

REGULAR MEETING
Chambers of the City Council
Thursday, October 25, 2018

CITY COUNCIL
Municipal Building
7:04 p.m.

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

LATE: Councillor Rebeiro 7:13 p.m., Councillor Dunn 7:22 p.m.

ABSENT: No One.

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

Prayer Led By: Major Michael Jung, Salvation Army.

Boy Scout Troop 24 led the Assembly in the Pledge of Allegiance to the flag.

COMMUNICATION, Councillor Dunn, to Members of the City Council, informing that he will be late for the City Council Meeting on Thursday, October 25, 2018, due to a previously scheduled business commitment.

Received and Placed on File. (#1728)

COMMUNICATION, Mayor Mitchell, submitting THREE ORDINANCES, amending Chapter 12 Health and Sanitation, Section 12-39.5 Unattended Clothing Donation Containers, amending Chapter 17, Section 17-8 Noncriminal Disposition of violations of certain Ordinances, rules and regulation and amending Chapter 17, Section 17-28 Chapter 40U of the Massachusetts General Laws.

Referred to the Committee on Ordinances. (1729)

AN ORDINANCE, amending Chapter 12 Health and Sanitation, Section 12-39.5 Unattended Clothing Donation Containers.

Referred to the Committee on Ordinances. (#1730)

AN ORDINANCE, amending Chapter 17, Section 17-8 Noncriminal Disposition of violations of certain Ordinances, rules and regulation – violating Section 12-39.5 Unattended clothing donation containers, fine \$300.00.

Referred to the Committee on Ordinances. (#1731)

AN ORDINANCE, amending Chapter 17, Section 17-28 Chapter 40U of the Massachusetts General Laws - violating Section 12-39.5 Unattended clothing donation containers, fine \$300.00.

Referred to the Committee on Ordinances. (#1732)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of CITY PLANNER TABITHA HARKIN, New Bedford, MA 02740, to the HISTORICAL COMMISSION, replacing Jill Maclean whose term has expired; this term will expire February 2020.

Rule 38 Waived and Appointment Confirmed – Yeas 9, Nays 0. (Councillors Dunn and Rebeiro not present for vote.) (#1733)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ARTHUR GLASSMAN, New Bedford, MA 02745 to the PLANNING BOARD; this term will expire November 2021.

Rule 38 Waived, Reappointment Confirmed and Rule 40 Waived – Yeas 9, Nays 0. (Councillors Dunn and Rebeiro not present for vote.) (#1734)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of KAMILE KHAZAN, New Bedford, MA 02740 to the PLANNING BOARD; this term will expire December 2021.

Rule 38 Waived and Reappointment Confirmed – Yeas 9, Nays 0. (Councillors Dunn and Rebeiro not present for vote.) (#1735)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ROBERT J. SCHILLING, New Bedford, MA 02740 to the ZONING BOARD OF APPEALS; this term will expire December 2023.

Rule 38 Waived and Reappointment Confirmed – Yeas 9, Nays 0. (Councillors Dunn and Rebeiro not present for vote.) (#1736)

AN ORDINANCE, rezoning Plot 100, Lot 108 (north side of Davis Street) from Mixed Use Business to INDUSTRIAL B in its entirety.

Passed to a Second Reading – September 27, 2018

Passed to be Ordained and Rule 40 Waived – Yeas 9, Nays 0. (Councillors Dunn and Lopes not present for vote.)

Presented to the Mayor for approval October 29, 2018.

Approved November 1, 2018. (#1627)

REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of ZOE HANSEN-DIBELLO, New Bedford, MA, to the HUMAN RELATIONS COMMISSION, replacing Herbert B. Johnson, who has resigned; this term will expire April 2019.

Recommendation Followed. (#1737)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ZOE HANSEN-DIBELLO, New Bedford, MA, to the HUMAN RELATIONS COMMISSION, replacing Herbert B. Johnson, who has resigned; this term will expire April 2019. (Referred to the Committee on Appointments and Briefings – September 27, 2018.)

Referred to the Committee on Appointments and Briefings – September 27, 2018.

Appointment Confirmed – All Ayes. (#1625)

REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL on behalf of **Henry N. Lee, 25 Sycamore Street, New Bedford, MA 02740 d/b/a LEE TRANSPORTATION CORP., 271 County Street, New Bedford, MA 02740** for the Application for a **RENEWAL of a PRIVATE LIVERY LICENSE**, under the provisions of Massachusetts, Chapter 159A, Section 1, and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other law's applicable to such operation to carry passengers for hire over the streets of New Bedford. (**Current License expired June 8, 2018**).

Recommendation Followed. (#1738)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Henry N. Lee, 25 Sycamore Street, New Bedford, MA 02740 d/b/a LEE TRANSPORTATION CORP., 271 County Street, New Bedford, MA 02740**, hereby submitting a copy of the Application requesting a **RENEWAL of a PRIVATE LIVERY LICENSE**, under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation to carry passengers for hire over the streets of New Bedford. (Current License expired June 08, 2018; Referred to the Committee on Appointments and Briefings – August 16, 2018.)

Referred to the Committee on Appointments and Briefings – August 16, 2018.

Livery License Granted.

Presented to the Mayor for approval October 29, 2018.

Approved November 1, 2018. (#1394)

REPORT, Committee on Appointments & Briefings, recommending to the City Council to take “**NO FURTHER ACTION**” on the WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Appointments & Briefings meet with DPI Commissioner Ponte, a Representative of the Mayor's Office, Purchasing Agent Bruce, and City Solicitor McDermott to discuss the present road conditions in New Bedford and the City's plan of action to address the decaying roads; and further that the City Solicitor explain to the Committee as to how the City is dealing with the utility companies and private contractor's poor road work that has been done, such as how these companies are being held accountable for their work; and furthermore that the City notify all utility companies and private contractors of what we expect when they work and repair our city streets.

Recommendation Followed. (#1739)

WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with DPI Commissioner Ponte, a Representative of the Mayor's Office, Purchasing Agent Bruce and City Solicitor McDermott to discuss the present road conditions in New Bedford and the City's plan of action to address the decaying roads; and further that the City Solicitor explain to the Committee as to how the City is dealing with the utility companies and private contractor's poor road work that has been done, such as how these companies are being held accountable for their work; and furthermore that the City notify all utility companies and private contractors of what we expect when they work and repair our City streets. (Referred to the Committee on Appointments and Briefings – March 08, 2018.)

Referred to the Committee on Appointments and Briefings – Yeas 10, Nays 0 – March 08, 2018.

NO FURTHER ACTION. (#0343)

REPORT, Committee on Appointments & Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the RELATED MOTION, Councillor Lima, requesting that the Committee on Appointments & Briefings meet with DPI Commissioner Ponte, CFO Sky and a Representative from the Mitchell Administration to discuss a bonding and/or budget strategy to address patches for City Streets, that each Ward gets an equal amount of money each for fixing or patching City streets.

Recommendation Followed. (#1740)

RELATED MOTION, Councillor Lima, requesting that the Committee on Appointments & Briefings meet with DPI Commissioner Ponte, CFO Sky and a Representative from the Mitchell Administration to discuss a bonding and/or budget strategy to address patches for City Streets, that each Ward gets an equal amount of money each for fixing or patching City streets. (Referred to the Committee on Appointments and Briefings – March 08, 2018.)

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

NO FURTHER ACTION. (#0344)

REPORT, Committee on Appointments & Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors Gomes, Winterson, Abreu, Coelho, Martins and Rebeiro, requesting, that the Committee on Appointments & Briefings meet with the City Solicitor, Acting DPI Commissioner Silva and a Representative of the Mayor's Office, for the purpose of discussing the conditions of City streets and holding all contractors and utility companies responsible for putting the streets back together after disruption or utilities installation; and further that the City once more look at holding the bonds on any company that does not complete road work according to the City's bonding rules and be signed off after inspection.

Recommendation Followed. (#1741)

WRITTEN MOTION, Councillors Gomes, Winterson, Abreu, Coelho, Martins and Rebeiro, requesting, that the Committee on Appointments and Briefings meet with the City Solicitor, Acting DPI Commissioner Silva and a Representative of the Mayor's Office, for the purpose of discussing the conditions of City streets and holding all contractors and utility companies responsible for putting the streets back together after disruption or utilities installation; and further, that the City once more look at holding the bonds on any company that does not complete road work according to the City's bonding rules and be signed off after inspection. (Referred to the Committee on Appointments and Briefings – September 14, 2017.)

Referred to the Committee on Appointments and Briefings – September 14, 2017.

NO FURTHER ACTION. (#1546)

WRITTEN MOTION, Councillor Rebeiro, Councillor President Morad, Councillors Abreu, and Carney, requesting, that the Management of King Village East be invited to attend the Committee on Public Safety and Neighborhoods meeting to explain why they are closing the community room on the weekends, specifically on Sunday, when there is a service at 10:00 a.m., as they are denying a vulnerable population the right to exercise their religious freedom.

Referred to the Committee on Public Safety and Neighborhoods. (#1742)

WRITTEN MOTION, Councillors Abreu and Markey, requesting that representatives of the "House of Hope," located at 848 Mount Pleasant St., New Bedford, come before the Committee on Public Safety and Neighborhoods to discuss its security plan and overall operating procedures, as residents from the nearby neighborhood have expressed concerns over the alleged behavior and actions by many of the facility's clientele. (To be Referred to the Committee on Public Safety and Neighborhoods, representatives of the "House of Hope," Neighborhood Task Force and New Bedford Police Chief Joseph Cordeiro).

Referred to the Committee on Public Safety and Neighborhoods. (#1743)

WRITTEN MOTION, Councillor Gomes, requesting, once more that the original “Grand Panorama of a Whaling Voyage Around The World” A Spectacle In Motion, be given a permanent home in New Bedford, Massachusetts; and further, that the Committee on Appointments and Briefings and/or the Committee on City Property meet with Whaling Museum officials to make sure that this work of art and history remain in the City of New Bedford; and further, if this panorama of art and history is to be loaned out or permitted to go on the road, that a cost be associated with such action and more importantly, that Whaling Museum staff travel with it and all appropriate equipment needed for the presenting and the protection of this work of art accompany it, and further, that a discussion be held as to the possibility of a permanent location in the City due to the thousands of tourists that visited New Bedford to see this amazing work of art and history this past summer and to ensure that this work of art permanently be part of our showcasing and tourism destination.

Referred to the Committee on Appointments and Briefings and City Property. (#1744)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Maria Raposo, 47 Elaine Avenue, New Bedford, MA 02745 d/b/a T&R TRANSPORTATION, 47 Elaine Avenue, New Bedford, MA 02745**, hereby resubmitting a copy of the Application requesting a **RENEWAL of PRIVATE LIVERY LICENSE**, under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation to carry passengers for hire over the streets of New Bedford. (**Application being resubmitted; denied by City Council – September 27, 2018; Current License expired November 22, 2017.**)

Referred to the Committee on Appointments and Briefings. (#1745)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Ali Bokhari & Sumaira Bokhari, 44 Liberty Street, New Bedford, MA 02740 d/b/a MAGIC WHEELS, 44 Liberty Street, New Bedford, MA 02740**, hereby submitting a copy of the Application requesting a **RENEWAL of a PRIVATE LIVERY LICENSE**, under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation to carry passengers for hire over the streets of New Bedford. (**Current License expired October 12, 2018.**)

Referred to the Committee on Appointments and Briefings. (#1746)

WRITTEN MOTION, Councillor Gomes, requesting, on behalf of the New Bedford High School Class of 2018, 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 21, 2018, FROM: 5:00 P.M. THROUGH 9:00 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 29, 2018.

Approved November 1, 2018. (#1747)

WRITTEN MOTION, Councillor Giesta, requesting, on behalf of the City of New Bedford Veterans’ Services and the New Bedford Veterans’ Advisory Board, that the following street(s) be CLOSED: ROCKDALE AVENUE, from West Clinton Street to Kempton Street, ON SUNDAY, NOVEMBER 11, 2018, FROM 9:00 A.M. TO 1:00 P.M., (AS NEEDED) for the purpose of the setup for the Veterans Day Parade.

Permission Granted.

Presented to the Mayor for approval October 29, 2018.

Approved November 1, 2018. (#1748)

WRITTEN MOTION, Councillor Giesta, requesting, on behalf of Veteran’s Day participants, that the following street(s) be CLOSED: ROCKDALE AVENUE, from Kempton Street to West Clinton Street; UNION STREET, from Rockdale Avenue to County Street; PLEASANT STREET, from Market Street to Middle Street; WILLIAM STREET, from County Street to Pleasant Street and COUNTY STREET, from Union Street to William Street, ON SUNDAY, NOVEMBER 11, 2018, FROM 8:00 A.M. TO 2:00 P.M., for the purpose of The Annual Veterans Day Parade Ceremonies at the Reviewing Stand in front of the Downtown Main Library.

Permission Granted.

Presented to the Mayor for approval October 29, 2018.

Approved November 1, 2018. (#1749)

COMMUNICATION, Council President Morad submitting a copy of a email from the EPA-Region 1 notifying the community of the status of ongoing activities at the New Bedford Harbor Site. (Copy all Councillors via email October 22, 2018.)

Received and Placed on File. (#1750)

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 meetings held on September 28, October 4 and October 12, 2018, Bristol County PHEP Coalition & Executive Board for a meeting held on September 18, 2018, School Committee for a meeting held on September 10, 2018, and Zoning Board of Appeals for meetings held on September 13 and September 20, 2018.

Received and Placed on File. (#1751)

APPLICATION, **East Coast Management Property**, for permission to maintain a STREET OBSTRUCTION at **153 – 155 Aquidneck Street**, provisionally granted by the City Clerk on October 23, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval October 29, 2018.
Approved October 31, 2018. (#1752)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **45 Nash Road**, provisionally granted by the City Clerk on October 12, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval October 29, 2018.
Approved October 31, 2018. (#1753)

APPLICATION, **W.C. Smith & Son**, for permission to maintain a STREET OBSTRUCTION at **Hillman Street/North Street (New Bedford Housing)**, provisionally granted by the City Clerk on October 15, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval October 29, 2018.
Approved October 31, 2018. (#1754)

APPLICATION, **Morgado Company**, for permission to maintain a STREET OBSTRUCTION at **90 Atlantic Street**, provisionally granted by the City Clerk on October 17, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval October 29, 2018.
Approved October 31, 2018. (#1755)

APPLICATION, **Nathanyl Gomes Construction**, for permission to maintain a STREET OBSTRUCTION at **South Second Street ws 135'+/- N x Potomska Street**, provisionally granted by the City Clerk on October 23, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval October 29, 2018.
Approved October 31, 2018. (#1756)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **31 Maple Street**, provisionally granted by the City Clerk on October 23, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval October 29, 2018.
Approved October 31, 2018. (#1757)

APPLICATION, **Cardoso Contracting**, for permission to maintain a STREET OBSTRUCTION at **65 Plymouth Street**, provisionally granted by the City Clerk on October 24, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 29, 2018.

Approved October 31, 2018. (#1758)

APPLICATION, **Cardoso Contracting**, for permission to maintain a STREET OBSTRUCTION at **91 Mill Street**, provisionally granted by the City Clerk on October 24, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 29, 2018.

Approved October 31, 2018. (#1759)

APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **45 Nash Road**, provisionally granted by the City Clerk on October 12, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 29, 2018.

Approved October 31, 2018. (#1760)

APPLICATION, **W.C. Smith & Son**, to DISTURB THE SURFACE, of **Hillman Street/North Street (New Bedford Housing)**, provisionally granted by the City Clerk on October 15, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 29, 2018.

Approved October 31, 2018. (#1761)

APPLICATION, **Morgado Company**, to DISTURB THE SURFACE, of **90 Atlantic Street**, provisionally granted by the City Clerk on October 17, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 29, 2018.

Approved October 31, 2018. (#1762)

APPLICATION, **Nathanyl Gomes Construction**, to DISTURB THE SURFACE, of **South Second Street ws 135'+/- N x Potomska Street**, provisionally granted by the City Clerk on October 23, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 29, 2018.

Approved October 31, 2018. (#1763)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **31 Maple Street**, provisionally granted by the City Clerk on October 23, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 29, 2018.

Approved October 31, 2018. (#1764)

APPLICATION, **Cardoso Contracting**, to DISTURB THE SURFACE, of **65 Plymouth Street**, provisionally granted by the City Clerk on October 24, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 29, 2018.

Approved October 31, 2018. (#1765)

APPLICATION, **Cardoso Contracting**, to DISTURB THE SURFACE, of **91 Mill Street**, provisionally granted by the City Clerk on October 24, 2018, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 29, 2018.

Approved October 31, 2018. (#1766)

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on October 24, 2018, subject to ratification by the Mayor and City Council as follows:

- Glover Street, working from Collins to Austin Street (#1767)
- 63 Hunter Street (#1768)
- 814 County Street (#1769)
- 289 Babbitt Street (#1770)
- 1679 Acushnet Avenue (#1771)
- 155 – 157 Sylvia Street (#1772)
- 1 Seventh Street (#1773)
- 476 Purchase Street (#1774)
- 1067 Beckett Street (#1175)
- 138 Plymouth Street (#1776)
- 33 Pamela Street (#1777)
- 196 County Street (#1778)
- 92 Hanover Street (#1779)
- 541 Prescott Street (#1780)
- 261 – 263 Conduit Street (#1781)
- 341 Davis Street (#1782)
- 2405 Acushnet Avenue (#1783)
- 515 Oliver Street (#1784)
- Lot 528 Braley Road (#1785)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 29, 2018.

Approved October 31, 2018.

APPLICATIONS, **NSTAR Electric Company d/b/a Eversource Energy**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on October 12, 2018, subject to ratification by the Mayor and City Council as follows:

- Ashley Boulevard, South of Brooklawn Avenue (#1786)
- Ashley Boulevard, North & South of Carlisle Street (#1787)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 29, 2018.

Approved October 31, 2018.

APPLICATION, **NSTAR Electric Company d/b/a Eversource Energy**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on October 24, 2018, subject to ratification by the Mayor and City Council as follows:

- Campbell Street, West of Purchase Street (#1788)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 29, 2018.

Approved October 31, 2018.

APPLICATION, **CL Noonan Container Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on October 15, 2018, subject to ratification by the Mayor and City Council as follows:

209 Chestnut Street (#1789)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 29, 2018.

Approved October 31, 2018.

On a motion, the Council then adjourned at 7:45 p.m.

ATTEST:

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

DUMPSTERS