



Appointments and Briefings

July 12, 2016 – 7:02 PM – **Minutes**
Chambers of the City Council, Room 214

MEETING: COMMITTEE ON APPOINTMENTS & BRIEFINGS

DATE: JULY 12, 2016

TIME: 7:02 P.M.

PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS HENRY BOUSQUET, CHAIRMAN; BRIAN GOMES, VICE-CHAIRMAN (7:14); IAN ABREU; NIOMI CARNEY; DEBORA COELHO; JOSEPH LOPES; STEVEN MARTINS; LINDA MORAD; KERRY WINTERSON

ABSENT: COUNCILLORS JAMES OLIVEIRA; DANA REBEIRO

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Councillor Bousquet called the Committee on Appointments & Briefings Meeting to order and took attendance. The Clerk read a Communication from Councillor Rebeiro explaining her absence from this meeting, which was received and placed on file by Councillor Martins and seconded by Councillor Lopes.

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Councillor Bousquet announced the start of Citizens Input Time for the first half hour of this meeting.

Joyce Rowley was scheduled to speak on the Buttonwood Park Zoo but she was not in attendance. On motion by Councillor Morad and seconded by Councillor Lopes the Committee VOTED: To take “No Further Action” on this matter. (1)

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Notice, City Clerk of reference of a Public Hearing, on APPLICATION, Maximiliano M. Galvan, d/b/a Union Auto Towing Inc., for a SPECIAL PERMIT for AUTO SALES & RENTALS at 649 Mt. Pleasant Street, New Bedford, MA 02745 (Duly advertised in the Standard-Times on Tuesday, June 28, 2016 and Tuesday, July 5, 2016) a motion was made to open the public hearing by Councillor Morad and seconded by Councillor Winterson. (2)

Attorney Richard Manning spoke on behalf of the petitioner Maximiliano Galvan. He gave a summary of the proposed business. The location is the old P&D Fruit Stand on Mt. Pleasant Street across from the Sacred Heart Cemetery. The property is to be leased from the Airport Commission as they own the land. They propose to have 70-80 vehicles held for sale on the lot at any given time. There will be off-street parking for customers, and no major auto repairs will be done on the premises; thought the company is a towing company, the towing operation will not be run out of the premises.

Councillor Lopes asked if the owner would be approaching the Council in the future for a TIF, he was told no.

Councillor Winterson asked about the hours of operation and he was told 8 a.m. to 5 p.m.

Danny Romanowicz, DIS Commissioner was asked by Councillor Morad to give his overview. He explained that this type of zoning is permitted and he will need to review the plan in order to offer a final opinion. He has not yet seen the plan but he believes this is a good project for this area.

The Chair asked if there was anyone else who would like to speak in favor of the petition; there were none. The Chair asked if there was anyone who wished to be recorded in favor of the petition, there were none.

The Chair asked if there was anyone who wished to speak in opposition of the petition; there was one. The Chair then asked if there was anyone who wished to be recorded in opposition of this petition, there was none. A motion was made to close the hearing by Councillor Morad and seconded by Councillor Winterson, the hearing was closed.

On motion by Councillor Morad and seconded by Councillor Winterson, the Committee VOTED: To recommend to the City Council, APPROVAL of the APPLICATION, Maximiliano M. Galvan, d/b/a Union Auto Towing Inc., for a SPECIAL PERMIT for AUTO SALES & RENTALS at 649 Mt. Pleasant Street, New Bedford, MA 02745. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Public Hearing, on APPLICATION, John K. O' Connor, J& E Car Care LLC, d/b/a Meineke New Bedford, for a SPECIAL PERMIT for GENERAL REPAIRS & LIGHT SERVICE at 475 Church Street, New Bedford, MA 02745 (Duly advertised in the Standard-Times on Tuesday, June 28, 2016 and Tuesday, July 5, 2016) a motion was made to open the public hearing by Councillor Coelho and seconded by Councillor Morad. (3)

John K. O'Connor, 50 Sterling Road, Harwich, MA gave an overview of the project. The location is currently as repair facility; however where there is going to be a change in tenant, a permit must be granted by the Council. Mr. O'Connor answered questions from the Councillors to include: brakes, mufflers and the like would take place in the establishment. They will look to retain the six (6) employees currently there and add an additional six (6) more.

The Chair asked if there was anyone else who would like to speak in favor of the petition, there was none. He asked if there was anyone who would like to be recorded in favor of the petition, Mr. Jeff Pontiff of 13 Hamilton Street, New Bedford was recorded in favor.

The Chair asked if there was anyone who would like to speak in opposition of the petition, there was none; he asked if there was anyone who would like to be recorded in opposition of this petition, there was none. A motion was made to close the public hearing by Councillor Morad and seconded by Councillor Martins.

On motion by Councillor Morad and seconded by Councillor Martins, the Committee VOTED: To recommend to the City Council, APPROVAL of the APPLICATION, John K. O'Connor LLC, d/b/a Meineke New Bedford, for a SPECIAL PERMIT for GENERAL REPAIRS & LIGHT SERVICE at 475 Church Street, New Bedford, MA 02745. 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 DENNIS AUDETTE, New Bedford, MA, as the Conservation Commission representative to the COMMUNITY PRESERVATION COMMITTEE; this term will expire April 2019 (Ref'd 5/12/16, 6/13/16-tabled) was removed from the table by Councillor Morad and seconded by Councillor Carney. (4)

Dennis Audette of 1377 Sassaquin Avenue was present to answer questions from the Committee. Councillor Abreu asked about his qualifications.

Mr. Audette explained he currently served on the Conservation Commission and was asked by the Mayor to serve on the Community Preservation Committee. He went on to explain he is a retired firefighter, and has for the past four years served on the above Commission.

Councillor Morad asked that as he serves on the Community Preservation Committee that he keep in mind that the funding received should be considered for projects city wide.

On motion by Councillor Gomes and seconded by Councillor Winterson, the Committee VOTED: To recommend to the City Council APPROVAL of the APPOINTMENT of DENNIS AUDETTE, New Bedford, MA as the Conservation Commission representative to the COMMUNITY PRESERVATION COMMITTEE; this term will expire April 2019. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Communication, Carl W. Gehring, Gehring & Associates, LLC. On behalf of Verizon Wireless, to Council President Morad, regarding Verizon Wireless plans to augment its existing wireless network in the City by installing wireless equipment on certain selected utility poles in the public right-of-way (Ref'd 6/9/16) was received and placed on file by Councillor Morad and seconded by Councillor Lopes. (5)

Carl W. Gehring of Gehring and Associates was present and gave an overview of the project. He provided the Committee with an in depth explanation as to how wireless communicators which are small in size are attached to utilities poles to provide better reception in areas of the city where service is considered slow or a problem. Server questions were posted by Councillors to include the following:

The size of the box/unit is 12" by 26"; Verizon would abide by all city regulations that relate to the installation of the units. The unit and its attachments are approximately 105 pounds and each pole to be used would be tested for its property integrity to see if it can safely accommodate the pole to be used. A structural engineer would be used to certify the pole.

Danny Romanowicz, DIS Commissioner explained this is a new process that a permit was previously granted by the Solicitors Office for it was not private property, but where Verizon is looking to place on a public way, it has to come before the Council. He stated that the petitioner would need to secure the proper permits through his office and the pole would need to be inspected and approved by his office. Future petitions will be coming to the Council for consideration.

Mr. Gehring was hoping to have all future bearings waived based on his presentation. This would allow Verizon to move forward in working with the building department to permit units. He has submitted this for consideration for other communities like the City of Melrose, the Town of Plainville and Dalton, MA have all given such a waiver.

The appetite of the Committee was not to grant carte blanche approval that where this is a new process that they should come before the Council for consideration. If the Council is content in the way the process is being handled, then at that point in time they can consider removing the hearing process.

Mr. Gehring asked if he could move forward with the one pole they have planned, he was told he should work through the Department of Inspectional Services.

On motion by Councillor Morad 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 Written Motion, Councillor Lopes, requesting, that Planning and Community Development, Inspectional Services, and the Mayor's Office work with the Federal Emergency Management Agency's Hazard Mitigation Program, to assist affected homes in the City so that they be eligible to apply for a Federal grant that is administered by FEMA that would cover up to 75 percent of the cost of elevating a home between one or two feet above the flood level for a 100-year storm. (Ref'd 8/20/15, 9/30/15-tabled for 60 days) (**NOVEMBER 30TH**) (6)

Patrick Sullivan, Director of Planning & Community Development was not in attendance.

On motion by Councillor Lopes and seconded by Councillor4 Carney, the Committee VOTED: To table this matter for thirty (30) days. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillor Gomes, requesting, on behalf of the Cape Verdean Recognition Day Parade Committee, that the City waive all cleanup costs associated with the Recognition weekend, including the streets and parks being utilized for the Recognition weekend; and further, that the Committee on Appointments and Briefings meet with all organizations sponsoring events in the City to discuss this waiver fee that has been implemented and how this current fee may possibly cause upcoming events to be cancelled in the City (Ref'd 6/23/16) was received and placed on file by Councillor Gomes and seconded by Councillor Carney. (7)

Councillor Gomes gave an overview of his displeasure with fees being charged to various community groups who are providing the city with functions that not only attract tourists, but provide the citizens with activities to partake in across the city.

Diane Gomes, Chairperson of the Cape Verdean Recognition Parade, she provided an overview of what she deemed to be exorbitant charges, for street clean up, water set up for an organization that gives something to the citizens of New Bedford. She told the Committee they have a hard enough time raising money to put on the parade, which is the largest in the city, to now being charged for what were once in-kind services.

Mr. Donald Gomes of Pleasant Street gave an overview of the history of the parade and how the city would provide in-kind services, setting up of stages, etc. for all community organizations; and how the fees being charged may ultimately force the stopping of many functions organized throughout the city.

Richard Correia of DPI was present and provided the Committee with a breakdown of the costs associated with the services provided by DPI. In FY2015, \$195,000 in charge offs came out of the DPI's budget, this included set up time for stages, water, cleaning up after a function, setting up barrels, removing them etc. There is a cost involved such as overtime for the manpower used to provide the above. In the past it came out of the DPI budget and that the decision was made by the Administration that the expenses should be passed off to those using city services.

Mr. Correia provided the Committee with a packet which showed the breakdown referenced above. A motion was made to receive and place on file the packet by Councillor Lopes and seconded by Councillor Morad.

A number of Councillors also expressed their concern that these charges were being passed off to civic organizations that are providing an activity in the city that the city promotes.

Councillor Gomes wanted to make a motion to waive all fees for all organizations; however Councillor Morad expressed that while she agrees with his proposal she does have concerns about those non civic organizations, private organizations that come into the city, use our services, charge a fee and then move on leaving the city with a number of expenses being charged off against the DPI budget. She believed some language should be added that addressed this situation. She believed that perhaps there should be some mechanism that allows the Council to review and approve the waiver of fees in the future.

On motion by Councillor Gomes and seconded by Councillor Carney, the Committee VOTED: That the city waive all costs/fees for all non-profit organizations holding events throughout the City of New Bedford that contribute to drawing a tourism base for the city and its people; and further, that the Committee on Appointments & Briefings look to create a mechanism that allows the City Council to review event fees/charges before the organizations are billed so that the City Council becomes the controlling entity in granting the waiver of fees as opposed to the Mayor; and further, that a list of local non-profit organizations be developed by the appropriate departments and forwarded to the City Council. This motion passed on a Roll Call Vote of Yeas 9, Nays 0.

On a Related Motion by Councillor Lopes and seconded by Councillor Morad, the Committee VOTED: That the Committee on Appointments & Briefings request from CFO Sky a collection of the meals tax and hotel tax collected across the City of New Bedford on the days of festivals on the list that has been provided by DPI and given within the next 45 days. This motion passed on a voice vote.

On a Related Motion by Councillor Morad and seconded by Councillor Winterson, the Committee VOTED: That the Administration provide the Committee on Finance with a listing of all those bills that have been issued by the Administration for services rendered from January 2016 to the current date. This motion passed on a voice vote.

On the main motion, Councillor Gomes made a motion to table this matter, which was seconded by Councillor Winterson. 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 City Council, on behalf of **Renee DePina Dos Reis, 813 Belleville Avenue, New Bedford, MA 02745& Liberio DeMelo, 70 Sharp Street, Dartmouth, MA 02747, d/b/a B & R TRANSPORTATION INC., 813 Belleville Avenue, New Bedford, MA 02745** hereby submit a copy of the Application requesting a **NEW PRIVATE LIVERY LICENSE**, under the provisions of M.G.L. Chapter 159A, Section 1 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 6/09/16) was received and placed on file by Councillor Morad and seconded by Councillor Coelho. (8)

Ms. Dos Reis was present and gave an overview of the proposed livery business, that this was a new business for both her and Mr. DeMelo and that there is a need for such services in the city. She told the Committee that they are looking to start and grow this business and hopefully are successful. The two answered a number of questions from the Committee to include:

They are going through the proper procedures in setting up this business.

They will have two (2) to three (3) vans in operation; they have two ready now.

If license is granted they will start to line up customers.

They are looking to provide transportation to medical appointments and airport runs.

All drivers will be screened; drug tested and have a CORI done.

On motion by Councillor Martins and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council APPROVAL of the APPLICATION on behalf of **Renee DePina Dos Reis, 813 Belleville Avenue, New Bedford, MA 02745& Liberio DeMelo, 70 Sharp Street, Dartmouth, MA 02747, d/b/a B & R TRANSPORTATION INC., 813 Belleville Avenue, New Bedford, MA 02745**, requesting a **NEW PRIVATE LIVERY LICENSE**, under the provisions of M.G.L. Chapter 159A, Section 1 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 **Barnes, 204 Cedar Street, New Bedford, MA 02740, d/b/a R & M ENTERTPRISE, INC., 67 Clifford Street, New Bedford, MA 02745**, 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 5/26/16) was received and placed on file by Councillor Morad and seconded by Councillor Lopes. (9)

The Chair informed the Committee that the Applicant had asked to go into Executive Session to discuss the results of his CORI report.

On motion by Councillor Morad and seconded by Councillor Carney, the Committee VOTED: To go into Executive Session to discuss the reputation of the applicant, and upon completion the Committee will return to Regular Session for a vote and to adjourn the meeting. This motion passed on a Roll Call Vote of Yeas 8, Nays 0.

Went into Executive Session at 9:03 p.m.

Returned to Regular Session at 9:38 p.m.

Mr. Barnes explained his business would primarily be used for medical and elderly transportation. He would look to establish contract services. There is the possibility of airport and casino services as well. He will look to hire three (3) regular employees and two (2) on call drivers. He will start with a total of three (3) vehicles; he currently has two (2) Lincoln Town Cars which will be stored at his place of business at 67 Clifford Street.

He will incorporate drug screenings and CORI screening as well.

On motion by Councillor Carney and seconded by Councillor Winterson, the Committee VOTED: To table this matter for thirty (30) days. This motion passed on a voice vote.

Councillor Carney made a motion to adjourn, which was seconded by Councillor Winterson. This motion passed on a voice vote.

This meeting adjourned @ 9:43 p.m.

ATTEST:

Denis Lawrence, Jr.,
Clerk of Committees