

REGULAR MEETING

Chambers of the City Council

Thursday, March 22, 2018

CITY COUNCIL

Municipal Building

7:02 p.m.

PRESENT: Council President Morad, Councillors Abreu, Carney, Coelho, Giesta, Gomes, Lima, Lopes and Markey.

LATE: Councillor Rebeiro 7:12 p.m.

ABSENT: Councillor Dunn

Council President Linda M. Morad called the meeting to order and presided.

Prayer Led By: Reverend Joanne Lima, Pastor, New Seasons Worship Center

Councilor Giesta led the Assembly in the Pledge of Allegiance to the flag.

COMMUNICATION, Councillor Dunn, to Members of the City Council informing that he will be absent for the City Council Meeting on Thursday, March 22, 2018, due to a prior commitment.

Received and Placed on File. (#0424)

HEARING, on NSTAR Electric Company d/b/a Eversource Energy for location of two (2) 4” Conduits in MACARTHUR DRIVE, North of Elm Street.

Hearing Held.

Petition Placed on File. (#0425)

AN ORDER,

Adopted and ordered recorded in Book of Location Order Records.

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018. (#0426)

HEARING, on NSTAR Electric Company d/b/a Eversource Energy for location of one (1) Pole in COTTAGE STREET, Opposite Merrimac Street.

Hearing Held.

Petition placed on file. (#0427)

AN ORDER,

Adopted and ordered recorded in Book of Location Order Records – Yeas 8, Nays 1.

(Councillor Lopes OPPOSED, Councillor Rebeiro not present for vote.)

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018. (#0428)

COMMUNICATION, Mayor Mitchell to City Council, submitting the REAPPOINTMENT OF DAVID M. SIMOES, New Bedford, MA, 02740 as a SPECIAL POLICE OFFICER.

Recommendation Followed. (#0432)

APPLICATION, DAVID M. SIMOES, New Bedford, MA 02740, for APPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed. (#0433)

COMMUNICATION, Mayor Mitchell to City Council, submitting the REAPPOINTMENT OF DAVID ST. AUBIN, New Bedford, MA, 02745 as a SPECIAL POLICE OFFICER.

Recommendation Followed. (#0434)

APPLICATION, DAVID ST. AUBIN, New Bedford, MA 02745, for APPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed. (#0435)

COMMUNICATION, Mayor Mitchell to City Council, submitting the REAPPOINTMENT OF DONALD CARPENTER, Rehoboth, MA, 02769 as a SPECIAL POLICE OFFICER.

Recommendation Followed. (#0436)

APPLICATION, DONALD CARPENTER, Rehobeth, MA 02745, for APPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed. (#0437)

COMMUNICATION, Mayor Mitchell to City Council, submitting the REAPPOINTMENT OF FRANK STEPHENS, Rehoboth, MA, 02769, as a SPECIAL POLICE OFFICER.

Recommendation Followed. (#0438)

APPLICATION, FRANK STEPHENS, New Bedford, MA 02740, for APPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed. (#0439)

COMMUNICATION, Mayor Mitchell to City Council, submitting the REAPPOINTMENT OF JEFFREY TEIXEIRA, New Bedford, MA, 02740, as a SPECIAL POLICE OFFICER.

Recommendation Followed. (#0440)

APPLICATION, JEFFREY TEIXEIRA, New Bedford, MA 02740, for APPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed. (#0441)

COMMUNICATION, Mayor Mitchell to City Council, submitting the REAPPOINTMENT OF NILTON CORDONIZ, New Bedford, MA, 02745 as a SPECIAL POLICE OFFICER.

Recommendation Followed. (#0446)

APPLICATION, NILTON CORDONIZ, New Bedford, MA 02745, for APPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed. (#0447)

COMMUNICATION, Mayor Mitchell to City Council, submitting the REAPPOINTMENT OF PAUL GORDON, Acushnet, MA, 02743, as a SPECIAL POLICE OFFICER.

Recommendation Followed. (#0448)

APPLICATION, PAUL GORDON, Acushnet, MA 02743, for APPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed. (#0449)

COMMUNICATION, Mayor Mitchell to City Council, submitting the REAPPOINTMENT OF VINCENT RODRIGUES, New Bedford, MA, 02745, as a SPECIAL POLICE OFFICER.

Recommendation Followed. (#0450)

APPLICATION, VINCENT RODRIGUES, New Bedford, MA 02745, for APPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed. (#0451)

RECONSIDERATION, Council President Morad, having voted with the prevailing side on the question of: COMMUNICATION, Mayor Mitchell to City Council, submitting the REAPPOINTMENT OF CHRISTOPHER LEE ROGERS, New Bedford, MA, 02744 as a CONSTABLE and AN APPLICATION, at the regular City Council meeting held on March 8, 2018, hereby filed a Motion to RECONSIDER said vote, this item was posted incorrectly on the Agenda, it should read APPOINTMENT not REAPPOINTMENT. (Council President Morad RECONSIDERED on 03/09/2018 at 8:53 a.m.)

Reconsideration Adopted – Yeas 10, Nays 0. (#0452)

COMMUNICATION, Mayor Mitchell to City Council, submitting the APPOINTMENT OF CHRISTOPHER LEE ROGERS, New Bedford, MA, 02744 as a CONSTABLE.

Received and Placed on File – March 08, 2018.

Received and Placed on File. (#0319)

APPLICATION, NILTON CORDONIZ, New Bedford, MA 02745, for APPOINTMENT as a SPECIAL POLICE OFFICER.

CITY OF NEW BEDFORD
IN CITY COUNCIL
JANUARY 11, 2018

AN ORDER APPROPRIATING \$4,100,334 FOR AN ACCELERATED REPAIR PROJECT AT THE ELIZABETH CARTER BROOKS ELEMENTARY SCHOOL.

BE IT ORDERED, BY THE CITY COUNCIL OF THE CITY OF NEW BEDFORD AS FOLLOWS:

That the City appropriate the amount of Four Million One Hundred Thousand Three Hundred Thirty-Four Dollars (\$4,100,334) for the purpose of paying the costs of repairs to the Elizabeth Carter Brooks Elementary School consisting of the replacement of windows, doors and boilers, the abatement of hazardous materials, handicap accessibility improvements, the installation of a new fire alarm system, the addition of a vestibule and new clerestory metal panels, including the payment of all costs incidental or related thereto (the "Project"); which proposed repair project will materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for a portion of which the City has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Committee; that to meet this appropriation the Treasurer with the approval of the Mayor and the Committee on Finance is authorized to borrow such amount under M.G.L. Chapter 44, Chapter 70B, or pursuant to any other enabling authority; that the City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant that may be received from the MSBA shall be the sole responsibility of the City; provided further that any grant that City of New Bedford may receive from the MSBA for the eligible portion of the Project shall not exceed the lesser of (I) eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and provided that the amount of borrowing authorized pursuant to this order shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

Further, that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all the bonds and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

Further, that any premium received by the City upon the sale of any bonds or notes hereunder, 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 hereunder shall be reduced by the amount of any such premium so applied; and that the Mayor is authorized to take any other action necessary to carry out this project.

Referred to the Committee on Finance – January 11, 2018.

Passed to a Second Reading – February 22, 2018.

Adopted and Rule 40 Waived – Yeas 10, Nays 0.

Presented to the Mayor for approval March 23, 2018.

Approved March 26, 2018.

(#0017)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JANUARY 11, 2018

REPORT, Committee on City Property, recommending to the City Council ADOPTION of AN ORDER, authorizing the award of a contract between the City and W/S Golf Management, for the operation and management of the New Bedford Whaling Municipal Golf Course, the term of the contract is ten years with two additional five-year terms at the City's sole option.

Recommendation Followed. (#0453)

CITY OF NEW BEDFORD
IN CITY COUNCIL
FEBRUARY 22, 2018

ORDERED, that the City Council and Mayor, pursuant to M.G.L., Chapter 30B, Section 12, hereby authorizes the award of a contract between the City and W/S Golf Management, for the operation and management of the New Bedford Whaling Municipal Golf Course. The term of the contract is ten years with two additional five year terms, at the City's sole option. (Referred to the Committee on City Property – February 22, 2018.)

Referred to the Committee on City Property – February 22, 2018.

Adopted – Yeas 8, Nays 2. (Council President Morad and Councillor Rebeiro OPPOSED.)

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018. (#0189)

RELATED MOTION, Councillor Carney, requesting that all Request for Proposals (RFP) involving contracts that the City Council is required to approve be submitted the City Council before the RFP is released to proposed bidders. (To be Referred to the Committee on Ordinances and the Administration.)

Referred to the Committee on Ordinances and the Administration.

Presented to the Mayor for approval March 26, 2018.

RETURNED UNSIGNED – April 24, 2018. (#0454)

REPORT, Committee on City Property, recommending to the City Council that the City Council President establish a Special Committee on the Golf Course Oversight, made up of no fewer than three (3) sitting Councillors, but no more than five (5) (with one being the Councillor of Ward Three), a member of the Park Board (as designated from that body), the City Solicitor and whomever the President may deem necessary to ensure appropriate oversight of the general finances and operation of the Whaling City Golf Course by the Council on behalf of the public; and further, that this Committee remain in existence throughout the length of the Contract in question.

Recommendation Followed and Referred to the City Council President. (#0455)

REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of JACOB GONSALVES, New Bedford, MA to the TRAFFIC COMMISSION; Mr. Gonsalves will be replacing Joseph Eugenio; this term will expire December 2020.

Recommendation Followed. (#0456)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JACOB

REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL, as AMENDED on the Petition, **Joao P. Gomes, 34 Fitch Terrace, Randolph, MA 02368 d/b/a TOO GOOD TO PASS CONSIGNMENT, 1670 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 **LICENSE TO DEAL IN JUNK OR ANY OTHER SECOND HAND ARTICLES**.

Recommendation Followed. (#0458)

PETITION, **Joao P. Gomes, 34 Fitch Terrace, Randolph, MA 02368 d/b/a TOO GOOD TO PASS CONSIGNMENT, 1670 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 **LICENSE TO DEAL IN JUNK OR ANY OTHER SECOND HAND ARTICLES**. (Referred to the Committee on Appointments and Briefings – February 8, 2018.)

Referred to the Committee on Appointments and Briefings – February 08, 2018.

Waiver of Residency Granted – Yeas 10, Nays 0.

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018. (#0158)

REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on a WRITTEN MOTION, Council President Gomes, requesting that the Committee on Appointments & Briefings meet with Parks, Recreation and Beaches Director Mary Rapoza, Police Chief David Provencher, DPI Commissioner Ronald Labelle, and Department of Facilities and Fleet Management Director Kenneth Blanchard, for the purpose of putting together a comprehensive plan of action to deal with summer events being held at Fort Taber and in the south end; and further, that Parks, Recreation and Beaches Director, the Police Chief, DPI and DFFM strictly enforce parks rules and regulations including parks and beaches closing times, furthermore; that the City look into hiring park and beach enforcement officers to enforce the rules and regulations of our parks and beaches.

Recommendation Followed. (#0459)

WRITTEN MOTION, Council President Gomes, requesting, that the Committee on Appointments and Briefings meet with Parks, Recreation and Beaches Director Mary Rapoza, Police Chief David Provencher, DPI Commissioner Ronald Labelle, and Department of Facilities and Fleet Management Director Kenneth Blanchard, for the purpose of putting together a comprehensive plan of action to deal with summer events being held at Fort Taber and in the south end; and further, that Parks, Recreation and Beaches Director, the Police Chief, DPI and DFFM strictly enforce parks rules and regulations including parks and beaches closing times, furthermore; that the City look into hiring park and beach enforcement officers to enforce the rules and regulations of our parks and beaches (Referred to the Committee on Appointments and Briefings – July 16, 2015.)

Referred to the Committee on Appointments and Briefings – July 16, 2015.

NO FURTHER ACTION. (#1295)

WRITTEN MOTION, Councillor Carney, requesting that the City file a HOME RULE PETITION for a liquor

COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW: 2405 Acushnet Avenue (Map 127E, Lot 179), circa 1935, one story, wood framed garage, 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; and therefore, **in light of these findings, the Preservation Planner has determined that the garage structure at 2405 Acushnet Avenue is neither a Historically Significant nor a Preferably Preserved Structure.**

Demolition Granted.

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018. (#0463)

COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW: 2421 Acushnet Avenue (Map 127E, Lot 176), circa 1911, one story, wood framed shed/garage, 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; and therefore, **in light of these findings, the Preservation Planner has determined that the shed/garage structure at 2421 Acushnet Avenue is neither a Historically Significant nor a Preferably Preserved Structure.**

Demolition Granted.

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018. (#0464)

CITATION, Councillor Lopes and Council President Morad, honoring MARGARET CARVALHO, in recognition of her 105th Birthday on March 17, 2018, and with wishes that the Good Lord will give her continues health and happiness.

Adopted. (#0465)

WRITTEN MOTION, Councillor Lima, requesting, on behalf of the Humane Coalition for Animals of Greater New Bedford, that the following street(s) be CLOSED: LT. WALTER P. FULLER MEMORIAL PARKWAY, from Rockdale Avenue West to the Monument, ON SUNDAY, MAY 06, 2018, FROM 8:00 A.M. TO 5:00 P.M., for the purpose of their 19th Annual Dog Walk and Pet Fest in Buttonwood Park.

Permission Granted.

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018. (#0466)

WRITTEN MOTION, Councillor Markey, requesting, on behalf of the Buzzards Bay Coalition, that the following street(s) be CLOSED: MILL ROAD, from Jireh Street to Mazeppa Street, ON: SATURDAY, MAY 19, 2018, FROM 9:00 A.M. TO: 4:00 P.M., for the purpose of The Acushnet River Herring Festival.

Permission Granted.

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018. (#0467)

COMMUNICATION, City Clerk/Clerk of the City Council, to the City Council, notifying that the Office of the City Clerk has received Meeting Minutes from the Historical Commission for meetings held on January 8, and February 5, 2018, Board of Assessors for meetings held on February 28, and March 8, 2018, Bristol County PHEP Executive Board for meetings held on December 19, 2017 and February 20, 2018, Bristol County PHEP Coalition for a meeting held on February 20, 2018, Board of Park Commissioners for meetings held on October 18, and November 15, 2017, Planning Board for a meeting held on February 14, 2018, School Finance Sub-Committee for a meeting held on December 07, 2017, School Committee for a meeting held on February 12, 2018.

Received and Placed on File. (#0470)

APPLICATION, **Page Building Construction**, for permission to maintain a STREET OBSTRUCTION at **18 Johnny Cake Hill**, provisionally granted by the City Clerk on March 16, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018. (#0471)

APPLICATION, **Frank Corp Environmental Services**, for permission to maintain a STREET OBSTRUCTION at **475 Union Street**, provisionally granted by the City Clerk on March 16, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018. (#0472)

APPLICATION, **Bill Andrade & Sons, Inc.**, for permission to maintain a STREET OBSTRUCTION at **Church Street ES 111' N x Joyce Street**, provisionally granted by the City Clerk on March 22, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018. (#0473)

APPLICATION, **Bill Andrade & Sons, Inc.**, for permission to maintain a STREET OBSTRUCTION at **Joyce Street NS 119' E x Church Street**, provisionally granted by the City Clerk on March 22, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018. (#0474)

APPLICATION, **Frank Corp. Environmental Services**, to DISTURB THE SURFACE, of **475 Union Street**, provisionally granted by the City Clerk on March 16, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

APPLICATION, **Bill Andrade & Sons, Inc.**, to DISTURB THE SURFACE, of **Joyce Street NS 119' E x Church Street**, provisionally granted by the City Clerk on March 22, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018. (#0477)

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on March 09, 2018, subject to ratification by the Mayor and City Council as follows:

102 Ashley Boulevard (#0478)

Frank Street, working from Bolton Street to town line (#0479)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018.

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on March 16, 2018, subject to ratification by the Mayor and City Council as follows:

139 Seabury Street (#0480)

722 Summer Street (#0481)

69 Summit Street (#0482)

227 Rounds Street (#0483)

246 Heritage Drive (#0484)

2980 Acushnet Avenue (#0485)

36 Mosher Street (#0486)

171 Grinnell Street (#0487)

728 & 746 Church Street (#0488)

226 Church Street (#0489)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018.

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on March 16, 2018, subject to ratification by the Mayor and City Council as follows:

Cedar Street working from Mill Street to North Street (#0490)

267 – 277 Elm Street (#0491)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 26, 2018.

Approved March 28, 2018.

APPLICATIONS, **ABC Disposal Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on March 09, 2018, subject to ratification by the Mayor and City Council as

