

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

CITY COUNCIL
Municipal Building
7:07 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 Michael Racine, Holy Name of the Sacred Heart of Jesus Church

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

HEARING, NSTAR Electric Company d/b/a Eversource Energy for location of four (4) 4" Conduits, four (4) 5" Conduits, eight (8) 5" Conduits and one (1) 5'x7'x6' Manhole in MACARTHUR DRIVE, North of South Street.

Hearing held.

Petition placed on file. (#1687)

AN ORDER,

Adopted and ordered recorded in Book of Location Order Records.

Presented to the Mayor for approval October 28, 2019.

Approved November 1, 2019. (#1688)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ROBERT ALLEN LANGEVIN, New Bedford, MA as a CONSTABLE.

Received and Placed on File. (#1689)

APPLICATION, ROBERT ALLEN LANGEVIN, New Bedford, MA 02740, for REAPPOINTMENT as a CONSTABLE.

Confirmed. (#1690)

AN ORDINANCE, amending Chapter 24, Section 24-16 - RELATIVE TO VEHICLES FOR HIRE. (Passed to a Second Reading - September 26, 2019.)

Referred to the Committee on Ordinances – March 28, 2019.

Passed to a Second Reading - September 26, 2019.

Passed to be ordained – Yeas 10, Nays 0. (Councillor Lima not present for vote.)

Presented to the Mayor for approval October 28, 2019.

Vetoed by Mayor Mitchell on November 7, 2019. (#0578)

WRITTEN MOTION, Councillor Abreu, requesting that the Special Committee on Memorials and Dedications be DISCHARGED from further consideration on the following matter: COMMUNICATION, Mayor Mitchell, to City Council, submitting a request that the City appropriately honor former Mayor Rosemary S. Tierney, and re-name the Hazelwood Senior Center, as the "Rosemary S. Tierney Community Center, that in doing so, the City would establish a fitting and lasting tribute to an exemplary public servant.

Special Committee on Memorials and Dedication DISCHARGED from further consideration – Yeas 11, Nays 0. (#1691)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a request that the City appropriately honor former Mayor Rosemary S. Tierney, and re-name the Hazelwood Senior Center, as the “Rosemary S. Tierney Community Center” that in doing so, the City would establish a fitting and lasting tribute to an exemplary public servant. (Referred to the Special Committee on Memorials and Dedications – May 23, 2019.)

Referred to the Special Committee on Memorials and Dedications – May 23, 2019.

Approved.

Presented to the Mayor for approval October 28, 2019.

Approved November 1, 2019. (#0959)

WRITTEN MOTION, Councillor Abreu, Council President Morad, Councillors Lopes, Giesta, Lima and Carney and Gomes, requesting that the Committee on Ordinances review how State and Local Zoning Laws regulate drug treatment facilities and the impact on residential neighborhoods and that the Committee consider enacting any necessary legislation that would alleviate any negative impacts on local residents. (To be Referred to the Committee on Ordinances.)

Referred to the Committee on Ordinances. (#1692)

CITY COUNCIL ORDER, Councillors Abreu, Carney, Gomes, Lopes and Council President Morad, that all City Departments immediately suspend the issuance of any permits, licenses or other approvals issued by the City of New Bedford for the new location of any facility that proposes to provide or prescribe any Opiate or product containing buprenorphine in the treatment of Opioid addiction where said location is to be within 10,000 feet of any residential structure until such time as the City Council has determined the proper conditions and requirements that, through local legislation or regulation, need to be imposed on such facilities to assure that such locations are not contrary to the health, safety and welfare of the children and citizens of the City of New Bedford.

Adopted – Yeas 11, Nays 0.

Presented to the Mayor for approval October 28, 2019.

Vetoed by Mayor Mitchell on November 7, 2019. (#1693)

WRITTEN MOTION, Councillor Dunn, requesting, that Derek Santos, Executive Director, New Bedford Economic Development Council be invited to attend the Committee on Ordinances to discuss overhauling City codes as they relate to business attraction and retention. (To be Referred to the Committee on Ordinances.)

Referred to the Committee on Ordinances. (#1694)

PETITION/INDEMNITY AGREEMENT, The Maiden Company, 95 Brook Street, New Bedford, MA 02746 for permission to erect and maintain six (6) awnings to overhang City Property by eighteen (18) inches at 628-640 Pleasant Street. (Submitted by Councillor Rebeiro.)

Approved.

Presented to the Mayor for approval October 28, 2019.

Approved November 1, 2019. (#1695)

CITY OF NEW BEDFORD

IN CITY COUNCIL

OCTOBER 24, 2019

ORDERED, that permission be granted to **The Maiden Company, 95 Brook Street, New Bedford, MA 02746** for permission to erect and maintain six (6) awning to overhang City Property by eighteen (18) inches on 628-640 Pleasant Street.

BE IT FURTHER ORDERED, That said permission is hereby granted subject to Petition/Indemnity Agreement of **The Maiden Company, 95 Brook Street, New Bedford, Ma 02745**, to the City of New Bedford, approved by the City Council on October 24, 2019, a copy of which is attached hereto and made part thereof, and subject to the approval of the Department of Inspectional Services

Adopted.

Presented to the Mayor for approval October 28, 2019.

Approved November 1, 2019. (#1696)

COMMUNICATION, City Clerk Farias, submitting a copy of a letter from the Commission for Citizens with Disabilities' Executive Director, Cynthia Wallquist notifying of the Board's action taken on September 26, 2019, regarding the removal of Board Member Herbert Eddleston due to his three (3) unexcused absences from regularly scheduled meetings during a year.

Received and Placed on File. (#1697)

COMMUNICATION, Manuel DeBrito, Board of Election Commissioners, to City Council, submitting the Election Warrant for the Tuesday, November 5, 2019, Municipal Election, the warrant needs to be signed by the majority of the City Council and must be posted on the 7th day prior to the Election date as mandated by M.G.L. c43, §44A, a copy of this warrant will be posted at each polling location.

Received and Placed on File. (#1698)

COMMUNICATION, Massachusetts Department of Elementary and Secondary Education Commissioner Jeffrey C. Riley, to Mayor Mitchell, Superintendent Anderson and Ex. Director Gardner from the Alma del Mar Charter School, regarding the termination of the Memorandum of Understanding between the City, the New Bedford Schools and Alma del Mar Charter School due to the fact that the necessary legislation had not been enacted in sufficient time for the planning and implementation of the charter school. (Copy all Councillors via email October 17, 2019.)

Received and Placed on File. (#1699)

CITATION, Councillors Abreu, Carney, Coelho, Dunn, Giesta, Gomes, Lima, Lopes, Markey and Council President Morad, and Councillor Rebeiro, honoring PATRICK ROBITAILLE as the 2019 Southeastern Massachusetts Veteran of the Year.

Adopted, to be presented at a later date. (#1700)

CITATION, Councillor Abreu, Council President Morad and Councillor Rebeiro, honoring MISS Z PHOTOGRAPHY, in recognition of their Grand Opening and Ribbon-Cutting Ceremony.

Adopted, to be presented at a later date. (#1701)

CITATION, Councillor Gomes, honoring MARIE-ANGE LEVESQUE, in recognition of the celebration of her 107th birthday on October 25, 2019, and with wishes that the Good Lord will give her many more happy and healthy years ahead.

Adopted, to be presented at a later date. (#1702)

CITATION, Councillor Markey and Council President Morad, honoring AIRPORT GRILLE in recognition of their Grand Opening and Ribbon Cutting Ceremony.

Adopted, to be presented at a later date. (#1703)

WRITTEN MOTION, Councillor Lima, requesting, on behalf of the New Bedford High School Class of 2020, that the following street(s) be CLOSED: LT. WALTER E. FULLER MEMORIAL PARKWAY, from Rockdale Avenue to the Monument in Veteran's Memorial Buttonwood Park, ON WEDNESDAY, NOVEMBER 27, 2019, FROM: 6:00 P.M. THROUGH 10:00 P.M., for the purpose of the New Bedford High School Thanksgiving Rally and Bonfire; also requesting, that the Traffic Commission post "No Parking" Signs because fire engines and floats will be parked on this section of Fuller Memorial Parkway. (Please Note: Parade Route from New Bedford High School to Buttonwood Park via Hathaway Boulevard, to Rockdale Avenue, to Buttonwood Park.)

Permission Granted.

Presented to the Mayor for approval October 28, 2019.

Approved November 1, 2019. (#1704)

WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the YWCA, that the following street(s) be CLOSED: SOUTH SIXTH STREET, from School Street to Spring Street, ON FRIDAY, NOVEMBER 08, 2019, FROM 10:00 A.M. TO 12:30 P.M., for the purpose of the "School to Spring Playground Ceremony.

Permission Granted.

Presented to the Mayor for approval October 28, 2019.

Approved November 1, 2019. (#1705)

WRITTEN MOTION, Councillor Gomes, requesting that the Traffic Commission install the following signs around the Pulaski School Area:

NO PARKING SIGNS: installed on both the north and south side of Braley Road only between the crosswalks located at the entrance and exit of Pulaski School. These should be time restricted to the hours of 8:00 a.m. – 3:30 p.m. Monday-Friday, not including Holidays.

NO LEFT TURN SIGN: installed on the south side of Braley Road across from the entrance to the school. This should be time restricted to the hours of 8:00 a.m. – 3:30 p.m. Monday – Friday, not including Holidays. This will help alleviate concerns in regard to parent meetings and functions held after normal school hours as traffic concerns will not be an issue during those times. A sign is already at this location attached to the crosswalk sign, but recommending a larger sign if possible, for greater visibility. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission. (#1706)

CONSTABLE BOND, JEFFREY L. KING, 116 Rockland Street, South Dartmouth, MA 02748, in the amount of \$5,000.00, with Travelers Surety Company of America.

Approved.
Presented to the Mayor for approval October 28, 2019.
Approved November 1, 2019. (#1707)

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 the Board of Assessors for a meeting held on October 4, 2019; Bristol County PHEP Coalition & Ex. Board for meetings held on September 17 and October 15, 2019; Redevelopment Authority for meetings held on September 5, 2019 and June 25, 2019.

Received and Placed on File. (#1708)

APPLICATION, **R.J. Kenney Associates, Inc.**, for permission to maintain a STREET OBSTRUCTION at **Clark Street, Purchase and Weld Streets (Car Barn Apartments)**, provisionally granted by the City Clerk on October 21, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval October 28, 2019.
Approved November 1, 2019. (#1709)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **196 Palmer Street**, provisionally granted by the City Clerk on October 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 October 28, 2019.
Approved November 1, 2019. (#1710)

APPLICATION, **Morgado Company**, for permission to maintain a STREET OBSTRUCTION at **10 Valley Court**, provisionally granted by the City Clerk on October 21, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval October 28, 2019.
Approved November 1, 2019. (#1711)

APPLICATION, **Gendron Excavating**, for permission to maintain a STREET OBSTRUCTION at **North west corner of Belleville Avenue and Cedar Grove**, provisionally granted by the City Clerk on October 23, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval October 28, 2019.
Approved November 1, 2019. (#1712)

APPLICATION, **Early Contractors**, for permission to maintain a STREET OBSTRUCTION at **193 Chancery Street to Kempton Street to pole #219VZ1 on Emerson Street**, provisionally granted by the City Clerk on October 24, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 28, 2019.

Approved November 1, 2019. (#1713)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **196 Palmer Street**, provisionally granted by the City Clerk on October 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 October 28, 2019.

Approved November 1, 2019. (#1714)

APPLICATION, **Morgado Company**, to DISTURB THE SURFACE, of **10 Valley Court**, provisionally granted by the City Clerk on October 21, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 28, 2019.

Approved November 1, 2019. (#1715)

APPLICATION, **Gendron Excavating**, to DISTURB THE SURFACE, of **North west corner of Belleville Avenue and Cedar Grove**, provisionally granted by the City Clerk on October 23, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 28, 2019.

Approved November 1, 2019. (#1716)

APPLICATION, **Early Contractors**, to DISTURB THE SURFACE, of **193 Chancery Street to Kempton Street to pole #219VZ1 on Emerson Street**, provisionally granted by the City Clerk on October 24, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 28, 2019.

Approved November 1, 2019. (#1717)

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on October 18, 2019, subject to ratification by the Mayor and City Council as follows:

- | | |
|--------------------------|---------|
| 21 Mosher Street | (#1718) |
| 112-114 Princeton Street | (#1719) |
| 115 Whitman Street | (#1720) |
| 212 County Street | (#1721) |
| 1022 Chaffee Street | (#1722) |
| 354 County Street | (#1723) |
| 366 County Street | (#1724) |
| 266-268 County Street | (#1725) |
| 7 Potter Street | (#1726) |
| 77 Delano Street | (#1727) |
| 59 Court Street | (#1728) |
| 961 Maplewood Street | (#1729) |
| 230 Downey Street | (#1730) |
| 171 Merrimac Street | (#1731) |
| 16 Willow Street | (#1732) |
| 198-200 County Street | (#1733) |
| 740 Rockdale Avenue | (#1734) |
| 475 Purchase Street | (#1735) |
| 112 Hadley Street | (#1736) |
| 21 Hollyhock Street | (#1737) |
| 17 Concord Street | (#1738) |

Intersection of Elm Street & Eighth Street (#1739)
Austin Street working from State Street to Purchase Street (#1740)
Brook Street working from Irvington Street to Princeton Street (#1741)
Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval October 28, 2019.
Approved November 1, 2019.

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on October 21, 2019, subject to ratification by the Mayor and City Council as follows:

279 – 281 Summer Street (#1742)
338-340 Shaw Street (#1743)
357 Margaret Street (#1744)
274 Wood Street (#1745)
59 Roosevelt Street (#1746)
786 Wildwood Road (#1747)
109 Court Street (#1748)
98 County Street (#1749)
612 South Second Street (#1750)
52 Tinkham Street (#1751)
Intersection of Mina Street and Ricketson Street (#1752)
Lot 65 Acorn Street (#1753)
Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval October 28, 2019.
Approved November 1, 2019.

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on October 21, 2019, subject to ratification by the Mayor and City Council as follows:

66 Garrison Street (#1754)
136 County Street (#1755)
1011 Ashley Boulevard (#1756)
131-132 Dakota Court (#1757)
960 Mazeppa Street (#1758)
76 Rowe Street (#1759)
32 Anthony Terrace (#1760)
210 Caroline Street (#1761)
276 Hawthorn Street (#1762)
918 Pine Hill Drive (#1763)
298 Cummington Street (#1764)
582 Church Street (#1765)
60 Agnes Street (#1766)
Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval October 28, 2019.
Approved November 1, 2019.

APPLICATION, **Frade's Disposal Inc.**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on October 18, 2019, subject to ratification by the Mayor and City Council as follows:

173 Collette Street

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 28, 2019.

Approved November 1, 2019.

(#1767)

On a motion, the Council then adjourned at 7:26 p.m.

ATTEST:

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