

**NEW BEDFORD, MASSACHUSETTS**

**MEETING: COMMITTEE ON APPOINTMENTS & BRIEFINGS**

**DATE: SEPTEMBER 20, 2022**

**TIME: 7:01 P.M.**

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

**PRESENT: COUNCILLORS NAOMI CARNEY, CHAIRMAN; DEREK BAPTISTE, VICE CHAIRMAN; IAN ABREU; SHANE BURGO (7:05); MARIA GIESTA; BRIAN GOMES; SCOTT LIMA; WILLIAM BRAD MARKEY; LINDA MORAD; RYAN PEREIRA**

**ABSENT: COUNCILLOR HUGH DUNN**

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Councillor Carney called the Appointment & Briefings Committee Meeting to order and took attendance. The Clerk read a Communication from Councillor Dunn explaining his absence from this meeting. This Communication was received and placed on file by Councillor Lima and seconded by Councillor Markey.

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Councillor Carney announced the beginning of Citizen's Input Time – Not to exceed the first thirty (30) minutes of the meeting.

Notice, City Clerk of reference of CITIZEN'S INPUT TIME, Gilly Safioleas, 12 Ruth Street, Apt 111, New Bedford, speaking on "Not being allowed to speak at the June 28, 2022, Appointments & Briefings Committee Meeting", (Ref'd 07/05/2022) was received and placed on file by Councillor Markey and seconded by Councillor Baptiste. (1a)

Evangello (Gilly) Safioleas, 102 South Main Street, Fall River, Apt. #208, former resident of the City of New Bedford was present and spoke about his not being able to speak at the 6/28/22 Appointments & Briefings meeting. He asked the Committee Chairperson to explain why he was not allowed to speak at a previous meeting. He was told by the Chair that where it was another Councillor's motion that the decision was made to not recognize him. Mr. Safioleas went on to ask another question of the Chair. The Chair explained that the three minutes was his to discuss his concerns, but that the Chair was not in the position to answer any questions.

Notice, City Clerk of reference of CITIZEN'S INPUT TIME, Dan Gonsalves, 52 Scott Street, New Bedford, speaking on "Eversource work being done on his street" (Ref'd 07/15/2022) was received and placed on file by Councillor Markey and seconded by Councillor Baptiste. (1b)

Councillor Pereira asked that photos he distributed to the Committee members regarding street damage on Scott Street, be received and placed on file, which was seconded by Councillor Abreu, and passed on a voice vote.

Mr. Gonsalves, 52 Scott Street was present and expressed his concerns as to the condition of Scott Street. That the street had not been repaved since 1952. To date the street suffers from a hole in it which is 2" wide, 2" deep and 4 feet long. He would like the Committee to do something about it. It was understood that Councillor Pereira would be advocating for Mr. Gonsalves.

Councillor Carney informed Mr. Gonsalves that they can not go back and forth but Councillor Pereira can put a motion into the City Council and invite the proper people to the Committee to answer Mr. Gonsalves' questions.

Notice, City Clerk of reference of CITIZEN'S INPUT TIME, Maria De Oliveira, 68 Scott Street, New Bedford, speaking on "issues with paving on her street" (Ref'd 08/18/2022) was received and placed on file by Councillor Markey and seconded by Councillor Baptiste. (1d)

Ms. De Oliveira did not speak but said that she agreed with Mr. Gonsalves as she had the same issue and would wait for Councillor Pereira's motion.

Notice, City Clerk of reference of CITIZEN'S INPUT TIME, Barbara Silva, 118 Durfee Street, New Bedford, speaking on "lengthy waiting time for permits", (Ref'd 07/26/2022) was received and placed on file by Councillor Markey and seconded by Councillor Baptiste. (1c)

Ms. Silva, 118 Durfee Street, New Bedford was present and expressed her concern on the delays in being able to get permits to do work on property in the city. She explained that because of delays she had to change contractors to do work at her home. She believes the permitting situation in the City should be addressed.

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Notice, City Clerk of reference of a PUBLIC HEARING on an APPLICATION, Jose Elvin Pena, d/b/a M. J. Auto Sales, for a SPECIAL PERMIT for Motor Vehicle Sales and/or Rentals at 297 Belleville Avenue, New Bedford, MA 02746 (Application Rec'd 08/05/2022) (Duly advertised in The Standard-Times on Tuesday, September 06, 2022 and Tuesday, September 13, 2022.) was received and placed on file and the public hearing opened by Councillor Burgo and seconded by Councillor Baptiste. (2)

Jose Elvin Pena, 1928 Purchase Street, New Bedford, was present and explained that he has been in the business of selling used cars for the past three (3) years but has now decided to run his own business.

Mr. Pena was asked a series of questions from the Committee. He explained that he will only be selling vehicles at the location and no repairs would be made. He would be renting the property where he intends to conduct his business. His hours of operation would be 9 to 5 Monday through Saturday.

The Committee asked DIS Commissioner Romanowicz if the site was compliant. He confirmed that it was, and that the applicant would be permitted to have twelve (12) vehicles at the location. He stated he did not have any concerns.

Councillor Carney asked if there was anyone present who wished to speak or be recorded in favor of the Special Permit; there were none. She then asked if there was anyone present who wished to speak or be recorded in opposition to the Special Permit; there were none. The hearing was closed on a motion made by Councillor Burgo and seconded by Councillor Baptiste.

On motion by Councillor Gomes and seconded by Councillor Markey, the Committee VOTED: To recommend to the City Council APPROVAL of the APPLICATION, Jose Elvin Pena, d/b/a M. J. Auto Sales, for a SPECIAL PERMIT for Motor Vehicle Sales and/or Rentals at 297 Belleville Avenue, New Bedford, MA 02746. This motion passed on a voice vote.

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Notice, City Clerk of reference of a PUBLIC HEARING on an APPLICATION, Zainab Adesina, d/b/a Abba Auto Sales, for a SPECIAL PERMIT for Motor Vehicle Sales and/or Rentals at 306-310 Rivet Street (aka 227 Bonney Street), New Bedford, MA 02744 (Application Rec'd 08/18/2022) (Duly advertised in The Standard-Times on Tuesday, September 06, 2022 and Tuesday, September 13, 2022.) was received and placed on file and the hearing opened by Councillor Burgo and seconded by Councillor Abreu. (3)

Zainab Adesina, 9 Third Street, North Providence, RI 02911, was present and explained that they have been involved in car sales for the last thirty (30) years. They have seen a need in the New Bedford area to low-income car sales and are seeking a permit to conduct such a business.

The Committee asked a series of questions to which the applicant responded that the business will be a family run business, that they will keep the area of the business in mind to be friendly to the neighborhood and traffic patterns, as this is the vicinity of Mt. Carmel Church. They also explained that it was not their intent to place fencing around the business location.

Commissioner Romanowicz was asked the number of vehicles that would be allowed on the premises. He stated five (5) vehicles though the applicant had asked for ten (10); but that there is room for two (2) vehicles inside and three (3) outside. He stated he was ok with the proposal as presented.

Councillor Carney asked if there was anyone present who wished to speak or be recorded in favor of the Special Permit; there were none. She then asked if there was anyone present who wished to speak or be recorded in opposition to the Special Permit; there were none. The hearing was closed on a motion by Councillor Abreu and seconded by Councillor Giesta.

On motion by Councillor Pereira and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council APPROVAL of the APPLICATION, Zainab Adesina, d/b/a Abba Auto Sales, for a SPECIAL PERMIT for Motor Vehicle Sales and/or Rentals at 306-310 Rivet Street (aka 227 Bonney Street), New Bedford, MA 02744. This motion passed on a voice vote.

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Notice, City Clerk of reference of a PUBLIC HEARING on an APPLICATION, Patrick Moriarty, d/b/a M.B. Auto Service, Inc., for a SPECIAL PERMIT for Motor Vehicle Sales and/or Rentals and General Repairs at 75 Church Street, New Bedford, MA 02746 (Application Rec'd 08/29/2022) (Duly advertised in The Standard-Times on Tuesday, September 06, 2022 and Tuesday, September 13, 2022.) was received and placed on file and the hearing opened by Councillor Burgo and seconded by Councillor Abreu. (4)

Patrick Moriarty, 207 County Street, Lakeville, MA, was present and was asked a series of questions. He told the Committee he would be dealing with Mercedes Benz repairs. They will be open five (5) days a week eight (8) to five (5). They will be storing their vehicles on their premises. They have four (4) work bays. At any given time, there will be five (5) vehicles on the premises and none on the street.

Councillor Carney asked if there was anyone present who wished to speak or be recorded in favor of the Special Permit. Mr. Isaac Amaral, 509 Summer Street was recognized in favor of the Special Permit. Councillor Carney asked if there was anyone who wished to speak or be recorded in opposition of the Special Permit. The Clerk read a letter from Ana Amaral, 81 Church Street, who expressed her concern on the way the applicant was keeping his property. This letter was received and placed on file by Councillor Giesta and seconded by Councillor Abreu.

The hearing was closed on a motion by Councillor Abreu and seconded by Councillor Giesta.

On motion by Councillor Abreu and seconded by Councillor Giesta, the Committee VOTED: To recommend to the City Council APPROVAL of the APPLICATION, Patrick Moriarty, d/b/a M.B. Auto Service, Inc., for a SPECIAL PERMIT for Motor Vehicle Sales and/or Rentals and General Repairs at 75 Church Street, New Bedford, MA 02746. 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 REVEREND MICHAEL S. RACINE, New Bedford, MA to the CEMETERY BOARD, replacing Jill M. Ussach, whose term has expired; this term will expire December 2024 (Ref'd 08/18/2022) was received and placed on file by Councillor Morad and seconded by Councillor Burgo. (5)

Reverend Michael S. Racine, 121 Mt. Pleasant Street, New Bedford, MA, was present and explained he had been approached by the Mayor to fill a vacancy on the Cemetery Board. He stated that he was very familiar with the City Cemetery's and accepted the offer. He acknowledged that he currently serves as the Chaplain for the New Bedford Fire Department, but this was the first time he has been asked to serve on a Board.

Reverend Racine was praised by the Committee. They were comfortable that he would make his own compassionate decisions as it relates to the cemetery issues. He acknowledged that he was aware of some of the issues some cemeteries were facing as far as items at sites, etc.

On motion by Councillor Lima and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council APPROVAL of the APPOINTMENT of REVEREND MICHAEL S. RACINE, New Bedford, MA to the CEMETERY BOARD, replacing Jill M. Ussach, whose term has expired; this term will expire December 2024. This motion passed on a voice vote.

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Notice, City Clerk of reference of a PETITION, *Paul Bryant, Boston, MA 02199, d/b/a FALL RIVER PAWNBROKERS/FALL RIVER FINANCIAL MA, LLC, 268 Union Street, New Bedford, MA 02740*, requesting that he be granted a Waiver of Residency in accordance with Section 15-38 of the City Code, to obtain a **PAWNBROKER'S LICENSE and LICENSE TO DEAL IN JUNK, OLD METALS OR ANY OTHER SECONDHAND ARTICLES** (Ref'd 07/21/2022) was received and placed on file by Councillor Giesta and seconded by Councillor Burgo. (6)

Notice, City Clerk of reference of a PETITION, *Paul Bryant, Boston, MA 02199, d/b/a FALL RIVER PAWNBROKERS/FALL RIVER FINANCIAL MA, LLC, 1351 Acushnet Avenue, New Bedford, MA 02746*, requesting that he be granted a Waiver of Residency in accordance with Section 15-38 of the City Code, to obtain a **PAWNBROKER'S LICENSE and LICENSE TO DEAL IN JUNK, OLD METALS OR ANY OTHER SECONDHAND ARTICLES** (Ref'd 07/21/2022) was received and placed on file by Councillor Giesta and seconded by Councillor Burgo. (7)

Attorney David Sullivan, 10 North Main Street, Fall River, was present representing the applicant Paul Bryant. Attorney Sullivan explained that Mr. Bryant was travelling on business and was not able to be present. He explained that Mr. Bryant lives in Boston and has a financial business which consists of many such types of operations. Mr. Bryant recently purchased all 12 locations from Fall River Pawnbrokers. Two of the twelve shops are in New Bedford (268 Union Street and 1351 Acushnet Avenue). Attorney Sullivan explained that for Mr. Bryant to keep the businesses open he would need to have a waiver of residency permit granted. Attorney Sullivan told the Committee that Mr. Bryant would keep the existing businesses open and that he wants to continue to do business in New Bedford. The applicant would also be keeping the same staff. Each operation has a total of four (4) employees each.

On motion by Councillor Markey and seconded by Councillor Burgo, the Committee VOTED: To recommend the City Council GRANT a Waiver of Residency to Paul Bryant, Boston, MA 02199, d/b/a FALL RIVER PAWNBROKERS/FALL RIVER FINANCIAL MA, LLC, 268 Union Street, New Bedford, MA 02740, in accordance with Section 15-38 of the City Code, to obtain a PAWNBROKER'S LICENSE and LICENSE TO DEAL IN JUNK, OLD METAL OR ANY OTHER SECONDHAND ARTICLES. This motion passed on a voice vote.

On motion by Councillor Markey and seconded by Councillor Burgo, the Committee VOTED: To recommend the City Council GRANT a Waiver of Residency to Paul Bryant, Boston, MA 02199, d/b/a FALL RIVER PAWNBROKERS/FALL RIVER FINANCIAL MA, LLC, 1351 Acushnet Avenue, New Bedford, MA 02746, in accordance with Section 15-38 of the City Code, to obtain a PAWNBROKER'S LICENSE and LICENSE TO DEAL IN JUNK, OLD METAL OR ANY OTHER SECONDHAND ARTICLES. 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 *Fritz G. Barthelemy, 800 Pleasant Street, Apt. 1105, New Bedford, MA 02740 d/b/a TAP TAP MEDICAL TRANSPORTATION, 303 Coggeshall Street, New Bedford, MA 02746*, 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, 2023.) (Ref'd 08/18/2022) was received and placed on file by Councillor Burgo and seconded by Councillor Giesta. (8)

Mr. Fritz G. Barthelemy, 800 Pleasant Street, New Bedford, was present and gave an overview of his business, which has led to request for a private livery license. He explained that he had moved to New Bedford four years ago and found a need for hospital and doctor livery transportation. He has decided to go into business for himself.

The Committee asked a series of questions to which Mr. Barthelemy explained the business would be doing medical runs. He has entered a contract with the State through GATRA, but he needs to have a license in place to be awarded the contract. He would be providing medical and veterans transportation. He currently has two vehicles, one ten-passenger van and one wheelchair van. He hopes to employ a total of ten people and his goal is to purchase another two vans. His employees operate from their homes. They take the company vehicles with them at night and are given their assignments for the next day. Their 303 Coggeshall Street address is the business address. No vehicles would be parked at the business address. The Committee expressed their concern that if the employee had a vehicle and a work vehicle that this might create a parking issue in neighborhoods. Mr. Barthelemy explained that if this was the case, he would look to have the company vehicle parked in a municipal parking area.

On motion by Councillor Markey and seconded by Councillor Gomes, the Committee VOTED: To recommend to the City Council APPROVAL on behalf of *Fritz G. Barthelemy, 800 Pleasant Street, Apt. 1105, New Bedford, MA 02740 d/b/a TAP TAP MEDICAL TRANSPORTATION, 303 Coggeshall Street, New Bedford, MA 02746*, of the Application for a NEW PRIVATE LIVERY LICENSE, to carry passengers for hire over the streets of New Bedford (License will expire June 30, 2023.) This motion passed on a voice vote.

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Councillor Carney stepped down from the Chair and Vice Chair Councillor Baptiste took over the meeting.

Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Gomes, on behalf of Mr. & Mrs. Dan Maltais, 578 County Street, requesting that Representatives from Riley Brothers Construction Company, Eversource Gas, and DPI Commissioner Jaime Ponte, attend an upcoming Committee on Appointments & Briefings meeting to discuss the gas line work done in front of said address, going north one city block and the damage to the sewer pipe that has forced the Maltais' to pay thousands of dollars to the city for the repairs (Ref'd 07/21/2022) was received and placed on file by Councillor Gomes and seconded by Councillor Giesta. (9)

Mr. & Mrs. Dan Maltais, 578 County Street, were present and addressed the Committee. They explained that Eversource was working around their home. They believe that as a result of this work Eversource and their subcontractor Riley Brothers Construction caused damage to their sewer pipe during Eversource's gas line replacement work being done. The homeowners contend that they did not have any issues with their sewer line until Eversource had put in gas piping in the area. The city offered to replace the homeowner's pipe which would be less expensive than their securing an independent contractor to do the work. The homeowners put a \$7,000 deposit down on the work and the city is looking for them to pay the remainder of the bill. The homeowners believe that Eversource and Riley Brothers are responsible for the damage and should pay for it.

Justin Chicca of DPI was present and confirmed the events. He stated that when they received the complaint from the homeowners, they found that the pipe was not damaged but appears to have disintegrated due to the age of the pipe, which is thought to be well over 100 years old. Eversource and Riley Brothers denied liability for the damages claimed.

When the homeowner's agreed to have the city do the work, it was originally thought to be a two-day job, but the layout of the piping and its location resulted in a weeklong project to the tune of approximately \$50,000.

On motion by Councillor Gomes and seconded by Councillor Lima, the Committee VOTED: To refer this matter to the City Solicitor's Office asking that they arrange to waive the remaining balance owed for work done at 578 County Street. This motion passed on a voice vote.

On motion by Councillor Gomes and seconded by Councillor Pereira, the Committee VOTED: To recommend that the Committee on Appointments & Briefings meet with Riley Brothers, Inc., and Eversource Representatives to review their process as it relates to street repairs. This motion passed on a voice vote.

On motion by Councillor Morad and seconded by Councillor Gomes, the Committee VOTED: That DPI Commissioner Ponte provide the Committee on Appointments & Briefings with a listing of all Eversource permits granted in the last twenty-four (24) months for dig ups in the City, and that DPI Commissioner, Appointments & Briefings Committee, and Eversource take a tour of the City to view the remaining work needed to be done on the permits that are on that list. This motion passed on a voice vote.

On motion by Councillor Gomes and seconded by Councillor Giesta, 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 RELATED MOTION, Councillor Pereira, requesting that the Chairperson of the Historical Commission appear before the Committee on Appointments and Briefings to discuss how demolition determinations are made and to learn about the process (Ref'd 06/23/2022) was received and placed on file by Councillor Burgo and seconded by Councillor Giesta. (10)

Anne Louro, Preservation Planner for the City was present and explained her duties as it relates to what is and is not referred to the Historical Commission for review when it comes to demolitions.

The Committee expressed a concern that the wrong items were being referred to the Historical Commission and only those items that deal with a demolition request should be reviewed by the Historical Commission once the Building Department identifies it as a demolition request.

City Council Attorney David Gerwatowski provided his thought on what should and should not be forwarded to the Historical Commission for consideration. It was agreed the process needs to be looked up and clearer definitions be put in place.

On motion by Councillor Pereira and seconded by Councillor Burgo, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the RELATED MOTION, Councillor Pereira, requesting that the Chairperson of the Historical Commission appear before the Committee on Appointments and Briefings to discuss how demolition determinations are made and to learn about the process. This motion passed on a voice vote.

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Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with a representative from the Mayor's Office, the Massachusetts Undersecretary of Energy Patrick Woodcock and a representative from Vineyard Wind that has a signed contract with the State, City of New Bedford and the Marine Commerce Terminal Clean Energy Center, that they provide the Committee with a company breakdown and action plan for the terminal; and further, how many jobs have been created to date for residents of the City and what has been the economic boost to the City (Ref'd 06/27/19) (05/17/2022 – Remain in Committee) (06/14/2022 – tabled) was removed from the table and received and placed on file by Councillor Burgo and seconded by Councillor Giesta. (11)

Representatives from Vineyard Wind, Former Ward 4 City Councillor Dana Ribeiro and Ms. Jen Cullen were present and provided the Committee with a power-point presentation on the wind farm project, which included all businesses involved, the number of jobs that would be created along with training to support these jobs. An organization chart was shown on all those companies involved from Vineyard Wind down.

The Committee thanked the presenters for being at this evening's meeting. Many praised the recent Jobs Fair held and expressed how they are excited for the growth potential of this business and how it will feed the growth of other local businesses.

The Committee did express their disappointment that the other invitees had not attended the meeting and hoped that the Chair would call another meeting inviting them.

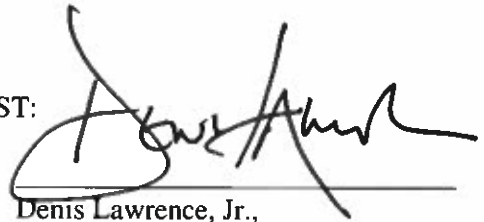


On motion by Councillor Gomes and seconded by Councillor Pereira, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote.

Councillor Burgo made a motion to adjourn, which was seconded by Councillor Pereira.

This meeting adjourned @ 9:30 p.m.

ATTEST:

A handwritten signature in black ink, appearing to read "Denis Lawrence, Jr.", written over a horizontal line.

Denis Lawrence, Jr.,  
Clerk of Committees