

**CITY COUNCIL CALENDAR  
THURSDAY, SEPTEMBER 26, 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: REVEREND DAN LACROIX - ST. MARY'S PARISH**

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**PLEDGE OF ALLEGIANCE**

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**CITATIONS**

1. CITATIONS, Councillor Gomes and Council President Morad, honoring MATTHEW SYLVIA, KYLE KING and JENNY SOUSA in recognition of their appointment as a New Bedford Police Officer.

**MAYOR'S PAPERS**

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a draft First Amendment to the Host Community Agreement between the City of New Bedford and Beacon Compassion, Inc, that would permit Beacon to proceed with the State application process for the sale of adult-use marijuana at its proposed facility at 366 Hathaway Road.

M1a. HOST COMMUNITY AGREEMENT, First Amendment

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for a two-year short-term Tenancy Agreement between the City of New Bedford, acting through its Airport Commission and the Commonwealth of Massachusetts acting by and through the Commissioner of its Division and Capital Asset Management and Maintenance on behalf of Bridgewater State University.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell to City Council, submitting the APPOINTMENT of DOMINIK SULLIVAN-SOUZA, Acushnet, MA 02743 as a SPECIAL POLICE OFFICER.

M3a. AN APPLICATION,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JEFFREY LAWRENCE KING, South Dartmouth, MA 02748 as a CONSTABLE.

M4a. AN APPLICATION,

**NEW BUSINESS**

2. REPORT, Committee on Ordinances, recommending to the City Council WITHDRAWAL WITHOUT PREJUDICE of the request that 183 Washington Street (Plot 36/Lot 378) be rezoned from Residence "B" to Mixed-Use Business in its entirety.

2a. WRITTEN MOTION, Councillor Lima, requesting that 183 Washington Street (Plot 36/Lot 378) be rezoned from Residential "B" to MIXED-USE BUSINESS in its entirety. (Referred to the Committee on Ordinances and the Planning Board – August 15, 2019.)

3. REPORT, Committee on Ordinances, recommending to the City Council APPROVAL of the Ordinance, Relative to Vehicles for Hire, amending Section 24-16 of Chapter 24, to reduce the license fee for GATRA certified drivers from \$50 to \$25; and that this Ordinance be passed to a second reading.

3a. AN ORDINANCE, Referred to the Committee on Ordinances – March 28, 2019.)

4. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION, as Amended, of the Ordinance Relative to Plastic Bags.

4a. AN ORDINANCE,

5. REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council to Grant a One-Year Waiver of Residency for Melissa Batchilder, Compliance Officer (Community Relations Specialist) for the New Bedford Police Department, who currently resides in Fairhaven, MA.

5a. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for MELISSA BATCHILDER, Compliance Officer (Community Relations Specialist) for the New Bedford Police Department, who currently resides in Fairhaven, MA. (Referred to the Committee on Public Safety and Neighborhoods – July 18, 2019.)

6. REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council that all new hires that are seeking a waiver of residency, that the Personnel Director attend the Committee meeting and provide the full City Council with the total number of applicants, the total number of applicants from New Bedford, the total number of applicants interviewed and the total number of New Bedford residents interviewed; and further, that a copy of the full job description be part of all Communications to the City Council.

7. REPORT, Committee on City Property, recommending to the City Council APPROVAL of the Servedwell New Bedford LLC, proposal related to lease vacant land on East Rodney French Boulevard.

7a. PROPOSAL, Servedwell New Bedford, LLC, 307 Smith Neck Road, Dartmouth, MA 02748, to lease vacant land on East Rodney French Boulevard.

8. REPORT, Special Committee on Cannabis Regulation and Host Community Agreements Review, recommending to the City Council APPROVAL of the HOST COMMUNITY AGREEMENT, Southcoast Apothecary LLC to operate a recreational marijuana dispensary at 115 Coggeshall Street, New Bedford, MA 02746.

8a. HOST COMMUNITY AGREEMENT,

9. REPORT, Special Committee on Cannabis Regulation and Host Community Agreements Review, recommending to the City Council APPROVAL of the HOST COMMUNITY AGREEMENT, Tree Beard, Inc. to operate a recreational marijuana dispensary at 1 Nauset Street, New Bedford, MA 02746.

9a. HOST COMMUNITY AGREEMENT,

10. REPORT, Special Committee on Cannabis Regulation and Host Community Agreements Review, recommending to the City Council APPROVAL of the HOST COMMUNITY AGREEMENT, Metro Harvest, Inc., to operate a recreational marijuana dispensary at 606 Tarkiln Hill Road, New Bedford, MA 02745.

10a. HOST COMMUNITY AGREEMENT,

11. REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Gomes, notifying the City Council that this Councillor is suspending a call at this time for a public safety summit, due to the lack of support from the Administration, along with others that feel at this time the City is a safe place to live, work, raise a family and have a business; and further, requesting that the Administration and the Police Chief provide the City Council with documentation that agencies such as the FBI, State Police, Homeland Security and any other Federal or State public safety agencies located in New Bedford are working with our public safety officials to combat gang violence, illegal guns and drug dealers on a Federal level to collectively bring safety to the entire City with a zero tolerance approach; and furthermore, that letters be sent to Third District Court Judges requesting that they take every initiative under the law to protect the people of this City from the criminal elements, and that they be prosecuted to the full extent of the law sending a clear message to offenders that the court will not tolerate criminal activity or threats to life and property in the City and Region, also that our State and Federal Delegation be sent letters asking what is being done on the State and Federal level to assist the City of New Bedford’s law-enforcement with Federal monies for equipment and public safety personnel.

11a. WRITTEN MOTION, Councillor Gomes, notifying the City Council that this Councillor is suspending a call at this time for a public safety summit, due to the lack of support from the Administration, along with others that feel at this time the City is a safe place to live, work, raise a family and have a business; and further, requesting that the Administration and the Police Chief provide the City Council with documentation that agencies such as the FBI, State Police, Homeland Security and any other Federal or State public safety agencies located in New Bedford are working with our public safety officials to combat gang violence, illegal guns and drug dealers on a Federal level to collectively bring safety to the entire City with a zero tolerance approach; and furthermore, that letters be sent to Third District Court Judges requesting that they take every initiative under the law to protect the people of this City from the criminal elements, and that they be prosecuted to the full extent of the law sending a clear message to offenders that the court will not tolerate criminal activity or threats to life and property in the City and Region, also that our State and Federal Delegation be sent letters asking what is being done on the State and Federal level to assist the City of New Bedford’s law-enforcement with Federal monies for equipment and public safety personnel. (Referred to the Committee on Public Safety and Neighborhoods – September 14, 2017.)

12. REPORT, Committee on Finance, recommending to the City Council to take “No Further Action” on the COMMUNICATION, Councillor Morad, submitting a letter from Members of the City of New Bedford’s EMS Department, regarding Group IV Retirement Benefits.

12a. COMMUNICATION, Councillor Morad, submitting a letter from Members of the City of New Bedford’s EMS Department, regarding Group IV Retirement Benefits. (Referred to the Committee on Finance – October 26, 2017.)

13. REPORT, Committee on Finance, recommending to the City Council to take **“NO FURTHER ACTION”** on a COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$20,000.00 from PLANNING, SALARIES & WAGES, to PLANNING, CHARGES & SERVICES.

13a. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$20,000.00 from PLANNING, SALARIES & WAGES, to PLANNING, CHARGES & SERVICES.

13b. AN ORDER, (Referred to the Committee on Finance – March 28, 2019.)

14. REPORT, Committee on Finance, recommending to the City Council to take **“NO FURTHER ACTION”** on a RELATED MOTION, Councillor Rebeiro, requesting, that a member of the Administration appear before the Committee

on Finance to determine which stations will be consolidated/closed due to the construction of the new South Public Safety Center.

14a. RELATED MOTION, Councillor Rebeiro, requesting, that a member of the Administration appear before the Committee on Finance to determine which stations will be consolidated/closed due to the construction of the new South Public Safety Center. (Referred to the Committee on Finance – March 28, 2019.)

15. REPORT, Committee on Finance, recommending to the City Council to take **“NO FURTHER ACTION”** on a COMMUNICATION, Council President Morad, submitting an email from the Friends of Hazelwood Park, regarding their upcoming request for Community Preservation Act funding.

15a. COMMUNICATION, Council President Morad, submitting an email from the Friends of Hazelwood Park, regarding their upcoming request for Community Preservation Act funding. (Referred to the Committee on Finance – April 11, 2019.)

16. REPORT, Special Committee on the Airport, recommending to the City Council to take **NO FURTHER ACTION** on the WRITTEN MOTION, Councillor Markey, requesting, that Airport Director, Scot Servis be invited to attend a Special Committee on the Airport meeting to update the Council on the current status and operation of the New Bedford Regional Airport.

16a. WRITTEN MOTION, Councillor Markey, requesting, that Airport Director, Scot Servis be invited to attend a Special Committee on the Airport meeting to update the Council on the current status and operation of the New Bedford Regional Airport. (Referred to the Special Committee on the Airport – April 25, 2019.)

17. WRITTEN MOTION, Councillors Dunn and Coelho, requesting, that the City increase the Police presence around the Carlos Pacheco school due to the risk of children being harmed by vehicle traffic during pick up and drop off times, especially on Mt. Pleasant Street and Sawyer Street. (To be Referred to Committee on Public Safety and Neighborhoods).

18. WRITTEN MOTION, Councillors Coelho and Rebeiro, requesting that the Committee on Ordinances, invite Election Commissioner Manuel DeBrito, to a meeting to discuss changing the City charter that candidates can only file for one office per Municipal Election.

19. WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Public Safety & Neighborhoods meet with the Boys and Girls Club Director Robert Mendes; Parks, Recreation and Beaches Director Mary Rapoza, and a representative from the Catholic Diocese of Fall River that runs the CYO Kennedy Youth Center to discuss programming for the youth in the City, this request comes on behalf of Community Conversation Come Together In Peace which is sponsored by P.A.C.E. YouthBuild Youth Development Center and many other outreach organizations that come together to discuss solutions and action on behalf of local youth in the south and west end of the City. (To Be Referred to the Committee on Public Safety and Neighborhoods.)

20. WRITTEN MOTION, Councillor Gomes, requesting that the Health Department notify all fast food and coffee shop establishments, that they have 30 days to be in compliance with City Ordinance Chapter 12, Section 12-38: Owners maintain premises free of litter, by providing trash receptacles with slots which should be located before and after the drive thru windows and that this law be enforced by the Health Department, which is the governing body of this Section of the City Code, with all existing and new franchise businesses coming to the City. (To be Referred to the Director of the Health Department for immediate enforcement.)

21. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW – 4208 ACUSHNET AVENUE (Map 136/Lot 200) Circa 1912 two story wood framed structure, the original owners and land developers associated with the subject property are a common reflection of the

City's rapidly expanding immigrant population in the early twentieth century to accommodate the textile industry workforce; the building does not embody distinctive characteristics of its type, yet retains general integrity relative to its location, setting, materials and association with the historic development of the northern part of the City in the early 20<sup>th</sup> century therefore, **in light of these findings, the New Bedford Historical Commission has determined that the building at 4208 Acushnet Avenue is neither an Historically Significant nor a Preferably Preserved Historic Building.**

22. 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.)**

23. PETITION/INDEMNITY AGREEMENT, Ab Koka, Inc d/b/a Café Arpeggio, 800 Purchase Street, New Bedford, MA 02740, to encroach on the City sidewalk with a wheelchair ramp to extend the sidewalk by 11 ft x 5 ft. (Submitted by Councillor Rebeiro.)

23a. AN ORDER,

24. COMMUNICATION, Councillor Lopes, submitting a copy of letter from Carla S. Mourao, Administrative Manager, New Bedford Fire Department to Mayor Mitchell, requesting a Waiver of Residency. (To Received and Placed on File.)

#### ***TABLED BUSINESS***

01/10/2019 WRITTEN MOTION, Councillor Gomes, requesting that the City Council forward a letter of request to the Commonwealth of Massachusetts' Cannabis Commission as to whether the City is following State Law regarding marijuana establishments in the City; and further, enclosed in the letter, please include a copy of the 11-page "Screening Form/Application for a Marijuana Establishment Host Community Agreement", and a copy of the City's zoning map that has been put forth by the Mayor's Review Committee, comprised of the City Solicitor, the City Planner, the Chief of Police, the Chief Financial Officer, the Director of Inspectional Services, the Director of Planning, Housing and Community Development and the City's Health Director; asking that the Cannabis Control Commission review the application and the zoning map and report back to the City Council as to whether this Application process and zoning map applies to the laws of the Commonwealth of Massachusetts' Cannabis Control Commission; and further, that Steven Hoffman, Chairman of the Massachusetts Cannabis Control Commission or a representative, meet with the Special Committee on Licensing and Zoning for Cannabis to discuss whether the City has followed Massachusetts Laws and policies regarding marijuana establishments in the City of New Bedford.

***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.***