

**CITY COUNCIL CALENDAR  
THURSDAY, NOVEMBER 14, 2019  
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: RABBI RAPHAEL KANTER - TIFERETH ISRAEL CONGREGATION**

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**PLEDGE OF ALLEGIANCE**

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**NOTE: DUE TO THE THANKSGIVING HOLIDAY ON THURSDAY, NOVEMBER 28, 2019, THE MEETING  
WILL BE HELD ON TUESDAY, NOVEMBER 26, 2019, THE AGENDA WILL CLOSE ON  
THURSDAY, NOVEMBER 21, 2019 AT 10A.M. AND BE RELEASED ON FRIDAY, NOVEMBER 22, 2019.**

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**MAYOR'S PAPERS**

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a VETO of the City Council Order that Ordered all City Departments immediately suspend the issuance of any permits, licenses or other approvals issued by the City for any new facility that proposes to provide or prescribe any Opiate or products containing buprenorphine in the treatment of Opioid addiction within 10,000 feet of any residential structure.

M1a. CITY COUNCIL ORDER, (Adopted at the October 24, 2019 City Council Meeting and VETOED by Mayor Mitchell November 7, 2019.)

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting a VETO of the Ordinance, amending Chapter 24, Section 24-16 Relative to Vehicles for Hire, the proposed amendment would reduce the license fee for applicants the drive for the Greater Attleboro Taunton Regional Transit Authority (GATRA).

M2a. AN ORDINANCE, (Passed to be Ordained at the October 24, 2019 City Council Meeting and VETOED by Mayor Mitchell November 7, 2019.)

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that the City Solicitor obtain appraisals of public and privately owned property located along Hathaway Road, Nauset Street and Mount Pleasant Street which is needed for the Hathaway Road Triangle Improvement Project for the purpose of acquiring permanent and temporary construction easements, through eminent domain or other legal means, and the City Solicitor is also requested to prepare an Order of Taking for the easements to be acquired through eminent domain.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council submitting AN ORDER that the City waives the appraisal requirement and the right to any damages the City may be entitle to with respect to one permanent easement and one temporary easement to be acquired for the Hathaway Road Triangle Improvement Project and further authorizing the Mayor to execute on behalf of the City of New Bedford a Certificate of Donation Form for easement E-1 and Right of Way Entry – Without Prejudice Form for temporary easement TE-4.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting the appointment of MOLLY GILFEATHER, New Bedford, MA as PURCHASING AGENT for the City of New Bedford.

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting a one-year Waiver of Residency for MELISSA BATCHILDER who currently resides in Fairhaven, MA for the position of COMPLIANCE OFFICER with the Police Department.

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of KIMBERLY RIOUX, New Bedford, MA to the CONSERVATION COMMISSION, replacing Chancery Perks who resigned effective October 15, 2019; this term will expire June 2022.

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CELEINE SARAIVA, New Bedford, MA to the PROBLEM PROPERTIES APPEALS PANEL; this term will expire June 2021.

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ELAINE SAFIOLEAS, New Bedford, MA to the BOARD OF PARK COMMISSIONERS; this term will expire May 2024.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JORDAN FELICIANO, Fairhaven, MA as a SPECIAL POLICE OFFICER.

M10a. APPLICATION,

***NEW BUSINESS***

1. REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council to request that the Administration immediately fund \$75,000 for the purchase of four (4) to (5) additional LUCAS devices for EMS.

2. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of DEBRA TRAHAN, New Bedford, MA 02745 to the ZONING BOARD OF APPEALS as an Alternate Member; this term will expire December 2023.

2a. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of DEBRA TRAHAN, New Bedford, MA 02745, to the ZONING BOARD OF APPEALS as an Alternate Member; this term will expire December 2023. (Referred to the Committee on Appointments and Briefings – September 12, 2019.)

3. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of WILLIAM ANDREWS, New Bedford, MA 02745 to the VETERAN'S ADVISORY BOARD; Mr. Andrews will be replacing Oliver E. Moreau, Sr., whose term has expired; this term will expire December 2019.

3a. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of WILLIAM ANDREWS, New Bedford, MA, to the VETERAN'S ADVISORY BOARD; Mr. Andrews will be replacing Oliver E. Moreau, Sr., whose term has expired; this term will expire December 2019. (Referred to the Committee on Appointments and Briefings – September 12, 2019.)

4. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL on behalf of Flor D. Pineda, 7 Upton Street, New Bedford, MA 02746 d/b/a BETHEL TRANSPORTATION, 7 Upton Street, New Bedford, MA 02746, of the Application requesting a NEW PRIVATE LIVERY LICENSE to carry passengers for hire over the streets of New Bedford. (This license will expire June 30, 2020.)

4a. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Flor D. Pineda, 7 Upton Street, New Bedford, MA 02746 d/b/a BETHEL TRANSPORTATION, 7 Upton Street, New Bedford, MA 02746**, hereby submit a copy of the Application requesting a **NEW PRIVATE LIVERY LICENSE** to carry passengers for hire over the streets of New Bedford. **(This license will expire June 30, 2020.)** (Referred to the Committee on Appointments and Briefings – September 26, 2019.)

5. REPORT, Committee on City Property, informing the City Council that the Committee on City Property has made the determination that the Port Authority shall be the entity to administer the RFP for the disposition of a long-term leasehold interest in property owned by the City of New Bedford, consisting of approximately 0.151 acres (6577.8) square feet of land currently occupied by an accessory structure to a commercial property located on MacArthur Drive, shown on the City of New Bedford Assessor's Map 53 as Lot 255 (51 Fisherman's Wharf).

6. REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council to take **"NO FURTHER ACTION"** on the WRITTEN MOTION, Councillor Gomes, requesting the Eversource Gas conduct a complete inspection and study of the gas lines and regulators that run through the City; and further that this study be conducted by air and ground to assure the residents and business community that there are no breaches or ground leaks; further, that Eversource Gas pay close attention to the construction work that is being done in the City which is providing new gas lines to many of residents and that Eversource Gas provide the City with a report of the complete evaluation that has been done within a reasonable amount of time.

6a. WRITTEN MOTION, Councillor Gomes, requesting the Eversource Gas conduct a complete inspection and study of the gas lines and regulators that run through the City; and further that this study be conducted by air and ground to assure the residents and business community that there are no breaches or ground leaks; further, that Eversource Gas pay close attention to the construction work that is being done in the City which is providing new gas lines to many of residents and that Eversource Gas provide the City with a report of the complete evaluation that has been done within a reasonable amount of time. (Referred to the Committee on Public Safety and Neighborhoods – September 27, 2018.)

7. REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council to take **"NO FURTHER ACTION"** on the WRITTEN MOTION, Councillor Gomes, requesting that the Department of Public Infrastructure do an immediate inventory of all of the City's street lights and their ground bases, due to the number of deteriorating ground bases throughout the City; and further, that immediate action be taken to replace those streetlights and ground bases, this request is made on behalf of public safety and liability to the City if one of these light poles should come down due to their deteriorating conditions.

7a. WRITTEN MOTION, Councillor Gomes, requesting that the Department of Public Infrastructure do an immediate inventory of all of the City's street lights and their ground bases, due to the number of deteriorating ground bases throughout the City; and further, that immediate action be taken to replace those streetlights and ground bases, this request is made on behalf of public safety and liability to the City if one of these light poles should come down due to their deteriorating conditions. (Referred to the Committee on Public Safety and Neighborhoods – April 25, 2019.)

8. REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council to take **"NO FURTHER ACTION"** on the WRITTEN MOTION, Councillor Rebeiro, requesting that the Director of Parks, Recreation and Beaches, Mary Rapoza update the Committee on Public Safety and Neighborhoods on the summer lunch program in the parks and the impact it is having on the City.

8a. WRITTEN MOTION, Councillor Rebeiro, requesting that the Director of Parks, Recreation and Beaches, Mary Rapoza update the Committee on Public Safety and Neighborhoods on the summer lunch program in the parks and the impact it is having on the City. (Referred to the Committee on Public Safety and Neighborhoods – August 16, 2018.)

9. REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council to take **"NO FURTHER ACTION"** on the WRITTEN MOTION, Councillors Rebeiro, Giesta, Lima and Carney, requesting that the Committee on Public Safety & Neighborhoods review the "no grilling" rule currently enforced in all City parks; and further, that the Park Board and any organization or concerned Citizens be invited to attend said meeting.

9a. WRITTEN MOTION, Councillors Rebeiro, Giesta, Lima and Carney, requesting, that the Committee on Public Safety and Neighborhoods review the "no grilling" rule currently enforced in all City parks; and further, that the Park

Board and any organization or concerned Citizens be invited to attend said meeting. (Referred to the Committee on Public Safety and Neighborhoods – August 16, 2018.)

10. REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors Rebeiro, Dunn, Abreu, Lopes and Giesta, asking that the Committee on Public Safety & Neighborhoods request that a representative from the Mayor’s Office, a representative from the City Solicitor’s Office and Attorney Jonathan M. Silverstein, of KP Law, be invited to a Committee meeting to discuss the possibility of the City of New Bedford joining the 100 other Cities across the Commonwealth in the lawsuit seeking civil damages from pharmaceutical companies responsible for the wrongful distribution of opiates.

10a. WRITTEN MOTION, Councillors Rebeiro, Dunn, Abreu and Lopes, asking, that the Committee on Public Safety and Neighborhoods request that a representative from the Mayor’s Office, a representative from the City Solicitor’s Office and Attorney Jonathan M. Silverstein, KP Law, be invited to a committee meeting to discuss the possibility of the City of New Bedford joining the 100 other Cities cross the Commonwealth in the lawsuit seeking civil damages from pharmaceutical companies responsible for the wrongful distribution of opiates. (Referred to the Committee on Public Safety and Neighborhoods – August 16, 2018.)

11. REPORT, Committee on Finance, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Lopes, requesting that CFO Sky, City Treasurer Fernandes and DPI Commissioner Ponte review the ongoing posting delays of the online water & sewer payments with the City’s current lockbox provider.

11a. WRITTEN MOTION, Councillor Lopes, requesting that the CFO Sky, City Treasurer Fernandes and DPI Commissioner Ponte review the ongoing posting delays of the online water & sewer payments with the City’s current lockbox provider. (Referred to the Committee on Finance – April 11, 2019.)

12. REPORT, Committee on City Property, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Gomes and Council President Morad, requesting that a letter be sent to the Massachusetts Court System along with our State Legislative Delegation and Senator Mark C. W. Montigny, to take immediate action to address funding and repairs that are desperately needed to the exterior of New Bedford Superior Courthouse, this building is part of our landscape and has a historic history serving the community and court system; and further, requesting that landscaping and new Superior Court sign be included in any restoration revitalization of the exterior of this beautiful historic building.

12a. WRITTEN MOTION, Councillor Gomes and Council President Morad, requesting, that a letter be sent to the Massachusetts Court System along with our State Legislative Delegation and Senator Mark C.W. Montigny, to take immediate action to address funding and repairs that are desperately needed to the exterior of New Bedford Superior Courthouse, this building is part of our landscape and has a historic history serving the community and court system; and further, requesting, that landscaping and new Superior Court sign be included in any restoration revitalization of the exterior of this beautiful historic building. (Referred to the Committee on City Property – December 13, 2018.)

13. REPORT, Committee on City Property, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Gomes, requesting once more, that the Library Director Melo, provide the Committee on City Property with a list and monetary value of all historic and valuable pieces of art that have been loaned out by the City and the location of said pieces, furthermore, that the list be provided to the Committee on City Property within 30 days.

13a. WRITTEN MOTION, Councillor Gomes, requesting, once more, that the Library Director Melo, provide the Committee on City Property with a list and monetary value of all historic and valuable pieces of art belonging to the City; and further that the list include the pieces of art that have been loaned out by the City and the location of said pieces, furthermore, that the list be provided to the Committee on City Property within 30 days. (Referred to the Committee on City Property – February 14, 2019.)

14. REPORT, Committee on City Property, recommending to the City Council to take “**NO FURTHER ACTION**” on the COMMUNICATION, Mayor Mitchell to City Council, submitting TWO ORDERS, the first Order declares the former Kempton School surplus property and transfer it from the School Committee to the Committee on City Property; and the second Order authorizes the Mayor to execute a deed transferring the Kempton School to the Alma del Mar Charter School, contingent upon the State Legislature passing the Home Rule Petition.

14a. COMMUNICATION, Mayor Mitchell, to City Council, submitting TWO ORDERS, the first Order declares the former Kempton School surplus property and transfer it from the School Committee to the Committee on City Property; and the second Order authorizes the Mayor to execute a deed transferring the Kempton School to the Alma del Mar Charter School, contingent upon the State Legislature passing the Home Rule Petition. (Referred to the Committee on City Property – May 23, 2019.)

14b. AN ORDER, declaring the former Kempton School surplus property. (Referred to the Committee on City Property – May 23, 2019.)

14c. AN ORDER, authorizing the Mayor to execute a deed transferring the Kempton School to the Alma del Mar Charter School. (Referred to the Committee on City Property – May 23, 2019.)

15. REPORT, Committee on City Property, recommending to the City Council to take “**NO FURTHER ACTION**” on the COMMUNICATION, Council President Morad, submitting a communication from Superintendent Anderson, Secretary to the School Committee, notifying that on May 13, 2019, the School Committee voted that the Horatio A. Kempton School is no longer needed by the New Bedford Public School.

15a. COMMUNICATION, Council President Morad, submitting a communication from Superintendent Anderson, Secretary to the School Committee, notifying that on May 13, 2019, the School Committee voted that the Horatio A. Kempton School is no longer needed by the New Bedford Public School. (Referred to the Committee on City Property – May 23, 2019.)

16. WRITTEN MOTION, Councillors Dunn and Lopes, requesting, that the Mitchell Administration institute Senior and Veteran discount memberships, and discount fees for usage at the Woodcock Rifle Range.

17. WRITTEN MOTION, Councillor Lopes, requesting that the Committee on Ordinances, amend the Code of Ordinances, Chapter 9, Section 4130B, by deleting the words “Marijuana Establishment” from Section 4131B (ii) (a). (To be Referred to the Committee on Ordinances and Planning Board.)

18. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Ali Bokhari & Sumaira Bokhari, 44 Liberty Street, New Bedford, MA 02740 d/b/a MAGIC WHEELS TRANSPORTATION LLC, 44 Liberty Street, New Bedford, MA 02740**, hereby submitting a copy of the Application requesting a **RENEWAL of a 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. **(License will expire June 30, 2020.)**

19. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Gabriel DaRosa, 56 Westwood Drive, North Dartmouth, MA 02747 d/b/a BLUEBIRD TRANSPORTATION LLC, 458 Dartmouth Street, New Bedford, MA 02740**, hereby submitting a copy of the Application requesting a **RENEWAL of a PRIVATE LIVERY LICENSE**, to carry passengers for hire over the streets of New Bedford. **(License will expire June 30, 2020.)**

20. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Tanya DePina, 47 Lauren Drive, New Bedford, MA 02745 d/b/a COMFORT TRANSPORTATION, LLC, 47 Lauren Drive, New Bedford, MA 02745**, hereby submitting a copy of the Application requesting a **RENEWAL of a PRIVATE LIVERY LICENSE** to carry passengers for hire over the streets of New Bedford. **(License will expire June 30, 2020.)**

21. COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW OF 1227-1229 PLEASANT STREET, (MAP 72, LOT 245) a Circa 1870, a two-story wood-framed residential structure – advising that “the structure is located in the Acushnet National Register Historic District; the structure has been altered and 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 residential structure at 1227 - 1229 Pleasant Street is neither a Historically Significant nor a Preferably Preserved Structure.”

22. COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW OF 197 SEYMOUR STREET, (MAP 5, LOT 105) a Circa 1934, one-story wood-framed residential structure and 1984 two-story addition – advising that “the structure is not located in a National Register Historic District; according to the Structural Engineer’s Report, the structure is in poor condition due to extensive deferred maintenance and restoration efforts would be impractical due to the existing condition of the structure; the structure is of no notable historic significance either recorded or found with the existing condition of the structure; in accordance with *New Bedford City Code, Article XI, Section 2-157.3 (q) – Procedures for Review and Approval of Demolition Permits*, prior to the issuance of a demolition permit, all approvals necessary for the future use and development of the site, including without limitation, any necessary zoning variances or special permits, must be granted, and all appeals for the granting of such approvals must be concluded, “in light of these findings, the Preservation Planner has determined that the residential structure at 197 Seymour Street is neither a Historically Significant nor a Preferably Preserved Structure.”

23. COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW OF 314 CHURCH STREET, (MAP 113, LOT 68) a Circa 1940 one-story concrete block, commercial type structure – advising that “the structure is not located in a National Register Historic District; the structure is of no notable historic significance either recorded or found with the existing condition of the structure; in accordance with *New Bedford City Code, Article XI, Section 2-157.3 (q) – Procedures for Review and Approval of Demolition Permits*, prior to the issuance of a demolition permit, all approvals necessary for the future use and development of the site, including without limitation, any necessary zoning variances or special permits, must be granted, and all appeals for the granting of such approvals must be concluded, “in light of these findings, the Preservation Planner has determined that the residential structure at 314 Church Street is neither a Historically Significant nor a Preferably Preserved Structure.”

24. COMMUNICATION, Council President Morad submitting a copy of an email and petition against renaming the Hazelwood Senior Center after former Mayor Rosemary Tierney . (To be Received and Placed on File.)

25. COMMUNICATION, City Clerk Farias, submitting a copy of a letter from the Cannabis Control Commission responding to a Written Motion submitted by Councillor Gomes regarding a review of the “Screening Form/Application for a Marijuana Establishment Host Community Agreement by the Cannabis Control Commission.

26. COMMUNICATION, City Clerk Farias, submitting a copy of a letter from Christine Hopps, Assistant Director, Waterways Regulation Program, MassDEP, relative to Waterways License Application No. W15-4436-N, 1480 East Rodney French Boulevard, New Bedford, MA and its intent to approve the Waterways Application, subject to the attached conditions.

**TABLED BUSINESS**

***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.***