



Committee on City Property

May 18, 2016 – 7:25 PM - **Minutes**
City Hall, 133 William Street, City Council Chamber, Room 214

MEETING: COMMITTEE ON CITY PROPERTY

DATE: MAY 18, 2016

TIME: 7:25 P.M.

PLACE: COUNCILLOR WILLIAM SALTZMAN ANTECHAMBER, ROOM 213, MUNICIPAL BUILDING

PRESENT: COUNCILLORS JAMES OLIVEIRA, CHAIRMAN; NAOMI CARNEY, VICE-CHAIRPERSON; HENRY BOUSQUET; JOSEPH LOPES (7:30); LINDA MORAD

ABSENT: NO ONE

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Councillor Oliveira called the City Property Committee Meeting to order and took attendance, everyone was present.

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Notice, City Clerk of reference of a Communication, Mayor Mitchell to City Council, submitting AN ORDER that land shown on Plan of Land entitled, “Paul Walsh Field, Hunter St. New Bedford, MA 02740” dated March 31, 2016 and as described on Attachment “A” hereto be accepted from the School Committee and conveyed to the Department of Facilities and Fleet Management for the purpose of licensing the property to the New Bedford Bay Sox LLC on which the sale of beer and wine may be permitted, in accordance with conditions established by the Licensing Board and such other reasonable conditions as may be necessary or appropriate (Ref’d 4/28/16) was received and placed on file by Councillor Morad and seconded by Councillor Bousquet. (1, 1a)

The Clerk read a number of Communications received for and against the transfer of the land as follows:

Communication, Licensing Board, to City Council, advising that the Board voted in the majority at its April meeting to approve the Bay Sox alcohol control policy and site plan specifications of the sale of beer and wine at this year’s home games. (Ref’d 4/28/16)

Communication, Peter J. Muise, President & CEO of First Citizens’ Federal Credit Union, to City Council, submitting a letter in support of Pat O’Connor’s request for beer and wine to be sold during the Bay Sox’s home games at Paul Walsh Field. (Ref’d 4/28/16)

Communication, Council President Morad, submitting an email from Pat O’ Connor, President New Bedford Bay Sox regarding the alcohol license for the Bay Sox and also mentioning in said email other teams in the league that are planning to sell beer at their games. (Ref’d 5/12/16)

Communication/Email, Councillor Bousquet, submitting a copy of an email from Karen A. Vilandry, President, Hands Across the River Coalition, Inc., relative to the proposal to allow beer and wine to be sold at Paul Walsh Field during ball games. (Ref’d 5/12/16)

Communication, Josh Amaral, Vice-Chair School Committee providing the Committee with the School Committees Vote agreeing to transfer the land.

Communication, Eddie Johnson of CLEAN, against the proposal.

Communication, Attorney Tom Hunt, against the proposal.

On motion by Councillor Morad and seconded by Councillor Bousquet, the Committee VOTED: To receive and place on file all the Communications received. This motion passed on a voice vote.

Councillor Lopes expressed concerns on the precedent this would set. Selling liquor on City Property/School property; for example, what if the Whaling City Clippers (football team) wanted to sell beer, would the city need to let them do this as well?

Kristine Arsenault, Representative of the Mayor's Office, acknowledged this was an extraordinary request, that the Mayor reviewed it on its individual merits and found it to be a worthy request. If other requests were to be submitted to the Mayor's Office they would be reviewed but not necessarily acted on. This particular request would be monitored by the Licensing Board.

Councillor Lopes expressed concern about security at the area where beer would be served. Should they have police rather than a security team? He sees a lot of issues, little children walking by to get to the restrooms, that this is opening a set of questions that still need to be addressed, and now that the School Committee and Licensing Board has approved the requests it is the Council that is looking like the heavy.

Attorney John Markey, Jr., Assistant City Solicitor explained that a precedent does not mean that you are entitled to grant others the same request.

Patrick O'Connor, President Bay Sox, said if there was a requirement to have a Police Officer they would secure a police officer.

Councillor Lopes did not want then move to be cost prohibitive to the Bay Sox, the beer vendor is charging, the police would be charging, he would want the Bay Sox to secure revenue.

Councillor Bousquet asked why Freitas Liquors was the vendor; if this is city property should the vendor put out an RFP.

Attorney Markey explained that it is not the city that is doing this that we are leasing the land to the Bay Sox, and they are allowed to use whoever they want. The Bay Sox are showing the Committee its initiative by hiring a reputable vendor and wanted the body to know this; that this grant by the Licensing Board is unique as it is a series of one day event grants, in which the requirements are granted by the Licensing Board.

Councillor Bousquet asked about mandating police details, but at a four-hour minimum and \$46.00 an hour, that could be cost prohibitive for the Bay Sox. He feels that this is opening a can of worms.

Patrick O'Connor, President of Bay Sox explained they have been looking for other properties in the city for 2-1/2 years but none meet the collegiate requirements that Paul Walsh Field does. The State, by special permit, does allow schools to have liquor inside for special functions, if granted by the Licensing Board.

Mikaela McDermott, City Solicitor, explained that by placing the proposed section of land in the city's possession would place the city on firmer legal ground to allow this request.

Councillor Carney asked if the request to sell beer would increase attendance and she was told it would. She is concerned that the corralled serving area is taking away from the family atmosphere of the ball game. She was told the 3,000 foot area could accommodate approximately 100 people. She asked if there were other teams that sell beer and she was told yes, Holyoke and Laconia, they are in contained areas, but they are not on school property.

Mr. O'Connor explained that attendance helps to attract better quality baseball players and they want to attract those who have asked for this type of venue. It is a success in Holyoke.

Councillor Morad asked what the average attendance per game is and she was told 600. She asked how many games in the season, she was told 22. She asked if currently there were any other teams selling beer on school property and she was told no. She asked if all beer was sold in contained areas at the other facilities, she was told two of the three, the third allows it throughout the park. She asked if there is another field that can accommodate the team and she was told they have looked but no. She expressed her concern of the image of drinking beer in a corralled area while the rest of the family was sitting in the bleachers.

A discussion ensued on what other fields were looked at as well as the financial impact on requiring police details at the area, when security would be acceptable; perhaps there should be, at the very least, an officer at the gateway to the beer area.

Councillor Lopes asked if the city waived the \$15,000 leasing fee and provided in kind services would the team still want to sell beer. He was told they would have to look at it, but right now due to the time involved the selling of beer would help for this season. He asked Kristine Arsenault if the Mayor would consider transferring the entire amount of land including the fields over to the City to avoid this issue. He was told that if it works this year, then maybe the Mayor would look to do this next year. There would be an expense involved in the city taking over the fields, maintenance wise.

Councillor Oliveira expressed his concern that there were way too many fears as it related to this request; that this would work, that there are enough safe guards in place to make it work. If it failed, he believes the Bay Sox would be honorable and stop the sale and go back to the drawing board.

Councillor Morad asked if the Committee could create a structure where if permission was granted and the actions failed would there be a mechanism to put a stop to it. How could the Committee stop the sale of beer and she was told the following:

- a. The Council could keep the land in Property Committee with them and not transfer to the Department of Facilities and Fleet Management.
- b. This would allow the Council to revoke the grant at any time.
- c. They could give the option to revoke to the Licensing Board.

A discussion ensued, in which Attorney Markey would reach out to Attorney Gerwatowski to draft the appropriate language in the lease that would give the Council the authority to stop the selling of beer if something unacceptable should happen. It seemed the Committee's desire to have the property fall to the City Council and not DFFM. The contract should state that the grant is only good for this season and that if successful the city should move to take all the fields under their jurisdiction.

On motion by Councillor Morad and seconded by Councillor Lopes, the Committee VOTED: That Attorney Markey meet with Attorney Gerwatowski to draft the appropriate lease language and report back to the Committee by May 24, 2016. This motion passed on a voice vote.

On motion by Councillor Bousquet and seconded by Councillor Morad, the Committee VOTED: To table the main motion to May 24, 2016. This motion passed on a voice vote.

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

This meeting adjourned @ 8:39 p.m.

ATTEST:

Clerk of Committees