

REGULAR MEETING
Chambers of the City Council
Thursday, February 23, 2017

CITY COUNCIL
Municipal Building
7:07 p.m.

PRESENT: Council President Lopes, Councillors Abreu, Carney, Coelho, Gomes, Martins, Morad, Oliveira and Winterson.

LATE: Councillor Rebeiro 7:10 p.m.

ABSENT: No One.

Council President Lopes called the meeting to order and presided.

Council President Lopes called for a Moment of Silence.

Councillor at Large Debora Coelho led the Assembly in the Pledge of Allegiance to the Flag.

HEARING, on NSTAR Electric Company d/b/a Eversource Energy for location of two (2) 4" Conduits and one (1) 45"x45"x36" Handhole in COTTAGE STREET, North of Hawthorn Street.

Donna Rosa, Right of Way Representative of NSTAR Electric was present and in favor and answered questions.

No One Opposed; Hearing closed.

Petition Placed on File. (#0196)

ORDER,

Adopted and ordered recorded in Book of Location Order Records.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0197)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the Statement of Interest (SOI) Form, dated January 11, 2017, to the Massachusetts School Building Authority for the following elementary school: Elizabeth Carter Brooks located at 212 Nemasket Street.

Received and Placed on File. (#0199)

CITY OF NEW BEDFORD
CITY COUNCIL
FEBRUARY 23, 2017

RESOLVED: Having convened in an open meeting on February 23, 2017, prior to the closing date, the City Council of New Bedford in accordance with its charter, by-laws, and Ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated January 11, 2017, for the Elizabeth Carter Brooks Elementary School located at 212 Nemasket Street, New Bedford, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future for Priority 5: (Replacement, renovation or modernization of school facility systems such as roofs, windows, boilers, heating and ventilation and to increase energy conservation and decrease energy related costs in a school facility). This SOI is specifically for Window, Door and Boiler replacements; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City to filing an application for funding with the Massachusetts School Building Authority.

Adopted and Rule 40 Waived – Yeas 9, Nays 0. (Councillor Rebeiro not present for vote.)

Presented to the Mayor for approval February 24, 2017.

Approved February 24, 2017. (#0199)

COMMUNICATION, Mayor Mitchell, to City Council, submitting amended LOAN ORDER appropriating \$21,608,000 for the purpose of financing the construction of the West End Sewer Separation Project – Phase 4, West End Sewer Separation Project – Phase 5, Deane Street Sewer Separation Project, Coggeshall Street Sewer Separation Project, Union Street Sewer Separation Project and general system improvements, and the planning costs related to the development of the CSO Long-Term Control Plan Update.

Referred to the Committee on Finance. (#0200)

LOAN ORDER,

Referred to the Committee on Finance. (#0201)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$1,008,667.00 from WATER, FREE CASH, to WATER STABILIZATION FUND.

Referred to the Committee on Finance. (#0202)

AN ORDER,

Referred to the Committee on Finance. (#0203)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$1,000,000.00 from WATER FREE CASH, to WATER, OTHER CHARGES.

Referred to the Committee on Finance. (#0204)

AN ORDER,

Referred to the Committee on Finance. (#0205)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$45,000.00 from AIRPORT, SALARIES & WAGES and \$25,000.00 from AIRPORT, OTHER CHARGES to AIRPORT, CHARGES & SERVICES.

Received and Placed File. (#0206)

CITY OF NEW BEDFORD
IN CITY COUNCIL
FEBRUARY 23, 2017

ORDERED, that the sum of FORTY FIVE THOUSAND DOLLARS (\$45,000.00) now standing to the credit of the account from AIRPORT, SALARIES AND WAGES and the sum of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) now standing to the credit of the account from AIRPORT, OTHER CHARGES be and the same is hereby transferred and appropriated to as follows:

AIRPORT, CHARGES AND SERVICES \$70,000.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0207)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER regarding the proceeds from the sale of bonds and the disposition of premiums as required by the Municipal Modernization Act.

Received and Placed on File. (#0208)

CITY OF NEW BEDFORD
IN CITY COUNCIL
FEBRUARY 23, 2017

AN ORDER SUPPLEMENTS ALL PREVIOUS LOAN ORDERS TO PROVIDE THAT ANY PREMIUM ON BONDS AND NOTES, LESS COSTS OF ISSUANCE, MAY BE APPLIED TO THE PROJECT FOR WHICH SUCH BONDS OR NOTES ARE ISSUED AND THAT THE BORROWING AUTHORITY SHALL BE REDUCED ACCORDINGLY AS PERMITTED BY THE MUNICIPAL MODERNIZATION ACT.

BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF NEW BEDFORD AS FOLLOWS: That each prior order of the City Council that authorizes the borrowing money to pay costs of capital projects is hereby supplemented to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the City upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Adopted.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0209)

COMMUNICATION, Mayor Mitchell, to City Council, requesting a ONE-YEAR WAIVER OF RESIDENCY for WILLIAM SHURTLEFF, CARPENTER, DEPARTMENT OF FACILITIES AND FLEET MANAGEMENT, Mr. Shurtleff currently resides in Dartmouth, MA, with his wife and two school aged children; attached is documentation to support this request.

One-Year Waiver of Residency Granted – Yeas 10, Nays 0.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0210)

COMMUNICATION, Mayor Mitchell, to City Council, requesting a ONE-YEAR WAIVER OF RESIDENCY for SEAN SILVA, the Zoo's selected candidate for the position of Marketing Assistant, Mr. Silva resides in Acushnet, MA; and also requesting, that Mr. Silva be hired at a Grade MA, Step 7, a salary of \$39,240.00 the Zoological Society will reimburse the City for half of the salary cost.

One-Year Waiver of Residency Granted and Salary Request Approved – Yeas 10, Nays 0.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0211)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for PAUL WOLFF, 702 Brock Avenue, New Bedford, MA 02744, Account No. 1012227, in the amount of \$192.64.

Abatement Granted.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0212)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for ROBERT BEAULIEU, 187 Shawmut Avenue, New Bedford, MA, 02740, Account No. 1024237, in the amount of \$224.48.

Abatement Granted.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0213)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for JILLIAN CARMEL/STEPHANIE ROCHA, 604 County Street, New Bedford, MA 02740, Account No. 1000087, in the amount of \$44.80.

Abatement Granted.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0214)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of STEPHEN S. BROWN, New Bedford, MA, 02740 to the ZONING BOARD OF APPEALS, replacing James Mathes, who resigned from the Board on March 31, 2016; this term will expire December 2017.

Referred to the Committee on Appointments and Briefings. (#0215)

COMMUNICATION, Mayor Mitchell, City Council, submitting the APPOINTMENT of WILLIAM T. BARR, New Bedford, MA 02740, to the HISTORICAL COMMISSION; Mr. Barr who previously served as an Alternate and term expired February 2017; will be replacing Cory Pacheco who has resigned, this term will expire February 2019.

Rule 38 Waived and Appointment Confirmed – Yeas 9, Nays 0. (Councillor Gomes not present for vote.) (#0216)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of DIANE HENRY, New Bedford, MA 02740, to the HISTORICAL COMMISSION; this term will expire February 2020.

Rule 38 Waived and Appointment Confirmed – Yeas 9, Nays 0. (Councillor Gomes not present for vote.) (#0217)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of GLEN GRIMES, New Bedford, MA, 02745, to the TRAFFIC COMMISSION; this term will expire December 2019.

Rule 38 Waived and Appointment Confirmed – Yeas 9, Nays 0. (Councillor Gomes not present for vote.) (#0218)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MICHAEL PETER ANTUNES, II, New Bedford, MA 02740 as a CONSTABLE.

Received and Placed on File. (#0219)

APPLICATION, MICHAEL PETER ANTUNES, II, New Bedford, MA 02740 for APPOINTMENT as a CONSTABLE.

Confirmed. (#0220)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of JOSEPH C. LATIMER, Westport, MA, 02790, as a CONSTABLE.

Received and Placed on File. (#0221)

APPLICATION, JOSEPH C. LATIMER, Westport, MA 02790, for REAPPOINTMENT as a CONSTABLE.

Confirmed. (#0222)

REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the REAPPOINTMENT and GRANT the WAIVER OF RESIDENCY for DAVIS L. SULLIVAN, Rochester, MA to the HARBOR DEVELOPMENT COMMISSION; this term will expire December 2019.

Recommendation Followed, Reappointment Confirmed and Waiver of Residency Granted – Yeas 10, Nays 0.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0223)

REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the REAPPOINTMENT and GRANT the WAIVER OF RESIDENCY for JAMES E. BOYLE, South Dartmouth, MA, to the HARBOR DEVELOPMENT COMMISSION; this term will expire December 2018.

Motion was made to follow the Recommendation of the Committee, Confirm the Reappointment and Grant the Waiver FAILED – Yeas 7, Nays 3. (Councillors Carney, Morad and Rebeiro OPPOSED.)

(#0224)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JANUARY 12, 2017

ORDER, amending the Loan Order adopted by the City Council on December 17, 2015, and signed by the Mayor on December 23, 2015, to remove the language requiring the reduction of the bond by \$511,254.00 the amount of the Federal Land Access Program grant. Loan Order, as amended will read as follows:

A BOND ORDER TO PAY COSTS OF REMODELING, RECONSTRUCTING AND MAKING EXTRAORDINARY REPAIRS TO THE ELM STREET PARKING GARAGE INCLUDING STRUCTURAL REPAIRS AND STABILIZATION, FAÇADE AND LOBBY IMPROVEMENTS, LIGHTING AND SECURITY UPGRADES, INSTALLATION OF AUTO PAY UNITS, DOOR AND WINDOW REPLACEMENT, RESURFACING AND INSTALLATION OF A FIRE PROTECTION SYSTEM AND FOR THE PAYMENT OF ALL COSTS INCIDENTAL AND RELATED THERETO.

BE IT ORDERED, BY THE CITY COUNCIL OF THE CITY OF NEW BEDFORD AS FOLLOWS: That the City appropriates Five Million Thirty Nine Thousand Two Hundred Eighty Dollars (\$5,039,280) to pay costs of remodeling, reconstructing and making extraordinary repairs to the Elm Street Parking Garage, including structural repairs and stabilization, façade and lobby improvements, lighting and security upgrades, installation of auto pay units, door and window replacement, resurfacing and installation of a fire protection system, and for the payment of all costs incidental and related thereto (the "Project"); that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said sum of money, pursuant to M.G.L. Chapter 44, Section 7 or pursuant to any other enabling authority; provided that the amount of \$3,179,088 may be borrowed and expended for Phase 1 of the Project, ~~but that such amount shall be reduced by the amount of the \$511,254 Federal Land Access Program grant received prior to the issuance of any long term debt for the project;~~ provided further, that the amount of \$1,860,192 may be borrowed and expended for Phase 2 of the Project, but that no amounts for Phase 2 shall be borrowed or expended until the Chief Financial Officer certifies to the Mayor and City Council that the amount of Downtown Parking Enterprise Fund revenues is sufficient to support the additional amount of debt service allocable to Phase 2 of the Project.

FURTHER ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

Passed to a Second Reading – Yeas 11, Nays 0 – January 12, 2017.

Adopted.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017.

(#0009)

SUBSTITUTE ORDINANCE, amending Chapter 19, Section 19-7 PERSONNEL, Establishment of Unit C Classification and Salary Plan.

Substitute Ordinance allowed and Passed to a Second Reading – Yeas 10, Nays 1. (Council President Lopes OPPOSED.) – January 31, 2017.

Passed to be Ordained – Yeas 10, Nays 0.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017.

(#0195)

RELATED MOTION, Councillor Morad, requesting that the Committee on Ordinances revise the Code of Ordinance, Chapter 19, Section 19-7.1, Section (c) to amend said Section to accommodate the structure of the recently ordained Unit C Classification and Salary Plan.

Referred to the Committee on Ordinances.

(#0225)

AN ORDINANCE, Amending Chapter 19, Section 19-7.1 RELATIVE TO PERSONNEL –
Compensation of employees as fixed.

Passed to a Second Reading and Referred to the Committee on Ordinances in its Second Reading
Stage. (#0226)

WRITTEN MOTION, Council President Lopes, requesting that the City of New Bedford study
the potential cost savings associated with the establishment of an Opt-Out Medical Insurance Program for
City employees. (To be Referred to Mayor Mitchell, CFO Ari Sky, Personal Director Sandy Vezina, and
the Committee on Finance.)

Referred to the Committee on Finance. (#0227)

WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on ~~Appointments and
Briefings~~ Finance meet with a Representative of the Mayor's Office and the Commissioner of the
Department of Public Infrastructure, Zeb Arruda, for the complete financial costs of the second hurricane
barrier walkway located on the west side of Cove Road; and further, that the Committee Members be
provided with a breakdown of the costs associated with said walkway.

Referred to the Committee on Finance. (#0228)

WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and
Briefings meet with the Commissioner of the Department of Public Infrastructure, Zeb Arruda and a
Representative of the Administration to break down to the Committee how much road and street work
will be done with the One Million Dollar Capital Improvement Program for street repairs; and further,
brief the Committee Members on the City's policies and procedures for Utility Companies doing work on
the streets in New Bedford.

Referred to the Committee on Appointments and Briefings. (#0229)

WRITTEN MOTION, Councillor Gomes, requesting, once more, that any new construction
and/or reconstruction of traffic lights installed at main intersections throughout the City be equipped with
surveillance and traffic control cameras, this is to include any major road work presently getting started or
being worked on throughout the City, projects like Phase II of Route 18 and the Coggeshall Street
reconstruction; and further, this should be added to the cost of completing the project. (To be Referred to
the Committee on Public Safety and Neighborhoods.)

Referred to the Committee on Public Safety and Neighborhoods. (#0230)

WRITTEN MOTION, Councillor Gomes, requesting, that the Traffic Commission take a look at
making the East and West beach areas a "20 Mile Per Hour" speed limit during the summer months in
order to guarantee safe pedestrian crossing at the beach areas, on the west side from Woodlawn Street,
north and south to Lucas Street, on the east side, from South Rodney French Boulevard, north and south
to Nina Street; and further, that signage be put up in these areas notifying motorists and that this be
strictly enforced from May 15 to September 15. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission. (#0231)

WRITTEN MOTION, Council President Lopes, requesting that the Committee on Ordinances
review the governing structure of the Board of Park Commissioners, as it relates to the Members of the
said board. (To be Referred to the Committee on Ordinances.)

Referred to the Committee on Ordinances. (#0232)

WRITTEN MOTION, Councillor Coelho, requesting, that a representative from the Department
of Facilities and Fleet Management appear before the Committee on Appointments and Briefings to
update Committee members on the City's residential and commercial waste collection schedule. (To be
Referred to the Committee on Appointments and Briefings.)

Referred to the Committee on Appointments and Briefings. (#0233)

WRITTEN MOTION, Councillors Winterson, Abreu, Gomes, Martins, Carney, Council President Lopes and Councillor Oliveira, requesting that Fire Chief Gomes, Representative of the Mayor's Office, CFO Sky, DFFM Commissioner Blanchard, Safety Committee Chairman Firefighter Jason Barker, and Safety Committee Co-Chairman Firefighter Kevin Cormier appear before the Committee on ~~Appointments and Briefings~~ *Public Safety and Neighborhoods* to discuss the mechanical issue with the Fire Department's apparatus and the lack of scheduled and preventative maintenance on the Fire Department's fleet. (To be Referred to the Committee on ~~Appointments and Briefings~~ *Public Safety and Neighborhoods*.)

Referred to the Committee on Public Safety and Neighborhoods. (#0234)

WRITTEN MOTION, Councillor Coelho, requesting, that Fire Chief Gomes be invited to appear before the Committee on Public Safety and Neighborhoods regarding mechanical issues with the Fire Department's apparatus, per New Bedford Firefighters Local 841, also to be invited; Jason Barker, Safety Committee Chairman and Kevin Cormier, Safety Committee Co-Chairman, New Bedford Firefighters IAFF Local 841. (To be Referred to the Committee on Public Safety and Neighborhoods.)

Referred to the Committee on Public Safety and Neighborhoods. (#0235)

WRITTEN MOTION, Councillors Winterson and Abreu, requesting, that due to the expansion of the New Bedford Waterfront, the new refrigeration at the State Pier, the addition of international freighters coming into New Bedford Harbor, the increase of recreational boaters utilizing the area, New Bedford is in dire need of a Harbormaster; and further, requesting that Interim Harbormaster, New Bedford resident Brian Joseph be appointed as the new Harbormaster. (To be Referred to the Committee on Appointments and Briefings.)

Motion was made to Refer to the Committee on Appointments and Briefings FAILED – Yeas 2, Nays 8. (Councillors Abreu and Winterson IN FAVOR.) (#0236)

WRITTEN MOTION, Councillor Morad, requesting, on behalf of the property owners, that 671 Summer Street, Plot 91, Lot 152 be REZONED, from RESIDENTIAL "B" to MIXED-USE BUSINESS, and that 674 Summer Street, Plot 91, Lot 249 be REZONED, from RESIDENTIAL "C" to MIXED-USE BUSINESS. (To be Referred to the Committee on Ordinances and the Planning Board.)

Referred to the Committee on Ordinances and the Planning Board. (#0237)

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW OF 447-449 BELLEVILLE AVENUE, (MAP 104, LOT 164), a Circa 1896 three-story wood framed structure – advising that "the structure is not located in a National Register Historic District; the structure is of no notable historic significance either recorded or found with the existing condition of the structure, "in light of these findings, the Preservation Planner has determined that the structure at 447-449 Belleville Avenue is neither a Historically Significant nor a Preferably Preserved structure."

Demolition Granted.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0238)

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW OF 19 HATHAWAY ROAD, (MAP 101, PARCEL 8), a Circa 1918 three story brick mill building – advising that “the structure is not located in a National Register Historic District; a portion of the 1918 mill building (constructed for the Continental Screw Company) remains, however it has been significantly altered with the construction of later period building additions, and no longer retains historical or architectural integrity, “in light of these findings, the Preservation Planner has determined that the structure at 19 Hathaway Road is neither a Historically Significant nor a Preferably Preserved structure.” The Council may wish to note that the owner additionally intends to demolish a number of building additions and individual structures on the site which *are not* seventy-five (75) years old, and not subject to the Demolition Delay Ordinance and are therefore not included in this determination.

Demolition Granted.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017.

(#0239)

COMMUNICATION, City Solicitor Mikaela A. McDermott, to City Council, providing an overview of how the funds in the Judgments, Claims and Settlements line item in the General Government Unclassified account have been spent thus far in FY17; and an overview of the claims and litigation currently pending against the City and finally an estimate of how much additional funding will be needed for Judgment/Claims/Settlements line item for the remainder of FY17. (Copy all Councillors 01/27/2017.)

Referred to the Committee on Finance.

(#0240)

COMMUNICATION, Council President Lopes, submitting a copy of a letter received from Dr. Barry Rabinovitch, New Bedford Public Schools, requesting support for a Statement of Interest (SOI) on behalf of New Bedford Public Schools for an Accelerated Repair Project (ARP) for the Elizabeth Brooks Elementary School, 212 Nemasket Street. (Copy all Councillors 01/30/2017.)

Received and Placed on File.

(#0241)

COMMUNICATION, City Clerk Farias, submitting a letter and plan from Walter H. Lynch, Deputy Director, Right of Way Bureau for the Massachusetts Department of Transportation, notifying the City that the Massachusetts Department of Transportation-Highway Division has altered the location of a section(s) of State Highway, Route 140 at Mount Pleasant Street in New Bedford. (To be Referred to DPI Commissioner Euzebio Arruda.)

Referred to DPI Commissioner Euzebio Arruda.

(#0242)

CITATION, Councillor Gomes, honoring LT. ROBERT A. ANDRADE JR., in recognition of his 37 years of service to the Massachusetts State Police, Bristol County District Attorney’s Office and the people of the Commonwealth of Massachusetts.

Adopted, to be presented at a later date.

(#0243)

WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of The Zeiterion Theatre, that the following street(s) be CLOSED: SPRING STREET, between Purchase Street and Acushnet Avenue, ON WEDNESDAY, MAY 03, 2017, FROM 12:00 P.M. (NOON), TO FRIDAY, MAY 05, 2017, 4:00 P.M., for the purpose of PIPPIN.

Permission Granted.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017.

(#0244)

WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of The Zeiterion Theatre, that the following street(s) be CLOSED: PURCHASE STREET, between School Street and Spring Street (In Front of the Zeiterion Theatre) ON FRIDAY, MAY 05, 2017 AT 4:00 A.M. TO SUNDAY, MAY 07, 2017 AT 8:00 P.M. AND SPRING STREET, between Pleasant Street and Acushnet Avenue AND PURCHASE STREET, from Spring Street and Union Street, ON FRIDAY, MAY 05, 2017, FROM 4:00 A.M., TO SUNDAY, MAY 07, 2017, 12:00 P.M. (NOON) for the purpose of VIVA PORTUGAL

Permission Granted.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0245)

WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of The Zeiterion Theatre, that the following street(s) be CLOSED: SPRING STREET, between Purchase Street and Acushnet Avenue, ON FRIDAY, MARCH 24, 2017, FROM 10:00 P.M. TO SUNDAY, MARCH 26, 2017, 3:00 A.M., for the purpose of RAIN.

Permission Granted.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0246)

WRITTEN MOTION, Councillors Morad and Oliviera, requesting, on behalf of Boy Scout Troop 24, that the following street(s) be CLOSED: CHEROKEE STREET, from Acushnet Avenue to Morton Avenue, ON SATURDAY, MAY 27, 2017, FROM 7:00 A.M. TO 3:00 P.M. for the purpose of The Annual Soap Box Derby Race Event.

Permission Granted.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0247)

WRITTEN MOTION, Councillor Martins, on behalf of area constituents, requesting that the Traffic Commission consider the installation of a TWO-WAY STOP SIGN on the corner of Coffin Avenue and Riverside Avenue.

Referred to the Traffic Commission.

(#0248)

CONSTABLE BOND, GONZALO MORALES, New Bedford, MA 02740 in the amount of \$5,000.00 with the Massachusetts Bay Insurance Company.

Approved.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0249)

ANNUAL REPORT, TIF Board submitting Annual Report for calendar year 2016. (Copy all Councillors 02/15/2017)

Received and Placed on File.

(#0250)

MINUTES, Board of Assessors, submitting MINUTES of a meeting held on January 19, 2017.

Received and Placed on File.

(#0251)

MINUTES, Board of Assessors, submitting MINUTES of a meeting held on January 27, 2017.

Received and Placed on File.

(#0252)

MINUTES, Board of Assessors, submitting MINUTES of a meeting held on February 02, 2017.

Received and Placed on File.

(#0253)

MINUTES, Board of Assessors, submitting MINUTES of a meeting held on February 10, 2017.

Received and Placed on File.

(#0254)

MINUTES, Planning Board, submitting MINUTES of a meeting held on January 11, 2017.
Received and Placed on File. (#0255)

MINUTES, TIF Board, submitting MINUTES of meetings held on May 13, June 20, and
December 20, 2016.
Received and Placed on File. (#0256)

MINUTES, Bristol County PHEP Coalition, submitting MINUTES of meetings held on October
18, and November 15, 2016.
Received and Placed on File. (#0257)

MINUTES, Bristol County PHEP Executive Board, submitting MINUTES of a meeting held on
November 15, 2016.
Received and Placed on File. (#0258)

PETITION/INDEMNITY AGREEMENT, THE FERTILE CRESCENT INC, d/b/a THE
BAKER, for permission to Erect and Maintain a Projecting sign to overhang City Property by 36” at 350
County Street, New Bedford, MA 02740, Provisionally Granted, subject to approval of the Building
Commissioner and subject to ratification by Mayor and City Council.
Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval February 27, 2017.
Approved February 27, 2017. (#0259)

APPLICATION, **M and M Contracting**, for permission to maintain a STREET
OBSTRUCTION at **1959 Purchase Street/Weld Street The Car Barn**, provisionally granted by the City
Clerk on February 22, 2017, subject to ratification by the Mayor and City Council.
Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval February 27, 2017.
Approved February 27, 2017. (#0260)

APPLICATION, **W.C. Smith & Son**, for permission to maintain a STREET OBSTRUCTION at
Lots 1 & 2 Beech Street, provisionally granted by the City Clerk on February 03, 2017, subject to
ratification by the Mayor and City Council.
Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval February 27, 2017.
Approved February 27, 2017. (#0261)

APPLICATION, **RJ Canessa Excavating**, for permission to maintain a STREET
OBSTRUCTION at **186 River Road**, provisionally granted by the City Clerk on February 07, 2017,
subject to ratification by the Mayor and City Council.
Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval February 27, 2017.
Approved February 27, 2017. (#0262)

APPLICATION, **RJ Canessa Excavating**, for permission to maintain a STREET
OBSTRUCTION at **1387 Rockdale Avenue**, provisionally granted by the City Clerk on February 14,
2017, subject to ratification by the Mayor and City Council.
Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval February 27, 2017.
Approved February 27, 2017. (#0263)

APPLICATION, **RJ Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **Map 124C, Portion of Lot 24 Subdivision 1 – Old Plainville Road**, provisionally granted by the City Clerk on February 14, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0264)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **65 Howard Street**, provisionally granted by the City Clerk on February 15, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0265)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **535 Belleville Avenue (Sunshine Donuts)**, provisionally granted by the City Clerk on February 15, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0266)

APPLICATION, **Cardoso Contracting**, for permission to maintain a STREET OBSTRUCTION at **346 Orchard Street**, provisionally granted by the City Clerk on February 17, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0267)

APPLICATION, **W.C. Smith & Son**, to DISTURB THE SURFACE, of **Lots 1 & 2 Beech Street**, provisionally granted by the City Clerk on February 03, 2017 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0268)

APPLICATION, **RJ Canessa Excavating**, to DISTURB THE SURFACE, of **186 River Road**, provisionally granted by the City Clerk on February 07, 2017 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0269)

APPLICATION, **RJ Canessa Excavating**, to DISTURB THE SURFACE, of **1387 Rockdale Avenue**, provisionally granted by the City Clerk on February 14, 2017 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0270)

APPLICATION, **RJ Canessa Excavating**, to DISTURB THE SURFACE, of **Map 124C, Portion of Lot 24 Subdivision 1 – Old Plainville Road**, provisionally granted by the City Clerk on February 14, 2017 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0271)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **65 Howard Street**, provisionally granted by the City Clerk on February 14, 2017 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0272)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **535 Belleville Avenue (Sunshine Donuts)**, provisionally granted by the City Clerk on February 15, 2017 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0273)

APPLICATION, **Cardoso Contracting**, to DISTURB THE SURFACE, of **346 Orchard Street**, provisionally granted by the City Clerk on February 15, 2017 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0274)

APPLICATIONS, **EVERSOURCE**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on February 01, 2017, subject to ratification by the Mayor and City Council as follows:

305 Tinkham Street (#0275)

24 Hammond Street (#0276)

193 Bayview Street (#0277)

16 Hassey Street (#0278)

65 Hillman Street (#0279)

Intersection of Appleton Street and Lowell Street (#0280)

50 & 51 Valentine Street (#0281)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017.

APPLICATIONS, **EVERSOURCE**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on February 06, 2017, subject to ratification by the Mayor and City Council as follows:

60 Independent Street (#0282)

65 Hillman Street (#0283)

385 Middle Street (#0284)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017.

APPLICATIONS, **EVERSOURCE**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on February 08, 2017, subject to ratification by the Mayor and City Council as follows:

85 Purchase Street (#0285)

7 Eastland Terrace (#0286)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017.

APPLICATION, **EVERSOURCE**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on February 15, 2017, subject to ratification by the Mayor and City Council as follows:

350 County Street (#0287)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017.

APPLICATION, **EVERSOURCE**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on February 16, 2017, subject to ratification by the Mayor and City Council as follows:

59 Sylvia Street (#0288)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017.

APPLICATIONS, **EVERSOURCE**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on February 22, 2017, subject to ratification by the Mayor and City Council as follows:

40 Maywood Street (#0289)

130 Tallman Street (#0290)

981 Stratford Street (#0291)

1 Thatcher Street (#0292)

104 Stephanie Place (#0293)

44 Stephanie Place (#0294)

26 Stephanie Place (#0295)

146 Winston Street (#0296)

131 – 133 Winston Street (#0297)

484 – 498 Pleasant Street (#0298)

889 Mount Pleasant Street (#0299)

39 Bismark Meadows Road (#0300)

Between Houses 612 & 616 South Second Street (#0301)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017.

APPLICATIONS, **S&L Roll-Off Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on January 27, 2017, subject to ratification by the Mayor and City Council as follows:

490 Bedford Street (#0302)

490 Bedford Street (#0303)

490 Bedford Street (#0304)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017.

APPLICATION, **Frade's Disposal Service**, for permission to maintain a STREET OBSTRUCTION at **64 Chestnut Street**, provisionally granted by the City Clerk on February 08, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0305)

APPLICATIONS, **S&L Roll-Off Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on February 08, 2017, subject to ratification by the Mayor and City Council as follows:

490 Bedford Street (#0306)

490 Bedford Street (#0307)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017.

APPLICATION, **S&L Roll-off Service**, for permission to maintain a STREET OBSTRUCTION at **490 Bedford Street**, provisionally granted by the City Clerk on February 16, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017. (#0308)

APPLICATIONS, **ABC Disposal Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on February 08, 2017, subject to ratification by the Mayor and City Council as follows:

22 South Water Street (#0309)

1 Clinton Place (#0310)

3 Desautels Street (#0311)

16 Mapleview Terrace (#0312)

19 Fielding Street (#0313)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 27, 2017.

Approved February 27, 2017.

PETITION, NSTAR ELECTRIC COMPANY d/b/a Eversource Energy for location of two (2) 4" Conduits and one 30"x17"x18" Handhole in WEST RODNEY FRENCH BOULEVARD, North of Willard Street.

RECEIVED AND HEARING ORDERED FOR THURSDAY, MARCH 09, 2017.

PETITION, NSTAR ELECTRIC COMPANY d/b/a Eversource Energy for location of one (1) 4" Conduit and one Handhole in COTTAGE STREET, South of Union Street.

RECEIVED AND HEARING ORDERED FOR THURSDAY, MARCH 09, 2017.

PETITION, CELLCO PARTNERSHIP d/b/a Verizon Wireless for location of a Cloud Radio Access Network adjacent to 500 Lantern Lane.

RECEIVED AND HEARING ORDERED FOR THURSDAY, MARCH 09, 2017.

PETITION, CELLCO PARTNERSHIP d/b/a Verizon Wireless for location of a Cloud Radio Access Network adjacent to the Intersection of Whitlow Street and Hathaway Road.

RECEIVED AND HEARING ORDERED FOR THURSDAY, MARCH 09, 2017.

IT WAS VOTED, on a motion made and duly seconded, Yeas 9, Nays 0, to waive Rule 42 in order to take up the late file items. (Councillor Winterson not present for vote.)

WRITTEN MOTION, Councillors Carney and Gomes, requesting that the New Bedford City Council go on record in opposition to the proposed utility-based “pipeline tax”; and further, requesting that letters signed by the body be sent to Speaker of the House DeLeo and Senate President Rosenberg supporting the Mass Power Forward efforts for the legislation that prohibits the harmful and unnecessary “pipeline tax.”

Rule 42 Waived – Yeas 9, Nays 0. (Councillor Winterson not present for vote.)

Adopted – Yeas 8, Nays 1. (Councillor Morad OPPOSED and Councillor Oliveira not present for vote.) (#0314)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 9, ZONING, by adding Section 5720 Temporary Moratorium on Recreational Marijuana Establishments.

Rule 42 Waived – Yeas 9, Nays 0. (Councillor Winterson not present for vote.)

Referred to the Committee on Ordinances and the Planning Board – Yeas 8, Nays 1. (Councillor Morad OPPOSED; Councillor Oliviera not present for vote.) (#0315)

AN ORDINANCE, amending Chapter 9 ZONING by adding Section 5720 Temporary Moratorium on Recreational Marijuana Establishments.

Rule 42 Waived – Yeas 9, Nays 0. (Councillor Winterson not present for vote.)

Referred to the Committee on Ordinances and the Planning Board – Yeas 8, Nays 1. (Councillor Morad OPPOSED; Councillor Oliviera not present for vote.) (#0316)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a Host Community Agreement with Beacon Compassion Center of Norwood, to operate a medical marijuana dispensary facility at 366 Hathaway Road.

Rule 42 Waived – Yeas 9, Nays 0. (Councillor Winterson not present for vote.)

Referred to the Committee on Finance. (#0317)

HOST COMMUNITY AGREEMENT, between the City of New Bedford and Beacon Compassion Center to operate a medical marijuana dispensary facility at 366 Hathaway Road.

Rule 42 Waived – Yeas 9, Nays 0. (Councillor Winterson not present for vote.)

Referred to the Committee on Finance. (#0318)

REPORT, Special Committee on Memorial and Dedications, recommending to the City Council, referred to the Mayor to accept the lot at 18 Seventh Street to be turned into a park honoring the abolitionists’ movement in New Bedford.

Rule 42 Waived – Yeas 9, Nays 0. (Councillor Winterson not present for vote.)

Recommendation Followed and Referred to the Mayor.

Presented to the Mayor on February 27, 2017.

RETURNED UNSIGNED (#0319)

WRITTEN MOTION, Councillor Rebeiro, requesting that the Committee on Appointments and Briefings invite Edward Anthes-Washburn, HDC Executive Director, to update the Community on the expansion of the New Bedford Waterfront, the new refrigeration project, recreational boating and the Harbor Master Plan.

Rule 42 Waived – Yeas 9, Nays 0. (Councillor Winterson not present for vote.)

Referred to the Committee on Appointments and Briefings. (#0320)

On a motion, the Council then adjourned at 8:12 p.m.

ATTEST:

DENNIS W. FARIAS, CITY CLERK/
CLERK OF THE CITY COUNCIL

