

CLOSE

CITY CLERKS OFFICE
NEW BEDFORD, MA
CITY COUNCIL CALENDAR
Thursday, December 14, 2017

2017 DEC 12 P 4: 23

CITY CLERK

NOTE:

**THE MEETING IS HELD AT 7 PM. CITY COUNCIL CHAMBERS - ROOM 214, CITY HALL,
133 WILLIAM STREET, NEW BEDFORD, MA. FOR OFFICIAL POSTING, PLEASE SEE
CITY'S WEBSITE**

PRAYER LED BY:

REVEREND DAVID LIMA, NEW SEASONS WORSHIP CENTER

PLEDGE OF ALLEGIANCE

RESOLUTIONS

1. RESOLUTION, Council President Lopes, Councillors Abreu, Carney, Coelho, Dunn, Gomes, Martins, Morad, Oliveira and Rebeiro, honoring KERRY M. WINTERSON, COUNCILLOR WARD FIVE, on the occasion of his retirement from the New Bedford City Council.

2. RESOLUTION, Council President Lopes, Councillors Abreu, Carney, Coelho, Dunn, Gomes, Martins, Morad, Rebeiro and Winterson, honoring JAMES D. OLIVEIRA, COUNCILLOR WARD ONE, on the occasion of his retirement from the New Bedford City Council.

3. RESOLUTION, Council President Lopes, Councillors Abreu, Carney, Coelho, Dunn, Gomes, Morad, Oliveira, Rebeiro and Winterson, honoring STEVEN MARTINS, COUNCILLOR WARD TWO, on the occasion of his retirement from the New Bedford City Council.

HEARINGS

4. A HEARING on NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY for location of one (1) 4" Conduit in MADISON STREET, East of South Sixth Street.

4a. AN ORDER,

5. A 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 RIVET STREET, West of Bolton Street.

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5a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting three Ordinances, regarding Outdoor Café permits.

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M1a. AN ORDINANCE, amending Chapter 15, Article VI – Planning Board Licenses and Permits – Section 15-100 Outdoor Café permit.

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M1b. AN ORDINANCE, amending Chapter 17, Section 17-18 Noncriminal disposition of violations of certain Ordinances, rules and regulations by adding Section 15-100 Outdoor Café permit.

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M1c. AN ORDINANCE, amending Chapter 17, Section 17-28, Chapter 40U of the Massachusetts General Laws by adding Section 15-100 Outdoor Café permit.

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting the appointment of JAMIE PONTE, as COMMISSIONER OF PUBLIC INFRASTRUCTURE, and requesting a ONE-YEAR Waiver Residency for Mr. Ponte who resides in Rochester, MA.

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting a WAIVER OF RESIDENCY for John E. Flor, Associate City Solicitor with the Office of the City Solicitor, who resides in South Easton, MA.

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting a WAIVER OF RESIDENCY for Elizabeth Treadup Pio, Associate City Solicitor with the Office of the City Solicitor, who resides in Acushnet, MA.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting a request for a renewal of a ONE-YEAR Waiver of Residency for the Director of Human Resources, Sandra Vezina, Acushnet, MA; Ms. Vezina's current waiver expires December 2017.

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$900.00 from PLANNING, SALARIES & WAGES to PLANNING, CAPITAL OUTLAY.

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M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for ANTERO &

MARIA RESENDES, 300 Nash Road, New Bedford, MA, in the amount of \$454.96.

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for CHARLES & LYDIA JACINTHO, 99 Swift Street, New Bedford, MA, in the amount of \$150.04.

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of RICHARD CANASTRA, Dartmouth, MA to the HARBOR DEVELOPMENT COMMISSION, this term will expire December 2020.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of PATRICIA A. LAREAU, New Bedford, MA to the HARBOR DEVELOPMENT COMMISSION, this term will expire December 2020.

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ROBERT C. BROMLEY, New Bedford, MA to the VETERANS ADVISORY BOARD, this term will expire December 2020.

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CHRISTOPHER HOLTKAMP, New Bedford, MA to the VETERANS ADVISORY BOARD, this term will expire December 2020.

CHARTER RULED ITEM

CR1. COMMUNICATION, Mayor Mitchell, to City Council, requesting a ONE-YEAR WAIVER OF RESIDENCY for DAMON CHAPLIN, the Director of Public Health, and a salary request of Grade M-16, Step 3. (Charter Ruled by Councillor Morad – November 21, 2017.)

CR2. COMMUNICATION, Mayor Mitchell, to City Council, requesting a WAIVER OF RESIDENCY for DARIO QUINTANA, Local Building Inspector, in the Department of Inspectional Services, who resides at Albion, RI. (Charter Ruled by Councillor Morad – November 21, 2017.)

NEW BUSINESS

6. LOAN ORDER, ordered that the City appropriate \$2,000,000.00 to pay costs of the planning and design of and the land acquisition for a new south public safety center, including architectural and engineering services, and all other costs incidental or related thereto. (Passed to a Second Reading – November 21, 2017.)

7. AN ORDINANCE, amending Chapter 17 of the City Code - RELATIVE TO THE USE OF MARIJUANA IN PUBLIC. (Passed to a Second Reading - November 09, 2017.)

8. AN ORDINANCE, rezoning parcels of land at 473 County Street, Plot 52/Lot 170 and on the south side of Elm Street, Plot 52/Lot 169 from Residence "A" to MIXED USE BUSINESS. (Passed to a Second Reading 11/21/2017.)

9. REPORT, Committee on Finance, recommending that the City Council take "NO FURTHER ACTION" on the WRITTEN MOTION, Councillors Abreu, Carney, Martins, Morad, Rebeiro and Winterson, requesting, that Airport Manager Scot Servis and Chief Financial Officer Ari Sky appear before the Committee on Finance to discuss the "reported" appointment of the Acting Assistant Manager, the salary being paid by the Airport Enterprise Fund to the Acting Assistant Manager and the specific duties that are the responsibility of the Acting Assistant Manager. (To be Referred to the Committee on Finance.)

9a. WRITTEN MOTION, Councillors Abreu, Carney, Martins, Morad, Rebeiro and Winterson, requesting, that Airport Manager Scot Servis and Chief Financial Officer Ari Sky appear before the Committee on Finance to discuss the "reported" appointment of the Acting Assistant Manager, the salary being paid by the Airport Enterprise Fund to the Acting Assistant Manager and the specific duties that are the responsibility of the Acting Assistant Manager. (Referred to the Committee on Finance – September 14, 2017.)

10. WRITTEN MOTION, Council President Lopes and Abreu, requesting, that the City establish a sponsorship program for Pocket Parks in New Bedford. (To be Referred to Mayor Mitchell, Director of Parks, Beaches, and Recreation and the Director of Community Preservation and Housing, and the Committee on Appointments and Briefings.)

11. WRITTEN MOTION, Council President Lopes, requesting, that the Director of Parks, Recreation, and Beaches install signage at each of the City's parks and beaches that provides a narrative of the area as well as rules for the area. (To be Referred to the Director of Recreation, Parks, and Beaches and the Committee on Appointments and Briefings.)

12. WRITTEN MOTION, Council President Lopes, requesting, on behalf of the property owner located at 52 Fern Street, that the Department of Public Infrastructure request Eversource Energy to install a streetlight on the pole located across from 52 Fern Street.

13. WRITTEN MOTION, Councillors Winterson and Gomes, requesting, that the one million dollars that has been earmarked and set aside in the last Budget for road work on Grape Street be utilized without delay, the location being Grape Street, from Field Street to Oak Street and Oak Street to Dartmouth Street, stopping at the opening of Rural Cemetery, this stretch of road is severely damaged due to excessive wear and neglect, this is a well travelled road that sees a great deal of hospital traffic, visitors and ambulances alike, there have been constituent

complaints of tire and rim damage to vehicles, and this repair work needs to be prioritized before the conditions worsen even more.

14. WRITTEN MOTION, Councillor Gomes, requesting, that the City and the State Department of Transportation take immediate action on the new Route 18 railroad overpass to install fencing and temporary surveillance cameras for the purpose of catching those that choose to graffiti the railroad crossing; and further, that the Committee on Ordinances once more look at the laws pertaining to graffiti in the City in New Bedford and see if there's anything we can do to strengthen them in order to prosecute and hold accountable those persons who put graffiti in the City in New Bedford.

15. WRITTEN MOTION, Councillors Rebeiro, Abreu and Dunn, requesting that the Committee on Ordinances amend Chapter 15, Article VI – Planning Board Licenses and Permits, Section 15-100 Outdoor Café Permits, to allow year round outdoor dining with the placement of seating and tables as well as any legal accompaniments to the standing establishments; and further that this matter be heard when the Committee reviews the newly submitted Outdoor Café Permit Ordinance.(To be Referred to the Committee on Ordinances, and that Representatives of Inspectional Services, Planning Board and the Licensing Board, along with Restaurant Owners and Abutters be invited to said meeting.)

16. WRITTEN MOTION, Councillors Rebeiro, Carney, Abreu, Council President Lopes, Councillors Winterson, Gomes, Morad, Coelho and Martins, on behalf of the fishermen and businesses affected by the abrupt closing of Sector IX in the New Bedford's waters that prohibit our participation in ground fishing until April 2018, requesting that a letter be sent to NOAA Regional Administrator John Bullard and our Federal Delegation, asking for an immediate reversal as this has had and will continue to place a devastating toll on over 300 fishermen and several local businesses associated with this industry; and further, that the Committee on Appointments and Briefings invite those affected including fishermen, business owners and Attorney Andrew Saunders to a meeting to explain how this will affect the entire City.

17. WRITTEN MOTION, Councillors Coelho and Carney, requesting, on behalf of constituents, a re-evaluation of streetlights in high crime neighborhoods throughout the City to determine whether the voltage in the streetlights are set as high as possible. (To be Referred to the Department of Public Infrastructure and the Committee on Public Safety and Neighborhoods.)

18. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with the owner and operator of Nice N' Clean Car Wash located at Bolton Street and Bliss Street, this property has an ongoing problem with trash and maintenance affecting the entire neighborhood and businesses surrounding the property, it also affects the Veterans monument located just across the street south

of said business; and further, that the Health Department and the Department of Inspectional Services take a look at this location and issue notices for trash and maintenance violations and that the owner be notified of any violations.

19. WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and the Director of the Whaling Museum take immediate action to make sure that the "Grand Panorama of a Whaling Voyage Around the World" stays in New Bedford. this painting is the largest in the world, has been restored and the City should make every effort along with the Whaling Museum to ensure that it remains in the City that set the history of Whaling in this country; and further, that the City find a suitable location for this treasure; and further, that the City will be glad to share this with the world, but it belongs to the City of New Bedford and this should be its home, this painting is part of our City's history.

20. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of JENNY R. MEJIA, 88 Sagamore Street, New Bedford, MA, 02740 d/b/a JENNY'S TRANSPORTATION LLC, 88 Sagamore Street, New Bedford, MA, 02740, hereby submits a copy of the Application requesting a RENEWAL of a Private Livery License, under the provisions of M.G.L. Chapter 159A, Section 1 and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation, to carry passengers for hire over the streets of New Bedford. (Current License expired 11/22/2017.)

21. COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner and Secretary to the Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW of 69 RYAN STREET, (MAP 39/LOT 238), a Circa 1920 Concrete Block Garage Structure, – advising that "the structure is not located within 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 69 Ryan Street is neither a Historically Significant nor a Preferably Preserved structure."

22. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: PARTIAL DEMOLITION – ROOF ONLY of 475 PURCHASE STREET, (MAP 41/LOT 52). – the property owner is proposing the partial demolition of the roof for the purpose of raising the overall height of the roof and adding another story to the building, no other demolition work has been proposed at this time or reviewed by the NBHC; the Jireh L. Ferguson House was constructed in 1841, in the Greek Revival style and is a contributing resource within the County Street National Register District; the property has historical significance due to its association with the broad architectural, cultural, economic political and social history of the City during the height of the whaling industry in the 19th century; the

property owner has worked with the NBHC, and in the proposed design, dated 11/15/17, has revised the plans in an effort to mitigate the adverse effect the proposal will have on the property and District, "in light of these findings, the New Bedford Historical Commission has determined that the structure at 475 Purchase Street is Historically Significant, but is not a Preferably Preserved structure, this determination is applicable to demolition of the roof only."

23. COMMUNICATION, Joseph E. Connarton, Executive Director of the Commonwealth of Massachusetts Public Employee Retirement Administration Commission to the New Bedford Retirement Board, notifying that \$33,082,046.00 is the required Fiscal Year 2019 Appropriation, which commences on July 01, 2018. (Copy all Councillors 11/27/2017.)

24. COMMUNICATION, Dennis W. Farias, City Clerk/Clerk to the City Council, submitting copy of a letter from Kaitlin Maher, Paralegal, Office of the Attorney General, to Ronald Beaty, West Barnstable, MA, relative to the Open Meeting Law Complaint made by Mr. Beaty.

TABLED BUSINESS

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*In accordance with the Americans with Disabilities Act (ADA),
if any accommodations are needed,
please contact the City Council Office at 508-979-1455.
Requests should be made as soon as possible
but at least 48 hours prior to the scheduled meeting.*