
THIS MEETING IS BEING HELD REMOTELY IN ACCORDANCE WITH THE GOVERNOR OF MASSACHUSETTS' MARCH 12, 2020 ORDER SUSPENDING CERTAIN PROVISIONS OF THE OPEN MEETING LAW G. L. C. 30A, SECTION 20 AND THE CITY COUNCIL'S VOTE TO WAIVE RULE 21A ON APRIL 7, 2020.

Thursday, April 07, 2020

7:00 p.m.

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

LATE: Councillor Gomes 7:05 p.m., Councillor Dunn 7:07 p.m.

ABSENT: No One

Council President Joseph P. Lopes called the meeting to order and presided.

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

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that the City is authorized to file an application with the U.S. Foreign-Trade Zones Board and applicable Federal agencies to reorganize Foreign Trade Zone #28 (FTZ 28) to an Alternative Site Framework (ASF) and that the Mayor is authorized to execute all necessary paperwork for the application and any subsequent administrative actions for FTZ 28.

Referred to the Committee on Appointments and Briefings. (#0433)

AN ORDER,

Referred to the Committee on Appointments and Briefings. (#0434)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a WAIVER OF RESIDENCY for JOHN BLAUDSCHUN as a full-time EMT for the Department of Emergency Medical Services who currently resides in Lakeville, MA.

One-Year Waiver of Residency Granted – Yeas 9, Nays 0. (Councillors Dunn and Gomes not present for vote.)

Presented to the Mayor for approval April 9, 2020.

Approved April 15, 2020. (#0435)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a WAIVER OF RESIDENCY for MICHAEL MCBARRON as a variable-time Paramedic for the Department of Emergency Medical Services who currently resides in Fairhaven, MA.

One-Year Waiver of Residency Granted – Yeas 9, Nays 0. (Councillors Dunn and Gomes not present for vote.)

Presented to the Mayor for approval April 9, 2020.

Approved April 15, 2020. (#0436)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of MARCUS CHUMACK, New Bedford, MA to the HUMAN RELATIONS COMMISSION; this term will expire December 2022.

Rule 38 Waived and Reappointment Confirmed – Yeas 9, Nays 0. (Councillors Dunn and Gomes not present for vote.) (#0437)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of BETHANY FAUTEUX, New Bedford, MA to the HUMAN RELATIONS COMMISSION; this term will expire April 2022.

Referred to the Committee on Appointments and Briefings. (#0438)

REPORT, Committee on Appointments and Briefings, recommending to the City Council to take “NO FURTHER ACTION” on the COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Jose Manuel Cabral, 56 Cottage Street, Chelsea, MA 02150 d/b/a LEONARDO’S SYSTEM CORP d/b/a PUERTA A PUERTA EXPRESS, 265 Rivet Street, New Bedford, MA 02744**, hereby submitting a copy of the Application requesting a **NEW PRIVATE LIVERY LICENSE** to carry passengers for hire over the streets of New Bedford. **(License will expire June 30, 2020.)**

Recommendation Followed. (#0439)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Jose Manuel Cabral, 56 Cottage Street, Chelsea, MA 02150 d/b/a LEONARDO'S SYSTEM CORP d/b/a PUERTA A PUERTA EXPRESS, 265 Rivet Street, New Bedford, MA 02744**, hereby submitting a copy of the Application requesting a **NEW PRIVATE LIVERY LICENSE** to carry passengers for hire over the streets of New Bedford; license will expire June 30, 2020. (Referred to the Committee on Appointments and Briefings – November 26, 2019.)
Referred to the Committee on Appointments and Briefings – November 26, 2019.
NO FURTHER ACTION. (#1914)

AN ORDINANCE, amending Chapter 9, Section 3147 RELATIVE TO ALTERNATE MATERIAL FOR PARKING/LOADING SURFACES. (Passed to a Second Reading on March 12, 2020.)
Referred to the Committee on Ordinances and the Planning Board – January 23, 2020.
Passed to a Second Reading – March 12, 2020.
Passed to be Ordained – Years 10, Nays 0. (Councillor Dunn not present for vote.)
Presented to the Mayor for approval April 09, 2020.
Approved April 15, 2020. (#0123)

WRITTEN MOTION, Council President Lopes, requesting that Rule 21A of the City Council Rules of Order be suspended until August 31, 2020 whereby members of the City Council will be able to participate and vote on matters in City Council and Committee meetings from remote locations by utilizing a suitable electronic means that establishes meaningful participation in any such meeting up to, but not after, said date.
Adopted – Yeas 11, Nays 0. (#0440)

WRITTEN MOTION, Councillor Morad, requesting that the application of Rule 27 be waived exclusively for purposes of calling and holding a meeting of the Committee on Finance on April 7, 2020.
Adopted – Yeas 11, Nays 0. (#0441)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **RENEE DEPINA, 61 Acushnet Avenue, Apt. #2, New Bedford, MA 02740 d/b/a UNITED CARE TRANSPORT, INC., 187 Wood Street, New Bedford, MA 02745**, hereby submits a copy of the Application requesting a **RENEWAL** of a **PRIVATE LIVERY LICENSE**, to carry passengers for hire over the streets of New Bedford. **(Term of License July 01, 2020 – June 30, 2021.)**
Livery License Renewal Granted.
Presented to the Mayor for approval April 09, 2020.
Approved April 15, 2020. (#0442)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **ROBERT NEVES, 2 Briarwood Lane, Berkley, MA 02779 d/b/a WHALING CITY TRANSIT, INC., 92 Sandford Road, Westport, MA 02790**, hereby submits a copy of the Application requesting a **RENEWAL** of a **PRIVATE LIVERY LICENSE**, to carry passengers for hire over the streets of New Bedford. **(Term of License July 01, 2020 – June 30, 2021.)**
Livery License Renewal Granted.
Presented to the Mayor for approval April 09, 2020.
Approved April 15, 2020. (#0443)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **George M. Viveiros, 102 Durfee Street, New Bedford, MA 02740 d/b/a MED FIRST, INC., 102 Durfee 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. **(Term of License July 1, 2020 – June 30, 2021.)**
Livery License Renewal Granted.
Presented to the Mayor for approval April 09, 2020.
Approved April 15, 2020. (#0444)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Daniel Xavier, 183 Campbell Street, New Bedford, MA 02740 d/b/a MCKENZIE BUS TRANSPORTATION INC., 183 Campbell 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. **(Term of License July 1, 2020-June 30, 2021.)**

Livery License Renewal Granted.

Presented to the Mayor for approval April 09, 2020.

Approved April 15, 2020.

(#0445)

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. **(Term of License July 1, 2020-June 30, 2021.)**

Livery License Renewal Granted.

Presented to the Mayor for approval April 09, 2020.

Approved April 15, 2020.

(#0446)

COMMUNICATION, First Assistant City Solicitor Friedman, to City Council, submitting an Appraisal and Confirmatory Order of Taking to acquire the permanent and temporary easements that are needed for the Hathaway Road Triangle Improvements Project to correct the incorrect damage amount stated on the Appraisal and the original Order of Taking for Map 101, Lot 19 which is now or formerly owned by Millenium Grind II Realty LLC.

Received and Placed on File.

(#0447)

CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 7, 2020

CONFIRMATORY ORDER OF TAKING

The City of New Bedford, acting by and through the City Council and under applicable provisions of Massachusetts General Laws, Chapter 79, and under any and every other power to it granted or implied, hereby takes for itself, by eminent domain, temporary and permanent easements, located in New Bedford as hereinafter described. for the purpose of altering and improving the Hathaway Road Triangle, including but not limited to roadway and sidewalk reconstruction, traffic signals, signs, pavement markings, and for all other uses incidental to said municipal purposes:

Permanent Easement E-2: An easement over a certain parcel of land being shown as E-2 on a plan entitled "Easement Plan of Land, Hathaway Road, Mt. Pleasant Street And Nauset Street, New Bedford, MA (Bristol County)", dated December 23, 2019, prepared by Surveying and Mapping Consultants, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point in the southerly sideline of Nauset Street, thence N 79° 24' 43" E 115.96 feet along the southerly sideline of Nauset Street to a point in the westerly sideline of Mt. Pleasant Street, thence

S 22° 02' 08" E a distance of 14.48 feet by the westerly sideline of Mt. Pleasant Street, to a point, thence

By a non-tangent curve to the left, having a radius of 17.00 feet and an arc length of 17.45 feet to a point, thence

S 79° 24' 43" W 47.58 feet to a point, thence

By a curve to the right, having a radius of 271.00 feet and an arc length of 57.13 feet to the point of beginning.

Said easement contains an area of 615 square feet, more or less.

Temporary Easement TE-7

Beginning at a point in the easterly line of land now or formerly Michel El-Khoury which is also the northeasterly corner of TE-3, thence

Easterly along Permanent Utility Easement U-8 118 feet more or less. thence

Southeasterly along Permanent Utility Easement U-8 2 feet more or less. thence

Northeasterly by land now or formerly of Michel El-Khoury 11 feet more or less to the point of beginning, said Temporary Easement comprises an area of 620 square feet, more or less.

Temporary Easement TE-8

Beginning at a point in the westerly sideline of Mt. Pleasant Street, thence

Southeasterly along the westerly sideline of Mt. Pleasant Street 65 feet more or less, thence

Southwesterly by land now or formerly of Millenium Grind II Realty, LLC 6 feet more or less, thence

Northwesterly by land now or formerly of Millenium Grind II Realty, LLC 58 feet more or less, thence

Northwesterly along Permanent Utility Easement U-8 16 feet, thence

Northeasterly along Permanent Utility Easement U-8 2 feet more or less, thence

Southeasterly along Permanent Easement E-2 by a curve to the right a distance of 13 feet more or less to the point of beginning, said Temporary Easement comprises an area of 448 square feet, more or less.

Permanent Easement U-8: An easement over a certain parcel of land being shown as U-8 on a plan entitled "Easement Plan of Land, Hathaway Road, Mt. Pleasant Street And Nauset Street, New Bedford, MA (Bristol County), dated December 23, 2019, prepared by Surveying and Mapping Consultants, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point in the southerly sideline of Nauset Street said point being the northeasterly comer of land now or formerly Michel El-Khoury and the northeasterly comer of easement U-6, thence

N 79° 24' 43" E 10.73 feet along the southerly line of Nauset Street to a point, thence

By a curve to the left, having a radius of 271.00 feet and an arc length of 57.13 feet along the southerly line of Permanent Easement E-2 to a point, thence

N 79° 24' 43" E a distance of 47.58 feet along the southerly line of Permanent Easement E-2 to a point, thence

By a curve to the right, having a radius of 17.00 feet and an arc length of 4.56 feet along the southerly line of Permanent Easement E-2 to a point which is the northwesterly comer of Temporary Easement TE-8, thence

S 27° 24' 28" W 1.66 feet along Temporary Easement TE-8 to a point, thence

S 34° 54' 26" E 16.33 feet along Temporary Easement TE-8 to a point, thence

S 55° 47' 04" W 6.00 feet to a point, thence

N 34° 54' 26" W 14.00 feet to a point which is the northeasterly comer of Temporary Easement TE-8, thence

S 82° 46' 33" W 118.24 feet along the northerly line of Temporary Easement TE-7 to a point at land now or formerly Michel El-Khoury, thence

N 25° 56' 43" E a distance of 6.86 feet to the point of beginning. Said parcel

contains an area of 652 square feet, more or less

The amount awarded as damages sustained by the Owner or Owners of said

easements, in accordance with the provisions of G.L. c.79, § 6, as amended and to any other person or corporation having an interest therein is \$16,400.00.

This Confirmatory Order of Taking is executed to correct and confirm the Order of Taking recorded on February 3, 2020 with said Registry of Deeds at Book 13098, Page 117 (the "Prior Order"), and to clarify that, as of the date the Prior Order was recorded, the damage award for the property shown as Lot 19 on City of New Bedford Assessor's Map 101, which is subject to the foregoing easements ("Easement E-2", "Temporary Easement TE-7", "Temporary Easement TE-8" and "Utility Easement U-8") was \$16,400.00. The Prior Order inadvertently listed the amount of the damage award as \$12,200.00. Nothing herein shall impair or otherwise affect the rights and easements acquired by the City of New Bedford pursuant to the Prior Order.

AND BE IT FURTHER ORDERED, that the City Clerk cause a copy of this order of taking herein made, certified by him, to be recorded on behalf of the City of New Bedford in the Registry of Deeds for the Southern District of Bristol County, and to give such other notices as are required by General Laws.

Adopted.

Presented to the Mayor for approval April 9, 2020.

Approved April 15, 2020. (#0448)

WRITTEN MOTION, Council President Lopes, requesting that the Traffic Commission consider delineating with white painted lines on the street the NO PARKING AREA from here to curb on the west side of East Rodney French Boulevard on the following streets: Clara Street and East Rodney French Boulevard; Norman Street and East Rodney French Boulevard and Frederick Street and East Rodney French Boulevard.

Referred to the Traffic Commission. (#0449)

WRITTEN MOTION, Council President Lopes, requesting that the Traffic Commission consider installing a yellow painted crosswalk along East Rodney French Boulevard across the entrance of the hurricane doors.

Referred to the Traffic Commission. (#0450)

CONSTABLE BOND, JOSEPH LATIMER, New Bedford, MA 02740 with Massachusetts Bay Insurance Company in the amount of \$5,000.00.

Approved.

Presented to the Mayor for approval April 9, 2020.

Approved by the Mayor April 14, 2020. (#0451)

APPLICATION, **New Hampshire Boring**, for permission to maintain a STREET OBSTRUCTION at **Rockdale Avenue and Allen Street**, provisionally granted by the City Clerk on March 17, 2020, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 9, 2020.

Approved by the Mayor April 14, 2020. (#0452)

APPLICATION, **Dupre, Inc.**, for permission to maintain a STREET OBSTRUCTION at **956-958 Brock Avenue**, provisionally granted by the City Clerk on March 17, 2020, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 9, 2020.

Approved by the Mayor April 14, 2020. (#0453)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **111 Larch Street**, provisionally granted by the City Clerk on March 24, 2020, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 9, 2020.

Approved by the Mayor April 14, 2020. (#0454)

APPLICATION, **Early Contractors, Inc.**, for permission to maintain a STREET OBSTRUCTION at **1230-1265 Purchase Street**, provisionally granted by the City Clerk on March 24, 2020, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 9, 2020.

Approved by the Mayor April 14, 2020. (#0455)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **21 Jovette Street**, provisionally granted by the City Clerk on March 26, 2020, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 9, 2020.

Approved by the Mayor April 14, 2020. (#0456)

APPLICATION, **New Hampshire Boring**, to DISTURB THE SURFACE, of **Rockdale Avenue and Allen Street**, provisionally granted by the City Clerk on March 17, 2020, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 9, 2020.

Approved by the Mayor April 14, 2020. (#0457)

APPLICATION, **Dupre, Inc.**, for permission to maintain a STREET DISTURBANCE at **956-958 Brock Avenue**, provisionally granted by the City Clerk on March 17, 2020, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 9, 2020.

Approved by the Mayor April 14, 2020. (#0458)

APPLICATION, **JLC Construction**, for permission to maintain a STREET DISTURBANCE at **111 Larch Street**, provisionally granted by the City Clerk on March 24, 2020, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 9, 2020.

Approved by the Mayor April 14, 2020. (#0459)

APPLICATION, **Early Contractors, Inc.**, for permission to maintain a STREET DISTURBANCE at **1230-1265 Purchase Street**, provisionally granted by the City Clerk on March 24, 2020, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 9, 2020.

Approved by the Mayor April 14, 2020. (#0460)

APPLICATION, **JLC Construction**, for permission to maintain a STREET DISTURBANCE at **21 Jovette Street**, provisionally granted by the City Clerk on March 26, 2020, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 9, 2020.

Approved by the Mayor April 14, 2020. (#0461)

APPLICATION, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on March 24, 2020, subject to ratification by the Mayor and City Council as follows:

220 Rivet Street, at the intersection of Hall Street

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 9, 2020.

Approved by the Mayor April 14, 2020. (#0462)

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on March 26, 2020, subject to ratification by the Mayor and City Council as follows:

Hathaway Road, working from Valley View Drive to Rockdale Avenue	(#0463)
739 Church Street	(#0464)
Bolton Street, working from Kane Street – Rivet Street	(#0465)

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval April 9, 2020.
Approved by the Mayor April 14, 2020.

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on March 24, 2020, subject to ratification by the Mayor and City Council as follows:

343 & 345 Rivet Street, between Orchard Street and Briggs Street	(#0466)
492 Kempton Street, between Chancery Street and Park Street	(#0467)
45 Jenkins Street between Hemlock Street and Bolton Street	(#0468)
33 Grove Street, between Cottage Street and Borden Street	(#0469)
199 Court Street, between Park Street and Pierce Street	(#0470)
28 Hill Road, Poplar Road and Garrison Street	(#0471)
4 Waldo Street, between Brooklawn Street and Wood Street	(#0472)
198 & 200 County Street, Rockland Street to Thompson Street	(#0473)
217 Central Avenue, between Ashley Boulevard and Arlington Street	(#0474)
233 Aquidneck Street, West Rodney French Boulevard to Brock Avenue	(#0475)
270 Aquidneck Street between West Rodney French Boulevard to Brock Avenue	(#0476)
24 Welcome Street, between West Rodney French Boulevard to McGurk Street	(#0477)
48 Sycamore Street, between Thomas Street and Walden Street	(#0478)
83 Vine Street, between Mt. Vernon Street to Mt. Pleasant Street	(#0479)
325 Rockdale Avenue, between Luke Street and Mathew Street, working on the Luke Street side	(#0480)
213 Rockland Street, between Dartmouth Street and Lombard Street	(#0481)
60 Taber Street, between West Street and Brigham Street	(#0482)
289 Maple Street – Brownell Street to Rounds Street	(#0483)
70 Ruth Street, working on the Roosevelt Street side of the property	(#0484)
35 Lincoln Street, between Arnold Street and Union Street	(#0485)
364 North Front Street, between Dean Street and Bullard Street	(#0486)
66 Cottage Street, between Bedford Street and Grove Street	(#0487)

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval April 9, 2020.
Approved by the Mayor April 14, 2020.

APPLICATIONS, **Frade’s Disposal, Inc.**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on March 27, 2020, subject to ratification by the Mayor and City Council as follows:

67 Burns Street	(#0488)
67 Burns Street	(#0489)
67 Burns Street	(#0490)
241 Query Street	(#0491)

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval April 9, 2020.
Approved by the Mayor April 14, 2020.

PETITION, Verizon New England, Inc. & NSTAR Electric Company d/b/a Eversource Energy for joint RELOCATION of two (2) Poles on CHURCH STREET. (This request is to accommodate the future MBTA Entrance on Church Street.)

Received and Placed on File.

(#0492)

AN ORDER,

Adopted and ordered recorded in Book of Location Order Records.

Presented to the Mayor for approval April 09, 2020.

Approved April 14, 2020.

(#0493)

The following resolution was presented by Councillors Giesta, Abreu, Carney, Dunn, Gomes, Baptiste, Markey and Lima, supporting Greater New Bedford Regional Vocational Technical High School Educators forming a Union.

CITY OF NEW BEDFORD
IN CITY COUNCIL
APRIL 07, 2020

**Resolution Supporting Greater New Bedford Regional Vocational
Technical High School Educators Forming A Union**

WHEREAS, The educators at Greater New Bedford Regional Vocational Technical High provide a vital service to our City and surrounding communities; and

WHEREAS, Educators should be able to assert their expertise in decisions affecting students and their programs; and

WHEREAS, Workers have the right to organize unions and engage in collective bargaining; and

WHEREAS, Educators at Greater New Bedford Regional Vocational Technical High School have expressed the desire to form a union and use their collective power to further educational opportunities at the school:

NOW, THEREFORE, BE IT RESOLVED, That Members of the New Bedford City Council supports the Greater New Bedford Regional Vocational Technical High School educators in their efforts to have their union recognized.

Adopted – Yeas 9, Nays 2. (Council President Lopes and Councillor Morad OPPOSED.)

(#0494)

On a motion, the Council then adjourned at 7:16 p.m.

ATTEST:

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