

**CITY COUNCIL CALENDAR  
THURSDAY, APRIL 12, 2018  
7 P.M. CITY COUNCIL CHAMBERS – ROOM 214  
CITY HALL, 133 WILLIAM STREET, NEW BEDFORD, MA**

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**OPENING OF SESSION BY: CITY COUNCIL PRESIDENT LINDA M. MORAD**

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**PRAYER LED BY: REVEREND KEVIN HARRINGTON, ST. FRANCIS OF ASSISI PARISH**

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**PLEDGE OF ALLEGIANCE**

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**MAYOR'S PAPERS**

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a Request for Proposal and Proposal for the Sale of Real Property at 14 Hervey Tichon Avenue, Assessor's Map 66, Lots 135, 137, 145, 147 and 148.

M1a. AN ORDER, that pursuant to M.G.L. Chapter 40, Section 15A, the real property located in New Bedford, MA and being shown on New Bedford Assessor's Map 66, Lot 135, 137, 145, 147 and 148 be declared surplus property, no longer needed for the municipal property for which the property was acquired or for any other municipal purpose, and further be hereby placed under the custody and control of the Committee on City Property for the purpose of sale.

M1b. AN ORDER, that pursuant to M.G.L. Chapter 40, Section 3, the real property located in New Bedford, MA and being shown on New Bedford Assessor's Map 66, Lot 135, 137, 145, 147 and 148 be sold to Nordic Fisheries, Inc. in accordance with Massachusetts General Laws Chapter 30B and New Bedford Code of Ordinances Section 2-65, et. seq. and the terms of a purchase and sale agreement and deed to be drafted by the City Solicitor and executed by the Mayor.

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting a RFP and Proposal for the Sale of Real Property at 22 Antonio L. Costa, Boulevard, Assessor's Map 66, Lots 128 and 136.

M2a. AN ORDER, that pursuant to M.G.L. Chapter 40, Section 15A, the real property located in New Bedford, MA and being shown on New Bedford Assessor's Map 66, Lot 128 and 136 be declared surplus property, no longer needed for the municipal property for which the property was acquired or for any other municipal purpose, and further be hereby placed under the custody and control of the Committee on City Property for the purpose of sale.

M2b. AN ORDER, that pursuant to M.G.L. Chapter 40, Section 3, the real property located in New Bedford, MA and being shown on New Bedford Assessor's Map 66, Lots 128 and 136 be sold to Nordic Fisheries, Inc. in accordance with Massachusetts General Laws Chapter 30B and New Bedford Code of Ordinances Section 2-65, et. seq. and the terms of a purchase and sale agreement and deed to be drafted by the City Solicitor and executed by the Mayor.

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting a REVISED LOAN ORDER appropriating \$6,305,000.00 for the FY2018 Capital Bond. (This revised Loan Order replaces the Order submitted on January 25, 2018.)

M3a. LOAN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting four (4) ORDERS authorizing the Mayor to execute on behalf of the City four (4) Activity and Use Limitation's (AUL's) for the New Bedford Intermodal Center located at the Whale's Tooth Parking Lot.

M4a. AN ORDER, (Map 72, Lot 244)

M4b. AN ORDER, (Map 66, Lot 172)

M4c. AN ORDER, (Map 66, Lot 127)

M4d. AN ORDER, (Map 66, Lot 133)

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting a request from the Buttonwood Park Zoological Society to name the Zoo's new nature play area "Charlie's Nature Play."

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE amending Chapter 10, Section 10-47 Departmental Revolving Fund to add the new Golf Course Revolving Fund.

M6a. AN ORDINANCE,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$680,000.00 from STABILIZATION FUND, to POLICE, SALARIES & WAGES.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$6,000.00 from PARKS AND RECREATION, SALARIES & WAGES, to PARKS AND RECREATION, CHARGES & SERVICES in the amount of \$3,400.00 and PARKS AND RECREATION, SUPPLIES & MATERIALS in the amount of \$2,600.00.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for NATALIE CROMPTON, 127 Carroll Street, New Bedford, MA, in the amount of \$2,981.44.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for LARRY DEHNER, 24 North Water Street, New Bedford, MA, in the amount of \$1,568.16.

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for JASON COUTO, 1445 Pleasant Street, New Bedford, MA, in the amount of \$242.00.

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for WHALING CITY APT. RENTAL LLC c/o Nicholas Tavenner, 19 Willard Street, New Bedford, MA, in the amount of \$2,647.48.

M13. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of DR. CRAIG LONGO, North Dartmouth, MA, to the BOARD OF HEALTH; this term will expire February 2021 and also submitting a renewal of a ONE-YEAR Waiver of Residency, Dr. Longo has been a Board of Health member since June 2012; said waiver will be in effect until April 2019.

M14. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of PETER BLANCHARD, New Bedford, MA to the CONSERVATION COMMISSION; this term will expire April 2021.

M15. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of VERY REVEREND CONSTANTINE BEBIS, New Bedford, MA, to the LIBRARY BOARD OF TRUSTEES, this term will expire April 2021.

M16. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CARL J. CRUZ, New Bedford, MA, to the LIBRARY BOARD OF TRUSTEES, this term will expire April 2021.

M17. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of DR. JOHN FLETCHER, New Bedford, MA, to the LIBRARY BOARD OF TRUSTEES, this term will expire April 2021.

M18. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of LAURA PARRISH, New Bedford, MA, to the ZONING BOARD OF APPEALS, as an Alternate Member, replacing Donald Gomes whose term has expired; this term will expire December 2019.

M19. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of SHAWN MACFARLAND, New Bedford, MA as a SPECIAL POLICE OFFICER.

M19a. APPLICATION,

***NEW BUSINESS***

1. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the RESOLUTION, Approving Certified Project Application and Special Tax Assessment Agreement with Plumbers' Supply Company, Inc.

1a. RESOLUTION, (Referred to the Committee on Finance – March 08, 2018.)

2. REPORT, Committee on City Property, recommending to the City Council to proceed to sell the parcel and ADOPTION of the ORDER, requesting that certain airport land be declared surplus property and control of the land be transferred from the Airport to the Committee on City Property for the purpose of sale.

2a. AN ORDER,

3. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, amending Chapter 6, Buildings and Other Structures, which lowers the number of valid police complaints necessary for a property to be designated a problem property from eight to four.

3a. AN ORDINANCE, (To be Passed to a Second Reading.)

4. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, AS AMENDED, amending Chapter 6, Buildings and Other Structures, that requires the owners of non-owner occupied buildings to post the contact information of the property owner and manager or agent in a conspicuous place in the building's main public area.

4a. AN ORDINANCE, (To be Passed to a Second Reading, as amended.)

5. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, AS AMENDED, amending Chapter 12, Section 12-41, that property owners have only three (3) days as opposed to fourteen (14) to dispose of litter that is a source of filth or that is dangerous to the public health, safety or welfare.

5a. AN ORDINANCE, (To be Passed to a Second Reading, as amended.)

6. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of KAREN COSME, New Bedford, MA, to the VETERANS ADVISORY BOARD; Ms. Cosme will be replacing William Rogers whose term has expired; this term will expire in December 2020.

6a. COMMUNICATION, Mayor Mitchell, to City Council, submitting to APPOINTMENT of KAREN COSME, New Bedford, MA, to the VETERANS ADVISORY BOARD; Ms. Cosme will be replacing William Rogers whose term has expired; this term will expire in December 2020. (Referred to Committee on Appointments and Briefings – March 8, 2018.)

7. REPORT, Committee on Appointments & Briefings, recommending that the City Council request that Attorney Gerwatowski review the current process for granting of Street Disturbance Permits to determine if the current procedure should be modified and provide the Council more direct responsibility in granting/revoking contractor permits. (To be referred to the Committee on Public Safety & Neighborhoods)

8. REPORT, Committee on Appointments & Briefings recommending to the City Council APPROVAL, PENDING SITE PLAN APPROVAL, on the APPLICATION, Humberto Martinez, TIRE REPAIR FACILITY, for a SPECIAL PERMIT for Motor Vehicle General Repairs and Light Service at 956-958 Brock Avenue, New Bedford, MA 02744.

8a. SPECIAL PERMIT APPLICATION,

9. WRITTEN MOTION, Council President Morad, requesting that the Committee on Public Safety and Neighborhoods invite Election Commission Chairperson Manuel DeBrito to the next meeting to discuss consolidation of polling locations across the City in an effort to find places that are safe for residents to access, accessible to those residents with disabilities, have ample off-street parking during voting hours and are comfortable for the Wardens and poll workers that are working on behalf of the City to ensure a fair election process. (To be Referred to the Committee on Public Safety and Neighborhoods.)

10. WRITTEN MOTION, Council President Morad, requesting that the Committee on Ordinances review the City Code, specifically Section 22-15; Snow and Ice - Removal From Sidewalks; Required, in an effort to determine if changes should be made to said Code Section as currently written. (To be Referred to the Committee on Ordinances.)

11. WRITTEN MOTION, Councillor Rebeiro, requesting that the Council explore the opportunity to become a Human Rights City and discuss the research done by U/Mass Dartmouth students during a Committee on Ordinances meeting as to the benefits to the Citizens and what this entails in greater detail. (To be Referred to the Committee on Ordinances.)

12. WRITTEN MOTION, Councillor Gomes, requesting, that the City Administration, Department of Parks, Recreation and Beaches, Police Department, Animal Control and the Department of Public Infrastructure take immediate action on behalf the residents of East Rodney French Boulevard pertaining to beach area problems; the parking, drinking in public, loud music, speeding, drug use, and the location of the beach volleyball net, to name a few of their concerns; and further, that the Committee on Public Safety and Neighborhoods meet with residents of that area to determine if these issues cannot be resolved within 30 business days before the summer season approaches.

12a. COMMUNICATION, Councillor Gomes, submitting letters from East Rodney French Boulevard residents detailing their concerns regarding problems surrounding the East Beach Area.

13. WRITTEN MOTION, Councillor Gomes, requesting, that members of the City Council, Mayor Mitchell, Congressman Keating, Senators Markey and Warren and our local State Legislative Delegation put together and hold an emergency summit in the City of New Bedford to address the crisis the fishing industry is facing relative to the Sector IX closings and the docking of our groundfishing boats that have sent a ripple effect through the fishing industry and its services, nearly 700 people in the industry have been affected by the closing; and further, that NOAA Director RDML Timothy Gallaudet, Ph.D., USN Ret., along with Coastal Director Jeffrey L. Payne, Ph.D., out of Washington D. C., along with any other agency's representatives be invited to deal with this issue along with Regional Administrator Michael Pentony, SMAST Professor Dan Georgiana and the entire board members of Sectors IX and VII, along with representatives from the fishing industry to include Richard Canastra of Seafood Exchange, the urgency of this summit being called is needed now and for the future of the fishing industry and what it means to the jobs and the economic stimulus of this waterfront City that has ranked first in the nation in dollars and cents when it comes to the fishing industry.

14. WRITTEN MOTION, Councillor Gomes, requesting, on behalf of Norman Burgo, Command Chief Master Sergeant, USAF, Retired, that the City Council forward a letter to State Senator Mark C.W. Montigny pertaining to the disabled Veterans process and waiting time to receive disabled veterans license plates in the Commonwealth of Massachusetts; and further, that the City Council go on record and send letters of support along with Mr. Norman Burgo's communication to Senator Montigny to our State Legislative Delegation and the Veterans Affairs office for the Commonwealth of Massachusetts; and further, requesting that our State Legislative Delegation address this issue with Massachusetts RMV on behalf of all disabled Veterans in the Commonwealth.

14a. COMMUNICATION, Councillor Gomes, submitting a copy of a letter from Norman Burgo, Command Chief Master Sergeant, USAF, Retired, to Senator Mark C.W. Montigny relative to disabled Veterans license plates.

15. WRITTEN MOTION, Councillor Gomes, requesting, that the City of New Bedford consider notifying all businesses affected by the routes for road races, these road races have had an effect on businesses that at times have shut down for a couple hours due to road closings, these notifications will assist business owners and how they staff their businesses, and more importantly, when preparing road closings that the City make every effort to ensure that accessibility to businesses is taken into consideration when mapping out the routes; and further, that a copy of all maps be included with any Street Closing that goes before this body.

16. PETITION/INDEMNITY AGREEMENT, NB Hotel LLC, 222 Union Street, New Bedford, MA 02740, for permission to encroach onto City property with a 68½ ft. x 86½ ft. Awning to include the corner of Pleasant Street and Union Street.

16a. AN ORDER,

17. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **David Robinson, 192 North Front Street, Apt 3, New Bedford, MA 02746, FAST NB, INC, d/b/a FAST, 192 North Front Street, New Bedford, MA 02746**, hereby submitting a copy of the Application requesting a NEW PRIVATE LIVERY LICENSE, under the provisions of Massachusetts General Laws, 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.

18. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **EDWIN MEDINA, 89 Smith Street, New Bedford, MA 02740 d/b/a ED'S TRANSPORTATION, 89 Smith Street, New Bedford, MA 02740**, hereby submits a copy of the Application requesting a NEW 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.

19. COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW OF 1233 EAST RODNEY FRENCH BOULEVARD, (MAP 8/LOT 182), a Circa 1920 one story wood framed residence – 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; the structure has been vacant for nearly a decade, has experienced a high level of deferred maintenance, is located in a flood hazard area; and therefore the level of rehabilitation required to meet current building code standards far exceed the value of the property, in light of these findings, “the Preservation Planner has determined that the structure at 1233 East Rodney French Boulevard is neither a Historically Significant nor a Preferably Preserved Structure.”

20. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW OF 2914 ACUSHNET AVENUE, (MAP 130D, LOT 248) a Circa late nineteenth century two-story residence – advising that “the structure is historically significant due to its association with members of the Spooner family who settled in this location from Plymouth in 1660, eight years after the “Old Dartmouth” land mass was purchased from Wamsutta in 1652, the Spooners were a well respected farming family whose vast land holdings were primarily located in the subject area, north of Acushnet Village; the residential structure, although associated with the Spooner family, has been altered with the application of vinyl siding and its original windows replaced; the property lack integrity, as it no longer possesses its historic qualities of setting and feeling, the land surrounding the subject parcel is no longer used for agricultural purposes and due to its location bordered by commercial development and its current Mixed-Use Business Zoning; it is no longer attractive as a residential use, in light of these finding, the New Bedford Historical Commission has determined that the structure at 2914 Acushnet Avenue is historically significant, but not a preferably preserved historic structure.”

21. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW OF 2904 ACUSHNET AVENUE, (MAP 130D, LOT 247) a Circa late nineteenth century two-story residence and barn structure – advising that “the structures are historically significant due to their association with members of the Spooner family who settled in this location from Plymouth in 1660, eight years after the “Old Dartmouth” land mass was purchased from Wamsutta in 1652, the Spooners were a well respected farming family whose vast land holdings were primarily located in the subject area, north of Acushnet Village; the residential structure, although associated with the Spooner family, has been altered, the barn, which retains its original form, massing and materials, is a good example of its regional barn type and is significant due to its connection with the Spooner family, its long term agricultural use, and is representative of New Bedford’s early rural character, the property lacks in integrity, as it no longer possesses its historic qualities of setting and feeling, the land surrounding the subject parcel is no longer used for agricultural purposes and due to its location bordered by commercial development and its current Mixed-Use Business Zoning; it is no longer attractive as a residential use, additionally, the barn currently lacks context due to its commercial surrounding and will not likely experience adaptive reuse, “in light of these findings, the New Bedford Historical Commission has determined that the structures at 2904 Acushnet Avenue are historically significant, but not preferably preserved historic structures.”

22. COMMUNICATION, Council President Morad, submitting a copy of the City of New Bedford’s Comprehensive Annual Financial Report (CAFR), Fiscal Year ended June 30, 2017. (To be Referred to the Committee on Audit.)

23. COMMUNICATION, Council President Morad, submitting a communication from the New Bedford Contributory Retirement System notifying that the April 26, 2018 Retirement Board Agenda will include the COLA adjustment for retirees of the New Bedford Retirement System. (Copy all Councillors March 26, 2018; To be Received and Placed on File.)

24. COMMUNICATION, Council President Morad, submitting a copy of the letter from Jacob Gonsalves, New Bedford, MA 02744, submitting his resignation from the Conservation Commission effective April 4, 2018. (Copy all Councillors via email March 28, 2018; To be Received and Placed on File.)

25. COMMUNICATION, Council President Morad, submitting a copy of letter from Catherine Cametti, President/CEO from Beacon Compassion Center, dated March 19, 2018, notifying that Beacon has filed paperwork with

4/10/2018 3:58:48 PM CITY CLERK

the Department of Public Health to move its approved cultivation and processing center from Northborough to Attleboro.  
(To be Received and Placed on File.)

***TABLED BUSINESS***

***NO ITEMS ON THIS AGENDA.***

***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.***