

REGULAR MEETING
Chambers of the City Council
Thursday, January 24, 2019

CITY COUNCIL
Municipal Building
7:02 p.m.

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

LATE: No One
ABSENT: No One

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

Prayer Led By: Reverend David Lima, Executive Minister, Inter-Church Council of Greater New Bedford

Councillor Rebeiro led the Assembly in the Pledge of Allegiance to the flag.

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of
\$100,000.00 from POLICE, SALARIES & WAGES, to POLICE, CAPITAL OUTLAY.

Received and Placed on File. (#0138)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JANUARY 24, 2019

ORDERED, that the sum of **ONE HUNDRED THOUSAND DOLLARS (\$100,000)** now standing to the credit
of the account from **POLICE SALARIES AND WAGES** be and the same is hereby transferred and appropriated to as
follows:

POLICE CAPITAL OUTLAY.....\$100,000

To be certified and approved by the Department Head.

Adopted – Yeas 11, Nays 0.

Presented to the Mayor for approval January 28, 2019.

Approved January 29, 2019. (#0139)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with
M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Police Department, known as
PROBLEM PROPERTIES REVOLVING FUND, whose revenues collected and amount limited to be spent
estimated at **\$10,000.00** is hereby authorized for **FISCAL YEAR 2019**.

Received and Placed on File. (#0140)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JANUARY 24, 2019

ORDERED, that in accordance with MGL Chapter 44, Section 53E ½, the revolving fund under the control of
the Police Department, known as **PROBLEM PROPERTIES REVOLVING FUND**, whose revenues collected and
amount limited to be spent estimated at **\$10,000**, is hereby authorizes for **FISCAL YEAR 2019**.

Adopted.

Presented to the Mayor for approval January 28, 2019.

Approved January 29, 2019. (#0141)

COMMUNICATION, Mayor Mitchell, to City Council submitting a request that Clinical Veterinary applicant,
Dr. Erica Lipanovich salary be set at Step 8, Grade M-11, \$83,261.00.

Approval of salary at Step 8, Grade M-11 at \$83,261.00 – Yeas 10, Nays 0. (Councillor Gomes not present for
vote.)

Presented to the Mayor for approval on January 28, 2019.

Approved January 29, 2019. (#0142)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for DAVID ZANDER, Paramedic for the Department of Emergency Medical Services, who currently resides in Wareham, MA.

One-Year Waiver of Residency Granted – Yeas 11, Nays 0.

Presented to the Mayor for approval on January 28, 2019.

Approved January 29, 2019.

(#0143)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of GEORGE N. SMITH, New Bedford, MA to the COMMISSION FOR CITIZENS WITH DISABILITIES, replacing Joshua Amaral whose term will expire upon confirmation of Mr. Smith, this term will expire May 2020.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 11, Nays 0.

(#0144)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JEFFREY COSTA, New Bedford, MA to the HUMAN RELATIONS COMMISSION; this term will expire December 2021.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 11, Nays 0.

(#0145)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of PATRICIA COSTA, New Bedford, MA to the COUNCIL ON AGING; this term will expire November 2021.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 11, Nays 0.

(#0146)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of BRUCE DUARTE, SR. New Bedford, MA to the COUNCIL ON AGING; this term will expire November 2021.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 11, Nays 0.

(#0147)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of VIRGINIA MORRISON, New Bedford, MA to the COUNCIL ON AGING; this term will expire November 2021.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 11, Nays 0.

(#0148)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of GEORGE SMITH, New Bedford, MA to the COUNCIL ON AGING; this term will expire November 2021.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 11, Nays 0.

(#0149)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JANE STOTT, New Bedford, MA to the COUNCIL ON AGING; this term will expire November 2021.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 11, Nays 0.

(#0150)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of DAVID M. MILLER, Fairhaven, MA as a CONSTABLE.

Received and Placed on File.

(#0151)

APPLICATION, DAVID M. MILLER, Fairhaven, MA 02719, for APPOINTMENT as a CONSTABLE.

Confirmed.

(#0152)

WRITTEN MOTION, Councillor Lopes, requesting, that the Administration establish a non-regulatory Board or Commission of licensed Recreational Cannabis shop owners located in New Bedford, said Board or Commission would provide insight as to where they see the industry going in New Bedford, regionally, statewide and nationally.

Referred to the Administration.

Presented to the Mayor for approval January 28, 2019.

RETURNED UNSIGNED February 21, 2019.

(#0153)

WRITTEN MOTION, Councillor Lopes, requesting that the Committee on Finance meet with the City Treasurer and the Commissioner of the Department of Public Infrastructure to discuss a temporary establishment of an amnesty program for the collection of quarterly Real Estate Tax, Water and Sewer bills for those City residents effected by the Government furlough, said amnesty program would allow for the City residents effected by the furlough to establish a payment plan with the City of New Bedford void of any penalties and interest on the unpaid portion of City billings during the United States Government furlough and for a period of 60 days after the conclusion of the furlough. (To be Referred to the Committee on Finance.)

Referred to the Committee on Finance. (#0154)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Victor Garcia, 18 Walker Street, Apt 2W, New Bedford, MA 02746 d/b/a Victor Garcia, 18 Walker Street, Apt 2W, New Bedford, MA 02746**, hereby submitting a copy of the Application requesting a NEW PRIVATE LIVERY LICENSE to carry passengers for hire over the streets of New Bedford.

Referred to the Committee on Appointments and Briefings. (#0155)

COMMUNICATION, Councillor Abreu, submitting a request from Parks, Recreation & Beaches for a Bench and Memorial Plaque honoring Frances Drozek Perry 100th Birthday from the Perry Family. (To be Referred to the Special Committee on Memorials and Dedications.)

Referred to the Special Committee on Memorials and Dedications. (#0156)

COMMUNICATION, Councillor Gomes, submitting copies of letters from and to Whisk & Jane LLC and the New Bedford Port Authority, regarding Public Records Request of the Port Authority's Denial of Whisk & Jane LLC's multi-purpose recreational cannabis facility at 161 Pope's Island, New Bedford, MA.

Referred to the Special Committee on Licensing and Zoning for Cannabis. (#0157)

COMMUNICATION, Councillor Gomes, submitting a copy of letter from Whisk & Jane LLC, to Mayor Mitchell, thanking him for the meeting to discuss a multi-purpose recreational cannabis facility at 161 Pope's Island.

Referred to the Special Committee on Licensing and Zoning for Cannabis. (#0158)

COMMUNICATION, Our Lady of Perpetual Help, to Massachusetts State Lottery Commission, Charitable Gaming Division, submitting their 2018 Beano Report. (To be Received and Placed on File.)

Received and Placed on File. (#0159)

WRITTEN MOTION, Councillor Gomes, requesting, that the City Council forward a letter of request to the Commonwealth of Massachusetts' Cannabis Control 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 City Council as to whether this Application process and zoning map applies to the laws of the Commonwealth of Massachusetts' Cannabis 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.

TABLED – January 10, 2019.

Removed from the Table.

TABLED. (#0029)

COMMUNICATION, DANIEL MCCARTHY, RACE COORDINATOR - NEW BEDFORD HALF-MARATHON/FRIENDLY SONS OF SAINT PATRICK, to City Council/City Clerk, Requesting THE CLOSING/OBSTRUCTION OF: WILLIAM STREET, at Sixth Street, MIDDLE STREET, at Sixth Street, MARKET STREET, at Sixth Street, PLEASANT STREET, at Union Street, ELM STREET, at Acushnet Avenue and SOUTH SECOND STREET, from Union Street to School Street, FROM: 8:00 A. M. TO: 3:30 P. M. ON SUNDAY, MARCH 17, 2019, FOR THE PURPOSE OF: THE 2019 NEW BEDFORD HALF-MARATHON (COMMENCING AT 11:00 A.M.) ALSO REQUESTING:- that they be allowed to place cones on the centerline of HATHAWAY ROAD from Mt. Pleasant Street West to Rockdale Avenue, creating two-way traffic on the WESTBOUND LANE; - that the Police close ROCKDALE AVENUE, from Hathaway Road South to Potter Street, for approximately 30 MINUTES, or until the runners have passed; - that two-way traffic on ROCKDALE AVENUE, South from Grape Street to Cove Road, be stopped, and cones be placed in the middle of ROCKDALE AVENUE and COVE ROAD, to create a lane for runners on South Side; - that the WEST LANE of WEST RODNEY FRENCH BOULEVARD and the EAST LANE of EAST RODNEY FRENCH BOULEVARD, be blocked to traffic, except at intersections where autos must cross - horses or cones will be placed at WEST RODNEY FRENCH BOULEVARD and Portland, Hudson, Seymour, Bayview, Rodney French Boulevard and Brock Avenue and SOUTH-BOUND TRAFFIC at SEYMOUR STREET will be BLOCKED to prevent autos from entering the race course; - that WESTBOUND traffic on COVE ROAD be directed NORTH onto Orchard Street, then if they choose, be detoured WEST on SWIFT STREET, again detoured SOUTH onto BOLTON STREET, to eventually cross ROCKDALE AVENUE and continue SOUTH; - that COUNTY STREET be closed to two-way traffic from COVE STREET, NORTH to Kempton Street; - that KEMPTON STREET be closed to all EASTERLY traffic, from County Street EAST to Pleasant Street, and cones be placed in the South corridor of the Octopus intersection, preventing traffic entrance to SIXTH STREET, and guiding runners to Pleasant Street; - that SIXTH STREET be closed to traffic at Kempton Street; and- that DETOUR SIGNS be installed directing EASTERLY traffic on KEMPTON STREET to detour traffic NORTH on COUNTY STREET, then EAST on HILLMAN STREET, then SOUTH on PURCHASE STREET, thus allowing EASTERLY TRAFFIC access to the New Bedford/Fairhaven Bridge. (Submitted by Councillor Ward Four Dana Rebeiro.)

Permission Granted.

Presented to the Mayor for approval January 28, 2019.

Approved January 29, 2019.

(#0160)

WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Geoffrey Smith, The Sightings, LLC, that the following street(s) be CLOSED: UNION STREET AND MACARTHUR DRIVE, proceeding along MacArthur Drive to Conway Street/right onto Hassey Street/right at Wright Street/left back to MacArthur Drive/proceed to Front Street, take a left onto Front Street, proceed along Front Street to Cove Street/right to the Traffic Light at the intersection of John F. Kennedy Highway, take a right turn on John F. Kennedy Highway/proceed along John F. Kennedy Highway to MacArthur Drive/take a right turn at the intersection of Potomska Street and another right turn onto MacArthur Drive, to finish at the Waterfront Park/Union Street area, ON SUNDAY, MARCH 31, 2019, FROM 7:00 A.M. TO 3:00 P.M., for the purpose of The Ireland, 5K Walk/Run.

Permission Granted.

Presented to the Mayor for approval January 28, 2019.

Approved January 29, 2019.

(#0161)

WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Our Lady of Mt. Carmel Church, that the following street(s) be CLOSED: RIVET STREET, from Bonney Street to Crapo Street, (In Front of the Church) ON SATURDAY, APRIL 13, 2019, at 7:00 A.M. TO 8:00 A.M AND 6:00 P.M. TO 7:30 P.M., for the purpose of the ROMARIA.

Permission Granted.

Presented to the Mayor for approval January 28, 2019.

Approved January 29, 2019.

(#0162)

WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Ms. Irene Barreiro-McDonnel, 160 Aquidneck Street, New Bedford, MA, that a Handicap Parking Space be installed in front of said address. (Enclosed is a copy of the Handicap Card and letter from property owner.) (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission.

(#0163)

WRITTEN MOTION, Councillor Lopes, requesting on behalf of the residents on Bellevue Street that the Traffic Commission approve the installation of a crosswalk at the intersection of Bellevue Street and West Rodney French Blvd.
Referred to the Traffic Commission. (#0164)

PETITION/INDEMNITY AGREEMENT, POWER AND GRACE YOGA, 1 Johnny Cake Hill, for Permission to Erect and Maintain a 12 inch by 22 inch Projecting Sign at Union Street and Johnny Cake Hill, New Bedford, MA 02740. Provisionally Granted, subject to Approval of the Building Commissioner and subject to Ratification by Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval January 28, 2019.
Approved January 29, 2019. (#0165)

CONSTABLE BOND, PATRICK RICHARD DUDDY, Swansea, MA 02777, in the amount of \$5,000.00 with the Massachusetts Bay Insurance Company.

Approved.
Presented to the Mayor for approval January 28, 2019.
Approved January 29, 2019. (#0166)

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 Board of Assessors for a meeting held on January 4, 2019, Board of Park Commissioners for meetings held on September 26, October 17, and November 14, 2018, Bristol County PHEP Board for a meeting held on December 18, 2018, Planning Board for meetings held on August 8 and November 14, 2018, School Committee for a meeting held on December 10, 2018, School Committee/Facilities SubCommittee for meetings held on March 9 and April 5, 2017.

Received and Placed on File. (#0167)

APPLICATION, **Republic Services**, for permission to maintain a STREET OBSTRUCTION at **69 Mill Street**, provisionally granted by the City Clerk on January 15, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval on January 28, 2019.
Approved January 29, 2019. (#0168)

APPLICATION, **R. J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **972 Elliot Street**, provisionally granted by the City Clerk on January 14, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval on January 28, 2019.
Approved January 29, 2019. (#0169)

APPLICATION, **New Hampshire Boring**, for permission to maintain a STREET OBSTRUCTION at **King's Highway/Fieldstone Market Place, Route 140 on ramp, King's Plaza, Tarkiln Hill Road and Church Street**, provisionally granted by the City Clerk on January 18, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval on January 28, 2019.
Approved January 29, 2019. (#0170)

APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **972 Elliot Street**, provisionally granted by the City Clerk on January 15, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval on January 28, 2019.
Approved January 29, 2019. (#0171)

APPLICATION, **New Hampshire Boring**, to DISTURB THE SURFACE, of King's Highway/Fieldstone Market Place, Route 140 on ramp, King's Plaza, Tarkiln Hill Road and Church Street, provisionally granted by the City Clerk on January 18, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval on January 28, 2019.

Approved January 29, 2019. (#0172)

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on January 15, 2019, subject to ratification by the Mayor and City Council as follows:

- David Court working from County Street to dead end (#0173)
- County Street working from Purchase Street to 1097 County Street (#0174)
- From Larch Street to Dartmouth Street to Bolton Street (#0175)
- 324 Cummington Street (#0176)
- 91 & 103 Clifford Street (#0177)
- 11 Brewster Street (#0178)
- 129 Clark Street (#0179)
- 19 Circuit Street (#0180)
- 99 Bedford Street (#0181)
- 102 Armour Street (#0182)
- 29 Fair Street (#0183)
- 148 Butler Street (#0184)
- 136 Bullard Street (#0185)
- 14 Rutland Street (#0186)
- 176 Highland Street (#0187)
- From Bliss Street to Bolton Street (#0188)
- From County Street to Pope Street to Linden Street (#0189)
- 82 – 86 Front Street (#0190)
- 301 Lowell Street (#0191)
- 197 Jarry Street (#0192)
- 1201 Victoria Street (#0193)
- 1195 Victoria Street (#0194)
- 126 Nash Road (#0195)
- From Bolton Street to Rivet Street to Swift Street (#0196)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2019.

Approved January 29, 2019.

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on January 16, 2019, subject to ratification by the Mayor and City Council as follows:

- 126 Nash Road (#0197)
- 923 Shawmut Avenue (#0198)
- 88 Birchwood Drive (#0199)
- 34 Cottonwood Road (#0200)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2019.

Approved January 29, 2019.

APPLICATIONS, **ABC Disposal Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on January 16, 2019, subject to ratification by the Mayor and City Council as follows:

89 Chestnut Street	(#0201)
89 Chestnut Street	(#0202)
98 – 100 South Street	(#0203)
2 White Street	(#0204)
281 Bates Street	(#0205)
26 Ward Street	(#0206)
794 Purchase Street	(#0207)
794 Purchase Street	(#0208)
62 Willard Street	(#0209)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2019.

Approved January 29, 2019.

PETITION, NSTAR ELECTRIC COMPANY d/b/a Eversource Energy for location of two (2) 4” Conduits and one (1) 45”x45”x36” handhole in EAST CLINTON STREET, West of Cottage Street.

RECEIVED AND HEARING ORDERED FOR THURSDAY, FEBRUARY 14, 2019.

On a motion, the Council then adjourned at 7:33 p.m.

ATTEST:

DENNIS W. FARIAS, CITY CLERK/
CLERK OF THE CITY COUNCIL