



Appointments and Briefings

February 24, 2015 – 7:05 PM – **Minutes**
Chambers of the City Council, Room 214

MEETING: COMMITTEE ON APPOINTMENT & BRIEFINGS

DATE: FEBRUARY 24, 2015

TIME: 7:04 P.M.

PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS DAVID ALVES, CHAIRMAN; DEBORA COELHO, VICE-CHAIRPERSON; HENRY BOUSQUET; NAOMI CARNEY; JOSEPH LOPES; STEVEN MARTINS; LINDA MORAD; JAMES OLIVEIRA; DANA REBEIRO; KERRY WINTERSON

ABSENT: COUNCILLOR BRIAN GOMES

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Councillor Alves called the Appointments & Briefings Committee Meeting to order and took attendance. He announced that Councillor Brian Gomes called to say he would not be in attendance due to illness.

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Councillor Alves announced the start of Citizens Input Time which is the first half hour of the meeting not to exceed 30 minutes. There were two people that signed up for this session. They are as follows: (1)

Mr. Evangelo (Gilly) Safiolas, 22 Felton Street, New Bedford, was recognized for Citizens Input Time and spoke on City Council By-laws. (1a)

Ms. Joyce Rowley, 49 Orchard Street, New Bedford, was recognized for Citizens Input Time and spoke on the retirement of Ruth the Elephant at the Buttonwood Park Zoo. (1b)

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Notice, City Clerk of reference of a Public Hearing, on an APPLICATION, Jack Massif, D/B/A TopGear Auto Sales, 102 Hillside Drive, North Providence, RI 02911, for a SPECIAL PERMIT FOR MOTOR VEHICLES – SALES AND RENTALS at THE VACANT LOT ON THE NORTH SIDE OF COGGESHALL STREET (10/27/14, duly advertised in the Standard-Times on Thursday, February 12, 2015 and Wednesday, February 18, 2015) was received and placed on file by Councillor Martins and seconded by Councillor Bousquet. The hearing was opened. (2)

Mr. Jack Massif, 102 Hillsdale Drive, North Providence, RI (owner) was recognized and explained that they currently owned the lot that was next to the lot they are petitioning for this evening

and they would like to be granted a permit so that they may expand to this new re-purchased lot and sell motor vehicles.

Councillor Morad asked Mr. Massif to give a background of his business. He informed the Committee that he has owned the Sunoco Station on Coggeshall Street since 2005 and has been doing business in the city of New Bedford for ten (10) years and likes doing business here.

Councillor Alves asked if there was anyone else present who would like to speak in favor of the petition, there was none. He then asked if there was anyone present who would like to be recorded in favor of the petition, there was none.

Councillor Alves asked if there was anyone who would like to speak in opposition to the petition, there was none. He then asked if there was anyone who wanted to be recorded in opposition to this petition, there was none. The hearing was closed.

On motion by Councillor Morad and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council APPROVAL of the APPLICATION, Jack Massif, D/B/A TopGear Auto sales, 102 Hillside Drive, North Providence, RI 02911, for a SPECIAL PERMIT FOR MOTOR VEHICLES – SALES AND RENTALS at THE VACANT LOT ON THE NORTH SIDE OF COGGESHALL STREET. This motion passed on a voice vote.

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Item number nine (9) was taken out of order with no objections.

Notice, City Clerk of reference of a Communication, City Clerk/Clerk of the City Council to the city Council on behalf of **Abel Raposo, 109 Oakland Street, New Bedford, MA 02740 d/b/a RAPOSO BUS COMPANY, 109 Oakland Street, New Bedford, MA 02740**, hereby submits a copy of the Application requesting a **NEW PRIVATE LIVERY LICENSE**, under the provisions of Massachusetts General Laws, 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 12/18/14) was received and placed on file by Councillor Winterson and seconded by Councillor Lopes. (9)

Mr. George Martinez, 365 Tower Street, Fall River, MA, (General Manager) on behalf of Raposo Bus Company for the application of a new private livery license explained that the Raposo Bus Company has just recently purchased a 14 passenger limo. They would like to be able to use it as a part of their normal operations but they require a new private livery license in order to do this. They currently operate a business in New Bedford where they own 4-56 seat passenger buses.

Councillor Bousquet asked how long they have been in business in the City and Mr. Martinez replied they have been in business since 2007.

On motion by Councillor Lopes and seconded by Councillor Winterson, the Committee VOTED: To recommend to the City Council APPROVAL of the Application on behalf of **Abel Raposo, 109 Oakland Street, New Bedford, MA 02740 d/b/a RAPOSO BUS COMPANY, 109 Oakland Street,**

New Bedford, MA 02740, for a **NEW PRIVATE LIVERY LICENSE**, under the provisions of Massachusetts General Laws, 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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Item Number eleven (11) was also taken out of order without objection.

Notice, City Clerk of reference of a Communication, City Clerk/Clerk of the City Council, to City Council, on behalf of **PAUL RODRIGUES, 10 Shirley Street, #C3, New Bedford, MA, 02746 d/b/a ROGER LIVERY, 10 Shirley Street #C3, New Bedford, MA, 02746**, hereby submits 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 11/13/14) was received and placed on file by Councillor Martins and seconded by Councillor Lopes. (11)

Councillor Alves asked if Mr. Rodrigues was present, he was not.

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

Councillor Morad asked that a letter be sent to Mr. Rodrigues to see if he was still interested in this livery license.

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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, 24 NORTH FRONT STREET, Map 79, Parcel 4: “the building was constructed as an icehouse circa 1845, the icehouse is constructed of cut granite and rubble stone, most likely quarried from Marsh Island in the Acushnet River, the same stone was used to construct Wamsutta Mills #1 and #2; in 1862, the building was purchased by the New Bedford Copper Works, supplying sheathing for ship hulls and other maritime uses; the building and assets were purchased from Grinnell Manufacturing in 1936 by Revere Copper and Brass; in 2008, Revere Copper ceased operations in New Bedford, selling off its equipment and leaving the building vacant; the applicant applied for a demolition permit in 2006, was denied by City Council, the building continues to deteriorate; the subject building is located in the Hicks-Logan-Sawyer Interim Planning Overlay District (IPOD) established by the City Council in 2008 and the subject building is the last icehouse remaining in the City of New Bedford” and therefore, “the NBHC has determined that 24 North Front Street is a historically significant structure and preferably preserved.” (Ref'd 01/22/15, advertised in the Standard-Times on Thursday, February 12, 2015) (3)

The hearing was opened on a motion by Councillor Martins and seconded by Councillor Lopes.

Anne Louro, Historic Preservation Planner for the City gave an overview of the New Bedford Historic Commission's meeting which led to their recommendation that the building at 24 North Front Street is of historical significance and should not be allowed to be demolished. She gave a brief history

of the icehouse in question. She also took questions from the body as to the historical significance of the icehouse. Ms. Louro brought some photos of the building which was received and placed on file by Councillor Winterson and seconded by Councillor Martins.

Ms. Louro explained that Revere Copper and Brass owned the building and that they have since illegally removed the rear portion of the structure, exposing the brick firewall and has been in this state since 2006.

Councillor Lopes asked Dan Romanowicz, Building Commissioner, what did Revere Copper and Brass do when the cease and desist order was placed on the icehouse by the city. Commissioner Romanowicz responded, since 2006 there has been a standing order in effect where Revere Copper and Brass was supposed to come up with some form of a plan along with the City to preserve the building. Nothing has happened since then. It was not until recently, a letter was sent to Revere Copper requesting that they visit the property to make sure it was boarded up and secured properly.

Councillor Lopes asked Ms. Louro if the building has been shown to anyone to buy to which she responded no, they have been told that Revere does not want to sell the building. He also asked if Revere, Copper and Brass would be interested in donating the building to the City. Ms. Louro said they have not because the building is in the private sector and the City has not been able to act as an interim advisor. The Economic Development Commission has just been made aware of this issue and has prepared in many ways to make it known that this property is available.

Councillor Oliveira spoke on the need to preserve the property.

Councillor Carney asked Commissioner Romanowicz if anyone has looked to see what it cost to fix the building and he responded not that he is aware.

Councillor Alves recognized Attorney Paul Revere, 226 Riverview Ln. Centerville, MA, speaking on behalf of Revere Copper and Brass in favor of the demolition.

Attorney Revere, on the history of Revere Copper and Brass stated that in 2006 they asked the city to demolish the building but were told no, hold on to it. He stated that at that point in time, to this date, the demolition law has expired and that they should be able to demolish the building.

The Committee informed Attorney Revere that the Demolition Delay Ordinance did not take place until 2009, and that is why this request is before the Committee today.

Attorney Revere explained that by demolishing the building it is a large parcel and it's useful for redevelopment and they would like to sell. They agree that the building is over 75 years old but they do not agree that it is historically significant and said that there is another icehouse and presented information to document that. This information was received and placed on file by Councillor Lopes and seconded by Councillor Carney.

Attorney Revere also submitted information regarding Bedford Landing Waterfront Historical Commission information, be quoted page 2 of the submission. This information was received and placed on file by Councillor Lopes and seconded by Councillor Oliveira.

Alan Hanscomb, 315 Norwood Park South, Norwood, MA, of Beta Engineering Corporation was recognized. He is working on the cleanup of the site on behalf of Revere Copper and Brass. He gave an overview of the assessment on the building and said it is not safe and should be demolished. He explained he was present at the Historical Commission meeting and discussed the need for demolition. He did confirm that they were working with the city to restore the building but it changed when the abutters reached out to Revere that they were concerned that the dilapidation of the building may result in a collapsing and if it did it may damage their property. This is why Revere decided not to work to restore the building any longer and moved to have a demolition. They are not looking to save it as they believe it is currently a liability issue.

Councillor Morad asked if there was any way to secure the perimeter if the demolition halt was in place. Mr. Hanscomb explained that the property was currently secured by a fence and steel plates, but if the building collapses he does not know where all of the debris may fall.

Councillor Lopes explained to the attorney that he disagreed with his assumption that Revere Copper and Brass is a small company, they had sales of \$500,000,000 last year. He wanted to know if the move to demolish the icehouse was a result of their no longer having a Casino Developer interested in optioning the property. He wanted to know when the option on the property with Revere ran out. The attorney did not have that answer.

Councillor Alves asked if there was anyone else who would like to speak in favor of demolishing the property, there were none. He then asked if there was anyone who wanted to be recorded in favor of the demolition, there were none.

Councillor Alves asked if there was anyone who would like to speak in opposition to the demolition, there were none. He then asked if there was anyone who would like to be recorded in opposition to the demolition, there were none. The hearing was closed.

On motion by Councillor Morad and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council a 12 Month Delay on the Demolition of 24 North Front Street, Map 79, Parcel 4, as the Committee agrees with the New Bedford Historical Commission that the structure is historically significant and preferably preserved. This motion PASSED on a Roll Call Vote of Yeas 9, Nays 1, with Councillor Coelho opposed.

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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, 26 MADEIRA AVENUE, Map 104, Parcel 6: constructed in 1918, the Sarah D. Ottiwell School was designed by locally known architect, Louis E. Destremps in the Italian Renaissance style; typical of the Italian Renaissance style, the building has a stucco finish and a false roof overhang that showcases the style's typical tile roofing and brackets, the west façade elevation on Madeira Avenue is a relatively simple arch doorway accented by classical columns, Fresco panels can be found above the door entries, the frescoes feature children, befitting of a school building in which they inhabited; the subject building was named in honor of Sarah D. Ottiwell, a New Bedford educator who devoted her life to the education of children in the community for sixty years and the building is in a deteriorated condition and the

original windows have been replaced” and therefore, “the NBHC has determined that 26 Madeira Avenue is a historically significant structure but not preferably preserved” (Ref’d 01/22/15, advertised in the Standard-Times on Thursday, February 12, 2015) was received and placed on file by Councillor Lopes and seconded by Councillor Winterson. The hearing was opened. (4)

Mr. Will Gardner, 17 Cottage Street, Fairhaven, MA, Executive Director of the Alma Del Mar Charter School gave an overview of the need to demolish the building in question. It is their hope to be able to build a new school on that property. He gave an overview of the history of the school now and the mission of the current school within the older school. He explained that they are securing funding to build the new school. The old Sarah D. Ottiwell School has been deteriorating for years. They had hoped and first look to preserve the school by adding an addition, they also worked with the city to see if they could find a new location to build but was unsuccessful. They would like to build a new school on this property and keep the tradition of a school in that neighborhood.

Councillor Bousquet asked what the timeline would be if the demolition was granted. Mr. Gardner responded that it is their hope to break ground at the end of August and have the school completed by the end of 2016 into early 2017.

Councillor Martins asked about the investment in the new building and he was told the entire school should cost approximately \$60,000,000.

Councillor Lopes asked if there was a move to save the frescoes as they are one of a kind in the city. Mr. Gardner said they were considering it, but unfortunately, they are too fragile, but they would look to re-create them on the building.

Councillor Coelho spoke on her personal history of the school; it was her school that she attended when she first came to the United States.

Councillor Winterson asked about parking and was told that the new construction of the building and design would allow for parking on the property; currently there is no parking.

Councillor Alves asked if there was anyone else who would like to speak in favor of the demolition.

Ms. Aja DeSousa, 109 Phillips Avenue, New Bedford, spoke in favor of the demolition and gave her reasons for building a new school.

Councillor Alves asked if there was anyone who would like to be recorded in favor of the demolition of the building, they were as follows:

Lina DeSousa, 109 Phillips Avenue; Amos Britton, 398 Earle Street; Louis Tinigual, 99 Holly Street; Carlos DeSousa, 109 Phillips Avenue.

Councillor Alves asked if anyone would like to speak in opposition to the demolition.

Ms. Isabel Andrade, 125 Earle Street, spoke in opposition of knocking the school building down and putting up a new school. Her family has lived in that neighborhood for fifty (50) years. She feels that the school that is currently within the old-school knew what they were getting into when they moved into the building and now that the five year agreement with the city is over they are looking to demolish the building. She is against the demolition.

Anthony Pereira, 4633 Acushnet Avenue, he does not want it demolished, it is the only building found like that in the area; you only find buildings like this in Arizona and Texas nothing like it in New Bedford. Besides the new school they intend to build would result in a traffic disaster in the neighborhood.

Justice Andrade, 125 Earle Street, he does not want the school knocked down. He cited traffic issues and he gave a structural overview and architectural overview in his estimation of the building in question.

Councillor Alves asked if there was anyone who wanted to be recorded in opposition of the demolition, they were as follows:

Maria Vicencio, 125 Earle Street; Robert DeMello, 70 Earle Street.

The hearing was closed.

Councillor Morad asked Attorney Gerwatowski, if they approved the demolition does the demolition go with the property owner. Meaning if they walk away from the property does that mean that the demolition delay stays with the property forever, for instance, if they chose not to build the school but sell it to a Cumberland Farms, can they demolish the building. He responded, provided all plans have been filled with the city, once issued the time frames in place to demolish would not take effect until the permit was issued. The short answer is it stays on the property with the building until the demolition permit is issued. But he does believe that you would not be able to put a Cumberland Farms on that property because it has educational restrictions. This means that only a school could be placed on the property because the school is currently there.

Councillor Morad asked if we could put restrictions or conditions on the permitting process and the answer was no.

Per discussion with the City Council Attorney, no motion is or recommendation is needed on demolition review hearings. Once the hearing takes place in Committee and is closed it is automatically referred to the full city Council at the next full meeting for consideration.

On motion by Councilor Lopes and seconded by Councillor Coelho, the Committee VOTED: To recommend to the City Council for consideration the demolition of 26 Madeira Avenue, Map 104, Parcel 6. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Council President Lopes, Councillors Winterson, Bousquet, Morad, Martins, Gomes and Rebeiro, requesting, that Philip Carr from SRPEDD attend a Committee on Appointments & Briefings meeting to discuss the Community Aggregation Plan for Residential electric customers, the concept is to provide relief to residential customers by creating a large purchasing pool for electricity, SRPEDD has recently selected Good Energy to manage its aggregation program, and it is important to note that this program requires no obligation on the part of the City, other than to ensure that City residents are receiving favorable pricing (Ref'd 12/18/14) was received and placed on file by Councillor Morad and seconded by Councillor Martins. (5)

Mr. Ross Perry, 4 Circuit Drive, Stowe, MA, Director Municipal Partnership for SRPEDD, was recognized and gave an overview of their involvement with the Community Aggregation Residential Electricity Program. He handed out a packet of information regarding the presentation they will be giving this evening.

On motion by Councillor Morad and seconded by Councillor Martins, the packet of information was received and placed on file.

Mr. Stefano Loretto, 10 Bonnie Brook Lane, Westport, CT, of Good Energy, was recognized and he is the Community Choice Electricity Aggregation Consultant for Good Energy. He gave an overview of the program and the savings that it would bring to the City of New Bedford and its residents.

Mr. John O'Rourke, 155 Matthews Road, Conway, MA, also of Good Energy, gave an overview of Mass General Laws Chapter 164, Section 134A, which allows municipalities to aggregate the loads of their residents. He went on to explain that thought the contract would be negotiated with the Administration it will eventually need a full approval of the New Bedford City Council in order to be ratified.

Councillor Alves asked how it is different from other electricity aggregation programs. Mr. Perry explained that because SRPEDD is involved there area number of cities and towns that are involved in this program and it will result in lower rates for the City of New Bedford and its residents.

Councillor Alves asked how does the city monitor this program, what are the marketing steps, is the city involved in marketing or are they involved with bidding or are they a part of a working committee. Mr. Perry explained that the city would be involved as other communities are in the marketing process, the bidding negotiations and would also be a part of a working committee. This would help in making executive decisions when they enter into an agreement or negotiations with Good Energy.

On motion by Councillor Lopes and seconded by Councillor Oliveira, the Committee VOTED: To recommend to the City Council to participate in the Southeast Regional Planning and Economic Development District (SRPEDD) Community Electricity Aggregation Program and to allow Good Energy to begin negotiations with the City of New Bedford and to provide a contract. This motion passed on a voice vote.

On motion by Councillor Winterson and seconded by Councillor Coelho, the Committee VOTED: To table items six (6), seven (7) and eight (8). This motion passed on a voice vote. They are as follows:

Notice, City Clerk of reference of a Written Motion, Councillors Gomes and Winterson, requesting, that the City Council go on record in opposition to the 29% increase proposed by NSTAR Electric; and further, that a letter be sent to Company officials expressing not only our opposition to this increase, but our concern about the burden the 29% increase would be on residential customers; and further, that letters be sent to Attorney General Martha Coakley, and the Department of Public Utilities expressing our concerns and requesting that they both look into the matter of this increase and that NSTAR officials be requested to meet before the Committee on Appointments & Briefings to explain this increase. (Ref'd 11/13/14, response on file) (6)

Notice, City Clerk of reference of a Written Motion, Councillor Winterson, requesting, that a representative from NSTAR Gas Company, Inc., contact this Councillor regarding the possibility of installing gas lines in Tanglewood Drive, so that the homeowners on that street may heat their homes with gas, as residents on nearby streets do, oil heat is the only method at the present time that the residents of Tanglewood Drive have available to them and the cost is prohibitive. (Ref'd 01/08/15) (7)

Notice, City Clerk of reference of a Written Motion, Councillor Winterson, requesting, that a Representative from NSTAR Gas Company, Inc., be invited to the Committee on Appointments & Briefings to discuss the possibility of installing gas lines in Tanglewood Drive, so that the homeowners on that street may heat their homes with gas, as residents on nearby streets do, oil heat is the only method at the present time that the residents of Tanglewood Drive have available at them and the cost is prohibitive. (Ref'd 10/23/14, 11/18/14 - tabled) (8)

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

This meeting adjourned @ 9:38 p.m.

ATTEST:

Clerk of Committees