



Appointments and Briefings

November 10, 2015 – 7:02 PM – **Minutes**
Chambers of the City Council, Room 214

NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON APPOINTMENTS & BRIEFINGS

DATE: NOVEMBER 10, 2015

TIME: 7:02 P.M.

PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS DAVID ALVES, CHAIRMAN; HENRY BOUSQUET; NAOMI CARNEY; BRIAN GOMES (7:07); JOSEPH LOPES; STEVEN MARTINS; LINDA MORAD; JAMES OLIVEIRA; DANA REBEIRO; KERRY WINTERSON

ABSENT: COUNCILLOR DEBORA COELHO, VICE-CHAIRPERSON

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Councillor Alves called the Appointments & Briefings Committee Meeting to order and took attendance. A Communication was read into the record from Councillor Coelho explaining her absence from the meeting, this communication was received and placed on file by Councillor Lopes and seconded by Councillor Morad. The Clerk also announced that Councillor Gomes called and said he would be a few minutes late in attending tonight's meeting.

Councillor Alves announced due to the amount of people present for the fourth matter on tonight's agenda he has passed around a sign-up sheet for five people to speak and he will give them five (5) minutes in which to do so; and then he will allow everyone who wants to be recorded for or against to give their name and address for the record.

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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 **Artur J. Medeiros, d/b/a/ AJM TRANSPORTATION SERVICES, 178 Deerfield Road, New Bedford, MA 02740** hereby submit 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 9/24/15) was received and placed on file by Councillor Martins and seconded by Councillor Lopes. (1)

Mr. Artur Medeiros, 178 Deerfield Street, New Bedford, was present to address the Committee.

Councillor Morad asked Mr. Medeiros how many vehicles he would have and the answer was one. He is the only employee; the business hours are from 7 a.m. to 7 p.m. He will park his vehicle in the driveway and it will not have a backing up sound mechanism so as to disturb neighbors.

Councillor Lopes asked if he was to transport people in need of medical attention, meaning Doctor's offices. The answer was yes but he needed the permit prior to entering into a contract with companies.

On motion by Councillor Morad and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council, APPROVAL of the Application of **Artur J. Medeiros, d/b/a AJM TRANSPORTATION SERVICES, 178 Deerfield Road, New Bedford, Ma 02740**, for a **NEW Private Livery License**, under the provisions of M.G.L. Chapter 159A, Section I 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, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JAMIE PONTE, New Bedford, MA, as a DEPUTY SHELLFISH WARDEN; this term will expire September 2018 (Ref'd 9/24/15) was received and placed on file by Councillor Martins and seconded by Councillor Lopes. (2)

Mr. Jamie Ponte was present to answer questions from the Committee.

Councillor Lopes asked Mr. Ponte to give an overview of his experience. Mr. Ponte explained he has been working with the Shellfish Warden Ringuette on a daily basis on shellfish business. The Warden recommended him for the position.

On motion by Councillor Morad and seconded by Councillor Lopes, the Committee VOTED; To recommend to the City Council APPROVAL of the APPOINTMENT of the JAMIE PONTE, New Bedford, MA, as a DEPUTY SHELLFISH WARDEN; this term will expire September 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 MEGAN COITO, New Bedford, MA, as a DEPUTY SHELLFISH WARDEN; this term will expire September 2018 (Ref'd 9/24/15) was received and placed on file by Councillor Morad and seconded by Councillor Winterson. (3)

Ms. Coito was present to answer questions from the Committee.

Councillor Winterson asked Ms. Coito about her experience and she explained that she currently serves as an observer for the Shellfish Warden. She has held this position for a month and a half. The Shellfish Warden recommended her for this position.

On motion by Councillor Gomes and seconded by Councillor Rebeiro, the Committee VOTED: To recommend to the City Council Approval of the APPOINTMENT of MEGAN COITO, New Bedford, MA, as a DEPUTY SHELLFISH WARDEN; this term will expire September 2018. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Council President Gomes and Councillor Winterson, requesting that the Committee on Appointments and Briefings, meet with SGS Holding c/o Stephen Sheldon, 20 Jaconnet Street, Newton, MA, for the purpose of discussing exactly what is the intention and plans for 49 Hawthorne Street, Plot 41/ Lot 6, presently zoned Residence A; further, if the intent is to locate a sober house at this location it will be met with resistance due to the history, tourism and historical significance of this

area and of the City; furthermore, that all residents who attended the neighborhood meeting on October 20th, be invited to attend the Committee on Appointments and Briefings meeting; and further, that Congressman Keating or a Representative, Senator Montigny and State Representative Cabral be invited to said committee meeting for their assistance in changing the laws on a Federal and State level in order to give Cities and Towns the opportunity for a Special Permitting Process or options to locating these facilities in Cities and Towns in the Commonwealth, especially when it effects the quality-of-life, the business district, surrounding schools or the historical integrity of the area (Ref'd 10/22/15) was received and placed on file by Councillor Gomes and seconded by Councillor Lopes. (4)

Mr. Stephen Sheldon of Newton, MA was present to address the Committee on his proposal for a sober house at 49 Hawthorn Street. He explained that he had purchased the house and it was his intent to establish a sober home at 49 Hawthorn Street and the home would be leased out on a yearly basis. The tenants would be recovering alcoholics and/or drug addicts. No services to aide in the recovery would be conducted. The tenants would need to agree to not use drugs or alcohol while living in the home.

Councillor Gomes expressed his concern that leasing it out to tenants without services would provide no guarantee that they will not use drugs and/or alcohol. Mr. Sheldon explained that he has other houses in operation and that the tenants are less likely to get into trouble in a home like this. They do not police the area. Councillor Gomes explained he is not against recovery options but is against the home being used as a sober house. He personally does not think this type of operation is a good fit for this neighborhood.

Mr. Sheldon explained that he believes this would be an improvement for the home. He will make updates to the interior of the home. The people that occupy these homes are quiet people and keep to themselves, and they have the right to live in a single family home.

Councillor Winterson expressed his concern that the home would not have a treatment/recovery program, no counseling. He did note that the owner would more than likely have to go before the Board of Appeals for a variance. He informed Mr. Sheldon that he is not for anti-treatment but he believes in the need to preserve the area.

Mr. Sheldon informed the Committee that it is not a Boarding House nor is it a treatment facility. The home has eight (8) rooms and he believes it can accommodate up to twelve (12) people.

Councillor Morad asked Mr. Sheldon if he has other homes similar to the proposed one and she was told yes, in Lowell, Worcester and Lawrence. The tenants vary between seven (7) to ten (10) people and they have the same type of set up as he is proposing at 49 Hawthorn Street. He does not have a medical background and the clients are referred to the homes from AA and other similar organizations. They run CORI's and screen for criminal pasts and they have Landlord referrals. Residents must be sober a year or more, have a job and can afford the rent. The tenants enter into a lease and the home is self run on the honor system. The home requires drug and alcohol testing and if they fail they have to leave the home.

Councillor Carney expressed her concern about the home not having any form of supervision and recovery/treatment programs. She too feels the neighborhood is not the proper place to have such a home.

Councillor Bousquet commented that this was not a traditional multi-use home or was he cutting it up into four apartments. He was told the home would not be broken up that way, that it is self governed, the group gets together once the home is rented and they choose the house leader by election. The tenants are responsible for doing the housekeeping, lawn care, trash, etc.

Councillor Oliveira was concerned that Mr. Sheldon has only been in this type of business for six (6) months. He asked Mr. Sheldon if any of the other homes he runs have had problems with tenants, he was told yes, two (2) problems within the last six (6) months. Councillor Oliveira expressed his concern that he had not

chosen to meet with the neighbors prior to buying the home and explaining his intent and that he has now unfortunately entered a hostile environment and is trying to work around City Ordinances to establish his sober home. He believed the neighbors would be vigilant on the issues if he does move forward with this project.

Councillor Lopes commented that all three (3) facilities were in gateway cities; he was told they were. He asked Mr. Sheldon why he has not placed a home as such in his hometown of Newton. He said property was too expensive in Newton, but that he had looked. Councillor Lopes reviewed a number of figures, rent estimates to find out how many tenants would be needed for the home to turn a profit. Mr. Sheldon finally volunteered eight (8) people as an appropriate number.

Councillor Alves expressed his concern of the lack of house management and asked if it would be a gender specific home. He was told a decision had not been made yet, but that the other homes were gender specific.

Many of the Councillors within their comments expressed concern about parking in the area.

Councillor Martins explained he had reached out to other communities that Mr. Sheldon currently has sober homes, he has been told things about the operations and asked him to come clean on how the homes are run, etc. Mr. Sheldon said he did not understand and could not answer his questions if he is calling him a liar.

The Councillors were done with their questions for Mr. Sheldon and Councillor Alves opened up the floor for some of the neighbors to speak on this issue.

Ms. Irene Schall of 47 Moreland Terrace, New Bedford, expressed her concerns about such a home in the neighborhood. She listed a number of reasons why this sober house would not work in this neighborhood.

Ms. Suzanne Smith Saulnier, 139 Orchard Street was recognized and she too expressed her concerns for a home as such in the neighborhood, citing, parking issues, lack of a resident manager, no state regulations applicable to such a home, etc.

Ms. Joyce Spivey, 55 Hawthorn Street, was recognized and voiced her concerns of a single family home being used as a rooming house in a Residence A zoned area; further, that parking, trash and snow removal would be an issue.

Mr. Allison Haskell, 54 Hawthorn Street, was recognized and informed the Committee that he has lived in the neighborhood for forty-three (43) years, and he expressed the weather concerns as an issue in the area. He gave a history of the neighborhood and how the streets were established.

Ms. Carol Fitzgerald, 95 Hawthorn Street, was recognized and she spoke about the effect a sober home would have towards the 139 Orchard Street Bed and Breakfast business that abuts the home. She is concerned it would become a flop house. She is not happy with Mr. Sheldon's relationship with the neighborhood to date.

Mr. Martin Bentz, 8 Maple Street, was recognized and he too expressed his concern for many of the previously written issues.

Mrs. Pricilla Demers, 11 Moreland Terrace, spoke against the proposal and provided the Committee with the website information on Mr. Sheldon and other items as it related to the business.

Mr. Leo Schick, 42 Grove Street, spoke against the proposal explaining that a similar type home was run across the street from him, that it eventually failed.

Councillor Alves asked if there was anyone who wished to be recorded in opposition to this sober house at 49 Hawthorn Street, and they are as follows:

John Buck, 71 Maple Street

Susan Alderman, 71 Maple Street

On motion by Councillor Gomes and seconded by Councillor Winterson, the Committee VOTED: That a letter be sent to our Federal and State Delegations asking them to assist in changing the laws on the federal and state level that would give cities and towns the opportunity for a Special Permitting process or options locating these facilities in cities and towns in the Commonwealth, especially when it effects the quality- of- life, the business district, surrounding schools or the historical integrity of the area. This motion passed on voice vote.

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

A motion was made to waive the reading and follow the Chairman's recommendation of "No Further Action" on items 5, 6, 7, 7a, 8, 9, and 10. Items 5, 6 and 10 were severed.

On motion by Councillor Gomes and seconded by Councillor Martins, the Committee VOTED: To waive the reading on items 7, 7a, 8, and 9 and take "No Further Action" and items 5, 6, and 10 will remain in Committee. 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, 03/31/15 – remain in Committee) (5)

Notice, City Clerk of reference of a Written Motion, Councillor Gomes, requesting, ONCE AGAIN, that the School Department consider the implementation of school uniforms throughout the New Bedford School System; and further, requesting that members of the School Committee appear before the Committee on Appointments and Briefings for the purpose of discussing the implementation of the school uniforms and to also discuss security measure proposed by the City Council, such as an emergency silent alarm system and what, if any security measures have been put in place throughout the New Bedford Schools.(Ref'd 10/24/13, 09/16/14 – tabled, 3/10/15 – tabled, 6/9/15- tabled) (6)

Notice, City Clerk of reference of a Communication, Mayor Mitchell, to City Council, submitting AN ORDER which would classify each member of The Regional Refuse Disposal District Committee as a "Special Municipal Employee" pursuant to the provisions of Chapter 268A, Section 1 of the General Laws. (Ref'd 5/14/15) (7, 7a)

Notice, City Clerk of reference of a Written Motion, Councillor Rebeiro, requesting, that a Representative from the Department of Public Infrastructure and the City's Solicitor's Office appear before the Committee on Appointments and Briefings to explain the process of how they are working to address the increase amount of claims to the City, relative to the damages to cars by snowplows due to the increased snowfall this winter. (Ref'd 5/14/15) (8)

Notice, City Clerk of reference of a Written Motion, Council President Lopes, Councillors Winterson, Martins, Gomes, Alves Coelho, Oliveira, Rebeiro, Morad, Carney and Bousquet, requesting, that Paul Mission, Transportation Planning Manager, SRPEDD, and members of the Transportation Staff, be invited to a Committee on Appointments and Briefings meeting to update the City Council on the Regional Transportation Plan and any transportation issues the Council members feel need to be addressed.(Ref'd 11/25/14) (9)

Notice, City Clerk of reference of a Written Motion, Councillors Lopes, Martins, Winterson, Oliveira, Bousquet, Rebeiro, Coelho, Alves, Carney, Morad and Council President Gomes, requesting that Ms. Sandra Vezina, the Acting Personnel Director meet with a Representative from New York Life Insurance to discuss the implementation of voluntary Payroll Deduction program for employees of the City of New Bedford. (Ref'd 3/12/15, 4/14/15-tabled for 30 days- pending reply from personnel) (10)

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

This meeting adjourned @ 8:53 p.m.

ATTEST:

Clerk of Committees