

REGULAR MEETING
Chambers of the City Council
Wednesday, April 12, 2017

CITY COUNCIL
Municipal Building
7:30 p.m.

PRESENT: Councillors Carney, Coelho, Gomes, Martins, Morad, and Oliveira.
LATE: Councillor Rebeiro 7:56 p.m.
ABSENT: Councillor Winterson and Council President Lopes.

First Vice- President Linda M. Morad called the meeting to order and presided.

Chaplain Priscilla Louro-Fonseca, Bristol County American Legion led the Assembly in Prayer.

Steven Martins, Councillor Ward Two led the Assembly in the Pledge of Allegiance to the Flag.

COMMUNICATION, Councillor Winterson, to Members of the City Council, informing that he will be absent for the City Council Meeting on Wednesday, April 12, 2017, due to a prior commitment.

Received and Placed on File. (#0490)

COMMUNICATION, Council President Lopes, to Members of the City Council, informing that he will be absent for the City Council Meeting on Wednesday, April 12, 2017, due to attending the Conference of Mayors in St. Louis with Mayor Mitchell.

Received and Placed on File. (#0491)

COMMUNICATION, Mayor Mitchell, to City Council, advising that the New Bedford Police Union and the New Bedford Fire Union have both petitioned the Massachusetts Joint Labor Management Commission (JLMC) to take jurisdiction over their respective contract negotiations.

Received and Placed on File. #0492)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER in the amount of \$6,499,000 authorizing the borrowing of funds to pay costs of environmental cleanup and remediation projects for the Parker Street Waste Site, including assessment, planning, design, permitting, settlement or remediation projects costs at the New Bedford High School mechanical room, Keith Middle School wetland, Nemasket Streets lots, certain acquired residential properties and private properties and the cost of the EPA settlement.

Referred to the Committee on Finance. (#0493)

LOAN ORDER,

Referred to the Committee on Finance. (#0494)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 10, FINANCE, by adding Section 10-47 – Departmental Revolving Funds.

Referred to the Committee on Ordinances. (#0495)

AN ORDINANCE,

Referred to the Committee on Ordinances. (#0496)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$400.00 from LICENSING, SALARIES & WAGES, to LICENSING, CHARGES & SERVICES.

Received and Placed on File. (#0497)

CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 12, 2017

ORDERED, that the sum of FOUR HUNDRED DOLLARS (\$400.00) now standing to the credit of the account from LICENSING, SALARIES & WAGES be and the same is hereby transferred and appropriated to as follows:

LICENSING, CHARGES & SERVICES \$400.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0498)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of RITA RIBEIRO, New Bedford, MA, to the GREATER NEW BEDFORD REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL DISTRICT COMMITTEE; this term will expire May 2021.

TABLED. (#0499)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ROSS NUNES, New Bedford, MA, to the COMMUNITY PRESERVATION COMMITTEE; this term will expire April 2020.

TABLED. (#0500)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ARTHUR MOTTA, New Bedford, MA, to the COMMUNITY PRESERVATION COMMITTEE; this term will expire April 2020.

TABLED. (#0501)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ELAINE SAFIOLEAS, New Bedford, MA as the Board of Park Commissioners' Representative to the COMMUNITY PRESERVATION COMMITTEE, replacing Diane Berube, whose term has expired; this term will expire April 2020.

TABLED. (#0502)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of SARAH MORRIS, MD, New Bedford, MA to the BOARD OF HEALTH, replacing Dr. Athena Xifaras, whose term has expired; this term will expire April 2020.

TABLED. (#0503)

REPORT, Committee on Public Safety and Neighborhoods, recommending to the City Council to take **"NO FURTHER ACTION"** on the 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 be invited: Jason Barker, Safety Committee Chairman and Kevin Cormier, Safety Committee Co-Chairman, New Bedford Firefighters IAFF Local 841.

Recommendation Followed. (#0504)

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.

Referred to the Committee on Public Safety and Neighborhoods – February 23, 2017.

NO FURTHER ACTION. (#0235)

REPORT, Committee on Finance, recommending to the City Council ADOPTION of the LOAN ORDER, AS AMENDED, in the amount of \$4,113,000.00 for the purpose of making critically needed repairs to City-owned buildings including, but not limited to, projects for repairs and renovations of public safety facilities, recreational facilities, general office space, and roads and infrastructure and all costs incidental and related thereto.

Recommendation Followed. (#0505)

LOAN ORDER,

Passed to a Second Reading, as Amended. (#0137)

REPORT, Committee on Finance, recommending to the City Council ADOPTION of the Communication of A Host Community Agreement with ARL Healthcare, Inc. of Newton, MA, to operate a Registered Marijuana Dispensary (“RMD”) cultivation and processing facility in New Bedford, to be located at 167 John Vertente Boulevard, New Bedford Industrial Park; ARL Healthcare, Inc. is currently seeking approval from the Massachusetts Department of Public Health to operate a medical marijuana cultivation/production facility at said location.

Recommendation Followed.

RECONSIDERED by Councillor Morad April 13, 2017. (#0506)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a copy of A Host Community Agreement with ARL Healthcare, Inc., of Newton, MA, to operate a Registered Marijuana Dispensary (“RMD”) cultivation and processing facility in New Bedford, to be located at 167 John Vertente Boulevard, New Bedford Industrial Park; ARL Healthcare, Inc., is currently seeking approval from the Massachusetts Department of Public Health to operate a medical marijuana cultivation/production facility at said location.

Referred to the Committee on Finance – December 8, 2016.

Host Agreement Adopted – Yeas 6, Nays 1. (Councillor Martins OPPOSED; Councillor Rebeiro not present for vote.)

RECONSIDERED by Councillor Morad April 13, 2017. (#2207)

REPORT, Committee on Finance, recommending to the City Council ADOPTION of the Communication of a Host Community Agreement with Beacon Compassion Center of Norwood, to operate a medical marijuana dispensary facility at 366 Hathaway Road.

Recommendation Followed. (#0507)

HOST COMMUNITY AGREEMENT, An 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 – February 23, 2017.

Host Agreement Adopted – Yeas 6, Nays 1. Councillor Morad OPPOSED. Councillor Rebeiro not present for vote.

Presented to the Mayor for approval April 14,

Approved April 20, 2017. (#0318)

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REPORT, Committee on Finance, recommending to the City Council to take “**NO FURTHER ACTION**” on the Written Motion, Councillors Abreu, Winterson, Bousquet and Oliveira, requesting, that the New Bedford City Council require Beacon Compassion Center, Inc. and the appropriate representatives of the City of New Bedford to enter into negotiation and execution of a Host Agreement prior to the opening of the dispensary; and further, that if after ninety (90) days the parties are unable to reach a mutually satisfactory agreement this matter shall be returned to the City Council for review and additional actions if deemed necessary.

Recommendation Followed. (#0508)

WRITTEN MOTION, Councillors Abreu, Winterson, Bousquet and Oliveira, requesting, that the New Bedford City Council require Beacon Compassion Center, Inc. and the appropriate representatives of the City of New Bedford to enter into negotiation and execution of a Host Agreement prior to the opening of the dispensary; and further, that if after ninety (90) days the parties are unable to reach a mutually satisfactory agreement this matter shall be returned to the City Council for review and additional actions if deemed necessary. (Referred to the Committee on Finance – August 18, 2016.)

Rule 42 Waived – Yeas 8, Nays 1. (Councillor Lopes OPPOSED.)

Referred to the Committee on Finance – August 18, 2016.

NO FURTHER ACTION. (#1593)

WRITTEN MOTION, Councillor Carney, on behalf Cecelia Brito, owner of Celia's Boutique, 111 William Street, requesting, that the metered parking space on Pleasant Street located directly in front of said business be removed and that a loading zone be substituted to allow her Designer Reps the ability to off load their merchandise for a buyers trade show and also give the Designers a place to off load the boutique's merchandise to replenish the boutique's inventory. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission. (#0509)

WRITTEN MOTION, Councillor Carney, requesting, that the Traffic Commission look into the traffic pattern on Cove Road heading west between County and Crapo Streets, due to the fact that vehicles are getting damaged because of the lane shift; and further, that the City change the traffic pattern to one lane and paint traffic lines to avoid any confusion. (To be Referred to the Traffic Commission.)

NO FURTHER ACTION. (#0510)

WRITTEN MOTION, Councillor Gomes, requesting that letters be sent to Police Chief Cordeiro, New Bedford Police Union, the Commanding Staff at all three stations, along with the Detectives, Narcotics and Gang Units, with a strong message of Congratulations for their heads up hard work, commitment and dedication to continuously hitting the streets taking drugs, guns and criminals off the streets throughout the City; and further, that a call out to the citizens of the City of New Bedford to recognize this hard work on their behalf, that the residents work and support the Police Department in their continuing efforts to make neighborhoods across the City safe.

Adopted and Rule 40 Waived – Yeas 8, Nays 0. (#0511)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of RITA RIBEIRO, New Bedford, MA, to the GREATER NEW BEDFORD REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL DISTRICT COMMITTEE; this term will expire May 2021.

Removed from Table.

Rule 38 Waived and Reappointment Confirmed – Yeas 8, Nays 0.

Rule 40 Waived – Yeas 8, Nays 0. (#0499)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ROSS NUNES, New Bedford, MA, to the COMMUNITY PRESERVATION COMMITTEE; this term will expire April 2020.

Removed from the Table.

Rule 38 Waived, Reappointment Confirmed and Rule 40 Waived – Yeas 8, Nays 0.

(#0500)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ARTHUR MOTTA, New Bedford, MA, to the COMMUNITY PRESERVATION COMMITTEE; this term will expire April 2020.

Removed from the Table.

Rule 38 Waived, Reappointment Confirmed and Rule 40 Waived – Yeas 8, Nays 0.

(#0501)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ELAINE SAFIOLEAS, New Bedford, MA as the Board of Park Commissioners' Representative to the COMMUNITY PRESERVATION COMMITTEE, replacing Diane Berube, whose term has expired; this term will expire April 2020.

Removed from the Table.

Rule 38 Waived, Reappointment Confirmed and Rule 40 Waived – Yeas 8, Nays 0.

(#0502)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of SARAH MORRIS, MD, New Bedford, MA to the BOARD OF HEALTH, replacing Dr. Athena Xifaras, whose term has expired; this term will expire April 2020.

Removed from the Table.

Referred to the Committee on Appointments and Briefings.

(#0503)

PETITION, **Aaron Tetreault, 1282 Highland Avenue, Fall River, MA 02720 d/b/a Fall River Pawnbrokers, 268 Union Street, New Bedford, MA 02740 and 1351 Acushnet Avenue, New Bedford, MA 02746**, requesting that he be granted a Waiver of Residency in accordance with Section 15-18 of the City Code, to obtain a **RENEWAL OF A PAWNBROKERS LICENSE TO DEAL IN JUNK, OLD METALS OR ANY OTHER SECOND HAND ARTICLES.** (Current Waiver expires April 2017.)

Waiver of Residency GRANTED – Yeas 8, Nays 0.

Presented to the Mayor for approval April 14, 2017.

RETURNED UNSIGNED April 27, 2017.

(#0512)

PETITION, **Douglas Brown, 3 Heritage Lane, Mansfield, MA 02048 d/b/a AVENUE DEALS, 1602 Acushnet Avenue, New Bedford, MA 02746**, requesting that he be granted a Waiver of Residency in accordance with Section 15-18 of the City Code, to obtain a **RENEWAL OF A LICENSE TO DEAL IN JUNK, OLD METALS OR ANY OTHER SECOND HAND ARTICLES.**

Waiver of Residency GRANTED – Yeas 8, Nays 0.

Presented to the Mayor for approval April 14, 2017.

RETURNED UNSIGNED April 27, 2017.

(#0513)

PETITION, **John F. Keithline, 205 Kenyon Avenue, East Greenwich, RI 02818, d/b/a EMPIRE LOAN OF NEW BEDFORD, INC., 1304 Acushnet Avenue, New Bedford, MA 02746**, requesting that he be granted a Waiver of Residency in accordance with Section 15-18 of the City Code, to obtain a **RENEWAL OF A PAWNBROKERS LICENSE TO DEAL IN JUNK, OLD METALS OR ANY OTHER SECOND HAND ARTICLES.**

Waiver of Residency GRANTED – Yeas 8, Nays 0.

Presented to the Mayor for approval April 14, 2017.

RETURNED UNSIGNED April 27, 2017.

(#0514)

PETITION, **Rebecca A. Grace, 170 Davis Road, Westport, MA 02790, d/b/a CROWN and GEARS, 57 Cove Street, New Bedford, MA 02744**, requesting that she be granted a Waiver of Residency in accordance with Section 15-18 of the City Code, to obtain a **RENEWAL OF A LICENSE TO DEAL IN JUNK, OLD METALS OR ANY OTHER SECOND HAND ARTICLES.**

Waiver of Residency GRANTED – Yeas 8, Nays 0.

Presented to the Mayor for approval April 14, 2017.

RETURNED UNSIGNED April 27, 2017.

(#0515)

COMMUNICATION, City Clerk on behalf of the City Treasurer, requesting that the City Council set the City Treasurer's Bond at \$350,000.00.

Adopted.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017.

(#0516)

CITATIONS, Councillor Gomes, honoring the NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP)-NEW BEDFORD BRANCH and the YOUTH COUNCIL UMASS/DARTMOUTH CHAPTER in recognition of the 100th Anniversary Celebration and their contributions to the African-American Culture in the Greater New Bedford Area.

Adopted, to be presented at a later date. (#0517)

CITATION, Councillor Gomes, honoring the UMASS D D'SWORD GOSPEL CHOIR in recognition of their contributions to the 100th Anniversary Gospel Choir Celebration.

Adopted, to be presented at a later date. (#0518)

CITATION, Councillor Gomes, honoring the CHRISTIAN FELLOWSHIP CHURCH in recognition of their dedication and commitment to the Greater New Bedford Area and hosting the NAACP's 100TH Anniversary Gospel Choir Celebration.

Adopted, to be presented at a later date. (#0519)

CITATION, Councillor Gomes, honoring RON BARBOZA, Photographer, in recognition of his 2017 exhibit of Cape Verdean-American Soldiers in uniform serving our country in wars.

Adopted, to be presented at a later date. (#0520)

COMMUNICATION, Councillor Morad, submitting a Memorandum from CFO Ari Sky, regarding the disposition of 103 Sawyer Street Easement proceeds.

Received and Placed on File. (#0521)

WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Our Lady of Mount Carmel Church, that the following street(s) be CLOSED: KATHERINE STREET, from Crapo Street to Bonney Street, ON SATURDAY, JUNE 03, 2017, FROM 4:00 P.M., THROUGH SUNDAY, JUNE 04, 2017, TO 11:00 P.M., for the purpose of Our Lady of Mount Carmel Church Holy Ghost Feast.

Permission Granted.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0522)

WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Our Lady of Mount Carmel Church, that the following street(s) be CLOSED: KATHERINE STREET, between Crapo Street and Bonney Street, ON SATURDAY, JULY 29, 2017, FROM 8:00 A.M. THROUGH SUNDAY, JULY 30, 2016, MIDNIGHT, for the purpose of the Annual Our Lady of Mount Carmel Church Feast; ALSO, that the following streets be CLOSED ON SUNDAY, JULY 30, 2017, FROM 8:00 A.M. THROUGH 5:00 P.M., for the Our Lady of Mount Carmel Church Feast PROCESSION, and so that the streets may be decorated for said Procession, as follows: RIVET STREET, between Crapo Street and Bolton Street; BONNEY STREET, between Rivet Street and Thompson Street; THOMPSON STREET, between Bonney Street and Hemlock Street; HEMLOCK STREET, between Thompson Street and Swift Street; SWIFT STREET, between Hemlock Street and Bolton Street and BOLTON STREET, between Swift Street and Rivet Street for the purpose of Our Lady of Mount Carmel Church Feast Procession.

Permission Granted.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0523)

WRITTEN MOTION, Councillor Martins, requesting, on behalf of the Senhor Da Pedra Club and Feast Committee, that the following street(s) be CLOSED: WEBSTER COURT, from Madeira Avenue to Funchal Place (Hope Street) and TINKHAM STREET, from Madeira Avenue to Funchal Place (Hope Street), ON SATURDAY, JUNE 17, 2017, FROM 10:00 A.M. TO 12:00 P.M. (MIDNIGHT), AND SUNDAY, JUNE 18, 2017, FROM 10:00 A.M. TO 11:00 P.M., for the purpose of THE ANNUAL SENHOR DA PEDRA HOLY GHOST FEAST.

Permission Granted.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0524)

WRITTEN MOTION, Councillor Winterson, requesting, on behalf of Ms. Skylah Reis, that the following street(s) be CLOSED: ANTHONY STREET, from Bedford Street to Grove Street, ON SATURDAY, JULY 15, 2017, FROM 5:00 P.M. TO 10:00 P.M., for the purpose of a Block Party.

Permission Granted.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0525)

WRITTEN MOTION, Councillor Martins, requesting, on behalf of the Community Economic Development Center, that the following street(s) be CLOSED: NYE STREET AND BELLEVILLE AVENUE; COFFIN AVENUE AND BELLEVILLE AVENUE AND BULLARD STREET AND NORTH FRONT STREET, ON SATURDAY, APRIL 22, 2017, FROM 10:00 A.M., TO SUNDAY, APRIL 23, 2017 AT 12:00 P.M. (NOON), for the purpose of a Mural Project on Belleville Avenue across from Riverside Park.

Permission Granted.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0526)

MINUTES, Board of Assessors, submitting MINUTES of meetings held on March 17, March 24, and March 31, 2017.

Received and Placed on File. (#0527)

MINUTES, Cemetery Board, submitting MINUTES of a meeting held on March 23, 2017.

Received and Placed on File. (#0528)

MINUTES, Licensing Board, submitting MINUTES of a meeting held on February 27, 2017.

Received and Placed on File. (#0529)

MINUTES, Bristol County PHEP Coalition, submitting MINUTES of meetings held on February 21 and March 21, 2017.

Received and Placed on File. (#0530)

MINUTES, Bristol County PHEP Executive Board, submitting MINUTES of meetings held on February 21, and March 21, 2017.

Received and Placed on File. (#0531)

APPLICATION, **Pods of New England**, for permission to maintain a STREET OBSTRUCTION at **8 – 10 Plympton Street**, provisionally granted by the City Clerk on April 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 April 14, 2017.

Approved April 20, 2017. (#0532)

APPLICATION, **Frank Corp. Environmental**, for permission to maintain a STREET OBSTRUCTION at **60 Thomas Street**, provisionally granted by the City Clerk on March 23, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0533)

APPLICATION, **W.C. Smith & Son**, for permission to maintain a STREET OBSTRUCTION at **412 Oliver Street**, provisionally granted by the City Clerk on March 29, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0534)

APPLICATION, **J.B. Lanagan & Company**, for permission to maintain a STREET OBSTRUCTION at **736 Ashley Boulevard**, provisionally granted by the City Clerk on March 28, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0535)

APPLICATION, **Able Asphalt, Inc.**, for permission to maintain a STREET OBSTRUCTION at **581 Church Street**, provisionally granted by the City Clerk on April 06, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0536)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **195 Collette Street**, provisionally granted by the City Clerk on April 05, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0537)

APPLICATION, **W.C. Smith & Son**, for permission to maintain a STREET OBSTRUCTION at **52 Morgan Street**, provisionally granted by the City Clerk on April 05, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0538)

APPLICATION, **Able Asphalt, Inc.**, for permission to maintain a STREET OBSTRUCTION at **55 Hammond Street**, provisionally granted by the City Clerk on April 05, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0539)

APPLICATION, **Able Asphalt, Inc.**, for permission to maintain a STREET OBSTRUCTION at **188 Caroline Street**, provisionally granted by the City Clerk on April 05, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0540)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **40 Herman Melville Boulevard**, provisionally granted by the City Clerk on April 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 April 14, 2017.

Approved April 20, 2017. (#0541)

APPLICATION, **SLT Construction**, for permission to maintain a STREET OBSTRUCTION at **464 County Street**, provisionally granted by the City Clerk on April 10, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0542)

APPLICATION, **W.C. Smith & Son**, for permission to maintain a STREET OBSTRUCTION at **42 Park Street**, provisionally granted by the City Clerk on April 12, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0543)

APPLICATION, **Dupre, Inc.**, for permission to maintain a STREET OBSTRUCTION at **49 Willis Street**, provisionally granted by the City Clerk on April 12, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0544)

APPLICATION, **Frank Corp. Environmental**, to DISTURB THE SURFACE, of **60 Thomas Street**, provisionally granted by the City Clerk on March 23, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0545)

APPLICATION, **W.C. Smith & Son**, to DISTURB THE SURFACE, of **412 Oliver Street**, provisionally granted by the City Clerk on March 29, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0546)

APPLICATION, **J.B. Lanagan & Company**, to DISTURB THE SURFACE, of **736 Ashley Boulevard**, provisionally granted by the City Clerk on March 28, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0547)

APPLICATION, **Able Asphalt, Inc.**, to DISTURB THE SURFACE, of **581 Church Street**, provisionally granted by the City Clerk on April 06, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0548)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **195 Collette Street**, provisionally granted by the City Clerk on April 05, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0549)

APPLICATION, **W.C. Smith & Son**, to DISTURB THE SURFACE, of **52 Morgan Street**, provisionally granted by the City Clerk on April 05, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0550)

APPLICATION, **Able Asphalt, Inc.**, to DISTURB THE SURFACE, of **55 Hammond Street**, provisionally granted by the City Clerk on April 05, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0551)

APPLICATION, **Able Asphalt, Inc.**, to DISTURB THE SURFACE, of **188 Caroline Street**, provisionally granted by the City Clerk on April 05, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0552)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **40 Herman Melville Boulevard**, provisionally granted by the City Clerk on April 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 April 14, 2017.

Approved April 20, 2017. (#0553)

APPLICATION, **SLT Construction**, to DISTURB THE SURFACE, of **464 County Street**, provisionally granted by the City Clerk on April 10, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0554)

APPLICATION, **W.C. Smith & Son**, to DISTURB THE SURFACE, of **42 Park Street**, provisionally granted by the City Clerk on April 12, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0555)

APPLICATION, **Dupre Inc.**, to DISTURB THE SURFACE, of **49 Willis Street**, provisionally granted by the City Clerk on April 12, 2017, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0556)

APPLICATION, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on March 29, 2017, subject to ratification by the Mayor and City Council as follows:

Acushnet Avenue between 4060 & 4080 Acushnet Avenue

Received and Action of the City Clerk Ratified.

Presented to the Mayor for Approval April 14, 2017.

Approved April 20, 2017. (#0557)

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on March 31, 2017, subject to ratification by the Mayor and City Council as follows:

99 Stephanie Place (#0558)

105 Brigham Street (#0559)

Sycamore Street /Pleasant Street (State Armory) (#0560)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for Approval April 14, 2017.

Approved April 20, 2017.

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on April 05, 2017, subject to ratification by the Mayor and City Council as follows:

128 Purchase Street (#0561)
19 Circuit Street (#0562)
346 Natick Street (#0563)
249 Belair Street (#0564)

Received and Action of the City Clerk Ratified.
Presented to the Mayor for Approval April 14, 2017.
Approved April 20, 2017.

APPLICATION, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on April 10, 2017, subject to ratification by the Mayor and City Council as follows:

110 Nash Road
Received and Action of the City Clerk Ratified.
Presented to the Mayor for Approval April 14, 2017.
Approved April 20, 2017. (#0565)

APPLICATION, **NSTAR Electric Company d/b/a Eversource Energy**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on March 30, 2017, subject to ratification by the Mayor and City Council as follows:

Cottage Street, South of Union Street
Received and Action of the City Clerk Ratified.
Presented to the Mayor for Approval April 14, 2017.
Approved April 20, 2017. (#0566)

APPLICATION, **Mac Disposal Inc.**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on March 23, 2017, subject to ratification by the Mayor and City Council as follows:

235 Belleville Road
Received and Action of the City Clerk Ratified.
Presented to the Mayor for Approval April 14, 2017.
Approved April 20, 2017. (#0567)

APPLICATIONS, **ABC Disposal Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on March 31, 2017, subject to ratification by the Mayor and City Council as follows:

139 Union Street (#0568)
9 Stapleton Street (#0569)
51 Russell Street (#0570)
28 – 30 Emma Street (#0571)
32 Division Street (#0572)

Received and Action of the City Clerk Ratified.
Presented to the Mayor for Approval April 14, 2017.
Approved April 20, 2017.

PETITION, **NSTAR ELECTRIC COMPANY d/b/a Eversource Energy** for relocation of five (5) Poles and five (5) Poles to be removed in COVE STREET, West of Morton Court.

Received and Placed on File. (#0573)

AN ORDER,
Adopted and ordered recorded in Book of Location Order Records.
Presented to the Mayor for approval April 14, 2017.
Approved April 20, 2017. (#0574)

PETITION, NSTAR ELECTRIC COMPANY d/b/a Eversource Energy for relocation of one (1) Pole and one (1) Pole to be removed in SOUTH FIRST STREET, Corner of Rivet Street.

Received and Placed on File. (#0575)

AN ORDER,

Adopted and ordered recorded in Book of Location Order Records.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0576)

IT WAS VOTED, on a motion made and duly seconded, Yeas 8, Nays 0, to waive Rule 42 in order to take up the late file items.

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the Mayor to execute on behalf of the City an Activity and Use Limitation (AUL) for the Acquired Residential Properties (ARPs) associated with the Parker Street Waste Site (PSWS) Release Tracking Number 4-15685.

Rule 42 Waived – Yeas 8, Nays 0.

Received and Placed on File. (#0577)

IN CITY COUNCIL
CITY OF NEW BEDFORD

APRIL 12, 2017

ORDERED, that the Mayor is hereby authorized to execute, on behalf of the City of New Bedford, an Activities and Use Limitation (AUL) for the Acquired Residential Properties (ARPs) associated with the Parker Street Waste Site (PSWS) Release Tracking Number 4-15685, in substantially the same form as the attached draft. The required Residential Properties are shown on a plan entitled “ACTIVITY AND USE LIMITATION PLAN OF LAND LOCATED ON HATHAWAY BOULEVARD, GREENWOOD STREET & RUGGLES STREET NEW BEDFORD, MASSACHUSETTS OWNED BY THE CITY OF NEW BEDFORD SEPTEMBER 12, 2016”, prepared by Land Planning Inc. 1115 Main Street, Hanson, MA 02341. Sais plan is to be recorded with the Bristol County’ (S.D.) Registry of Deeds.

Rule 42 Waived – Yeas 8, Nays 0.

Adopted.

Presented to the Mayor for approval April 14, 2017.

Approved April 20, 2017. (#0578)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the Mayor to execute on behalf of the City an Activity and Use Limitation (AUL) for the New Bedford High School Campus, associated with the Parker Street Waste Site (PSWS) Release Tracking Number 4-15685.

Rule 42 Waived – Yeas 8, Nays 0.

Received and Placed on File. (#0579)

CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 12, 2017

AN ORDER, that the Mayor is hereby authorized to execute, on behalf of the City of New Bedford, an Activities and Use Limitation (AUL) for the New Bedford High School (NBHS) campus associated with the Parker Street Waste Site (PSWS) and Release Tracking Number 4-15685, in substantially the same form as the attached draft. The New Bedford High School Campus is shown on a plan entitled “ACTIVITY AND USE LIMITATION PLAN OF LAND LOCATED ON HATHAWAY BOULEVARD, PARKER STREET & LIBERTY STREET NEW BEDFORD, MASSACHUSETTS OWNED BY CITY OF NEW BEDFORD OCTOBER 30, 2016 SCALE: 60 FEET TO AN INCH”, prepared by Land Planning Inc. 115 Main Street, Hanson, MA 02341. Said plan is to be recorded with the Bristol County (S.D.) Registry of Deeds.

Rule 42 Waived – Yeas 8, Nays 0.

Adopted.

Presented to the Mayor for Approval April 14, 2017.

Approved April 20, 2017.

(#0580)

COMMUNICATION, Maria Tomasia, Chairwoman, Board of Elections Commissioners, to City Council, submitting Special Election Warrant and list of locations designated as polling precincts for the Special Municipal Election on Tuesday, April 25, 2017, for Councillor of Ward Three, to fill the seat vacated by Councillor Henry G. Bousquet.

Rule 42 Waived – Yeas 8, Nays 0.

Received and Placed on File.

(#0581)

On a motion, the Council then adjourned at 8:13 p.m.

ATTEST:

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