



Appointments and Briefings

October 14, 2014 – 7:11 PM – **Minutes**
Chambers of the City Council, Room 214

MEETING: COMMITTEE ON APPOINTMENTS & BRIEFINGS
DATE: OCTOBER 14, 2014
TIME: 7:11 P.M.
PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS DAVID ALVES, CHAIRMAN; JAMES OLIVEIRA, VICE-CHAIRMAN; HENRY BOUSQUET; NAOMI CARNEY (7:16); DEBORA COELHO; BRIAN GOMES; STEVEN MARTINS; DANA REBEIRO; KERRY WINTERSON

ABSENT: COUNCILLOR LINDA MORAD

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Councillor Alves called the Appointments & Briefings Meeting to order and took attendance.

There was a MEMO from Councillor Morad stating she may not be able to attend tonight's meeting, due to her attendance at a previously scheduled business meeting and that if the meeting adjourned early enough she would join this meeting already in progress. There was also a telephone call from Councillor Carney to the Clerk of Committees stating she would be a little bit late in attending tonight's meeting.

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On motion by Councillor Lopes and seconded by Councillor Winterson, the Committee VOTED: To take items 3, 3a, 4, 8, 11, 11a, 11b out of order and tabled them. This motion passed on a voice vote. They are as follows:

Notice, City Clerk of reference of a Written Motion, Councillor Alves, at the request of the Trustees of the Bethel AME Church and on behalf of our Pastor, Reverend Irma Thibodeaux, Officers and Members of this historic Church, that the City Council look into what action or assistance of City can provide to ensure the Church is not forced to close, and that the Council follow up on many of the promises that have been made to the Church Trustees and Pastor by former Administrations for assistance; and further, that the Committee on Appointments and Briefings invite Department of Public Infrastructure Commissioner, Ronald Labelle, Tax Title Attorney Blair Bailey, as well as representatives of Bethel AME Church to discuss the matter.(Ref'd 2/13/14, 09/16/14 – Letters to DPI & Traffic) (3)

Notice, City Clerk of reference of a Communication/Email, Councillor Alves, submitting, request from Toni Pires, Trustee, Bethel AME Church, requesting assistance with issues and concerns at the Church. (Ref'd 2/13/14, 09/16/14 – letters to DPI & Traffic. (3a)

Notice, City Clerk of reference of a Written Motion, Councillor Gomes, requesting that the City Council's Legislative Counsel and the City Solicitor look into Article II, Section 19-20 through 19-27, with respect to enforcing the requirement that City Employees be residents of the City of New Bedford during the full term of their employment with City; further, that contracts with the City's Unions (AFSCME, Police, Fire) ensure that every City employee be a resident of the City of New Bedford for the full term of their employment and/or for a MINIMUM OF FIFTEEN years, if so negotiated, (and NOT the presently negotiated 3-4 years) before being allowed to reside in other Cities or Towns; further, that this change, after review by Legislative Counsel and Solicitor, not apply to positions exempted by the code or where Waivers have been granted by the City Council and Mayor when in the best interest of the public to do so, if the Legislative Counsel and City Solicitor so determine to continue exemption (s) after review; and further, that employees presently working for the City that were allowed by Union Contract to reside outside of the City be "Grandfathered In," so as not to cause hardship to said employees and their families. (Ref'd 3/8/12, 12/10/13 – Remain in Committee) (4)

Notice, City Clerk of reference of a Written Motion, Councillor Coelho, requesting that a representative from the Cemetery Board be invited to a Committee on Appointments and Briefings meeting to brief the Committee members on the new regulations at Pine Grove Cemetery, specifically, the change in the purchase of pre-need graves; and further, that Mr. Oliver M. Cabral, owner of Cabral Baylies Square Lamoureux Funeral Homes be asked to attend said meeting. (Ref'd 08/21/14) (8)

Notice, City Clerk of reference of a Written Motion, Council President Lopes, Councillors Martins, Bousquet, Winterson, Rebeiro, Morad, Gomes, Coelho and Carney, requesting that Mr. Joseph Mulvey, Real Estate Specialist with the United States Postal Service, meet with the Committee on Appointments and Briefings, to discuss the future of the Downtown New Bedford Post Office. (Ref'd 2/13/14, 3/18/14 – Letters) (11)

Notice, City Clerk of reference of a Communication, Mr. Joseph Mulvey, Real Estate Specialist to the United States Post Office, to and from Mayor Mitchell, regarding the future of the Downtown New Bedford Post Office. (Ref'd 2/13/14, 3/18/14 –rpf) (11a)

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 & 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, 8/12/14 – tabled) (11b)

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Councillor Lopes made a motion to take item thirteen (13) out of order, which was seconded by Councillor Winterson. There were no objections item thirteen (13) was before the Committee, as follows:

Notice, City Clerk of reference of a Communication, Mayor Mitchell to City Council, submitting the APPOINTMENT OF JENNIFER CLARKE, Dartmouth, MA as ASSISTANT CITY PLANNER, at M9, Step 7, \$62,369.00 and requesting a SIX-MONTH WAIVER OF RESIDENCY to relocate to the City (Ref'd 10/09/14) was received and placed on file by Councillor Lopes and seconded by Councillor Winterson. (13)

Ms. Jennifer Clarke, 32 Tremont Avenue, Dartmouth, MA was present and presented her qualifications to the Committee on behalf of her appointment as Assistant City Planner.

The letter from the Mayor regarding his recommendation of Ms. Clarke was read into the record and received and placed on file by Councillor Martins and seconded by Councillor Oliveira.

On motion by Councillor Lopes and seconded by Councillor Gomes, the Committee VOTED: To recommend to the City Council APPROVAL of the APPOINTMENT OF JENNIFER CLARKE, Dartmouth, MA as ASSISTANT CITY PLANNER, at M9, Step 7, \$62,369.00 and APPROVAL of a SIX-MONTH WAIVER OF RESIDENCY to relocate to the City. 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, City Clerk/Clerk of the City Council, to City Council, on behalf of **David N. Pimental d/b/a CD'S RELIABLE TRANSIT, 135 Thompson 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 08/21/14, 09/16/14 – tabled) was removed from the table by Councillor Coelho and seconded by Councillor Carney. (1)

Mr. David N. Pimental was not in attendance.

On motion by Councillor Coelho and seconded by Councillor Carney, 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, Mayor Mitchell, to City Council, submitting a VETO of a PRIVATE LIVERY LICENSE granted to Rafael Reyes d/b/a Road Runner Transportation by the City Council on June 12, 2014; due to Mr. Reyes not filling out his Livery License application completely (Ref'd 08/21/14, 09/16/14 – tabled) and 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 (Referred to the Committee on Appointments and Briefings – April 24, 2014; License Granted – June 12, 2014; Vetoed by Mayor Mitchell – June 25, 2014; VETO Received and Ordered Spread on the Record – July 17, 2014)(Ref'd 08/21/14, 09/16/14 – tabled) were removed from the table by Councillor Lopes and seconded by Councillor Gomes. (2, 2a)

Mr. Raphael Reyes, 12 Roosevelt Street and Ms. Elizabeth Jones, 556 Maxfield Street, New Bedford was in attendance to answer questions from the Committee.

A discussion ensued as to how the original application was vetoed by Mr. Reyes. The application was not filled in correctly as it pertained to Mr. Reyes' CORI history, which seemed to be the problem. Mr. Reyes currently has a livery license in Fall River, MA.

Councillors Carney and Rebeiro asked why it was filled out incorrectly and Mr. Reyes replied that he did not fully understand what he was filling out.

Ms. Jones said it had now been filled in correctly; however, the Council believed they did not have the correct form and if they did where the probation section of the application was checked as yes, it should be resubmitted.

Councillor Gomes without getting into CORI details, voiced that he is all for giving second chances and asked if everything was fine as it related to Mr. Reyes' past issues.

Mr. Reyes said yes, there are no outstanding issues; he is trying to get his life back on track.

Councillor Martins suggested that Mr. Reyes resubmit the application correctly.

On motion by Councillor Martins and seconded by Councillor Gomes, the Committee VOTED: To table this matter at this time. This motion passed on a Roll Call Vote of Yeas 9, Nays 1, with Councillor Lopes opposed.

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Notice, City Clerk of reference of a Written Motion, Councillor Gomes, requesting that the Committee on Appointments and Briefings meet with a Representative from the Administration, Tax Title Attorney Blair Bailey and City Treasurer Renee Fernandes-Abbott to discuss the new Side Yard program that was announced earlier this week, which in this Councillor's opinion is a duplication of the Abutter's Lot program that has been in place since the 1900's with every Administration utilizing said program; and further, that Tax Title Attorney Blair Bailey provide the City Council with a list of abutting lots that were sold between the time of implementation of the Abutter's Lot program to present time, along with an explanation from the Administration as to why the City Council wasn't notified of the change of said program (Ref'd 5/23/13) was received and placed on file by Councillor Bousquet and seconded by Councillor Winterson. (5)

Renee Fernandes-Abbott, City Treasurer was present to answer questions from the Committee.

Councillor Gomes asked the status on the city's abutters' lot program. Ms. Fernandes-Abbott explained the program has now been renamed the Side Lot Program, but is pretty much the same program initiated years ago. Slight changes were made to the program based on community input. They are making strides in selling off lots. It does take time with legalities and all. Attorney Blair Bailey is now in her office and she has a better connect with the program now.

Councillor Gomes asked if her office could provide the Committee with an update every six months in writing as to what parcels are parts of the program and what parcels have been sold. Ms. Fernandes-Abbott said this was possible.

On motion by Councillor Gomes and seconded by Councillor Winterson the Committee VOTED: To send a Communication to Ms. Fernandes-Abbott, City Treasurer, requesting that her office

provide the City Council with an update every six (6) months, in writing, as to what parcels are parts of the program and what parcels have been sold. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Council President Lopes, requesting that the Committee on Appointments and Briefings invite a local representative from Viridian Power to discuss their municipal green energy program (Ref'd 5/22/14) was received and placed on file by Councillor Lopes and seconded by Councillor Winterson. (6)

Councillor Lopes asked if Mr. Fallquist was present, he was not.

On motion by Councillor Lopes and seconded by Councillor Winterson the Committee VOTED: To table this matter at this time.

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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, 8/12/14 – tabled for 60 days) was removed from the table and received and placed on file by Councillor Lopes and seconded by Councillor Carney. (7)

Derek Santos, Director of New Bedford Economic Development Council was present and addressed the Committee.

Councillor Alves asked that Mr. Santos provide the Council with an update on the city's position on casino gambling. Mr. Santos gave a brief overview of where the city was; it is understood that the city is no farther ahead than they were seven months ago. This is because of the referendum question on the Massachusetts State ballot to rescind the casino bill.

On motion by Councillor Lopes and seconded by Councillor Rebeiro, the Committee VOTED: To table this matter for sixty (60) days. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillors Coelho, Council President Lopes, Winterson, Martins, Carney and Gomes requesting, that the Department of Public Infrastructure Commissioner Ronald Labelle be invited to appear before the Committee on Appointments and Briefings to update the Council on how far along in the process they are in the LED lighting project the City is undertaking; and further, we would like a list of all streets to receive new increased lighting; is the Police Department involved, due to public safety, in deciding what streets are being updated, also, what is the criteria the DPI is using to install this new increased lighting (Ref'd 9/23/14) was received and placed on file by Councillor Coelho and seconded by Councillor Carney. (9)

Ron Labelle, DPI Commissioner was present and gave an overview/update on the installation of LED lights throughout the city. He understood there were issues about brightness in certain areas but that this was being addressed. The complaints received would be addressed once all the lights have been updated. If Councillors have complaints or concerns they should reach out to Donna Amado in DPI by email and cc Ron Labelle as well.

Many Councillors expressed their concerns on increasing wattage amongst other issues. Mr. Labelle asked for their patience until the project was completed. At that point they will be in a better position to address wattage issues.

On motion by Councillor Lopes 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.

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Councillor Lopes made a motion to take item number twelve (12) out of order, which was seconded by Councillor Coelho, there were no objections.

Notice, City Clerk of reference of a Related Motion, Councillor Carney, requesting that City Solicitor McDermott and Risk Manager John Beauregard attend a future meeting of the Appointments & Briefings Committee, in order to answer questions from the City Council regarding the City's Insurance Company and its procedures relating to claims and business practices (5/12/14) was received and placed on file by Councillor Lopes and seconded by Councillor Coelho. (12)

City Solicitor Mikaela McDermott and John Beauregard, Sylvia & Company, 500 Faunce Corner Road, Dartmouth, were present to address the Committee and answer questions.

Councillor Carney asked about the status of insurance claims in the City. Solicitor McDermott explained that claims are filed with the Mayor's Office, if they can be handled in house, (auto claims, etc.) they are handles out of the Solicitor's Office. General Liability claims are sent through the Agent, Sylvia & Company; the Insurance Company is Trident.

Mr. Beauregard gave an overview of the good working relationship with Trident and that though their name has changed over the years they have been the city's insurance carrier for the past 15 years.

Overviews of the following claims were given:

IN HOUSE CLAIMS:

FY12: 61
FY13 46
FY14 73 (To Date)

CLAIMS PAID IN HOUSE:

FY12 \$38,458.77
FY13 \$35,606.39
FY14 \$41,145.42 (To Date)

GENERAL LIABILITY CLAIMS (NOT IN HOUSE) e.g. slip & falls, potholes

Effective 2013-2014	83 Claims
Effective 2012-2013	88 Claims

On motion by Councillor Lopes 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.

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Notice, City Clerk of reference of a Written Motion, Councillors Martins and Morad, requesting, that Department of Inspectional Services Commissioner Romanowicz be invited to the Committee on Appointments and Briefings to discuss permitting procedures and enforcement for signs and flags on City sidewalks. (Ref’d 08/21/14) (10)

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

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Councillor Lopes made a motion to follow the Chairs recommendation to take “No Further Action” on items 14 & 14a, which was seconded by Councillor Bousquet. It was as follows:

Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ACT authorizing the City of New Bedford to grant additional Liquor Licenses. (Ref’d 2/27/14) (14, 14a)

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

This meeting adjourned @ 9:10 p.m.

ATTEST:

Clerk of Committees