



CITY OF NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON APPOINTMENTS & BRIEFINGS
DATE: MAY 16, 2023
TIME: 7:32 P.M.
PLACE: CITY COUNCIL CHAMBER, ROOM 214

PRESENT: COUNCILLORS NAOMI CARNEY, CHAIRPERSON; IAN ABREU; SHANE BURGO; DEREK BAPTISTE; MARIA GUESTA; BRIAN GOMES; SCOTT LIMA; WILLIAM BRAD MARKEY; LINDA MORAD; SHAWN OLIVER; RYAN PEREIRA

ABSENT: NO ONE

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Councillor Carney called the Committee on Appointments and Briefings meeting to order and took attendance.

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Notice, City Clerk of reference of a PUBLIC HEARING on an APPLICATION, Martires Heredia-Cuevas, d/b/a Dominic Auto Services, for a SPECIAL PERMIT for Motor Vehicle Sales and/or Rentals, Body Repair and General Repair at 31 Scott Street, New Bedford, MA 02744 (Application Rec'd 04/05/2023) (Duly advertised in The Standard-Times on Tuesday, May 02, 2023 and Tuesday, May 09, 2023.) was Received and Placed on File and the Public Hearing was opened by Councillor Burgo and seconded by Councillor Pereira. (1)

The Chair recognized the applicant, Mr. Martires Hereida-Cuevas, who is seeking a permit to sell and repair vehicles at 31 Scott Street. Mr. Hereida-Cuevas does not speak English and his words were translated by Mr. Ramon Martinez.

Councillor Pereira explained that the area this business is to be conducted in is primarily a residential neighborhood. He stressed that the applicant needed to be a good neighbor. He asked how many vehicles would be allowed on the premises and was told eight inside and six outside. If the permit is approved, he is planning on hiring employees. Councillor Pereira explained that the applicant cannot leave cars on the street overnight and stated he has received a number of complaint calls from abutting neighbors. The applicant responded that he understood this and that when fixing a vehicle, he moves it directly inside to the facility to do the repairs, then calls the owner just prior to finishing the repairs so that the owner can pick it up.

Councillor Abreu asked about the hours of operation and was told Monday through Saturday from 9:00 am to 4:30 pm. There would be no sales or service on Sundays.

Councillor Oliver asked if there would be rentals on the premises. He was told there would not be. Councillor Oliver also asked how many vehicles would be sold on site and was told four to six vehicles and that these vehicles would be located inside, not outside.

Councillor Pereira asked Department of Inspectional Services Commissioner Danny Romanowicz if he had visited the location. The Commissioner stated that his staff had gone by. He added that the business owner needed to provide additional information as it relates to the business such as confirmation of the floor plan, whether the property had an MDC trap and how many vehicles the property can hold. He stated that the applicant still had to go before the Planning Board, and to date, a site plan had not been submitted.

Councillor Morad asked how the item got to the Committee. She was told it passed the zoning review and that now it would need to go before the Council and Planning Board for approval. Commissioner Romanowicz stated it had not yet been reviewed by the Planning Board. Councillor Lima asked if the proposal had passed zoning and was told yes, it had.

The Chair asked if there was anyone present who wanted to speak and/or be recorded in favor of the petition. There were none. The Chair asked if there was anyone present who wanted to speak and/or be recorded in opposition of the petition. There were none.

On a motion by Councillor Pereira and seconded by Councillor Abreu, the Committee VOTED: To continue the Public Hearing to June 20, 2023 at 7:00 pm. The applicant was asked to meet with Building Commissioner Romanowicz to address the three areas of concern that had been identified which include site plans and an engineering plan. This motion passed by a voice vote.

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Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JAMES R. GAGNON, New Bedford, MA, to the VETERANS ADVISORY BOARD; Mr. Gagnon is replacing Anthony Resendes, who has resigned; this term will expire in December 2023. (Ref'd 02/23/2023) (Matter ID #0329) (03/21/2023 – tabled) (2)

A motion was made to remove this item from the table. The Clerk explained this was the third time the item had been before the Committee. The first time the applicant had attended the wrong meeting. The second time the applicant was out of town. The third time (tonight) the applicant was absent without informing the office that he would not be in attendance.

On a motion by Councillor Morad and seconded by Councillor Lima, the Committee VOTED: To take NO FURTHER ACTION on the matter at this time. This motion passed on a roll call vote of Yeas 9, Nays 2. (Councillors Burgo and Markey OPPOSED.)

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Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of EDWARD C. ANTHERS-WASHBURN, New Bedford, MA, to the AIRPORT COMMISSION; Mr. Washburn will be replacing Adam Simmons, whose term expired in 2015; this term will expire in December 2024. (Ref'd 03/23/2023) (Matter ID #0560) (3)

The Chair explained that the applicant would be delayed arriving at the meeting due to coaching his son's little league team. The item remained on the table.

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Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ALICIA DUFF, New Bedford, MA, to the VETERAN'S ADVISORY BOARD; Ms. Duff will be replacing the late Luiz Ferreira, whose term expired in December 2019; this term will expire in December 2025. (Ref'd 04/23/2023) (Matter ID #0667) (4)

The Chair announced that the applicant was unable to attend tonight's meeting.

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

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On motion by Councillor Abreu and seconded by Councillor Giesta, the Committee VOTED: To take items #5 and #5a up together without objection and to Receive and Place on File. This motion passed on a voice vote. The items are as follows:

Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ANTHONY PAIS LOPES, JR., New Bedford, MA, as a CONSTABLE (Ref'd 04/13/2023) (Matter ID #0670) and AN APPLICATION (Ref'd 04/13/2023) (Matter ID #0671). (5, 5a)

The Chair recognized Anthony Pais Lopes, Jr., 65 Washburn Street, who was seeking approval for his appointment as a Constable. Mr. Lopes explained that he is a ten-year employee with the City of New Bedford in the Traffic Division. He wants to expand his duties to include becoming a Constable while continuing to work for the City. He stated he will work for a Constable service initially, but planned to open his own business in the future.

Councillor Baptiste spoke in favor of the appointment. Councillor Markey asked how he would go about moving forward as a Constable. He stated he would primarily work nights and gather as much knowledge as possible from the Constable service he would be working for and hopefully use it to start his own company.

Councillor Oliver supported the appointment but asked the applicant to be mindful that the people he would be serving would most likely be going through some personal issues and he should be mindful of this.

On motion by Councillor Morad and seconded by Councillor Gomes, the Committee VOTED: To recommend to City Council APPROVAL of the APPOINTMENT. This motion passed by voice vote.

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On a motion by Councillor Baptiste and seconded by Councillor Giesta, the Committee VOTED: To take items #6 and #7 up together without objection and to Receive and Place on File. This motion passed on a voice vote. The items are as follows:

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., 189 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, 2023.**) (Ref'd 04/13/2023) (Matter ID #0698) (6)

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., 189 Wood Street, New Bedford, MA 02745**, hereby submitting a copy of the Application requesting a **RENEWAL of a PRIVATE LIVERY LICENSE** to carry passengers for hire over the streets of New Bedford. **(Term of License-July 01, 2023 to June 30, 2024.)** (Ref'd 04/13/2023) (Matter ID #0699) (7)

The Chair recognized Renee DePina, 61 Acushnet Avenue, New Bedford, MA. Ms. DePina explained that her business currently provides transportation for the elderly to and from medical appointments. She has been in business for eight years. She also continued to do runs for the elderly during the pandemic.

Councillor Giesta asked how many vehicles were currently used and was told four. They are kept in a parking lot that they own. Councillors Baptiste and Lima asked if the proper curb cuts were in place. They were told yes.

Councillor Morad asked why the applicant was before the Committee for a New Livery License. Ms. DePina explained this was due to a name change for the business. It used to be called B&R Transportation, but it is now United Care Transport, Inc.

On motion by Councillor Pereira and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council APPROVAL of the APPLICATION. This motion passed by voice vote.

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Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of EDWARD C. ANTHERS-WASHBURN, New Bedford, MA, to the AIRPORT COMMISSION; Mr. Washburn will be replacing Adam Simmons, whose term expired in 2015; this term will expire in December 2024 (Ref'd 03/23/2023) (Matter ID #0560) was removed from the table by Councillor Burgo and seconded by Councillor Abreu. This motion passed by a voice vote. (3)

Mr. Edward C. Anthes-Washburn, 190 Hawthorn Street, was recognized. Mr. Anthes-Washburn stated that he has a degree in Transportation Planning, and reminded the Committee that he is the former head of the New Bedford Port Authority. He stated that these are exciting times for the Airport, with the construction of a new terminal, and that he would look to build up commercial air services in the region.

Councillor Pereira asked if he served on any other boards. He was told no. Councillor Abreu said he was encouraged by the applicant's desire to work toward commercial expansion and the goal of keeping providers at the Airport.

Councillor Markey asked the applicant to name one major thing he felt he could bring to the Airport Commission. He was told the ability to focus on marine services, wind, and the need to accommodate helicopters and air travel as it relates to the wind industry in the area, along with drone inspections.

On a Motion by Councillor Lima and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council APPROVAL of the APPOINTMENT. This motion passed by voice vote.

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Councillor Carney stepped down from the Chair and Councillor Burgo, Vice-Chair of the Appointments & Briefings Committee, took over facilitating 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) (09/20/2022 – Refer this matter to the Solicitor's Office asking that they arrange to waive the remaining balance owed for work done at 578 County Street; Send a communication to the DPI Commissioner requesting that he provide the Committee with a breakdown of the costs associated with the work done at 578 County Street; tabled) was removed from the table by Councillor Gomes and seconded by Councillor Oliver. This motion passed on a voice vote. (8)

The Chair recognized Justin Chicca, Department of Public Infrastructure. Councillor Gomes asked that he provide the Committee with an update on the issue. Mr. Chicca stated that the item was referred to the Solicitors Office and it remains there. He added that there has been no instruction from the Solicitor's Office and no further discussion with DPI on the item.

City Solicitor Eric Jaikes was recognized and stated that his Office does not have sufficient information to waive the fees for the damages claimed to have been done by a third party. He stated that from a legal standpoint, they would need evidence to prove that the damage was caused by the contractor doing the work on the property. He also noted there was a considerable amount of time between the work done by the contractor and the time the pipe failed. Atty. Jaikes did state he would be willing to meet with the homeowners for further discussion.

Mr. Maltais, the homeowner of the property in question, was recognized. He stated that he was not sure there was a year in between the work done by the contractor and the time the pipe failed. He further stated that the same contractor in question acknowledged that they damaged a neighbor's line and provided restitution for that incident.

Mr. Maltais went on to say that he had not received a breakdown of the bill by the City for the work to be done. Mr. Chicca provided one. The property owners did put a down payment for the City to replace the pipe in the amount of \$7,000. Mrs. Maltais said she believed they signed the agreement under duress. Mr. Chicca explained that the cost to replace the piping was in the work order. He provided the Committee with a copy of it; the total cost was listed as \$25,809.07.

On motion by Councillor Gomes and seconded by Councillor Oliver, the Committee VOTED: To receive and place on file the copy of the work order submitted by Justin Chicca of DPI. This motion passed on a voice vote.

Councillor Morad asked if any consideration was given by DPI to reduce the labor portion of the bill. Mr. Chicca stated that he could not answer that. He added he was aware that the request was sent to the Solicitors Office, but that DPI had not received a response.

Councillor Pereira asked why the bill was not broken down by materials and labor. He was told it was, but the Councillor asked why it was not an itemized bill. He was told DPI does not issue bills that way. Councillor Baptiste stated that he supported the Solicitors Office meeting with the homeowners to discuss this further. Atty. Jaikes informed the Committee that if the homeowners secured legal representation, then they would be unable to come back before the Committee for further discussion.

On motion by Councillor Gomes and seconded by Councillor Giesta, the Committee VOTED: That the Committee send a communication to the City Solicitor's Office and DPI requesting that they waive any outstanding fees owed on 578 County Street. This motion passed on a voice vote.

On motion by Councillor Gomes and seconded by Councillor Giesta, the Committee VOTED: That the Committee send a communication to DPI requesting that no late fees or fines be added to 578 County Street until the issue is resolved. This motion passed on a voice vote.

On motion by Councillor Morad and seconded by Councillor Giesta, the Committee VOTED: To table the matter until June 20, 2023. This motion passed on a voice vote.

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

The meeting adjourned @ 9:02 p.m.

ATTEST:

Denis Lawrence Jr.
Clerk of Committees