REGULAR MEETING CITY COUNCIL Chambers of the City Council Municipal Building Thursday, September 27, 2018 7:02 p.m. PRESENT: Council President Morad, Councillors Abreu, Carney, Giesta, Gomes, Lima, Lopes, Markey and Rebeiro. LATE: Councillor Coelho 7:07 p.m. ABSENT: Councillor Dunn Council President Linda M. Morad called the meeting to order and presided. Prayer Led By: Reverend Joanne Lima, Pastor, New Seasons Worship Center. Councillor Giesta 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 absent for the City Council Meeting on Thursday, September 27, 2018, due to a scheduling conflict. Received and Placed on File. (#1615)CITATIONS, Councillor Gomes, honoring ADAM AMARO, JUSTICE ANDRADE, JONATHAN FAGUNDES, NATHANIEL GONCALO, GERALD HARRIS, JR. and JESSICA NICOLI, in recognition of their appointment as NEW BEDFORD POLICE OFFICERS. Adopted. (#0616)-----COMMUNICATION, Mayor Mitchell, to City Council, updating the Council on the efforts of the Administration to control employee healthcare costs and identify the challenges ahead. Received and Placed on File. (#1617)COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the appropriation of \$800,000.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to SCHOOL DEPARTMENT. Referred to the Committee on Finance. (#1618)AN ORDER, Referred to the Committee on Finance. (#1619)COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$1,918.00 from FIRE, CAPITAL OUTLAY, to FIRE, OTHER CHARGES. Received and Placed on File. (#1620)CITY OF NEW BEDFORD IN CITY COUNCIL **SEPTEMBER 27, 2018** ORDERED, that the sum of ONE THOUSAND NINE HUNDRED EIGHTEEN DOLLARS (\$1,918) now standing to the credit of the account from FIRE CAPITAL OUTLAY be and the same is hereby transferred and appropriated to as follows: FIRE OTHER CHARGES.....\$1,918 To be certified and approved by the Department Head. Adopted – Yeas 10, Nays 0. Presented to the Mayor for approval October 01, 2018. (#1621) Approved October 4, 2018.

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COMMUNICATION, Mayor Mitchell, to City Council,	submitting the REAPPOINTMENT of MANUEL
DEBRITO, New Bedford, MA, to the ELECTION COMMISSION;	-
Rule 38 Waived and Reappointment Confirmed – Yeas 10, N	
Rule 40 Waived – Yeas 10, Nays 0.	(#1622)
COMMUNICATION, Mayor Mitchell, to City Council, so WALLQUIST, New Bedford, MA, as the EXECUTIVE DIRECTOR DISABILITIES, this term will expire April 2019.	-
Rule 38 Waived and Reappointment Confirmed – Yeas 10, N	Nays 0.
Rule 40 Waived – Yeas 10, Nays 0.	(#1623)
COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of SUSAN J. BEWSHER, New Bedford, MA to the COMMISSION FOR CITIZENS WITH DISABILITIES, replacing Martha Bouchard who has resigned; this term will expire May 2019. Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0. (#1624)	
COMMUNICATION, Mayor Mitchell, to City Council, sur DIBELLO, New Bedford, MA, to the HUMAN RELATIONS COM- resigned; this term will expire April 2019.	•
Referred to the Committee on Appointments and Briefings.	(#1625)
REPORT, Committee on Ordinances, recommending to rezoning Plot 100, Lot 108 (north side of Davis Street) from Mixed-URecommendation Followed.	•
rezoning Plot 100, Lot 108 (north side of Davis Street) from Mixed-URecommendation Followed.	Use Business to Industrial "B" in its entirety. (#1626)
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COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of IAN TROMBLY, New Bedford, MA to the TRAFFIC COMMISSION, replacing Glen Grimes who resigned December 2017; this term will expire DECEMBER 2019.

 $Referred \ to \ the \ Committee \ on \ Appointments \ and \ Briefings-August \ 16, 2018.$

Appointment Confirmed. (#1343)

REPORT, Committee on Appointments & Briefings recommending to the City Council *DENIAL* of the APPLICATION of Maria Raposo, 47 Elaine Avenue, New Bedford, MA 02745, d/b/a T&R TRANSPORTATION, 47 Elaine Avenue, New Bedford, MA 02745, for 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.

Recommendation Followed. (#1630)

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 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 November 22, 2017; Referred to the Committee on Appointments and Briefings June 14, 2018.)

Referred to the Committee on Appointments and Briefings – June 14, 2018.

Livery License DENIED. (#1003)

REPORT, Committee on Appointments & Briefings recommending to the City Council APPROVAL of the APPLICATION, Kenneth Rapoza, D/B/A J.R.'s Superlube, Inc., for a SPECIAL PERMIT for Motor Vehicle Sales and Rentals, General Repair and Light Service at 3015 Acushnet Avenue, New Bedford, MA 02745.

Recommendation Followed. (#1631)

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SPECIAL PERMIT, Kenneth Rapoza d/b/a J.R.'s Superlube, Inc., for Motor Vehicle Sales and Rentals, General Repair and Light Service at 3015 Acushnet Avenue, New Bedford, MA 02745.

Special Permit Granted - All Ayes.

Presented to the Mayor for approval October 01, 2018.

Approved October 04, 2018.

(#1632)

REPORT, Committee on Audit, recommending to the City Council to take "NO FURTHER ACTION" on the COMMUNICATION, Council President Morad, submitting a copy of the City of New Bedford's Comprehensive Annual Financial Report (CAFR), Fiscal Year ended June 30, 2017.

Recommendation Followed. (#1633)

COMMUNICATION, Council President Morad, submitting a copy of the City of New Bedford's Comprehensive Annual Financial Report (CAFR), Fiscal Year ended June 30, 2017. (Referred to the Committee on Audit-April 12, 2018.)

Referred to the Committee on Audit – April 12, 2018.

NO FURTHER ACTION. (#0558)

REPORT, Committee on Audit, recommending to the City Council to take "NO FURTHER ACTION" on the COMMUNICATION, Council President Morad, submitting a copy of an "Other Comments and Recommendations Letter" from Hague, Sahady & Co., P.C. in connection with the City's fiscal year 2017 Audit.

Recommendation Followed. (#1634)

COMMUNICATION, Council President Morad, submitting a copy of an "Other Comments and Recommendations Letter" from Hague, Sahady & Co., P.C. in connection with the City's fiscal year 2017 Audit. (Referred to the Committee on Audit – June 28, 2018.)

Referred to the Committee on Audit – June 28, 2018.

NO FURTHER ACTION. (#1150)

REPORT, Committee on Audit, recommending to the City Council to take "NO FURTHER ACTION" on the WRITTEN MOTION, Councillors Lima, Lopes and Morad, requesting, now that Free Cash has been Certified, that the Audit Committee meet with Mary Sahady from Hague, Sahady & Company and CFO Ari Sky to discuss the City's financial condition prior to the Administration's presentation of the 2019 Fiscal Year budget.

Recommendation Followed. (#1635)

WRITTEN MOTION, Councillors Lima, Lopes and Morad, requesting, now that Free Cash has been Certified, that the Audit Committee meet with Mary Sahady from Hague, Sahady & Company and CFO Ari Sky to discuss the City's financial condition prior to the Administration's presentation of the 2019 Fiscal Year budget. (Referred to the Committee on Audit – February 8, 2018.)

Referred to the Committee on the Audit as Amended - February 08, 2018.

NO FURTHER ACTION. (#0154)

WRITTEN MOTION, Councillor Giesta, requesting that Christine Sullivan, M.S., Tufts Grant Coordinator, Coastline be invited to the next Committee on Veterans Affairs, Elderly, Youth, Health, Housing and Disability Issues, to present the Age Friendly Initiative, the project's background, and what this means for our City.

Referred to the Committee on Veterans Affairs, Elderly, Youth, Health, Housing and Disability Issues.

(#1636)

WRITTEN MOTION, Councillor Gomes, requesting, the Eversource Gas conduct a complete inspection and study of the gas lines and regulators that run through the City; and further that this study be conducted by air and ground to assure the residents and business community that there are no breaches or ground leaks; further that Eversource Gas pay close attention to the construction work that is being done in the City which is providing new gas lines to many of residents and that Eversource Gas provide the City with a report of the complete evaluation that has been done within a reasonable amount of time. (To be Referred Eversource Gas and the Committee on Public Safety and Neighborhoods.)

Adopted and Rule 40 Waived – Yeas 10, Nays 0. (#1637)

WRITTEN MOTION, Councillors Abreu and Giesta requesting, that the Administration and Solicitor's Office meet with the Special Committee on Licensing & Zoning for Cannabis to discuss the potential investor application and/or Request for Proposal (RFP) process, and how the Committee and Administration can collaborate on a process that is fair and transparent for all interested parties.

Adopted.

Presented to the Mayor for approval October 15, 2018.

RETURNED UNSIGNED October 19, 2018.

(#1638)

WRITTEN MOTION, Councillor Gomes, requesting, that the City of New Bedford put Riley Brothers Construction on notice that they will be held accountable and responsible for any damages done during construction and installation of new gas lines throughout the City, to include City streets, underground electrical wiring, sewer and water lines; and further, that the company put the landscape of every home exactly the way it was before construction; furthermore, that the gas square shut off's in front of homeowner's property be placed straight and with some pride of the work that is being done, this motion has been placed on the agenda, because of damages done in the past to residents property during construction.

Referred to Riley Brothers Construction and the Committee on Appointments and Briefings.

(#1639)

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COMMUNICATION/EMAIL, Councillors Dunn and Markey, submitting a draft of a Zoning Ordinance that would allow Adult Day Care Facilities to be located in Industrial Zoned areas.

Referred to the Committee on Ordinances and the Planning Board. (#1640)

AN ORDINANCE,

To be Referred to the Committee on Ordinances and the Planning Board.

(#1641)

CITATION, Councillor Lopes and Council President Morad, honoring MS. EILEEN T. MARLAND, in recognition of her birthday on September 30, 2018, and with heartfelt wishes that the Good Lord will give her many more years of health and happiness.

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Adopted, to be presented at a later date.

(#1642)

CITATION/COMMUNICATION, Councillors Abreu, Giesta, Lopes, Markey and Council President Morad, submitting copies of a citation and letter recognizing the 50th Wedding Anniversary of Mr. & Mrs. Edward Macedo.

Received and Placed on File. (#1643)

WRITTEN MOTION, Councillor Lima, requesting, on behalf of The Greater New Bedford Track Club, that the following street(s) be CLOSED: LAKE STREET and LT. WALTER E. FULLER MEMORIAL PARKWAY, from 7:00 A.M. THROUGH 10:00 A.M., on SUNDAY, OCTOBER 14, 2018, for the purpose of THE 40th ANNUAL SPOONER 10K RUN AND SPOOKY 5K RUN/WALK. NOTE: ALSO REQUESTING THAT THE DPI PROVIDE STREET CLOSURE BARRELS.

Permission Granted.

Presented to the Mayor for approval October 1, 2018.

Approved October 4, 2018.

(#1644)

WRITTEN MOTION, Councillor Gomes, requesting, on behalf of the New Bedford High School Marching Band, that the following street(s) be CLOSED: PARKER STREET, from Hathaway Boulevard to Liberty Street, ON SUNDAY, OCTOBER 14, 2018, FROM 12:00 P.M. (NOON) TO 4:00 P.M., for the purpose of the ANNUAL BAND COMPETITION.

Permission Granted.

Presented to the Mayor for approval October 1, 2018.

Approved October 4, 2018.

(#1645)

PETITION/INDEMNITY AGREEMENT, DESOUSA FAMILY REAL ESTATE TRUST II UDT, for Permission to Erect and Maintain a Projecting Illuminated Sign at 241 Ashley Boulevard, New Bedford, MA 02745. 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 October 1, 2018.

Approved October 4, 2018.

(#1646)

COMMUNICATION/EMAIL, Council President Morad, submitting a communication from Dennis Galvam, Eversource Energy, inviting Councillors to attend the Eversource Solar Open House. (Copy all Councillors 09/25/2018 via email.)

Received and Placed on File.

(#1647)

COMMUNICATION, Council President Morad, submitting a copy of a letter from Mayor Mitchell, dated September 17, 2018, that in accordance with M.G.L. Chapter 32, Section 204 4(b), Angela Natho of New Bedford, has been appointed to the Retirement Board, whose term will expire at the pleasure of the Mayor.

Received and Placed on File.

(#1648)

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 August 29, 2018, Bristol County PHEP Coalition for a meeting held on July 19, 2018, Licensing Board for a meeting held on July 23, 2018, Redevelopment Authority for a meeting held on June 7, 2018, GNB Refuse Management District for a meeting held on July 31, 2018, School Committee for a meeting held on August 13, 2018, Zoning Board of Appeals for meetings held on July 19, and August 16, 2018.

Received and Placed on File.

(#1649)

APPLICATION, **Pods of New England,** for permission to maintain a STREET OBSTRUCTION at **45 Bank Street**, provisionally granted by the City Clerk on September 13, 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 1, 2018.

Approved October 4, 2018.

(#1650)

APPLICATION, East Coast Property Management, for permission to maintain a STREET OBSTRUCTION at 287 Coffin Avenue, provisionally granted by the City Clerk on September 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 1, 2018. (#1651)Approved October 4, 2018. APPLICATION, Able Asphalt, Inc., for permission to maintain a STREET OBSTRUCTION at 80 nx Downey Street on Mt. Pleasant Street, provisionally granted by the City Clerk on September 13, 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 1, 2018. Approved October 4, 2018. (#1652)APPLICATION, Able Asphalt, Inc., for permission to maintain a STREET OBSTRUCTION at 30 Fairmont Street, provisionally granted by the City Clerk on September 13, 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 1, 2018. Approved October 4, 2018. (#1653)APPLICATION, Bill Andrade & Sons, Inc., for permission to maintain a STREET OBSTRUCTION at Phillips Road ws Lot 16 Plot 134/Lot 469, provisionally granted by the City Clerk on September 21, 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 1, 2018. Approved October 4, 2018. (#1654)APPLICATION, Cardoso Contracting, for permission to maintain a STREET OBSTRUCTION at 556 Middle Street, provisionally granted by the City Clerk on September 21, 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 1, 2018. Approved October 4, 2018. (#1655)APPLICATION, Cardoso Contracting, for permission to maintain a STREET OBSTRUCTION at 30 **Peckham Street**, provisionally granted by the City Clerk on September 21, 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 1, 2018. Approved October 4, 2018. (#1656)APPLICATION, Bill Andrade & Sons, Inc., for permission to maintain a STREET OBSTRUCTION at Leroy Street (s.s) 125 ex Morton Avenue Plot 134/Lot 41, provisionally granted by the City Clerk on September 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 1, 2018. Approved October 4, 2018. (#1657)APPLICATION, Gil-den, Inc., for permission to maintain a STREET OBSTRUCTION at 600 Mt. Pleasant Street, provisionally granted by the City Clerk on September 27, 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 1, 2018.

Approved October 4, 2018. (#1658)

APPLICATION, Able Asphalt, Inc., to DISTURB THE SURFACE, of 80 nx Downey Street on Mt. Pleasant Street, provisionally granted by the City Clerk on September 13, 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 1, 2018. Approved October 4, 2018. (#1659)APPLICATION, Able Asphalt, Inc., to DISTURB THE SURFACE, of 38 Fairmont Street, provisionally granted by the City Clerk on September 13, 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 1, 2018. Approved October 4, 2018. (#1660)APPLICATION, Bill Andrade & Sons, Inc., to DISTURB THE SURFACE, of Phillips road ws Lot 16 Plot 134/Lot 469, provisionally granted by the City Clerk on September 21, 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 1, 2018. Approved October 4, 2018. (#1661)APPLICATION, Cardoso Contracting, to DISTURB THE SURFACE, of 556 Middle Street, provisionally granted by the City Clerk on September 21, 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 1, 2018. Approved October 4, 2018. (#1662)APPLICATION, Cardoso Contracting, to DISTURB THE SURFACE, of 30 Peckham Street, provisionally granted by the City Clerk on September 21, 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 1, 2018. Approved October 4, 2018. (#1663)APPLICATION, Bill Andrade & Sons, Inc., to DISTURB THE SURFACE, of Leroy Street (s.s) 125 ex Morton Avenue Plot 137/Lot 41, provisionally granted by the City Clerk on September 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 1, 2018. Approved October 4, 2018. (#1664)APPLICATION, Gil-den, Inc., to DISTURB THE SURFACE, of 600 Mt. Pleasant Street, provisionally granted by the City Clerk on September 27, 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 1, 2018. Approved October 4, 2018. (#1665)

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on September 19, 2018, subject to ratification by the Mayor and City Council as follows:

230 Hathaway Boulevard (#1666) 54 – 56 Jones Street (#1667) Phillips Road (between 954 and 972 Phillips Road) (#1668)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 1, 2018.

Approved October 4, 2018.

46 Myrtle Street	(#1669)
24 Priscilla Street	(#1670)
40 - 44 Brigham Street	(#1671)
92 Irvington Street	(#1672)
Received and Action of the City Clerk Ratified.	
Presented to the Mayor for approval October 1, 2018.	
Approved October 4, 2018.	
APPLICATION, Eversource Gas, to DISTURB THE	SURFACE, provisionally granted by the City Clerk on
September 26, 2018, subject to ratification by the Mayor and Ci	ty Council as follows:
214 Samuel Barnet Boulevard	
Received and Action of the City Clerk Ratified.	
Presented to the Mayor for approval October 1, 2018.	
Approved October 4, 2018.	(#1673)
APPLICATION, Eversource Gas, to DISTURB THE	SURFACE, provisionally granted by the City Clerk on
September 27, 2018, subject to ratification by the Mayor and Ci	ty Council as follows:
493 & 497 South Second Street	
Received and Action of the City Clerk Ratified.	
Presented to the Mayor for approval October 1, 2018.	
Approved October 4, 2018.	(#1674)
APPLICATIONS, ABC Disposal Service, Inc., for	permission to maintain a STREET OBSTRUCTION,
provisionally granted by the City Clerk on September 26, 2018,	, subject to ratification by the Mayor and City Council as
follows:	
14 Turner Street	(#1675)
Hunter Street	(#1675a.)
99 Fruit Street	(#1676)
715 Purchase Street	(#1677)
140 Clark Street	(#1678)
274 – 276 Nash Road	(#1679)
20 Princeton Street	(#1680)
113 Bullard Street	(#1681)
Received and Action of the City Clerk Ratified.	
Presented to the Mayor for approval October 1, 2018.	
Approved October 4, 2018.	
PETITION, NSTAR ELECTRIC COMPANY d/b/a Ev	ersource Energy for location of one (1) 4" Conduit, three
(3) 4" Conduits, five (5) 4" Conduits, nine (9) 4" Conduits, of	one (1) 6'x10'x8' Manhole, one (1) 3'x3'x4' Switching
Station and one (1) 45'x45'x36" Handhole in CAMPBELL STR	REET, West of Purchase Street.
RECEIVED AND HEARING ORDERED FOR THUR	SDAY, OCTOBER 11, 2018.
On a motion, the Council then adjourned at 7:45 p.m.	
ATTEST:	
DENNIS W. FARIAS, CITY CLERK/ CLERK OF THE CITY COUNCIL	
CLEAR OF THE CITT COUNCIL	

APPLICATIONS, Eversource Gas, to DISTURB THE SURFACE, provisionally granted by the City Clerk on

September 25, 2018, subject to ratification by the Mayor and City Council as follows:

