



# *Appointments and Briefings*

June 23, 2015 – 7:03 PM – **Minutes**  
Chambers of the City Council, Room 214

**MEETING: COMMITTEE ON APPOINTMENTS & BRIEFINGS**

**DATE: JUNE 23, 2015**

**TIME: 7:03 P.M.**

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

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

**ABSENT: COUNCILLORS DEBORA COELHO, VICE-CHAIRPERSON; JAMES OLIVEIRA**

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Councillor Alves called the Committee on Appointments & Briefings Meeting to order and took attendance. The Clerk announced that Councillor Coelho would be absent from the meeting.

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Notice, City Clerk of reference of a Communication, Mayor Mitchell to City Council, submitting the APPOINTMENT of JENNIFER CLARKE, New Bedford, MA, 02740 to the HISTORICAL COMMISSION, as an Alternate Member, replacing Anne Louro; this term will expire March 2018 (Ref'd 03/26/15- 4/14/15 tabled – 5/26/15 tabled) was removed from the table by Councillor Lopes and seconded by Councillor Winterson. (1)

Jennifer Clarke of 14 Irving Street, New Bedford was present to answer questions from the Committee.

Councillor Lopes asked Ms. Clarke to give an overview of her qualifications for the position. Ms. Clarke explained that she is currently the Assistant City Planner and she has a deeper understanding for Victorian Architecture and knowledge. She feels that she would be a good fit to the Historical Commission as an Alternate Member.

On motion by Councillor Morad and seconded by Councillor Carney, the Committee VOTED: To recommend to the City Council, APPROVAL of the APPOINTMENT of JENNIFER CLARKE, New Bedford, MA 021740 to the HISTORICAL COMMISSION, as an Alternate Member, replacing Anne Louro; this term will expire March 2018. 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 CARL NATHO, New Bedford, MA, to the WATER BOARD, to fill the vacant seat; this term will expire April 2018 (Ref'd 05/14/15) was received and placed on file by Councillor Martins and seconded by Councillor Bousquet. (2)

Carl Natho, 38 Buttonwood Street was present to answer questions from the Committee.

Councillor Winterson asked Mr. Natho of his qualifications for the Water Board; Mr. Natho claimed that he is currently retired but has served twenty-five (25) years on Municipal Boards, ten (10) years in Planning and fifteen (15) years of Environmental work. He feels that he can make a worthwhile contribution as a Member of the Water Board.

Councillor Morad expressed her concerns about Water Board appointments and wanted to make sure that he understood that the Water Board is charged with setting rates. She wanted to know his current philosophy on the current rate structure. Mr. Natho said he understands her concerns fully. He too has looked at his water bill and has scrutinized increases as of recent. He would like each request for an increase into consideration and scrutinize the need for such an increase and if fair he would then move to recommend a reasonable increase.

On motion by Councillor Gomes and seconded by Councillor Bousquet, the Committee VOTED: To recommend to the City Council APPROVAL of the APPOINTMENT of CARL NATHO, New Bedford, MA to the WATER BOARD, to fill the vacant seat; this term will expire April 2018. 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 ALEXANDER J. KALIFE, New Bedford, MA, to the PLANNING BOARD, to fill the seat vacated by Janine Da Silva; this term will expire October 2016 (Ref'd 05/14/15) was received and placed on file by Councillor Morad and seconded by Councillor Martins. (3)

Alexander Kalife, 721 County Street, New Bedford, was present to answer questions from the Committee.

Councillor Gomes asked Mr. Kalife to give a synopsis or description of his background and why he was interested in this position.

Mr. Kalife explained he had always had an interest in serving the public. He is a Real Estate Attorney in the City and has been practicing for nine (9) years. He feels he will be an asset to the Board.

Councillor Rebeiro asked Mr. Kalife if he was from New Bedford and she was told that he was a lifelong resident.

Councillor Morad asked Mr. Kalife if he currently lived in New Bedford, and he said yes he does. Councillor Morad reminded the applicant that these meetings are often contentious and that the decisions he makes will dramatically affect neighborhoods.

On motion by Councillor Lopes and seconded by Councillor Bousquet, the Committee VOTED: To recommend to the City Council APPROVAL of the APPOINTMENT of ALEXANDER J. KALIFE, New Bedford, MA to the PLANNING BOARD, to fill the seat vacated by Janine Da Silva; this term will expire October 2016. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Communication, City Clerk/Clerk of the City Council to the City Council, on behalf of *Daniel Xavier, d/b/a MCKENZIE'S BUS COMPANY, 183 Campbell Street, New Bedford, MA 02740*, hereby submits a copy of the Application requesting a **RENEWAL** of a **Private Livery License**, under the provisions of M.G.L. Chapter 159A, Section 1 and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation, to carry passengers for hire over the streets of New Bedford (Ref'd 05/14/15) was received and placed on file by Councillor Morad and seconded by Councillor Bousquet. (4)

Mr. Xavier of 183 Campbell Street, New Bedford was present to answer questions from the Committee.

Councillor Bousquet asked Mr. Xavier why his license expired on June 12 and he was just applying now on June 23. He explained that he filed for the license renewal on May 1 and this was the first time that it has been referred to the Committee.

Councillor Morad asked what kind of transportation he has and she was told he transports children to and from school. He parks his vehicles in his driveway. He backs into the driveway, so the beeping noise does not affect the neighbors early in the morning. He has two vans, and transports 30 children. He has been in business for the past seven (7) years.

Councillor Carney reconfirmed that he had two vans. He told her yes, he does but he uses only one of them for the transportation needed; the second van is for backup in case it is needed.

On motion by Councilor Morad and seconded by Councillor Bousquet, the Committee VOTED: To recommend to the City Council APPROVAL of the Application on behalf of *Daniel Xavier, d/b/a MCKENZIE'S BUS COMPANY, 183 Campbell Street, New Bedford, MA 02740*, requesting a **RENEWAL** of a **Private Livery License**, under the provisions of M.G.L. Chapter 159A, Section 1 and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation, to carry passengers for hire over the streets of New Bedford. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Communication, City Clerk/Clerk of the City Council to the City Council, on behalf of *Tanya De Pina, 47 Lauren Drive, New Bedford, Ma 02745, d/b/a COMFORT TRANSPORTATION LLC, 47 Lauren Drive, New Bedford, Ma 02745*, hereby submits a copy of the

Application requesting a **RENEWAL of a 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 (***Current License expired 11/14/14***) (Ref'd 05/28/15) was received and placed on file by Councillor Morad and seconded by Councillor Bousquet. (5)

Ms. Tanya De Pina, 47 Lauren Drive, New Bedford was present to answer questions from the Committee.

Councillor Alves asked why the original livery license expired on November 14, 2014 and why she was before the Committee now to have it renewed. Ms. De Pina told the Committee that the lateness in applying for the livery license was confusion on her end; she was late in applying for the previous year, so when she received that permit she thought she had a year to file for a new license. She said the year started and it was her fault.

Councillor Morad asked if she received a communication from the City, if it was mailed more than once. She did say she had received a communication from the City Clerk's office. Councillor Morad asked about the business and she was told that they currently have twelve (12) vehicles; they are parked at 232 Church Street. It is a parking lot that is behind Beacon Lumber, it does not abut any residences. Councillor Morad asked if her drivers are screened when they are hired. She was told that they were that CORI's are run on all employees. Councillor Morad asked if she had any personnel issues recently that dealt with personal property issues. Was anyone fired from her company within the last few weeks? She was told not that she was aware of at least not in relation to any of the CORI reports done. She explained she has been operating in the City for four (4) years. She explained that the Clerk informed her she was up for renewal on November 14, 2014, she has had a license for the last four years and of the last three renewals were late; she explained that this too was her fault.

Councillor Carney made mention that the number of vehicles on the application differ from the number of vehicles she referenced in Committee and asked that the adjustment be made.

On motion by Councillor Gomes and seconded by Councillor Winterson, the Committee VOTED: To recommend to the City Council APPROVAL of the APPLICATION on behalf of ***Tanya De Pina, 47 Lauren Drive, New Bedford, Ma 02745, d/b/a COMFORT TRANSPORTATION LLC, 47 Lauren Drive, New Bedford, Ma 02745***, requesting a **RENEWAL of a 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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Notice, City Clerk of reference of a Written Motion, Council President Gomes, requesting, that the Committee on Appointments and Briefings meet with the Library Director and the Library Board of Trustees for the purpose of discussing the issuance of a free library card to every school student enrolled in the City School System (Ref'd 5/14/15) was received and placed on file by Councillor Gomes and seconded by Councillor Carney. (6)

Olivia Melo, Library Director was present to answer questions from the Committee.

Councillor Gomes explained that this motion was made to ensure that every student receives a library card so they will have access to the New Bedford Free Public Library System.

Ms. Melo explained that there is an application process in place for a student to receive a Library Card. Councillor Gomes just wanted to make sure that every student has access to a library card, if they have the ability to receive one. He was told teachers have applications in school that it needs to be signed by the parents. He was told that the reason the parent needs to sign the application is because a student does not have the ability to sign a contract for responsibility if a book is lost; that the financial burden would fall on the parents.

Ms. Melo also gave an overview of the collection procedures for the record books and how often they are recovered. She explained that this coming September is National Library Card Sign-up Month and they would be making the best of promoting this occasion.

On motion by Councillor Gomes and seconded by Councillor Winterson, 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 Petition, *Chayela Jackson, 3 Shamrock Circle, East Wareham, MA, 02738 d/b/a THE TRAPHAUS, 127 West Rodney French Boulevard, New Bedford, MA 02744*, requesting that she be granted a Waiver of Residency in accordance with Section 15-18 of the City Code, to obtain a ***NEW LICENSE TO DEAL IN JUNK, OLD METALS OR ANY OTHER SECOND HAND ARTICLES*** (Submitted by City Clerk Farias) (Ref'd 6/11/15) was received and placed on file by Councillor Gomes and seconded by Councillor Morad. (7)

Ms. Chayela Jackson, 3 Shamrock Circle, East Wareham, MA was present to answer questions from the Committee.

Councillor Bousquet asked Ms. Jackson to explain what type of business she has and she explained that she deals in used music such as tapes, records and artwork. They originally started as a swap and meet business, but it has grown into what they believe would be a successful trade. Councillor Bousquet said that the business sounds like there is a nice synergy there; he was told that they are in the process of growing their business and they look forward to advertising to help it grow.

Councillor Lopes made reference that the business is across the street from Family Dollar and up from New Bedford Antiques in the Furniture City building.

Councillor Carney asked about books, records, CDs and secondhand stuff, she was told that yes this is what they would be dealing with.

Councillor Morad asked if this is her first location and what would be the hours of operation. She was told that this was the first location and to start the hours would be between 12 and 8 p.m. They are excited about this business though they realize they are taking the risk and starting their first business.

On motion by Councillor Lopes and seconded by Councillor Bousquet, the Committee VOTED: To recommend to the City Council APPROVAL of the Waiver of Residency for *Chayela Jackson, 3 Shamrock Circle, East Wareham, MA, 02738 d/b/a THE TRAPHAUS, 127 West Rodney French Boulevard, New Bedford, MA 02744*, in accordance with Section 15-18 of the City Code, to obtain a **NEW LICENSE TO DEAL IN JUNK, OLD METALS OR ANY OTHER SECOND HAND ARTICLES**. This motion passed on a voice vote.

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A motion was made by Councillor Morad and seconded by Councillor Lopes to take items eight (8), nine (9), ten (10) and eleven (11) up together and remove them from the table. This motion passed on a voice vote. They were 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 that the standard two-family homes in New Bedford, in that duplex units in most cases are independent with separate success 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 Neighbor's) trash container. (Ref'd 6/12/14, 08/12/14 – Letter to Administration asking for a written response, 3/31/15 –remain in Committee, 5/16/15 tabled) (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 of being utilized and how it was developed; and further, that this request be followed-up by the Council Clerk within ten days. (Ref'd 06/26/14, 08/12/14 – Letter to the Administration asking for a written response, 03/31/15 – remain in Committee – 5/26/15 tabled) (9)

Notice, City Clerk of reference of a Written Motion, Councillor Morad requesting, that six months from approval of the revised Solid Waste Collection and Disposal Ordinance and implementation of Chapter 17, Section 17-18, Non-Criminal Disposition of Violations of Certain Ordinances, that the City Council Committee on Appointments and Briefings be provided with a detailed listing of every fine issued in conjunction with said revised Ordinance and fee schedule, to include specific violation, a photograph of said violation and the final disposition of the item. (Ref'd 07/17/14, 03/31/15 – remain in Committee, 5/26/15 tabled) (10)

Notice, City Clerk of reference of a Written Motion, Councillor Carney, requesting, that the City address the trash situation on the City streets, with the warm weather coming the City needs to be aware of the rodent issue that will occur if garbage is not removed and contained properly; and further, requesting that the City Council be informed of what measures the City is taking to remove the abundance of TV's, mattresses and other bulky items consistently piled on City streets. (Ref'd 04/09/15, 5/26/15 tabled) (11)

Mr. Ken Blanchard, DFFM Director; Dr. Brenda Weiss, Health Director and Sophia Piadard, Health Department Sanitarian were present to answer questions from the Committee.

Councillor Carney expressed her concerns that duplexes are not granted individual trash bins. They own the homes separately and should be entitled to separate trash bins, and not have to share trash bins as they are required to do so.

Ken Blanchard explained that the guidelines currently require duplexes to share trash bins. Councillor Carney stated that she is concerned that duplex owners pay taxes which include trash pickup and that they should have their own trash bins. Mr. Blanchard explained that the tax collection makes them eligible for trash pickup but not eligible for individual bins, that there is no difference between a two tenement and a duplex as far as the guidelines that are in place. Councillor Carney asked if the Council can create an Ordinance to dictate that each duplex receive an individual barrel. Mr. Blanchard said he was not sure that she should check with Attorney Gerwatowski.

Councillor Morad explained the calls that she has received from duplex owners seeking individual barrels have asked if they could receive two smaller trash bins. Mr. Blanchard explained that they have made this available in certain cases, for example, elderly persons living in duplexes it is a hardship for them to maneuver and use the larger trash bins so they have given those unit owners smaller ones.

Ms. Sophia Piadard, Sanitarian and Dr. Weiss provided the Committee with a packet that provided the information the body was seeking as it related to trash ticketing (fines) and how they are approached. The packet provided was applicable item number 10 on the agenda, they also received a list as requested which was applicable to item number 9.

On motion by Councillor Lopes and seconded by Councillor Carney, the Committee VOTED: To receive and place on file the packet. This motion passed on a voice vote.

Both ladies gave an overview on how violations are reviewed and fines are issued. They also explained how the Housing Court comes into play and why they dismiss or reduce fines, they explained it is based on the reasons given by the person applying for the appeal.

Dr. Weiss explained that at one time an individual could appeal a fine of three different reasons at each separate appeal and have it either dismissed or the fine reduced. They have taken steps to correct this; they now have an Excel Program that keeps track of the number of fines and the individuals responsible. She explained that they are not in the business of fining homeowners and individuals but that they are in the business of trying to educate these individuals to avoid the need to fine them.

Councillor Morad asked if the Health Board tickets on holiday weekends, meaning if a trash pickup is not scheduled for a Monday because of a holiday, is a fine issued for having your trash out. She was told that

this was not the case on a holiday; you get a by-week, so that if you forgot that is was a holiday, you would not be penalized for putting your trash out at a later date.

A discussion took place on how to deal with heavy and bulky items and what steps need to be taken to have them picked up at a residence.

On motion by Councillor Morad and seconded by Councillor Martins, the Committee VOTED: To take “No Further Action” on items 8, 9, 10 and 11. This motion passed on a voice vote.

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

This meeting adjourned @ 8:34 p.m.

ATTEST:

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Clerk of Committees