

REGULAR MEETING
Chambers of the City Council
Thursday, February 28, 2019

CITY COUNCIL
Municipal Building
7:00 p.m.

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

LATE: No One

ABSENT: Councillors Dunn.

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

Prayer Led By: Reverend Christopher Morck, Grace Episcopal Church.

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

COMMUNICATION, Councillor Dunn, to Members of the City Council, notifying that he will be absent from the City Council Meeting on Thursday, February 28, 2019, due to a work conflict.

Received and Placed on File. (#0316)

COMMUNICATION, Mayor Mitchell, to City Council, submitting A LOAN ORDER, appropriating \$17 Million to construct the South Public Safety Center located on the property at Brock Avenue and Ruth Street and to include the demolition of the former St. Anne's Church and School.

Referred to the Committee on Finance. (#0317)

LOAN ORDER,

Referred to the Committee on Finance. (#0318)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a response to its RFP of 45 Salisbury Street, for its inclusion in the proposed Public Safety Facility at Ruth and Salisbury Street and Brock Avenue.

Referred to the Committee on City Property. (#0319)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a request, that pursuant to Section 2-65 of the City Code, the Council begin Committee on City Property proceedings to seek proposals for the disposition of a twenty-year leasehold interest in property owned by the City of New Bedford, consisting of approximately 2.745 acres of vacant land located on the West Side of East Rodney French Boulevard, shown on City of New Bedford Assessor's Map 12, as Lot 298.

Referred to the Committee on City Property. (#0320)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of GARY RAPOSA to the position of DISTRICT FIRE CHIEF, effective March 03, 2019.

Rule 38 Waived and Appointment Confirmed – Yeas 10, Nays 0. (#0321)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a WAIVER OF RESIDENCY for ELIZABETH LYDON, a candidate to fill the vacant position of Associate City Solicitor; Ms. Lydon currently resides in Rochester, MA. Also, requesting Council approval of Ms. Lydon's salary at Step 3, Grade M-12 (74,900).

Waiver of Residency – GRANTED.

Salary Request – Step 3, Grade M-12 (\$74,000) GRANTED – Yeas 10, Nays 0.

Presented to the Mayor for approval March 04, 2019.

Approved March 12, 2019. (#0322)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of SHAYNE M. TRIMBELL, New Bedford, MA 02740, as an Alternate Member to the PLANNING BOARD; Mr. Trimbell will be replacing George N. Smith, whose term has expired; this term will expire September 2021.

Referred to the Committee on Appointments and Briefings. (#0323)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of CELESTE PALEOLOGOS, New Bedford, MA, 02746, to the ZONING BOARD OF APPEALS; this term will expire in December 2020.

Referred to the Committee on Appointments and Briefings. (#0324)

REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of JENNIFER SMITH, New Bedford, MA 02740, as an Alternate Member to the HISTORICAL COMMISSION; Ms. Smith will be replacing Meghan Kish, whose term has expired; this term will expire March 2021.

Recommendation Followed. (#0325)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JENNIFER SMITH, New Bedford, MA 02740, as an ALTERNATE MEMBER to the HISTORICAL COMMISSION; Ms. Smith will be replacing Meghan Kish, whose term has expired; this term will expire March 2021.

A motion was made to Waive Rule 38 FAILED – Yeas 7, Nays 1. (Council President Morad OPPOSED.)

Referred to the Committee on Appointments and Briefings – November 08, 2018.

Appointment Granted – Yeas 10, Nays 0. (#1798)

REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of CAROL PIMENTEL, New Bedford, MA to the REDEVELOPMENT AUTHORITY, replacing Celia Brito, whose term has expired and recently ceased being a City resident; this term will expire July 2022.

Recommendation Followed. (#0326)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of CAROL PIMENTEL, New Bedford, MA to the REDEVELOPMENT AUTHORITY, replacing Celia Brito, whose term has expired and recently ceased being a City resident; this term will expire July 2022.

Referred to the Committee on Appointments and Briefings – November 20, 2018.

Appointment APPROVED – Yeas 8, Nays 2. (Council President Morad and Councillor Rebeiro OPPOSED.)

(#1905)

REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of ANN R. O'LEARY, New Bedford, MA to the LIBRARY BOARD OF TRUSTEES, replacing Jill Horton Simms who has resigned, this term will expire APRIL 2020.

Recommendation Followed. (#0327)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a request to rescind Mr. Barry Trahan's appointment to serve on the Library Board of Trustees replacing Jill Horton Simms; and further submitting the APPOINTMENT of ANN R. O'LEARY, New Bedford, MA to the LIBRARY BOARD OF TRUSTEES, replacing Jill Horton Simms who has resigned, this term will expire APRIL 2020.

Referred to the Committee on Appointments and Briefings – January 10, 2019.

Appointment APPROVED – Yeas 10, Nays 0. (#0015)

REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of MARTIN BENTZ, New Bedford, MA, to the HUMAN RELATIONS COMMISSION, replacing Kevin Thomas, whose term has expired; this term will expire FEBRUARY 2021.

Recommendation Followed. (#0328)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MARTIN BENTZ, New Bedford, MA, to the HUMAN RELATIONS COMMISSION, replacing Kevin Thomas, whose term has expired; this term will expire FEBRUARY 2021.

Referred to the Committee on Appointments and Briefings – January 10, 2019.

Appointment APPROVED – Yeas 10, Nays 0. (#0016)

REPORT, Committee on Appointments and Briefings, recommending to the City Council to follow the Recommendations of the Historical Commission and Grant Partial Demolition and replacement of existing windows at 61 WAMSUTTA STREET, (MAP 78, LOT 125).

Recommendation Followed. (#0329)

COMMUNICATION/DEMOLITION, Anne Louro Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW OF 61 WAMSUTTA STREET, (MAP 78, LOT 125) a Circa 1889 two-story brick mill structure – advising that “the purpose of the Demolition Delay Ordinance is to preserve and protect significant buildings and structures within New Bedford and to encourage owners of Preferably Preserved Historic Buildings and Structure to seek out alternative options that will preserve, rehabilitate or restore such buildings; the structure is located in the Wamsutta Mill National Register Historic District and is associated with the broad architectural, cultural, economic, political and social history of the City; as part of the rehabilitation and adaptive reuse of the structure to accommodate 30 units of housing, partial demolition of non-historic fabric will occur; including the replacement of windows; the rehabilitation is utilizing both the Federal and the State Rehabilitation Tax Credit Programs; as such, the project must meet the Secretary of the Interior’s Standards for Rehabilitation; **“in light of these findings, the Preservation Planner has determined that the structure at 61 Wamsutta Street is a Historically Significant and a Preferably Preserved Historic Building; however, the building is not regulated by the Demolition Delay Ordinance, as the intent is to restore and preserve the building, not to demolish.”**

Referred to the Committee on Appointments and Briefings – January 10, 2019.

Partial Demolition of non-historic fabric and replacement of windows GRANTED.

Presented to the Mayor for approval March 04, 2019.

Approved March 12, 2019. (#0037)

REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the APPLICATION, Dennis and Grace Madeira, D/B/A Manny’s Auto Body, for a SPECIAL PERMIT for Motor Vehicle Sales and Rentals, Body Repair, General Repair and Light Service at 262 Myrtle Street, New Bedford, MA 02746.

Recommendation Followed. (#0330)

SPECIAL PERMIT, Dennis and Grace Madeira, d/b/a Manny’s Auto Body, for a SPECIAL PERMIT for Motor Vehicle Sales and Rentals, Body Repair, General Repair and Light Service at 262 Myrtle Street, New Bedford, MA 02746.

SPECIAL PERMIT GRANTED – Yeas 9, Nays 0. (Council President Morad not present for vote.)

Presented to the Mayor for approval March 04, 2019.

Approved March 12, 2019. (#0331)

REPORT, Committee on Appointments & Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of BARRY G. TRAHAN, New Bedford, MA, to the LIBRARY BOARD OF TRUSTEES, Mr. Trahan will be replacing Jill Horton-Simms who has resigned; this term will expire APRIL 2020.

Recommendation Followed. (#0332)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of BARRY G. TRAHAN, New Bedford, MA, to the LIBRARY BOARD OF TRUSTEES, Mr. Trahan will be replacing Jill Horton-Simms who has resigned; this term will expire APRIL 2020.

Referred to the Committee on Appointments and Briefings – July 19, 2018.

NO FURTHER ACTION. (#1254)

WRITTEN MOTION, Councillors Coelho and Giesta, requesting, that the City Council inquire of the Massachusetts Department of Public Health, the Massachusetts Public Health Council, *and the New Bedford Board of Health* whether or not the State has any regulatory requirements to prevent photos from being taken of nursing home residents by staff or by visitors without their express consent as a result of various cases arising whereby such residents have appeared in photos, whether they were the subject of the photo or recognizably appearing in the background of a photo, that were posted on various social media outlets without the resident's knowledge or consent thereby infringing on the privacy of an extremely vulnerable population in our community; and if such regulations exist, how the City government can assist in the enforcement; if such regulations do not exist, whether such regulations can be promulgated to preserve the privacy of these residents.

Referred to the Massachusetts Department of Public Health, the Massachusetts Public Health Council and the New Bedford Board of Health.

Presented to the Mayor for approval March 04, 2019.

RETURNED UNSIGNED March 18, 2019. (#0333)

WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Public Safety and Neighborhoods meet with a Representative of Avigilon Surveillance Camera Company, a Representative of America Security the company responsible for the installation and monitoring of City Hall surveillance cameras, Police Chief Cordeiro, Department of Facilities and Fleet Management Director Champagne, and a Representative of the Mayor's Office for the purpose of discussing the break-in that occurred at City Hall, and whether all security and camera systems were in working order; further, requesting that outside cameras be installed at the north west, north east, south east and south west corners of City Hall; and further, that a surveillance monitor system be placed in City Hall in an assigned office of the Police Officer for the day, along with a recording system that records all movements of the interior and exterior of City Hall 24 hours of day, seven days a week, and all cameras be hooked up to the Police Department's surveillance system.

Referred to the Committee on Public Safety and Neighborhoods – Yeas 9, Nays 0. (Councillor Giesta not Present for Vote.)

(#0334)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, requesting on behalf of the New Bedford Airport Commission that the City Council purchase from Tifereth Israel Congregation, two Lots for a total consideration of \$35,000.00.

Adopted – Yeas 10, Nays 0.

Motion made by Councillor Carney to RECONSIDER the matter and Refer to the Committee on City Property – All Ayes. (#0335)

AN ORDER,

Adopted – Yeas 10, Nays 0.

Motion made by Councillor Carney to RECONSIDER the matter and Refer to the Committee on City Property – All Ayes. (#0336)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, requested by the New Bedford Airport Commission that the City sell a parcel of real estate to Tifereth Israel Congregation for \$35,000.00.

Adopted – Yeas 10, Nays 0.

Motion made by Councillor Carney to RECONSIDER the matter and Refer to the Committee on City Property – All Ayes. (#0337)

AN ORDER,

Adopted – Yeas 10, Nays 0.

Motion made by Councillor Carney to RECONSIDER the matter and Refer to the Committee on City Property – All Ayes. (#0338)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of JOSEPH A. NEVES, 574 Allen Street, New Bedford, MA 02740 d/b/a NEVES BUS COMPANY, INC., 574 Allen Street, New Bedford, MA 02740, hereby submits 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. (#0339)

COMMUNICATION, Council President Morad, submitting a copy of a letter from City Solicitor McDermott, to Ms. Ericca Kennedy, Whisk & Jane, LLC, regarding Whisk and Jane's request to locate a recreational cannabis facility at 161 Pope's Island, New Bedford, MA.

Received and Placed on File. (#0340)

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

Referred to the Zoning Board of Appeals and the Special Committee on Cannabis Regulation and Host Community Agreements Review. (#0341)

COMMUNICATION, Council President Morad, submitting copies of emails from and to Martha Worley, from Worleybeds Factory Outlet, 197 Pope's Island, regarding a Zoning Waiver Request for Whisk & Jane, LLC, to locate a recreational cannabis business at 161 Pope's Island, New Bedford, MA.

Referred to the Zoning Board of Appeals. (#0342)

COMMUNICATION, Councillor Gomes, submitting a copy of an abutters list and Certified Mail Receipts notifying community of plans for Whisk and Jane LLC, at Pope's Island.

Referred to the Zoning Board of Appeals and the Special Committee on Cannabis Regulation and Host Community Agreements Review. (#0343)

COMMUNICATION, Councillor Giesta, submitting a copy of the Zoning for Marijuana Establishments and Medical Marijuana Treatment Centers Ordinance.

Referred to the Zoning Officer, Danny Romanowicz.

Presented to the Mayor for approval March 04, 2019.

RETURNED UNSIGNED March 18, 2019. (#0344)

COMMUNICATION, Councillor Gomes, submitting a copy of the Guidance on Equitable Cannabis Policies for Municipalities from the Cannabis Control Commission.

Referred to the Special Committee on Cannabis Regulation and Host Community Agreements Review.

(#0345)

COMMUNICATION, Councillor Giesta, submitting a copy of a letter from Department of Inspectional Services Commissioner Danny Romanowicz relative to zoning restrictions for a recreational cannabis facility at 161 Pope's Island - Plot 60/Lot 26.

Received and Placed on File. (#0346)

COMMUNICATION, Councillor Gomes, submitting a copy of a letter from DIS Commissioner Danny Romanowicz, relative to zoning of 161 Pope's Island, Plot 60/Lot 26.

Referred to the Special Committee on Cannabis Regulation and Host Community Agreements Review.

(#0347)

COMMUNICATION, Councillor Giesta, submitting a copy of Marine Park (Pope's Island) deed which proves that it has been a park since 1928.

Referred to DIS Commissioner Danny Romanowicz.

Presented to the Mayor for approval March 04, 2019.

RETURNED UNSIGNED March 18, 2019. (#0348)

RELATED MOTION, Councillor Carney, requesting, that the City Council meet with the Park Board and Director of Parks, Recreation and Beaches, Mary S. Rapoza, to discuss the issue of the Pope's Island Marina and Pope's Park property to see what steps can be taken to clearly define the use of this park.

Referred to the Committee on Appointments and Briefings – Yeas 8, Nays 2. (Council President Morad and Councillor Giesta OPPOSED.) (#0349)

COMMUNICATION, Council President Morad, submitting a copy of an email from Mr. Cynthia Roy, New Bedford, MA, regarding the Alma del Mar Charter School Expansion.

Received and Placed on File. (#0350)

COMMUNICATION, Councillor Abreu, submitting a copy of a letter sent to our State Legislative Delegation in support of House Bill HD. 986 – An Act regarding pay parity for Correctional Officers of the fourteen county Sheriffs' Offices.

Received and Placed on File. (#0351)

COMMUNICATION, Councillor Lopes, submitting a copy of a letter sent to our State Legislative Delegation urging legislative action regarding House Bill HD. 986 – An Act regarding pay parity for Correctional Officers of the fourteen county Sheriffs' Offices.

Received and Placed on File. (#0352)

PETITION/INDEMNITY, BOUTIQUE FITNESS, for Permission to Erect and Maintain a Projecting Non-illuminated thirty-six inch Sign at 516 Pleasant Street, 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 March 04, 2019.

Approved March 12, 2019. (#0353)

COMMUNICATION, Council President Morad, submitting a copy of letter addressed to the New Bedford Kiwanis Club, thanking them for the invitation to their meeting and luncheon.

Received and Placed on File. (#0354)

COMMUNICATION, Council President Morad, submitting a copy of an email from American Progressive Bag Alliance regarding the City Council's possible Ordinance that would ban the use of plastic bag.

Referred to the Committee on Ordinances. (#0355)

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 February 08, 2019; Bristol County PHEP Board for a meeting held on December 18, 2018; Board of Park Commissioners for a meeting held on January 16, 2019; and Zoning Board of Appeals for a meeting held on January 17, 2019.

Received and Placed on File. (#0356)

APPLICATION, **Nathanyl Gomes Const.**, for permission to maintain a STREET OBSTRUCTION at **971 Osgood Street**, provisionally granted by the City Clerk on February 22, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 04, 2019.

Approved March 8, 2019. (#0357)

APPLICATION, **Nathanyl Gomes Const.**, to DISTURB THE SURFACE, of **971 Osgood Street**, provisionally granted by the City Clerk on February 22, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 04, 2019.

Approved March 8, 2019. (#0358)

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

- 895 Brock Avenue, George Street to Warren Street (#0359)
- 156 David Street, Brock Avenue to West Rodney French Boulevard (#0360)
- 217 Tinkham Street, Acushnet Avenue to Ashley Boulevard (#0361)
- 196 Greenbrier Drive, Blueberry Terrace to Ridgewood Road (#0362)
- 230 Rockdale Avenue, Bank Street to Stackhouse Street (#0363)
- 219 Brownell Street, Union Street to Arnold Street (#0364)
- 213 Belleville Avenue, Corner Property w/Sawyer Street (#0365)
- 24 Woodlawn Street, Brock Avenue to Freeman Street (#0366)
- 56 Locust Street, Cottage Street to Chestnut Street (#0367)
- 189 Plymouth Street, Whittier Street to Burns Street (#0368)
- 155 Purchase Street, Potomska Street to Rockland Street (#0369)
- 119 Clifford Street, Arlington Street to Concord Street (#0370)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 04, 2019.

Approved March 8, 2019.

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on February 22, 2019, subject to ratification by the Mayor and City Council as follows:

- 228 Brook Street, Tinkham Street to Nash Road (#0371)
- 39 Arch Street, Union Street to Arnold Street (#0372)
- 309 Davis Street, Ashley Boulevard to Brook Street (#0373)
- 332 Ashley Boulevard, Hathaway Street to Tinkham Street (#0374)
- 26 Bullard Street, North Front Street to Belleville Avenue (#0375)
- 23 Washington Street, Pleasant Street to Purchase Street (#0376)
- 254 Chestnut Street, Robeson Street to Merrimac Street (#0377)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 04, 2019.

Approved March 8, 2019.

APPLICATION, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on February 25, 2019, subject to ratification by the Mayor and City Council as follows:

Pleasant Street, Spring Street and School Street

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 04, 2019.

Approved March 8, 2019. (#0378)

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on February 28, 2019, subject to ratification by the Mayor and City Council as follows:

303 Central Avenue (#0379)

184 Thompson Street (#0380)

Lot 1, Dutton Street (#0381)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 04, 2019.

Approved March 8, 2019.

APPLICATIONS, **ABC Disposal Service, Inc.**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on February 25, 2019, subject to ratification by the Mayor and City Council as follows:

179 Arnold Street	(#0382)
211 Church Street	(#0383)
204 Hersom Street	(#0384)
51 Russell Street	(#0385)
24 Homer Street	(#0386)
22 Brightman Court	(#0387)
189 Plymouth Street	(#0388)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 04, 2019.

Approved March 8, 2019.

PETITION, NSTAR Electric Company d/b/a EVERSOURCE ENERGY for location of one (1) 4" Conduit and one (1) 45"x45"x36" Handhole in BEDFORD STREET, West of Orchard Street.

RECEIVED AND HEARING ORDERED FOR MARCH 14, 2019.

PETITION, NSTAR Electric Company d/b/a EVERSOURCE ENERGY for location of one (1) 4" Conduit, five (5) 4" Conduits and one (1) 45"x45"x36" Handhole in BORDEN STREET, North of Bedford Street.

RECEIVED AND HEARING ORDERED FOR MARCH 14, 2019.

PETITION, NSTAR Electric Company d/b/a EVERSOURCE ENERGY for location of two (2) 4" Conduits, in RIVET STREET, West of County Street.

RECEIVED AND HEARING ORDERED FOR MARCH 14, 2019.

On a motion, the Council then adjourned at 8:17 p.m.

ATTEST:

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