



# *Appointments and Briefings*

August 12, 2014 – 7:02 PM – **Minutes**  
Chambers of the City Council, Room 214

**MEETING: COMMITTEE ON APPOINTMENTS & BRIEFINGS**

**DATE: AUGUST 12, 2014**

**TIME: 7:02 P.M.**

**PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING**

**PRESENT: COUNCILLORS DAVID ALVES, CHAIRMAN; JAMES OLIVEIRA, VICE-CHAIRMAN; HENRY BOUSQUET; NAOMI CARNEY; DEBORA COELHO; BRIAN GOMES (7:05); JOSEPH LOPES; STEVEN MARTINS; LINDA MORAD; DANA REBEIRO; KERRY WINTERSON**

**ABSENT: NO ONE**

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Councillor Alves called the meeting to order and took attendance.

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

Councillor Linda Morad, 4162 Acushnet Avenue, New Bedford, MA, 02745, speaking on her participation in the Amyotrophic Lateral Sclerosis (ALS) (also known as “Lou Gehrig’s Disease”) “Ice Bucket Challenge” and explained she was nominated by John Carvalho of the Standard-Times. She then stated that as part of the challenge you must nominate three people to participate in this challenge (to pour a bucket of ice-water over your head) and those nominees were Jack Spillane of the Standard-Times, Former Mayor Rosemary Tierney and WBSM Radio personality Taylor Cormier. She further explained that as part of this challenge, the nominees must either complete the challenge and donate ten (10) dollars or forgo the challenge and donate one hundred (100) dollars; further explaining, that they do so within twenty-four hours. This challenge was started to raise awareness for the disease to raise funds to assist in the research for treatment. (1a)

Gary Siwik of 621 Middle Road, Acushnet, MA, 02743, speaking on trash issues, he addressed the concern that properties with multiple units hadn’t received an appropriate amount of receptacles to accommodate the number of units in a complex-type building structure, such as duplexes. He also explained that it is difficult for his elderly residents to wheel the 95 gallon receptacles out to curbside, which will be even more difficult during the winter months. He expressed displeasure with the fact that he is not able to purchase trash receptacles but was told to purchase more recycling containers. He explained he is an

absentee landlord and can't be expected to force his tenants to recycle and that he as a taxpayer should be able to purchase more barrels to accommodate his properties that he owns in New Bedford. (1b)

Councillor Alves explained to Mr. Siwik, that agenda items 8, 9 and 10, are all in reference to the same or similar issues that he is speaking on and that he was more than welcome to stay to hear them.

Councillor Alves announced that Randy Jones, 60 Hazard Street, New Bedford, MA, 02740, speaking on housing issues was not present at this time.

On motion by Councillor Gomes and seconded by Councillor Bousquet, the Committee VOTED: To table this matter until the end of the meeting, in case the constituent arrives late. This motion passed on a voice vote. (1c)

Paul Cordeiro of 37 Longwood Avenue, New Bedford, spoke about his opposition to the erection of a WBSM, AM Radio Tower to the Route 140 area location. He brought with him a list of concerns researched by other residents including health risks and the property value going down due to the erection of the tower in such a populated residential area. He submitted a Petition signed by area residents which was received and placed on file on motion by Councillor Bousquet and seconded by Councillor Rebeiro. This motion passed on a voice vote. (1d)

Councillor Alves informed Councillor Winterson that there is an item in Committee about this issue that will be attended to at the Committee's next meeting.

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Notice, City Clerk of reference of a Continued 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, Black 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, 6/17/14 – Hearing continued, 7/15/14 - Hearing continued until 8/12/14, re-advertised in the Standard-Times on Wednesday, July 30, 2014) was received and placed on file by Councillor Carney and seconded by Councillor Rebeiro. The Chair opened the Hearing. (2)

The applicant, Dan Moniz of DPM Development addressed the Committee. He explained that he purchased the property with the intention of turning it into a two house lot (duplex) but found out that structurally there was a lot of termite damage; something he didn't realize before purchasing the property. He also stated that because the foundation settled the doors are bowing causing them to not close correctly. To reconstruct the structure in order to get it up to standard is approximately \$65,000.00. To remodel it and make it more appealing would require a complete reconstruction which in his opinion is not viable.

Councillor Oliveira asked Mr. Moniz if the Historical Commission ever reached out to purchase the property from him or anyone for that matter, to which Mr. Moniz stated no one had. He further stated that he was willing to sell if he had a decent offer from someone to buy the property. Councillor Oliveira said he

received a call from the descendants of the Tobey family relaying their concern of this property being demolished as it was such a big part of history for this City as well as it is for the Town of Dartmouth. He worried that Mr. Moniz's intentions were more monetary than they were for the preservation of a historical property.

Councillor Morad asked Mr. Moniz to clarify his statement of his intention to sell the property, if in fact they wished to purchase it as opposed to demolition. Mr. Moniz again reiterated that he would sell but no one has actually come forward with a viable offer. Councillor Morad asked Mr. Moniz about the engineers report on the structure, he stated that he was told that the structure was not "sound" and that he would have to get it up to code before he could even sell it, because it's a liability. Councillor Morad then asked if the electrical or plumbing had ever been updated to which he said it hadn't. Mr. Moniz informed Councillor Morad that it would be a complete rehab of the entire property.

Councillor Alves asked Mr. Moniz if he had a written assessment or an engineer's report validating his claims to the soundness of the structure. Mr. Moniz expressed that although he didn't have a copy of the report with him, that he does have one. Councillor Alves then asked if Mr. Moniz would submit that to the Committee as soon as he is able, for the record.

Anne Louro, Preservation Planner, explained to the Committee that she as the Preservation Planner developed a recommendation to the Commission for their review, which was sent to the Committee. Ms. Louro stated, in her opinion, it's a first period house and one of the oldest structures still standing in the City. She explained that after the demolition hearing of the Commission, Mr. Moniz was generous enough to let her into the house where she assessed the structure is structurally "sound". The house dates between 1790-1810, being the time approximately when it was built, and was part of the original Tobey Settlement. She further explains that because the house has stood for over two hundred (200) years it's a testament to the strength of the foundation. The timbers are very strong making the foundation durable for the next two hundred (200) years. She further explained that because it is a historical property, there is an understanding that you will need to upgrade the electrical, plumbing and mechanicals, as part of the agreement when purchasing historical property. She disagreed with the comment that the property is blight or an eyesore; further stating, with a little paint and some shingles it would look like a property in Orleans or Sandwich, MA, which would increase the property values of adjoining or abutting houses as well. She also states that other developers have restored houses in much worse shape than this one and that this house should be saved.

Councillor Bousquet asked Ms. Louro if she knew of investors willing to aid in the restoration, to which she explained that she herself lives in a historical building that needed renovations but did not have a list of investors interested in this project in general. It was a house for sale just like any other, and it had been on the market only a very short time. She did state that given more time, because of its historical value, an investor would more than likely come forward, as opposed to demolishing it and turning it into another "cookie-cutter" property. Further stating it is a very marketable property once restored.

Councillor Morad asked Ms. Louro if the Commission thought this property was historically significant and should be preserved, and has been available since February, why the Commission hadn't taken the steps to secure funding to restore the house. Ms. Louro responded that they had not; she explained that Mr. Moniz did not attend the Historical Commission meeting, and that the property in question was rumored to be on the market, but when she called the real estate agent they told her it was off the market. So there was mixed messages on whether or not the property was available for sale. Councillor Morad asked Ms. Louro as the Preservation Planner had she taken any steps to try to secure funding to purchase this property or to reach out within her circle to secure funding to which she stated she had not. Councillor Morad explained that due to the reconstruction of Acushnet Avenue that the property line is less than 25 feet from the street, so there are some mitigating issues as well.

Councillor Lopes asked Ms. Louro if anyone from the family or descendents tried to purchase the property, to which Ms. Louro stated they had not. He then asked Mr. Moniz how long the property was on the market before he bought it, which he responded approximately fourteen months.

Councillor Carney asked why the NBHC's recommendation stated the property was sound but the engineers report relayed structural problems and termite damage. Ms. Louro stated based on her assessment by her very brief walk-thru, and her historical background and experience to assess the property, she is not an expert. In her opinion the structure is structurally sound. She also stated that she can't really answer that question in full because she was not present for the assessment done by the engineer. She then explained that the information that the engineer had given the developer would have been valuable prior to the Historical Commission's findings.

Councillor Alves asked Ms. Louro if she had discussed with Waterfront Historical Area League (WHALE), the possible demolition of this house, since that is one of the functions of the WHALE organization (to revitalize historic properties). She stated that she had spoken to them about it but could not speak on their behalf concerning this matter, but would say that they are currently funding many projects and feels that this may not be something they want to consider at this time, but the Board is aware of it. Councillor Alves then stated that as the Preservation Planner and because of the Commission's findings and belief that this property had historical significance, that she should have put more effort into securing it, which she understood.

On motion by Councillor Gomes and seconded by Councillor Coelho, the Committee VOTED: To recommend to the City Council to Grant Permission for the DEMOLITION of 4026 ACUSHNET AVENUE, Map 136, Parcel 252. 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 JACOB GONSALVES, New Bedford, MA 02744, to the CONSERVATION COMMISSION, replacing Kenneth Motta who has resigned; this term will expire in June 2017 (Ref'd 7/17/14) was received and placed on file by Councillor Winterson and seconded by Councillor Morad. (3)

Mr. Gonsalves, 203 Portland Street, New Bedford, MA, 02744, was present and addressed the Committee.

Councillor Winterson asked Mr. Gonsalves to give a brief background to the body of his qualifications to serve on this Board. He expressed to the Councillors that he has been a resident and a homeowner of the City for the last five (5) years. Also, that he graduated from UMass Dartmouth with a Bachelors Degree in Civil Engineering. During his tenure he passed the "Fundamentals of Engineering" exam and became an "Engineer in Training" (EIT). He further stated that for the past six (6) years he worked for the MA Department of Transportation as a Bridge Inspector and prior to that he worked for them in bridge maintenance. During that time he took Federal Highway Administration (FHWA) and National Highway (NHI) testing pertinent to structures. He further stated that he will be taking his Professional Engineer test in October.

Councillor Oliveira, as a Councillor of a Ward with many environmental and developmental issues, asked Mr. Gonsalves how he viewed the work he was going to do. He asked how he was going to get things done or how he could stop things from getting done. Mr. Gonsalves explained that one of his interests in

...serving is that he will try to balance conservation with development by following State/Federal guidelines and the City's Ordinances, which he believes to be the most important part of serving. Councillor Oliveira informed the Committee that although he supports Mr. Gonsalves appointment, he will be observing as well, and expressed that the Committee hasn't reappointed some of the past members because certain needs weren't being met.

Councillor Carney told the Committee she had spoken with Mr. Gonsalves and he explained his qualifications and environmental issues to her. She is supporting Mr. Gonsalves' appointment and she believes he would be an asset to the Commission because of his experience in conservation through his Civil Engineering work and looks forward to working with him.

On motion by Councillor Gomes and seconded by Councillor Winterson, the Committee VOTED: To recommend to the City Council APPROVAL of the APPOINTMENT of JACOB GONSALVES, New Bedford, MA, 02744, to the CONSERVATION COMMISSION, replacing Kenneth Motta who has resigned; this term will expire in June 2017. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillor Coelho, Council President Lopes, Councillors Winterson, Alves, Oliveira, Carney, Martins, Rebeiro and Morad, in light of the United States Postal Service's final decision to relocate the Downtown Post Office, requesting that Mr. Joseph Mulvey, Real Estate Specialist with the United States Postal Service be invited to the next Committee on Appointments and Briefings meeting to update the Council on plans for the building, when will the Post Office be moved and where will the Downtown Post Office be located (Ref'd 7/17/14) was received and placed on file by Councillor Bousquet and seconded by Councillor Gomes. (4)

Mr. Joseph Mulvey, Real Estate Specialist with the United States Postal Service, was not in attendance.

On motion by Councillor Bousquet and seconded by Councillor Gomes, 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 Communication, Acting City Clerk, to City Council, on behalf of **Anthony Snow, 12 Humes Street, Pawtucket, RI, 02860, d/b/a CAB TRANSPORTATION, LLC, 34 Welby Road, New Bedford, MA, 02745**, hereby submit a copy of the Application requesting **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 (Ref'd 7/17/14) was received and placed on file by Councillor Lopes and seconded by Councillor Gomes. (5)

Councillor Lopes asked Mr. Snow how long he had this Livery License to which he responded, since 2010. He then asked Mr. Snow if there had been any problems, to which he stated there were none.

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council APPROVAL, on behalf of **Anthony Snow, d/b/a CAB**

**TRANSPORTATION, LLC, 12 Humes Street, Pawtucket, RI, 02860**, of the Application requesting **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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Councillor Oliveira as Vice Chair of this Committee took the Chair so Chairman Alves could speak on the next issue.

Notice, City Clerk of reference of a Written Motion, Councillor Alves, requesting, that the City Council invite the Mayor (or a representative of the Administration), and Jonathan M. Silverstein of Kopelman and Paige, P. C., to a Committee on Appointments and Briefings meeting (in Executive Session if need be) to brief the Council members on the process being utilized, and the current status of the City's negotiations in developing a host agreement with potential Casino operators, in light of the potential referendum needed to be filed in time to be placed on the Ballot to be voted on by City residents at the General Election in November (Ref'd 6/26/14) was received and placed on file by Councillor Morad, seconded by Councillor Oliveira. (6)

Councillor Alves received a letter from the Mayor, noting that Mr. Silverstein would be unable to attend the meeting as he was away on vacation out of State, which was received and placed on file by Councillor Morad and seconded by Councillor Carney.

Councillor Alves asked Representative of the Mayor Christina Connelly what was going on with this as it has been an interest to many in the Community. He then asked if Ms. Connelly had any information to share from the Administration, to which she deferred to Derek Santos of the Economic Development Council who has been "spear-heading" the negotiations along with the Mayor.

Councillor Alves then asked Mr. Santos where the City stands in relation to Casino's. He stated that New Bedford had one of the only developers who put down \$450,000.00 - \$475,000.00 (non-refundable) in anticipation of developing a casino in the City of New Bedford. He then asked Mr. Santos to share any information that wasn't proprietary, to which he said that the City has maintained open communication with the KG Urban Enterprises, other property owners in the City who have interest in casino development, throughout various sites in the City. He further explained that those conversations have gone on in varying levels of detail; with the question of Casino Gaming in MA being on the ballot for voters in November, combined with the Gaming Commission's stance to push off Region "C" substantially, allowing anyone to come in and be a new applicant.

Councillor Alves stated that one thing that is encouraging for the City of New Bedford is that KGB, Mr. Lusik and Foxwoods, have worked together and made a joint proposal to the Mayor, to open a Casino at the Waterfront site. Councillor Alves asked if he was aware of that, to which Mr. Santos expressed that there are many operators and owners that have shown interest, but he is not at liberty to share those names publically. As Chairman of the Gaming and Casino's Committee, Councillor Alves shared his insight with the Committee on where the three potential sites to develop a Casino may be. Those sites are the Hick's Logan area, the Whaling City Golf Course and the KG Urban site at NStar and asked if Mr. Santos knows of any other. He states that there are other sites that are feasible, perhaps not preferred, that have been looked at but not looked at with any significance other than what may be feasible.

Councillor Lopes asked Mr. Santos if he would stay in a hotel while on vacation, that abuts a refuse management site (dump). Mr. Santos countered with the fact that every investor on the private side knows

about the pros and cons of their investments. Further stating that all of the feasible sites have pros and cons and found when reaching the sites in Region “C” that no one site was “perfect”. Councillor Lopes informed Mr. Santos that he had a conversation with a developer that has put Casinos all over the Country and that the City dumps is the least sexy place to put one.

Councillor Martins thanked Mr. Santos for taking time out of his busy schedule to attend the meeting to answer questions from the Committee.

On motion by Councillor Alves and seconded by Councillor Bousquet, the Committee VOTED: To table this matter for sixty (60) days to get an update. This motion passed on a voice vote.

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Notice, City Clerk of reference, of a Written Motion, Councillor Gomes, requesting, that a meeting be held with Health Department Director Dr. Brenda Weis and a Representative of the Massachusetts Department of Public Health, to discuss what is being done to address the present bedbug problem that has plagued many housing complexes throughout the City; and further, to discuss strategies that have been put in place to address this issue which has affected many elderly and families across New Bedford. (Ref’d 7/17/14)  
(7)

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

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Councillor Martins made a motion to take items 8, 9 and 10 up together, which was seconded by Councillor Coelho. They are as follows:

Notice, City Clerk of reference of a Written Motion, Councillors Alves, Coelho, Morad, Oliveira, Carney, Gomes, Bousquet, Martins, Council President Lopes and Councillor Winterson, requesting, that the Administration reconsider the current allocation of trash collection containers used for trash collection allocated to duplex (side-by-side) homes which presents a problem different than the standard two-family homes in New Bedford, in that duplex units in most cases are independent with separate access entrances, driveways and in many cases, limited contact with neighbors, yet these facilities are only allocated ONE trash container for the building, making it a problem for placing trash in what would be considered “Your Neighbors” trash container (Ref’d 6/12/14) was received and placed on file by Councillor Coelho and seconded by Councillor Lopes. (8)

Notice, City Clerk of reference of a Written Motion, Councillors Alves, Coelho, Morad, Carney and Gomes, requesting that the Administration provide the City Council with the names of City and Non-City individuals that were members of the “Trash Committee” that advised the Mayor and the Administration as to the new garbage pick-up service/system and who developed the rules, requirements and guidelines which were used in the development of the program implemented this week, and that the list be provided to the Chairman of the Committee on Appointments and Briefings within ten days so those members can be invited to the Committee on Appointments and Briefings meeting at which the Trash program is scheduled to be discussed to brief the Council members on the process being utilized and how it was developed; and further, that this request be followed-up by the Council Clerk within ten days (Ref’d 6/26/14) was received and placed on file by Councillor Coelho and seconded by Councillor Lopes. (9)

Notice, City Clerk of reference of a Communication, Councillor Alves, submitting a copy of a letter from Mr. Manuel Carvalho to the Standard-Times, regarding the contract between the City and ABC Disposal Service, Inc. (Ref'd 6/26/14) was received and placed on file by Councillor Coelho and seconded by Councillor Lopes. (10)

Councillor Coelho informed Mr. Blanchard that she doesn't recall ever getting as many phone calls from her constituents as she has concerning the trash collection containers, pertaining to duplex, "side by side" housing; explaining that they have separate entrances and yards but are expected to share trash containers. She explains that when she get these calls she refers them to him, and thanked him for resolving some of the complaints but that there are still a lot of unresolved issues with this system. She then asked Mr. Blanchard if she should continue referring these calls to him, to which he replied that she should and he will handle all calls on a "case by case" basis. He submitted some photos of Mr. Siwik's duplexes which were received and placed on file by Councillor Martins and seconded by Councillor Gomes. He went on to say that Fleet Management has made some concessions to the distribution policy, for instance, the elderly can turn in their ninety (90) gallon trash carts for two (2) smaller thirty-five (35) gallon carts. Another exception the department has made in the case of duplexes is if there is a physical barrier (fence) separating the yards on a duplex, extra receptacles were delivered. If there were no barriers, they wouldn't be eligible for another receptacle. Councillor Coelho also spoke of landlords with triple and quadruple "deckers" with six (6) to eight (8) units, not receiving enough carts to accommodate family sizes for all of those units; further, that the City has already succeeded its expectation as far as recycling goes, but some instances call for more receptacles. Some landlords are frustrated that they can't get extra receptacles, when they clearly need them and are willing to buy them. She then asked Mr. Blanchard why in these cases, the landlords could purchase extra carts if they need them. He responded that the whole purpose of this program is to encourage more recycling and less trash in order to extend the "life" of the landfill. The reduced capacity of trash will lead people to look for other ways to recycle. He relays that curbside is not the only way to recycle unwanted furniture; it can be brought to the transfer station at no cost to discard of unwanted recyclable items. Councillor Coelho thanked Mr. Blanchard for the information he provided and looks forward to working with him on this.

Councillor Alves asked Mr. Blanchard if housing with more than four units have to pay for a private dumpster to which Mr. Blanchard explained that four units or greater or mixed-use properties, are required to pay a onetime fee for the use of the barrel, for the life of the barrel, which is part of the policy that the Committee adopted. He explained that because those types of properties are considered "income bearing" properties and have the ability to pay was the rationale behind that.

Councillor Carney asked Mr. Blanchard why certain duplexes have different needs and doesn't feel it makes sense that a barrier stands in the way of whether or not you get an extra cart if you need one. Mr. Blanchard explained that out of most of the calls he gets concerning duplexes is that it's inconvenient not to have separate barrels. He explains that the landfill only has about another (seventeen) 17 years of "life" left in it; further, that it will be really inconvenient when the landfill is at top capacity and we got to build a new one. By extending the life of the landfill, it will be more convenient for the City as a whole, rather than just a few duplexes. Mr. Blanchard reiterated that the program has already made a few concessions, i.e., medical waste, physical barriers on duplexes, the elderly, just to name a few. Extra carts equal extra trash which is counterproductive to what the City is trying to do.

Councillor Lopes asked if the duplexes could get the same concession as the elderly in order to get the two smaller barrels, as this would reduce more trash. He also said as part of the consideration that an extra recyclable cart also be purchased. If the argument is that they don't want to share trash, then they should have to recycle separately as well.

Mr. Blanchard stated he was absolutely willing to consider this concession because it is a way to reduce the capacity of trash.

Councillor Lopes then asked to speak with Mr. Siwik and question whether he thought this compromise was something that he would be able to work with. Mr. Siwik stated that he doesn't feel that it's a fair compromise as he would be getting less trash capacity than other duplexes of the same size. Councillor Lopes explained that giving him two barrels with capacity when it is only supposed to receive one, defeats the purpose of the program and also would cause issues as every other duplex owner would expect the same privilege.

Councillor Lopes then asked Mr. Blanchard, who actually made up the "Trash Committee" as there was no representative of the Council invited to serve and in his opinion the public calls them first before seeking out anyone else; therefore, it would have been beneficial if a City Councillor was invited to serve on that Committee. Mr. Blanchard stated that Mayor Mitchell formed the Trash Committee whose membership included Assistant Chief of Staff Christina Connelly, former member of the Refuse Management Commission Isaac Graves, Assistant City Solicitor Jane Medeiros Friedman, Recycling Coordinator Marissa Perez-Dormitzer, Refuse Management Commission member Scott Alphonse, Board of Health Director Dr. Brenda Weis, CFO Ari Sky, Purchasing Agent Debra Travers, Sofia Piedade Sanitarian, former Commissioner of Public Facilities Larry Worden and myself Kenneth Blanchard.

Councillor Lopes asked Ms. Connelly if she could speculate why the Mayor did not have a member of the City Council on this Committee, considering that the Council would have to support whatever was put forth, including the contract with ABC, Disposal Services, Inc. She believes it's pretty standard for internal policy development to just include members of the Executive Branch and Departments and then the outreach to Councillors happens in this format and in other settings once the policy is in development and in draft form and nothing ever gets finalized until it's vetted typically at an Appointments and Briefings meeting and there has been at least two briefings by members of the Committee to the body. Councillor Lopes expressed that he felt this initiative was a little more important to the body, than normal policy development, because of the fact that the residents reach out to them as they serve on Landlord Association Boards. A lot of the input was given after the policy was drafted to which Ms. Connelly agreed but reiterated that it had not been finalized. She also stated that they did consider citizen input and the Councillors input in the process.

Councillor Lopes asked Scott Alfonse to elaborate the different items residents could recycle additionally if they go to the transfer station. Mr. Alfonse informed the Committee that the items that can be recycled at the transfer station are: rigid plastics (buckets, kids toys, old recycling bins), large polystyrene blocks, Styrofoam blocks used for packing, clothing, (drop off bin on site), books, any electric device with a plug (televisions, video cassette recorders, stereos and microwaves) at no charge to the resident.

Councillor Morad asked Mr. Alfonse if he would give the location of the transfer station to the public. He stated that the transfer station was located at 1103 Shawmut Avenue, New Bedford, MA, 02740.

Councillor Morad thanked Mr. Blanchard for the concessions that he has made but stated that there are still many issues. She asked if the issues with condominiums had been resolved and he admitted they had not. The same type of issues that they are facing with owners of duplexes they are dealing with at the condo complexes. Councillor Morad explained to Mr. Blanchard that unlike duplexes that although structurally appear alike, that in duplexes one landlord owns the two separate sides of the one duplex. In a condo, each half of the two property lot is owned by two separate taxpaying citizens. Mr. Blanchard explained that the reason that they are treated the same way as a duplex is because it is two dwellings on one parcel, regardless of its ownership. Councillor Morad said that there needs to be some changes made because it makes no sense to have two mortgage holding owners, sharing a trash can. She also spoke about how enraged six (6) to eight (8) unit owner-occupied property owners were when they had to pay for their first barrel. They should have received the same barrels as everyone else at cost to the City. She believes these needs to be re-evaluated and that the City should give back the money charged to these property owners and give them the same deal as everyone else. Mr. Blanchard countered with the fact that they had done outreach prior and a draft of the policy had gone out, to which Councillor Morad had stated that at that point the Administration had already

made up its mind. Flyers went out before the draft was even finalized. She goes on to say that she would like to revisit these issues in six months once this program has been in place for a while. Mr. Blanchard stated that he did as much outreach as humanly possible.

Councillor Winterson asked Ms. Connelly, due to the numerous amounts of calls from his constituency, if the Mayor's Office had been telling people when they called, that the City Council was responsible for the contract, then referring the callers to the Council. He stated that he wasn't involved in the actual contract negotiations and outreach process, so he doesn't understand why the Mayor's Office is referring people to the City Council, after "blaming" them for this new policy. Ms. Connelly stated that wasn't the case and what the staff of the Mayor's Office was telling people, was that the City Council was not present during the negotiations but that they did review and "signed-off" on the the contract.

Councillor Gomes said he felt the program has merit, but also has flaws. He thinks that it is highly unfair when constituency calls the Mayor's Office and they are told that the City Council is responsible. The constituency doesn't know that the Council's only part in it was to review and pass it. They think the body is responsible for all aspects of the policy from what they are told in the Mayor's Office. He agreed with Councillor Winterson that the Mayor's Office gives the impression that the Councillors were present during negotiations and aided in implementing the policy and that just isn't the case. He went on to say that our trash is as personal as the shirt on our back, meaning that people don't want to share their trash bins. He further stated that an appropriate amount of trash barrels should have been given to each property, no matter what type it was. Property owners knowing their trash is overflowing, regardless of recycling, were refused the right to buy more barrels. He offered Mr. Blanchard and other administration to tour the City to see the overflowing of trash from barrels, because the current allotment isn't enough. He was confused about the fact that duplexes have to share barrels while businesses are getting more barrels. He doesn't understand why the Administration isn't making the businesses rent dumpsters and letting the residents keep the barrels. He also asked who decided that a rental unit was a business and not a residence, making it so they would have to pay for their barrels instead of getting them for free like everyone else. Mr. Blanchard responded that it was the "Trash Committee" as a whole that agreed to it. He did admit that there were certain members who weren't in agreement but as a whole it was voted for. Councillor Gomes stated that people forget who the landfill and the City belongs to and that it belongs to the people. He was upset that the Mayor's Office took the cheap way out and blamed the Councillors for the programs policies, when members of the Administration made the policies with no input from the Councillors, other than they signed off on the contract. He stated that without a bulky pick-up program in place people are just throwing their stuff all over the place. Mr. Blanchard explained that the program is by appointment only. Councillor Gomes stated that he doesn't agree with this because prior to the appointments only method, people weren't dumping items in dark areas; with the implementation of this new pick-up dates, people are starting to dump things again because they don't want to wait until trash day. Mr. Blanchard warned the Council of the thought of assuming that bulky items dropped at Jacintho Street and New Plainville Road are coming from City residents and suggests that they may also be coming from other Communities with similar trash programs. He further stated that residents can have their bulky items taken by appointment to which Councillor Gomes stated that the residents may not want a bulky item sitting around on their property until that date. Mr. Blanchard stated his biggest concern is to keep trash consumption down. He said he didn't want the trash situation to be like it was before with heaps of trash on sidewalks. Councillor Gomes countered with the fact that not everyone had heaps of trash in front of their houses, but that there were isolated incidents. Mr. Blanchard informed the Council that the Mayor had made some exceptions to instances involving floods, due to a comment by Councillor Gomes involving need for extra trash consumption in such an instance. He stated that on July 4<sup>th</sup> of this year, the Mayor made an exception to allow any damaged property from the flooding be left at curbside for pick-up. He further stated that there are going to be many instances where situations will have to be handled on a case by case basis as with any program. Councillor Gomes informed Mr. Blanchard if he starts to see an increase in abandoned bulky items strewn about again due to the change in the bulky item pick-up, he will address it again as it was such a problem before. He hopes that concessions will be made because some parts of the policy don't fit to residential needs.

Councillor Martins asked Ms. Connelly if the Administration felt so confident about the program, why did it feel the need to single out the City Council and place the blame solely with the Council for the programs flaws. She explained that when a call comes into the Mayor's Office the staff informs the resident that it was a program implemented by both branches of local City government. Councillor Martins pointed out that the Council has tried on numerous occasions to try to put in motions regarding the trash program but many are being returned unsigned. Ms. Connelly thought that by giving the program a little more time to be tweaked and make changes, some of the problems would work themselves out and Councillor Martins agreed, but wanted to know why so many of the Council's motions were coming back unsigned if this is supposed to be a collaboration between the two offices.

Councillor Oliveira explained to Ms. Connelly that although he read, understood and voted on the contract, it would have been valuable for Council members to sit on the Trash Committee. The Council had a stake in this as they approved the contract for it and many of the pitfalls and complications could have been avoided. He added that he is an advocate of the new trash program and educates his family, friends and neighbors about it and he was part of the last landfills committee over 17 years ago and understands the importance, and hopes the Administration would consider putting at least one Councillor on the Trash Committee.

Councillor Carney asked Mr. Blanchard what the hours of operation were for the Transfer Station. He explained that it was from 7:00 a.m. to 4:00 p.m. on Monday through Friday and on Saturday, from 7:00 a.m. to 3:00 p.m.

Councillor Lopes informed Christina Connelly, that yes, the City Council adopted the contract, but he explained there were two choices, yes or no. The Council wasn't able to amend the parts they didn't feel would work. He explained it would have been beneficial if the Administration was honest with people who called to voice their concerns about the trash problems by telling the individuals that the Administration handled the negotiations and the Council passed the contract, without being able to amend.

On motion by Councillor Martins and seconded by Councillor Winterson, the Committee VOTED: To request that the Administration review from the day the Trash Program was initiated, every motion that was filed relative to this program and was returned to the City Council unsigned; further, that the Administration supply this Committee with a written response to each motion, so that the City Council may then relay that information to the City residents. This motion passed on a voice vote.

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Notice, City Clerk of reference, of a Written Motion, Councillor Lopes, requesting, that DPI Commissioner Labelle, on behalf of the property owners on Jenkins Street and Bolton Street, review the City's Engineering changes made to the sewer interceptor, eighteen months ago, which is now causing multiple homes on Jenkins Street and Bolton Street to be flooded with raw sewage; and further, requesting, that DPI Commissioner Labelle provide this Councillor with copies of the existing plan on file for the said intersection, along with the City Engineering plans and a timeline for the corrections of the problem (Ref'd 8/16/12, 12/10/13 – Remain in Committee, 7/15/14 - tabled) was removed from the table by Councillor Lopes and seconded by Councillor Bousquet. (11)

Councillor Lopes asked DPI Commissioner Ron Labelle to give the Council an overview on what work has been done over the last several years to remedy this situation. Commissioner Labelle explained that the typical classic flooding occurs in the City when roof leaders are tied into a basement. He explained there were two homes tied into a 6 inch sewer on Bolton Street, and one of the sewers was possibly put in back in

the 1800's, and was upgraded some time later. He also noted that the sewer flows away from the house in question on Jenkins Street and the problem is that the house has a large roof, multiple floors, and with a large surface area roof all the water is going into a four inch sewer, flooding the basement. The corrective way to remedy this as was told many times before is to disconnect your roof leaders from your sewer.

On motion by Councillor Lopes and seconded by Councillor Bousquet, the Committee VOTED: To take no further action on this matter. This motion passed on a voice vote.

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Notice, City Clerk of reference, of a Written Motion, Councillors Coelho, Alves, Carney, Rebeiro and Gomes requesting, that a representative of Planning and Community Development be invited to a Committee on Appointments and Briefings meeting to discuss what their intentions are for Spring and Summer to maintain the garden project at the Serenity Gardens (formerly Morse Twist Drill) and to ensure that this community garden project continues (Ref'd 1/23/13) was received and placed on file by Councillor Lopes and seconded by Councillor Carney. (12)

Councillor Rebeiro stated the importance of having a garden to produce healthy fruits and vegetables and highlights the success of the Farmers Market. She also goes on to say that the food is abundant and there is often plenty of food to donate to charities and families in need.

On motion by Councillor Oliveira and seconded by Councillor Rebeiro, the Committee VOTED: To take no further action on this matter. This motion passed on a voice vote.

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Councillor Oliveira made a motion to remove item number 1c from the table, which was seconded by Councillor Winterson.

Citizens Input Time - Randy Jones, 60 Hazard Street, New Bedford, MA, 02740, speaking on Housing Issues.

Mr. Jones was still not present at this time.

On motion by Councillor Oliveira and seconded by Councillor Rebeiro, the Committee VOTED: To take no further action on this matter. This motion passed on a voice vote.

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

This meeting adjourned @ 9:45 p.m.

ATTEST:

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Assistant Clerk of Committees