HUMAN RELATIONS COMMISSION. Reverend Langston-Daley will be replacing Jessica Wildman, who has resigned. This term will expire in December 2016. This motion passed on a voice vote.

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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 **DANIEL XAVIER, d/b/a MCKENZIE'S BUS COMPANY, 183 Campbell Street, New Bedford MA 02740**, hereby submit a copy of the Application requesting a **RENEWAL** of a 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 was received and placed on file by Councillor Winterson and seconded by Councillor Morad. (10)

Dan Xavier was present and explained that he had been in business for five years, and has had his license renewed every year.

On motion by Councillor Oliveira and seconded by Councillor Carney, the Committee VOTED: To recommend to the City Council APPROVAL, on behalf of **DANIEL XAVIER, d/b/a MCKENZIE'S BUS COMPANY, 183 Campbell Street, New Bedford MA 02740**, of the Application requesting a **RENEWAL** of a 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 Communication, City Clerk/Clerk of the City Council, to City Council, on behalf of **Rafael Reyes, d/b/a ROAD RUNNER TRANSPORTATION, 12 Roosevelt Street, New Bedford, MA 02744**, 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

4/24/14) was received and placed on file by Councillor Morad and seconded by Councillor Carney.
(11)

Councillor Morad asked Mr. Reyes to tell the Committee about his new business.

Mr. Reyes explained that it is a private livery business and would provide transportation to clients to airports, casinos, etc. They have two Lincoln Town cars and hope to expand at some point. He will not be acting as a taxi service, but is looking to secure contracts with the state and GATRA for medical runs as well.

On motion by Councillor Gomes and seconded by Councillor Carney, the Committee VOTED: To recommend to the City Council APPROVAL, on behalf of **Rafael Reyes, d/b/a ROAD RUNNER TRANSPORTATION, 12 Roosevelt Street, New Bedford, MA 02744**, 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 Written Motion, Councillor Lopes, requesting that the Morgan Celebration Committee meet with the Committee on Appointments and Briefings to provide the Committee with an overview of the celebratory plans for her return visit to New Bedford (Ref'd 10/10/13, 2/19/14 – tabled for 30 days, 4/22/14- remain tabled) and Written Motion, Councillors Alves, Lopes and Rebeiro, requesting, that Dagny Ashley, Chairwoman, and members of the New Bedford homecoming of the Charles W. Morgan Committee established to oversee events for the visit of the historic whale ship, the Charles W. Morgan, be invited to attend a Committee on Appointments and Briefings meeting to update the City Council and community on the schedule of events for the visit; and further, that the Committee on Appointments and Briefings invite other interested community agencies and representatives to attend said meeting and share any comments and suggestions as to how we can best showcase the City of New Bedford (Ref'd 3/13/14, 4/22/14 - tabled) were removed from the table by Councillor Morad and seconded by Councillor Oliveira. (8, 8a)

On motion by Councillor Morad 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 Gomes, Winterson, Coelho, Alves, Bousquet, Council President Lopes, Martins, Morad, Oliveira and Rebeiro, requesting, that the Committee on Appointments and Briefings meet with the President of the Whaling City Festival for the purposes of discussing why the Festival will not be held in the City this year after decades of this type of entertainment for the people of New Bedford; and further, this Festival contributes significantly to our tourism base. (Ref'd 3/13/14, 4/22/14 - tabled) (9)

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

Notice, City Clerk of reference of a Related Motion, Councillor Carney, requesting, that Police Chief Provencher, the Mayor or a Representative of the Mayor's Office and the Whaling City Festival Committee be invited to the April's Committee on Appointments and Briefings meeting, so the City Council can receive an update on the festival and to discuss security measures that will take place at this year's Whaling City Festival (Ref'd 3/27/14, 4/22/14 - tabled) and a Related Motion, Councillor Martins, requesting, that the Committee on Appointments and Briefings invite a Representative of the Mayor's Office, Park Board Chairman and Police Chief Provencher to discussion about the festivals happening in our City; and further, that the Committee review all policies and Ordinances associated with City parks (Ref'd 3/27/14, 4/22/14 - tabled) was removed from the table by Councillor Carney and seconded by Councillor Gomes. (9a, 9b)

Councillor Martins stated to Christine Connelly that he is concerned that the city is in danger of losing several popular festivals to Fall River, etc. due to the newer closing times, and asked what the Administration's position is on this.

Christina Connelly stated that the Mitchell Administration inherited the 8 pm closing recommendation from the Lang Administration for public safety reasons, and that Chief Provencher has continued to recommend that to the Mayor, hence the Mayor has recommended that to the Park Board. However, it is ultimately the Park Board's decision. Chief Provencher stated that his number one priority is to prevent crime, that he would rather prevent it than respond to it. He feels it is much safer to empty the park while it is still mostly light out as opposed to 10 pm when it is completely dark.

Christina Connelly stated that they are going to see how the Whaling City Festival goes with the 9 pm closing this year as a "test run."

Councillors Martins, Carney, Gomes and Morad, all advocated for some type of plan that would enable the festivals to go on later, while appreciating the work that the Police Department has done to keep people safe.

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

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Councillor Martins made a motion to remove item eight (8) from the table, which was seconded by Councillor Gomes. This motion passed on a voice vote.

Notice, City Clerk of reference of a Written Motion, Councillor Lopes, requesting that the Morgan Celebration Committee meet with the Committee on Appointments and Briefings to provide the Committee with an overview of the celebratory plans for her return visit to New Bedford (Ref'd 10/10/13, 2/19/14 – tabled for 30 days, 4/22/14- remain tabled) and a Written Motion, Councillors Alves, Lopes and Rebeiro, requesting, that Dagny Ashley, Chairwoman, and members of the New Bedford homecoming of the Charles W. Morgan Committee established to oversee events for the visit of the historic whale ship, the Charles W. Morgan, be invited to attend a Committee on Appointments and Briefings meeting to update the City Council and community on the schedule of events for the visit; and

further, that the Committee on Appointments and Briefings invite other interested community agencies and representatives to attend said meeting and share any comments and suggestions as to how we can best showcase the City of New Bedford. (Ref'd 3/13/14, 4/22/14 - tabled) (8, 8a)

On motion by Councillor Morad and seconded by Councillor Carney, the Committee VOTED: To take "No Further Action" on these matters at this time. This motion passed on a voice vote.

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Councillor Gomes made a motion to take "No Further Action" on items twelve (12) through fifteen (15), which was seconded by Councillor Coelho. This motion passed on a voice vote. They are as follows:

Notice, City Clerk of reference of a Written Motion, Councillor Gonsalves, requesting that the Committee on Appointments and Briefings meet with Pauline Hamel from Mass in Motion and the Acting Director of Parks and Recreation to discuss the possibility of instituting a fitness challenge in the City of New Bedford as it is done in the City of Fall River. (Ref'd 1/10/13) (12)

Notice, City Clerk of reference of a Written Motion, Councillor Lawrence, requesting that the Committee on Appointments and Briefings meet with the Fire Chief Gomes and a Representative of the Mayor's Office to explain the strategy in place, if any, to retain the SAFER Grant Firefighters; and if a plan is not in place, when will the Administration begin layoffs for the positions unfunded in the Fiscal 2014 Budget, as it is this Council's understanding that the money was to have run out mid-September 2013. (Ref'd 9/12/13, 9/24/13 – letters to CFO, Congressional delegation, Responses from CFO and Delegate member) (13)

Notice, City Clerk of reference of a Written Motion, Councillor Gomes, requesting, that the Superintendent of Schools, Dr. Pia Durkin or a member of her staff meet with the Committee on Appointments and Briefings for the purpose of discussing the shortage of books throughout the school system after the City Council awarded the School Department one million dollars for book replacement; and further, to provide the City Council with an explanation as to why there is still a shortage of books and materials for classroom teaching. (Ref'd 10/10/13) (14)

Notice, City Clerk of reference of a Communication, Michael Shea, Chairman, Auditorium Restoration Committee, to City Council, submitting the MISSION STATEMENT for the Restoration of the Old New Bedford High School Auditorium. (Ref'd 11/26/13) (15)

Councillor Gomes made a motion to adjourn, which was seconded by Councillor Martins.

This meeting adjourned @ 9:00 p.m.

ATTEST:

Clerk of Committees