

**CITY COUNCIL CALENDAR
THURSDAY, SEPTEMBER 13, 2018
7 P.M. CITY COUNCIL CHAMBERS – ROOM 214
CITY HALL, 133 WILLIAM STREET, NEW BEDFORD, MA**

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

PRAYER LED BY: REVEREND DOUG CEDARBURG, PILGRIM UNITED CHURCH OF CHRIST

PLEDGE OF ALLEGIANCE

RESOLUTION

1. RESOLUTION, Councillors Dunn, Lopes, Giesta, Abreu, Markey, AGAINST EXPANDING CHARTER SCHOOL ENROLLMENT IN THE CITY OF NEW BEDFORD.

HEARING

2. HEARING, ORDERED, that the following petroleum license hereby be REVOKED: 226 Ash Street, originally granted to Bristol County House of Correction on September 14, 1950 – one (1) underground 10,000 gallon tank. (NOTE: After emptying and cleaning the tank it was determined that removal of the tank would undermine the existing foundation and jeopardize the structural integrity of the adjacent building; therefore it was determined that the tank be filled and closed in place in accordance with the requirements of the Office of the State Fire Marshall.)

2a. COMMUNICATION, Joe Gouveia, Project/Inventory Control Manager, Bristol County Sheriff's Office, requesting that the petroleum storage at 226 Ash Street be revoked, said facility switched to natural gas several years ago and no longer stores, uses or keeps crude petroleum; however, after emptying and cleaning the tank it was determined that removal of the tank would undermine the existing foundation and jeopardize the structural integrity of the adjacent building; therefore it was determined that the tank be filled and closed in place in accordance with the requirements of the Office of the State Fire Marshall.

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a HOME RULE PETITION, authorizing the appointment of Retired Police Officers as Special Police Officers in the City of New Bedford.

M1a. AN ACT, Authorizing the Appointment of Retired Police Officers as Special Police Officers in the City of New Bedford.

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting DPI Commissioner Ponte's recommendation of SHAWN SYDE of Fall River, MA, for the position of City Engineer for the Department of Public Infrastructure, and approval of the top step of the Unit C Salary Schedule which is \$105,115.00; and further, requesting a ONE-YEAR Waiver of Residency for Mr. Syde.

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR Waiver of Residency for SCOT SERVIS, Airport Manager who currently resides in Lakeville, MA.

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR Waiver of Residency for THOMAS J. MATHIEU, Associate City Solicitor, with the Office of City Solicitor, who currently resides in Raynham, MA.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR Waiver of Residency for PATRICK FARIA, Diesel Engine Repairman in the Department of Public Facilities and Fleet Management, who currently resides in Dartmouth, MA.

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$8,140.00 from FIRE, CAPITAL OUTLAY to FIRE, OTHER CHARGES.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for Gil and Deborah Martin, 370 Valley Road, New Bedford, MA in the amount of \$141.21.

NEW BUSINESS

3. AN ORDINANCE, amending Chapter 10 FINANCE; TAXATION; PROPERTY, Section 10-47 Departmental Revolving Funds by adding Dog Park Revolving Fund. (Passed to a Second Reading – August 16, 2018.)

4. AN ORDINANCE, amending Chapter 10 FINANCE; TAXATION; PROPERTY, Section 10-47 Departmental Revolving Funds by adding Golf Course Revolving Fund. (Passed to a Second Reading – August 16, 2018.)

5. AN ORDINANCE, amending Chapter 10 FINANCE; TAXATION; PROPERTY, Section 10-47 Departmental Revolving Funds by adding Rifle Range Revolving Fund. (Passed to a Second Reading – August 16, 2018.)

6. AN ORDINANCE, rezoning of certain parcels in the City of New Bedford from Industrial B to MIXED-USE BUSINESS: Map 18 Lot 1 – 438 Dartmouth Street; Map 18, Lot 69 – 105 Rockdale Avenue; Map 18, Lot 74 – 110 Jenkins Street; Map 18, Lot 84 – WS Hemlock Street; Map 18, Lot 102 – WS Hemlock Street; Map 18, Lot 103 – 470 Dartmouth Street; Map 18, Lot 105 – 137-141 Rockdale Avenue; Map 18, Lot 107 – 446 Dartmouth Street; Map 18, Lot 108 – 119 Rockdale Avenue; Map 18, Lot 109 – 117 Rockdale Avenue; Map 18, Lot 112 – 109 Rockdale Avenue; Map 18, Lot 113 – 123 Rockdale Avenue and Map 18, Lot 115 – 404 Dartmouth Street. (Passed to a Second Reading – August 16, 2018.)

7. AN ORDINANCE, Zoning for Marijuana Establishments and Medical Marijuana Treatment Centers. (Passed to a Second Reading – August 16, 2018.)

8. WRITTEN MOTION, Councillors Coelho, Lopes and Giesta, requesting, that the Committee on Ordinances look into the possibility of creating an Ordinance addressing jaywalking in the City of New Bedford, jaywalking as defined by crossing the street in an illegal or unsafe manner, whereupon Police can enforce jaywalking laws by issuing citations, the penalty for violating jaywalking laws typically would include a fine similar to a parking ticket, in many jurisdictions, fines increase with repeat jaywalking offenses. (To be Referred to the Committee on Ordinances.)

9. WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Appointments and Briefings meet with officials from ABC Disposal, the City Solicitor, along with a representative from the Mayor's office, for the purpose of working together, on behalf of the taxpayers of the City, and put together a plan of action to address the present recycling situation due to the increased cost and the non-acceptance recyclables to China; and further, that all parties come together with an open mind to a resolve this situation; furthermore if needed, that the Council go into Executive Session to

discuss the matter that is so important to the City of New Bedford; further that this meeting be called as soon as possible and that this be the only item placed on the agenda for discussion and resolution.

10. WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Ordinances meet with the Inspectional Services Commissioner to discuss implementing an Ordinance that would give City residents and Property Owners, with enough footage, an opportunity to put solar panels in their backyards instead of the traditional roof solar panels; and further that the City Solicitor along with the City Council's Legislative Counsel begin drafting an Ordinance that would allow residents with enough space, to utilize their backyards to locate a solar farm.

11. WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Public Safety and Neighborhoods meet with Whalers Cove Elderly and the Assistant Living Management to discuss security surveillance, speeding and criminal activity around said buildings; and further, that the Committee work with Whalers Cove Management to hold a Committee on Public Safety and Neighborhoods meeting on site with residents and the Commanding Officer at Police Station 3 for the purpose of working together to make the area safer for all residents.

12. WRITTEN MOTION, Councillor Gomes, requesting that the Department of Public Infrastructure take immediately action to apply weed killer and seal crack to the three East Beach parking lots; this action will preserve and prevent the decay of these lots for a possible 5 to 10 years or longer with proper maintenance; and further, that the white lines for parking spaces be repainted before the summer season 2019 opens, preventative work done now will delay further deterioration and preserve the lots for the coming years.

13. WRITTEN MOTION, Councillor Gomes, requesting that the City's Department of Public Infrastructure along with the Bristol County Sheriff's Work Release Program, work together in preserving the Whales Tooth Parking Lot's Harpoon fencing, with power sanding and painting of said fencing, this beautiful harpoon architecture fencing needs to be preserved and is one of the first images that many tourists see when using the Martha's Vineyard Ferry or any other ferry service.

14. WRITTEN MOTION, Councillor Gomes, requesting, on behalf of the residents in the area of Ryan Street, from Burns to Kirby Streets, that the Department of Public Infrastructure evaluate the street, make the proper cuts and resurface, this request has been made for sometime from the residents in the area; and further, that the entire intersection of Burns and Carroll Streets be cut out and replaced due to the years of deterioration and the poor conditions of this intersection. (To be Referred to the Department of Public Infrastructure.)

15. WRITTEN MOTION, Councillor Gomes, requesting, on behalf of the residents of the area of Acushnet Avenue and Blackmer Street, that the City-owned lot located on the south east corner of Acushnet Avenue and Blackmer Street be cleaned and the overgrowth of weeds and bushes be cut back; and further, that the Department of Public Infrastructure remove two trees located on Acushnet Avenue, east side between Rivet Street and Blackmer Street, the removal of the trees will give an open view to an area that has been plagued by criminal activity; and further, that all street lights be changed to the LED high-efficiency lighting from Rivet Street South to Division Street, this action will assist the Police Department and the City in making this area safer and improve the quality of life for the residents of this area.

16. COMMUNICATION, Councillor Lopes, submitting the report for the Partial Demolition of 73-91 Cove Street and a copy of the Demolition Delay Process, from Preservation Planner Anne Louro, in response to the Related Motion - City Council Agenda of August 16, 2018.

17. COMMUNICATION, Council President Morad, submitting a copy of Old Soul Gardens LLC, 226 South Main Street, Fall River, MA 02721, plans to operate a Craft Marijuana establishment in the City of New Bedford. (To be Referred to the Special Committee on Licensing and Zoning for Cannabis.)

18. COMMUNICATION, Community Preservation Committee, to City Council, requesting for reconsideration for the Acushnet Sawmill Expansion Project reduced funding. (Copy all Councillors via email September 6, 2017.)

19. COMMUNICATION, Councillor Gomes submitting a response letter from Erik Rousseau, Administrator, SRTA regarding a bus route extension to Fort Taber. (Copy all Councillors via email September 10, 2018.)

TABLED BUSINESS

08/16/2018 WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments in Briefings meet with Eversource officials, Riley Construction and the Commissioner of the Department of Public Infrastructure, Jamie Ponte, along with the resident of 43 Sherman Street, for the purpose of discussing an ongoing problem that was created by the Riley Construction crew at said location, said company broke a drain pipe and has refused to acknowledge this structural break that has left the resident of 43 Sherman Street with a flooded basement, damage and a continuous back up of a drainage pipe; and further, Riley Construction and Eversource have refused to acknowledge the problem, which up until this construction dig, had no problems at this home until this work was done.

***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.***