

NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON APPOINTMENTS & BRIEFINGS
DATE: FEBRUARY 10, 2020
TIME: 7:00 P.M.
PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS DEBORA COELHO, CHAIRPERSON; NAOMI CARNEY, VICE CHAIRPERSON; IAN ABREU; DEREK BAPTISTE (7:03); HUGH DUNN; MARIA GIESTA; BRIAN GOMES (7:01); SCOTT LIMA; JOSEPH LOPES; WILLIAM BRAD MARKEY; LINDA MORAD

ABSENT: NO ONE

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Councillor Coelho called the Appointments & Briefings Committee Meeting to order and took attendance; everyone was present.

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Councillor Coelho announced the start of Citizen's Input Time which takes place the first half hour of the meeting.

Renee Langley, P.O. Box 61332, New Bedford, speaking on Fire Station Blackouts. (Ref'd 02/10/2020) (1, 1a)

Ms. Langley address the Committee on the matter of Fire Station 'Blackouts' and how this policy was putting residents' lives and property at unnecessary risk. She called on the Council to take appropriate action in order to ensure that all areas of the City received adequate fire department staffing. Ms. Langley addressed the Committee for approximately three (3) minutes and the Chair thanked her for her time and interest in the issue.

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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 Jose Manuel Cabral, 56 Cottage Street, Chelsea, MA 02150 d/b/a LEONARDO'S SYSTEM CORP d/b/a PUERTA A PUERTA EXPRESS, 265 Rivet Street, New Bedford, MA 02744, hereby submitting a copy of the Application requesting a NEW PRIVATE LIVERY LICENSE to carry passengers for hire over the streets of New Bedford (License will expire June 30, 2020.) (Ref'd 11/26/19) was received and placed on file by Councillor Morad and seconded by Councillor Lopes. (2)

It was discovered that the applicant, Mr. Jose Manuel Cabral, was not in attendance.

On motion by Councillor Morad 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 if the Clerk of Committee's Office could contact Mr. Cabral to find out if he still is interested in this Livery License and inform him if he does not attend the next meeting, they will take no further action on this matter.

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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, 61 Acushnet Avenue, New Bedford, MA 02740 d/b/a UNITED CARE TRANSPORT INC., 187 Wood Street, New Bedford, MA 02745, hereby submitting a copy of the Application requesting a NEW PRIVATE LIVERY LICENSE to carry passengers for hire over the streets of New Bedford (License will expire June 30, 2020.) (Ref'd 12/12/19) was received and placed on file by Councillor Morad and seconded by Councillor Lima. (3)

Ms. Renee DePina addressed the Committee and explained that she is not new to this business. Her former company, B&R Transportation dissolved due to her partner retiring; and she is now starting this new company. She explained that she is contracted with GATRA to provide her clients with transportation to and from medical-related appointments. She will not be providing traditional 'livery' services (i.e. airport trips, weddings, etc.)

Councillor Abreu asked about the number and year of the vehicles she is using for her business. Ms. DePina responded that she has five (5) total vehicles, all 2009 or newer. She will operate seven (7) days per week.

Councillor Morad asked if any of her vehicles would be stored at the Wood Street location, or if that was simply an office location. Ms. DePina replied that 187 Wood Street is simply her home office and that no vehicles would be stored there; but would be garaged at another location. The only time her drivers would be at the Wood Street location will be to pick up their driving schedules.

On motion by Councillor Morad and seconded by Councillor Gomes, the Committee VOTED: To recommend to the City Council APPROVAL on behalf of Renee DePina, 61 Acushnet Avenue, New Bedford, MA 02740 d/b/a UNITED CARE TRANSPORT INC., 187 Wood Street, New Bedford, MA 02745, of the Application requesting a NEW PRIVATE LIVERY LICENSE to carry passengers for hire over the streets of New Bedford (License will expire June 30, 2020.) 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 Dayanara Puga, 353 Shaw Street, Apt. 2E, New Bedford, MA 02745 d/b/a BUZZ BEE TRANSPORTATION, 353 Shaw Street, Apt. 2E, New Bedford, MA 02745, hereby submitting a copy of the Application requesting a NEW PRIVATE LIVERY LICENSE, to carry passengers for hire over the streets of New Bedford (License will expire June 30, 2020.) (Ref'd 12/12/19) was received and placed on file by Councillor Morad and seconded by Councillor Lopes. (4)

The Chair and Clerk explained that the applicant, Dayanara Puga, asked that this matter be withdrawn from the Committee's consideration, as she no longer wishes to pursue a livery business at this time.

On motion by Councillor Morad and seconded by Councillor Lopes, the Committee Voted: To recommend to the City Council to take “No Further Action” on the COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of Dayanara Puga, 353 Shaw Street, Apt. 2E, New Bedford, MA 02745 d/b/a BUZZ BEE TRANSPORTATION, 353 Shaw Street, Apt. 2E, New Bedford, MA 02745, hereby submitting a copy of the Application requesting a NEW PRIVATE LIVERY LICENSE, to carry passengers for hire over the streets of New Bedford. (License will expire June 30, 2020.) 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 JUDITH PERKINS as the DIRECTOR of PERSONNEL and requesting that Ms. Perkins be established at Salary Step 3 (\$102,132.00) on the Unit C Salary Schedule (Ref'd 01/23/2020) was received and placed on file by Councillor Morad and seconded by Councillor Lopes.

The Chair invited Ms. Judith Perkins to the podium in order to respond to questions from the Committee.

Councillor Lima, who referred to his previous experience working on the Benefits side of Human Resources, stated to Ms. Perkins that he feels Human Resources is obviously a very important part of any work place, and feels specifically that Human Resources in New Bedford must move forward and work with MIS to do 3 main things: A. Track Applications better, B. Improve the Hiring Process Better and C. Improve Records Retention procedures.

Ms. Perkins responded to Councillor Lima by stating that she takes a very proactive approach to all aspects of the Human Resources mission. She explained that she takes a hands-on approach with applicants, indicating that all applicants in her current position with the Town of Reading receive a written letter from her, confirming their application. She also stated that she currently utilizes the MUNIS Human Resources Module and she went into detail regarding the hiring processes she currently uses in Reading. She reviewed several changes she made in Reading and explained the process that her current office follows for hiring, tracking applications and even how she organized the Town's Human Resources records into a much more user-friendly and professional archival system.

Councillor Markey asked Ms. Perkins to explain why she chose to apply for this position in New Bedford. Ms. Perkins explained that she is looking to grow in her career and looks forward to the challenge of directing a larger department with increased Human Resources needs, etc.

Councillor Morad asked Ms. Perkins if the salary here is similar to what she makes in Reading. Without providing her current salary specifically, Ms. Perkins indicated that the \$102,132.00 is more than she currently makes in Reading.

Councillor Morad indicated and explained that she would be severing the vote to confirm her appointment and the vote to approve the starting salary being at Step 3, instead of Step 1. She indicated that the reason for this is that AFSCME employees do not have the opportunity to be hired at step levels above '1' and that is unfair in her

opinion. However, it is her intention to address and correct these ‘injustices’ and she hopes that, as Director of Personnel, Ms. Perkins will be an asset in doing so.

Ms. Perkins agreed that union contracts often limit flexibility when attracting and hiring new employees. She did, however, state that the current job market dictates that employers be willing to hire potential employees at this level at steps higher than entry level.

Councillor Morad agreed with her sentiment, and again stated that she hopes to have her as an ally in the Council’s attempts to correct outdated practices.

Councillor Carney asked Sarah Fidelix, Acting Director of Personnel, about the application/hiring process for a new Personnel Director.

In response to questions from Councillor Carney, Ms. Fidelix stated that of the twenty (20) total applications for this position, ten (10) were New Bedford residents, two (2) of which were interviewed for the position. However, she explained that neither candidate interviewed met the minimum qualifications of having municipal experience and/or experience with unions.

On motion by Councillor Lopes and seconded by Councillor Dunn, the Committee VOTED: To recommend to the City Council APPROVAL of the APPOINTMENT of JUDITH PERKINS as the DIRECXTOR of PERSONNEL. This motion passed on a Roll Call Vote of Yeas 6, Nays 5, with Councillors Abreu, Baptiste, Carney, Giesta and Gomes OPPOSED.

On the Question:

Councillor Carney expressed her disappointment in the fact that a New Bedford resident was not hired and would not be voting to confirm Ms. Perkins’ appointment. She stated that she knows that there were qualified applicants from New Bedford and is upset that yet again the administration has chosen to offer a high-level position to a non-resident.

On motion by Councillor Lopes and seconded by Councillor Dunn, the Committee Voted to recommend to the City Council APPROVAL of Ms. Perkins be established at a Salary Step 3 (\$102,132.00) on the Unit C Salary Schedule. This motion FAILED on a Roll Call Vote of Yeas 5, Nays 6, with Councillors Baptiste, Carney, Giesta, Gomes, Lima and Morad opposed.

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Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Carney, requesting that the Committee on Appointments and Briefings meet with Board of Park Commissioners Chairman Peter Boswell, Director of Parks, Recreation and Beaches, Mary Rapoza, Chairman of the Conservation Commission, Craig Dixon, Representative of New Bedford Port Authority, Representative of the Mayor’s Office and a Representative of the City Solicitor’s Office, to discuss the procedure and permitting process that allowed the Trampoline Water Park to be placed in the water off East Beach, to ensure that all the proper permitting was acquired before the company was granted permission to open and also explain the insurance policy held by the vendor to ensure

that the City of New Bedford is not liable, in accordance with Massachusetts Law, for any legal action and all suits that may be brought against the water park vendor in the event to include but not limited to injury, death and etc.; and further requesting, that the Chairperson of the Committee on Appointments and Briefings schedule this matter to be heard at the next meeting (Ref'd 7/18/19) was received and placed on file by Councillor Morad and seconded by Councillor Carney. (6)

Councillor Carney asked Mary Rapoza from Parks & Recreation to describe the process that her department and the City followed last year when issuing licenses and permits to Altitude H2O off East Beach.

Ms. Rapoza admitted that the entire process was a learning experience. No such park/amusement has been licensed in the Commonwealth in the ocean (She stated that there may be some permitted in ponds and/or lakes). Her department met with all City departments, including the Mayor's Office, DPI, DFFM, Port Authority, Conservation Commission, Health, Police, Fire, EMS, etc.

Councillor Carney stated that, in her opinion, despite the process being a 'learning experience' according to Rapoza, that it was a 'debacle' as far as she was concerned. Councillor Carney asked about the permitting fees and any other revenue that came in through Altitude H2O.

Ms. Rapoza stated that the permitting fee was approximately \$3,000, which was thought to be appropriate. However, Altitude H2O also drove up revenue from parking fees at the kiosk, bringing in an additional \$12,000 over and above what was taken in the year prior.

Councillor Lopes agreed that the process was a 'debacle' and asked if the company has expressed any interest in returning to that location in 2020. Ms. Rapoza stated that they have expressed interest in returning, but they and the City is nowhere near an agreement with them at this time. However, should an agreement be reached, the process will be much smoother than last year because of the experience gained.

Councillor Dunn asked Ms. Rapoza what her plans are to address the concerns from the area's residents.

Ms. Rapoza stated that a police detail was present every single Friday and Saturday, which Parks & Recreation paid for, and Altitude H2O provided for overnight security; and that even overall, there was an increased police presence in the area. She also stated that there are very few other locations that this park can move to, if any. She stated that West Beach simply does not have the parking. She also stated that the park needs a certain level of water depth, which the current location provides.

Councillor Abreu stated that he received numerous complaints about trash & litter and increase in noise. Ms. Rapoza stated that the noise would be an issue best addressed through the Police Department and that DPI picks up trash at the beaches twice per day while the park is open – once first thing in the morning and another last thing in the evening, so in her opinion, trash is not an issue. She also stated that once the park opened, her department received nothing but positive calls regarding what the park offers and how it operates.

Councillor Carney disputed Ms. Rapoza's assumption that the park's customers were using the parking kiosk to park, stating that instead they were using the side streets, taking spots normally used by residents.

Ms. Rapoza stated that she is open to looking into whether the park could move – perhaps more toward the Fort.

Councillor Carney asked Mikaela McDermott to discuss the liability of such a park for the City. Solicitor McDermott stated that the liability to the City was quite minimal. She stated that the agreement and the insurance policies ensured that Altitude H2O would bear the liability and took on the risk rather than the City. The City's max liability, Solicitor McDermott continued, is capped at \$100,000 per incident.

Councillor Carney asked why the Council has not been provided with the policies and documents indicating that. Solicitor McDermott stated that they have asked Altitude to provide that to the Council; and will do so again. Solicitor McDermott also reminded Councillor Carney that every contract of every kind carries some type of liability; and that the administration is permitted to enter into lease agreements of three (3) years or less without Council approval.

Councillor Abreu asked Ed Washburn if he has any concerns about this park and/or its location. Mr. Washburn responded that, from his perspective, he does not, nor has he received any complaints from his constituency of boating and fishing vessel owners.

Councillor Dunn asked to hear from Mr. Robert Viveiros and Mr. Barry Sylvia, both area residents who were invited to the meeting to discuss their concerns.

Mr. Viveiros provided pictures of trash and aerial views of the area, which were received and placed on file by Councillor Abreu and seconded by Councillor Lima. Mr. Viveiros stated that the park itself opened prior to having all necessary permits and permission. He stated that the Park Board approved the opening in a 'closed meeting'.

Mr. Viveiros shared several pieces of anecdotal evidence that patrons of the park brought in their own beer, littered throughout the area, caused high levels of noise, etc. and stated that police presence was very minimal despite complaints and calls from residents.

Mr. Viveiros urged the Committee to have the City move the park further toward the Fort, stating that such a move would alleviate all the problems for the residents.

Mr. Barry Sylvia, another area resident, also addressed the Committee and raised similar concerns to Mr. Viveiros. He stated that security was present only overnight and that he did not see any police details at any time, going so far as to state that Mary Rapoza was either lying about her statement. Mr. Sylvia proceeded to criticize both Rapoza and Peter Boswell of the Park Board for how this process was handled and how the public was mistreated and disrespected throughout the process. Mr. Sylvia also stated that the park should be moved further toward the Fort.

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

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On motion by Councillor Gomes and seconded by Councillor Markey, the Committee VOTED: To take "No Further Action" on items 9, 10, 13, 14, 15 and 15a, and to remain in Committee items 7, 8, 11 and 12. This motion passed on a voice vote. They are as follows:

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 the 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) (10/14/14-tabled) (3/31/15-Remain in Committee) (11/10/15-Remain in Committee) (9/13/16-tabled) (7/31/18-Remain in Committee) (9)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with Massachusetts Department of Transportation (MassDOT) for the purpose of discussing the immediate action to be taken on Exit 15 Downtown New Bedford, on both Exits off of 195, east and west; and further, immediate action has to be taken on both these exits due to the present conditions, this is not the first time the issue of these two exits have been addressed, they have been in deplorable condition for some time; and further, these are the exits that welcome you to the City of New Bedford, also requesting that MassDOT fix all the lights on North Front Street, between Kenyon Street and Cedar Grove Street, on Belleville Avenue, between Kenyon Street and Cedar Grove Street located on the support wall under 195 east and west, on Logan Street, between Acushnet Avenue and Purchase Street, located on the support wall under Rt. 18, north and south of JFK Memorial Highway, these areas are very dark and are the responsibility of the MassDOT. (To be Referred to the Committee on Appointments and Briefings, with a request that a letter be sent to Massachusetts Department of Transportation (DOT). (Ref'd 10/13/16) (4/20/17-tabled) (10/19/17-tabled) (7/31/18-Remain in Committee) (10)

Notice, City Clerk of reference of a WRITTEN MOTION, Council President Lopes and Abreu, requesting, that the City establish a sponsorship program for Pocket Parks in New Bedford. (To be Referred to Mayor Mitchell, Director of Parks, Beaches, and Recreation and the Director of Community Preservation and Housing, and the Committee on Appointments and Briefings.) (Ref'd 12/14/17) (1/3/18-returned unsigned by the Mayor) (7/31/18-Remain in Committee) (13)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Abreu, Lopes, Giesta, Lima and Coelho, requesting that the Committee on Appointments and Briefings, a Representative of the Mayor's Office and the Office of Planning, Housing and Community Development Director Patrick Sullivan, begin a dialogue to work on a collaborative plan to address the 2020 statewide census count, providing the Commonwealth of Massachusetts with as accurate of a census count as possible would potentially help our City receive increased "Chapter 90" State funding, which could help address some of our public infrastructure needs. (To be Referred to the Committee on Appointments & Briefings.) (Ref'd 3/22/18) (14)

Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of KIMBERLY RIOUX, New Bedford, MA to the CONSERVATION COMMISSION, replacing Chancery Perks who resigned effective October 15, 2019; this term will expire June 2022. (Ref'd 11/14/19) (15)

Notice, City Clerk of reference of a COMMUNICATION, Christina Connelly, Chief Operating Officer, to the Clerk of Committees Office, informing the Office that Kimberly Rioux, Conservation Commission nominee, has withdrawn herself from consideration. (Ref'd from Committee 12/10/19) (15a)

Notice, City Clerk of reference of a WRITTEN MOTION, Council President Gomes, requesting that the Director of Parks, Recreation and Beaches, Mary Rapoza, look into installing Expression Swings in parks throughout the City, the recreational swings allow parents and infants or young children to swing together face-to-face in one unit; and further, that we look at Community Development monies to assist in this project. (Ref'd 7/16/15) (9/30/15-send letter to Park Board asking them to fund 3 Game Time Swings for Buttonwood, Hazelwood and Fort Taber; send letter to Community Development to see if funding is available to help with purchase of such swings) (6/12/18-Remain in Committee) (7/31/18-Remain in Committee) (7)

Notice, City Clerk of reference of a WRITTEN MOTION, Council President Gomes, requesting, that the Massachusetts Department of Transportation (DOT), meet with the Committee on Appointments and Briefings, for the purpose of discussing replacing the signage along Route 18 North and South, which has become old and has sustained reflective deterioration especially in the nighttime hours; and further, to also discuss possible signage changes that would announce attractions, placed at main intersections along with the present directions on the signage; and further, that our State Representative for that area be requested to attend said meeting along with a representative from the Mayor's Administration. (Ref'd 5/14/15) (10/28/15-tabled) (4/20/17-tabled) (10/19/17-tabled) (7/31/18-Remain in Committee) (8)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with the Administration to discuss the possibilities of re-establishing a Cable TV Commission; this Commission would look into and assist City residents and the business community with cable concerns, cost and services; and further assist with contract negotiations on behalf of the City. (Ref'd 9/14/17) (7/31/18-Remain in Committee) (11)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with the owner and

operator of Nice N' Clean Car Wash located at Bolton Street and Bliss Street, this property has an ongoing problem with trash and maintenance affecting the entire neighborhood and businesses surrounding the property, it also affects the Veterans monument located just across the street south of said business; and further, that the Health Department and the Department of Inspectional Services take a look at this location and issue notices for trash and maintenance violations and that the owner be notified of any violations. (Ref'd 12/14/17) (1/3/18-returned unsigned by the Mayor) (7/31/18-Remain in Committee) (12)

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

This meeting adjourned @ 8:23 p.m.

ATTEST:

Dennis W. Farias, City Clerk
Clerk of the Council