



Appointments and Briefings

June 17, 2014 – 7:05 PM – **Minutes**
Chambers of the City Council, Room 214

****View Agenda****

MEETING: COMMITTEE ON APPOINTMENTS & BRIEFINGS

DATE: JUNE 17, 2014

TIME: 7:05 P.M.

PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS DAVID ALVES, CHAIRMAN; HENRY BOUSQUET; NAOMI CARNEY; DEBORA COELHO; BRIAN GOMES; JOSEPH LOPES; STEVEN MARTINS; LINDA MORAD; DANA REBEIRO; KERRY WINTERSON

ABSENT: COUNCILLOR JAMES OLIVEIRA, VICE-CHAIRMAN

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Councillor Alves called the Committee on Appointments & Briefings Meeting to order and took attendance. A Memo from Councillor Oliveira was read into the record stating he was unable to attend due to a prior commitment. This Memo was received and placed on file by Councillor Martins and seconded by Councillor Lopes.

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Notice, City Clerk of reference of a Public Hearing, on a COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW, 4026 ACUSHNET AVENUE, Map 136, Parcel 252, advising that “the structure was built circa 1800 and retains some of its original exterior architectural features including setting and massing; the structure is associated with members of the Tobey Family who were early settlers of Old Dartmouth; the subject structure is reminiscent of a “Big House, Little House, Back House, Barn” farm complex found in many Colonial American Communities; the structure is found to be historically significant because of its historical representative of New Bedford’s early rural character and therefore, “the NBHC has determined that 4026 Acushnet Avenue is a historically significant structure and preferably preserved.” (Ref’d 5/22/14, advertised in the Standard-Times on Tuesday, June 3, 2014) The Hearing was opened.
(1)

On motion by Councillor Bousquet and seconded by Councillor Winteron, the Committee VOTED: To continue the Public Hearing to Tuesday, July 15, 2014, at 7 PM. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Public Hearing, on a COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW, 2992 ACUSHNET AVENUE, Map 132, Parcel 510, advising that “the structure was built circa 1830 and retains some of its original exterior architectural features including setting and massing; the structure is associated with members of the Spooner Family who were descendants of William Spooner, one of the fifty-six original proprietors of Dartmouth; the subject structure is found to be historically significant because of its historical integrity as the homestead of one of the area’s earliest settlers and as a representative of New Bedford’s early rural character” and therefore, “the NBHC has determined that 2992 Acushnet Avenue is a historically significant structure and preferably preserved.” (Ref’d 5/22/14, advertised in the Standard-Times on Tuesday, June 3, 2014) Hearing was opened. (2)

Mr. Shawn Constant, the petitioner and owner of the property of 2992 Acushnet Avenue, explained that his father is terminally ill with cancer, and will live for only one more year at the most according to doctors. His mother is in very bad physical condition and will need to be cared for by him at his home after his father passes, and she needs the home to be handicapped accessible. That is why he wants to demolish the current house and rebuild one that can fit her needs.

A letter from Brad Constant was read into the record and received and placed on file by Councillor Lopes and seconded by Councillor Morad. The letter reiterated what his son Shawn Constant relayed to the members.

Anne Louro, Preservation Planner, stated that the Historical Commission is aware of the Constant’s health situation, but legally could not take that into consideration and had no choice but to make the recommendation that it did.

No one spoke in favor or was recorded in favor. Mr. Mark Fuller of 45 Alfred Street spoke in opposition, stating that an addition to the home would better serve the family and still keep the existing structure.

No one was recorded in opposition. The hearing was closed.

On motion by Councillor Bousquet and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to Grant Permission for the DEMOLITION of 2992 ACUSHNET AVENUE, Map 132, Parcel 510. This motion passed on a Roll Call Vote of Yeas 10, Nays 0.

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Notice, City Clerk of reference of a Communication, Mayor Mitchell, to City Council submitting the APPOINTMENT of JOHN WALSH, New Bedford, MA, to the ZONING BOARD OF APPEALS as an Associate Member, replacing Michael Amaral whose term had expired. This term will expire in December of 2016 (Ref’d 5/22/14) was received and placed on file by Councillor Bousquet and seconded by Councillor Winterson. (3)

Councillor Martins asked Mr. Walsh why he would like to serve on this Board. Mr. Walsh replied that he would simply like to help out in the city.

On motion by Councillor Lopes and seconded by Councillor Martins, the Committee VOTED: To recommend to the City Council APPROVAL of the APPOINTMENT of JOHN WALSH, New Bedford, MA, to the ZONING BOARD OF APPEALS, as an Associate Member, replacing Michael Amaral whose term had expired. This term will expire in December of 2016. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillors Bousquet, Carney and Rebeiro requesting, on behalf of Neighborhoods United, that the leaders of said group be asked to attend the next Committee on Appointments and Briefings meeting to discuss the breakdown of communication between the Mayor's Office and the City Council; and further, that Police Chief Provencher, DPI Commissioner Labelle and a Representative of the Mayor's Office be invited to said Committee meeting. (Ref'd 3/13/14) (4)

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

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Notice, City Clerk of reference of a Written Motion, Councillors Martins and Alves, requesting that the Administration, along with the Election Commission, place a binding or non-binding referendum question on the upcoming November ballot regarding the Community Preservation Act (Ref'd 6/12/14) and a Communication, Councillor Martins, submitting information on the Community Preservation Act (Ref'd 6/12/14) AN ORDER, and a Written Motion, Councillor Alves, requesting, that the City Council seek to adopt the "Community Preservation Act" for New Bedford, as an opportunity for the City Council to create a fund dedicated for outdoor recreation, open space, historic preservation and community housing and to receive matching funds for these purposes (Ref'd 6/12/14) were received and placed on file by Councillor Martins and seconded by Councillor Bousquet. (5, 5a, 5b, 5c)

Councillor Alves handed out information about Dartmouth's Community Preservation Committee. This handout was received and placed on file by Councillor Carney and seconded by Councillor Morad.

Ms. Colleen Dawicki, Planning Board Chairperson, provided an overview of the proposed Community Preservation Act.

Ms. Dawicki handed out information that was received and placed on file by Councillor Lopes and seconded by Councillor Bousquet.

Ms. Dawicki explained that this is a program Massachusetts adopted in 2000 and currently approximately half of the municipalities in the Commonwealth are participating. There is a surcharge that gets added on to the tax bills and goes to fund the community projects. This can be placed on the ballot by either a City Council vote or by citizens collecting signatures. If passed, the City Council would create a Committee made up of one member from each of these boards: Conservation Commission, Historical Commission, Housing Authority, Planning Board, Parks & Recreation, and up to four (4) members from the community. This Committee is then responsible for accepting project proposals and making recommendations to the City Council on which ones to fund. 10% raised goes to the following three areas: Preservation, Recreation and Public Housing. The remaining 70% can be distributed elsewhere.

Other details included: Once enacted, the Act can be repealed only after five (5) years; Repeal and Changes can only be done by a ballot vote; City Council approves all Community Preservation Act projects; Cost averages out to approximately \$19 per month for the average tax payer; There are also potential exemptions that take age, income, etc. into account; There will be approximately \$756,000 taken in per year from taxpayers, plus a match from the State.

Pat Sullivan, Planning & Community Development Director, stated that a project receiving Community Preservation Act funds would actually enhance its credibility and increase its chances of receiving CDBG funding.

Attorney Matt Thomas stated that he has been heavily involved with the CPAs passed in Dartmouth and now in Fall River as well. He glowingly recommended that the City Council place this one on the ballot. He explained that when the Act is passed, the exemptions are passed along with it. Both municipalities and non-profits can apply for funds. Even individuals can apply, although he has not yet seen it done. He explained that the Committee reviews the progress of each project that is funded and receives quarterly reports from the project. Also, a “close out” review is done to ensure that the money was used according to it’s agreed upon purpose. In order to educate the public about this, a grass roots campaign will need to be done.

Ed Iacaponi of 166 Elm Street, spoke in favor, and explained that he is involved in Fall River as a Financial Consultant to the city’s Mayor. He stated that Fall River conducted a major campaign to educate the public. He explained that Dartmouth has already completed 60 projects, and Fall River, because it is still very new there, has just collected its first year of fees. He did state that the Commonwealth does not always match 100% though. He stated that there are several forms, and he promised to forward these to the Council.

Councillor Lopes made a motion to receive and place on file all the information Mr. Iacaponi submitted to the Chair, which was seconded by Councillor Gomes.

Ms. Lee Blake, 29 Bonney Street, and President of the New Bedford Historical Society, spoke in favor and promised that her Organization would do community outreach and education.

Ricardo Santos, 1118 Acushnet Avenue also spoke in favor.

The following were recorded in favor:

Laura Orleans, 28 Tremont Street
Terry Bernard, 128 Union Street
Kelly Martin, 43 Bellevue Street
Patrick Hunt, 43 Bellevue Street
Charles Smiler, 347 Union Street
Jane Vieira, 75 ½ Atlantic Street
Fred Toomey, 76 Plymouth Street
Mark Fuller, 45 Alfred Street
Bill Burns, 9 Grove Street
Henry Mastey, 20 Rotch Street

Jeremiah Hernandez, 374 Hillman Street
Derek Santos, 334 Union Street
Mark Hess, 97 State Street
John Vasconcellos, 688 County Street
Raymond Castino, 71 Borden Street
Anne Eades, 10 Rowley Lane, Dartmouth
Jean Bennett, 749 Purchase Street
Yvonne Drayton, 32 Grove Street
Mary Ann Rogers, 52 Burns Street
Sherry Mctigue, 73 Lake Street
Emily Johns, 1580 Purchase Street
Jessica Breggli, 297 County Street
Jeff Pelletier
Al Vitale, 16 Berkley Street
Amy Monroe, 22 Clover Street

On motion by Councillor Bousquet and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council ADOPTION of the Order for the purposes of placing a ballot question before the voters of the City of New Bedford with regard to the Community Preservation Act, the City Council of the City of New Bedford hereby accepts the provisions of Sections 3 through 7 of Chapter 44B of the General Laws, known as the Massachusetts Community Preservation Act and approve a surcharge in the amount of 1.5% of the annual real estate tax levy against real property commencing in Fiscal Year 2016, for the purposes permitted by said Act. This motion passed on a Roll Call Vote of Yeas 10, Nays 0.

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Notice, City Clerk of reference of a Written Motion, Councillor Coelho requesting, that the municipal parking lot on Phillips Avenue, between North Front Street and Acushnet Avenue, be immediately provided with lighting, even if it's a temporary lighting, such as flood lights, while permanent lighting is being installed, for the safety of the many customers of the growing number of businesses in the area who use the parking lot during the evening hours; and further, requesting, that this be done without delay as more people will be utilizing the parking lot as the summer season approaches. (Ref'd 4/24/14) ***Refer to DPI for immediate action*** (6)

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

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On motion by Councillor Gomes and seconded by Councillor Bousquet, the Committee VOTED: To take "No Further Action" on the remaining items, seven (7), eight (8) and nine (9). This motion passed on a voice vote. They are as follows:

Notice, City Clerk of reference of a Written Motion, Councillor Lopes and Council President Gomes, requesting that David English and Mary O'Keeffe the Regional Representative of Comcast Cable attend the next scheduled meeting of the Committee on Appointments and Briefings, and to provide this Councillor with an update as it pertains to their agreed upon meetings with the Residents of

Tripp Towers. (Ref'd 11/22/11, 6/21/12 – tabled, 12/10/13 – Remain in Committee, 2/19/14 – Remain in Committee) (7)

Notice, City Clerk of reference of a Written Motion, Councillor Duarte, requesting, that Denis Keohane, owner of Keohane Company, Ltd., meet with the Committee on Appointments & Briefings to update the City Council on what his plans are to fix the former Keystone Building. (Ref'd 6/28/12, 12/10/13 – Remain in Committee) (8)

Notice, City Clerk of reference of a Written Motion, Councillor Lopes, requesting that Department of Public Infrastructure Commissioner Ronald Labelle and Mayor Mitchell apply for funds from the newly established \$21 Million Dollar State Massachusetts Dam and Seawall Repair and Removal Fund; and further, requesting that said funds be used to repair the deteriorating seawall along West Rodney French Boulevard. (Ref'd 6/13/13) (9)

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

This meeting adjourned @ 8:30 p.m.

ATTEST:

Clerk of Committees