



Council Meeting – **Minutes**

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, May 26, 2016 – 7:02 p.m.

PRESENT: Council President Morad, Councillors Bousquet, Carney, Coelho, Gomes, Lopes, Martins, Oliveira, and Winterson.

LATE: Councillor Rebeiro 7:07 p.m.

ABSENT: Councillor Abreu

Council President Morad called the meeting to order and presided.

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

Prayer Led By: Priscilla Louro-Fonseca, Chaplain Bristol County American Legion

COMMUNICATION, Councillor Abreu, to Members of the City Council, informing that he will be absent for the City Council Meeting on Thursday, May 26, 2016, due to a personal family commitment.

Received and Placed on File. (#0835)

CITATION, Councillors Gomes, Abreu, Bousquet, Carney, Coelho, Lopes, Martins, Council President Morad, Councillors Oliveira, Rebeiro and Winterson, honoring JOSEPH C. CORDEIRO, in recognition of his appointment as New Bedford Chief of Police.

Tabled. (#0836)

CITATION, Councillors Gomes, Abreu, Bousquet, Carney, Coelho, Lopes, Martins, Council President Morad, Councillors Oliveira, Rebeiro and Winterson, honoring PAUL J. OLIVEIRA, in recognition of his appointment as New Bedford Deputy Chief of Police.

Tabled. (#0837)

HEARING, on NSTAR Electric Company d/b/a EVERSOURCE ENERGY, for location of two (2) 3" Conduits for the traffic control box, in KEMPTON STREET, Purchase Street Octopus Intersection.

Donna Rosa-Gonsalves, Right of Way Representative of NSTAR Electric d/b/a Eversource was present and in favor and answered questions.

No One Opposed; Hearing closed.

Petition Placed on File. (#0838)

AN ORDER,

Adopted and ordered recorded in Book of Location Order Records.

Presented to the Mayor for approval May 31, 2016.

Approved June 06, 2016

(#0839)

COMMUNICATION, DPI Commissioner Labelle, to Charlie Tavares, Eversource Energy, authorizing Eversource Energy to start the work at the Octopus before public hearing is held in City Council.

Received and Placed on File.

(#0840)

HEARING, on NSTAR Electric Company d/b/a EVERSOURCE ENERGY, for location of one (1) 2" Conduit for the streetlight control box, in KEMPTON STREET, Purchase Street Octopus Intersection.

Donna Rosa-Gonsalves, Right of Way Representative of NSTAR Electric d/b/a Eversource was present and in favor and answered questions.

No One Opposed; Hearing closed.

Petition Placed on File.

(#0841)

AN ORDER,

Adopted and ordered recorded in Book of Location Order Records.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0842)

COMMUNICATION, DPI Commissioner Labelle, to Charlie Tavares, Eversource Energy, authorizing Eversource Energy to start the work at the Octopus before public hearing is held in City Council.

Received and Placed on File.

(#0843)

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

Donna Rosa-Gonsalves, Right of Way Representative of NSTAR Electric d/b/a Eversource was present and in favor and answered questions.

No One Opposed; Hearing closed.

Petition Placed on File.

(#0844)

AN ORDER,

Adopted and ordered recorded in Book of Location Order Records.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0845)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$250,000.00 from HEALTH INSURANCE, CHARGES & SERVICES, to GENERAL GOVERNMENT UNCLASSIFIED, CHARGES & SERVICES.

Received and Placed on File. (#0846)

CITY OF NEW BEDFORD
IN CITY COUNCIL
MAY 26, 2016

ORDERED, that the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) now standing to the credit of the account from HEALTH INSURANCE CHARGES AND SERVICES be and the same is hereby transferred and appropriated to as follows:

GENERAL GOVERNMENT UNCLASSIFIED CHARGES AND SERVICES.....\$250,000.00

To be certified and approved by the Department Head.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0847)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$42,500.00 from CITY COUNCIL SALARIES & WAGES, to CITY CLERK OTHER FINANCIAL USES, in the amount of \$33,500.00 and CITY COUNCIL, CHARGES & SERVICES, in the amount of \$9,000.00.

Received and Placed on File. (#0848)

CITY OF NEW BEDFORD
IN CITY COUNCIL
MAY 26, 2016

ORDERED, that the sum of FORTY TWO THOUSAND FIVE HUNDRED DOLLARS (\$42,500.00) now standing to the credit of the account from CITY COUNCIL SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

CITY CLERK OTHER FINANCIAL USES.....\$33,500.00

CITY COUNCIL CHARGES AND SERVICES.....\$9,000.00

To be certified and approved by the Department Head.

Adopted. – Yeas 10, Nays 0.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0849)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$270,000.00 from FACILITIES & FLEET MANAGEMENT, SALARIES & WAGES in the amount of \$170,000.00 and

SUPPLIES & MATERIALS, in the amount of \$100,000.00 to FACILITIES & FLEET MANAGEMENT, CHARGES & SERVICES.

Received and Placed on File.

(#0850)

CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 26, 2016

ORDERED, that the sum of TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$270,000.00) now standing to the credit of the account from FACILITIES AND FLEET SALARIES AND WAGES (\$170,000.00) AND SUPPLIES AND MATERIALS (\$100,000.00) be and the same is hereby transferred and appropriated to as follows:

FACILITIES AND FLEET CHARGES AND SERVICES.....\$270,000.00

To be certified and approved by the Department Head.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0851)

COMMUNICATION, Mayor Mitchell to City Council, submitting AN ORDER for the extension of the Source One Consultant contract term beyond three (3) years.

Received and Placed on File.

(#0852)

CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 26, 2016

ORDERED, that, pursuant to M.G.L. C. 30B, Section 12 (b), the contract between Source One, Inc. and the City of New Bedford for Energy Management Services (Contract No: 13434311), hereby may be extended for a term exceeding 3 years. M.G.L. C. 30B, Section 12 (b) states: “(b) Unless authorized by majority vote, a procurement officer shall not award a contract for a term exceeding three years , including any renewal, extension, or option.”

Adopted – Yeas 8, Nays 2. (Councillor Martins and Council President Morad Opposed.)

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0853)

COMMUNICATION, Mayor Mitchell, submitting AN ORDINANCE, Amending Chapter 19, Article V, DIVISION 4, EMERGENCY MEDICAL SERVICES.

Received and Placed on File.

(#0854)

AN ORDINANCE,

Passed to a Second Reading.

(#0855)

COMMUNICATION, Mayor Mitchell, to City Council, requesting a SIX-MONTH WAIVER OF RESIDENCY for KYLE COFFEY, of Swansea, MA, for the Department of Public Infrastructure position of Water Treatment Plant Operator.

Referred to the Committee on Appointments and Briefings.

(#0856)

COMMUNICATION, Mayor Mitchell, to City Council, requesting a WAIVER OF RESIDENCY for LIFEGUARDS PAIGE AVIZA, of Acushnet, MA and MIRANDA DUTRA of Dartmouth, MA, for the Summer Season.

Waiver Granted – Yeas 10, Nays 0.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0857)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of NELSON N. OSTIGUY, New Bedford, MA, 02745, as a CONSTABLE.

Received and Placed on File.

(#0858)

APPLICATION, NELSON N. OSTIGUY, New Bedford, MA 02740, for APPOINTMENT as a CONSTABLE.

Approved.

(#0859)

REPORT, Committee on Appointments & Briefings recommending to the City Council APPROVAL of the APPOINTMENT of SYLVIA GOMES, New Bedford, MA to the COMMUNITY PRESERVATION COMMITTEE; this term will expire April 2018.

Follow Recommendation, Appointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0.

(#0860)

REPORT, Committee on Appointments & Briefings recommending to the City Council APPROVAL of the APPOINTMENT of JESSICA BAILEY, New Bedford, MA to the COMMUNITY PRESERVATION COMMITTEE; this term will expire April 2019.

Follow Recommendation, Appointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0.

(#0861)

REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of ARTHUR MOTTA, New Bedford, MA to the COMMUNITY PRESERVATION COMMITTEE; this term will expire April 2017.

Follow Recommendation, Appointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0.

(#0862)

REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of ROSS NUNES, New Bedford, MA to the COMMUNITY PRESERVATION COMMITTEE; this term will expire April 2017.

Follow Recommendation, Appointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0.

(#0863)

REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of JANINE DASILVA, New Bedford, MA as the Historical Commission Representative to the COMMUNITY PRESERVATION COMMITTEE; this term will expire April 2019.

Follow Recommendation, Appointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0.

(#0864)

REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of COLLEEN DAWICKI, New Bedford, MA as the Planning Board Representative to the COMMUNITY PRESERVATION COMMITTEE; this term will expire April 2018.

Follow Recommendation, Appointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0.

(#0865)

REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of DIANE BERUBE, New Bedford, MA as the Board of Parks Representative to the COMMUNITY PRESERVATION COMMITTEE; this term will expire April 2017.

Follow Recommendation, Appointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0.

(#0866)

AN ORDINANCE, amending Article III of Chapter 15 of the Code of Ordinances, adding Section 15.52.1 Relative to Door to Door Sales. (Passed to a Second Reading 04/28/2016.)

Passed to a Second Reading – April 28, 2016.

Passed, to be Ordained – Yeas 10, Nays 0.

Presented to the Mayor for approval May 31, 2016.

RETURNED UNSIGNED June 13, 2016.

(#0666)

WRITTEN MOTION, Councillor Oliveira, requesting, on behalf of Irmandade do Divino Espirito Santo Do Pico, (Brotherhood of the Holy Spirit of Pico) that ACUSHNET AVENUE, between Duncan Street and Wood Street be CLOSED: ON SUNDAY, JUNE 26, 2016 AT 9:00 A.M., TO 11:00 A.M. AND 12:00 P.M. (NOON) TO 12:30 P.M. (AS NEEDED), for the purpose of the Irmandade Do Divino Espirito Santo Do Pico's Annual Procession from their Cultural Center to St. Joseph/St. Therese Church on Acushnet Avenue (for Mass) and their return to the Cultural Center for their Annual Feast.

Permission Granted.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0867)

WRITTEN MOTION, Councillor Oliveira, requesting, on behalf of Irmandade do Divino Espirito Santo Do Pico, that the following street(s) be CLOSED: BRIGHTMAN STREET, from Wood Street to Sylvia Street, ON FRIDAY, JUNE 24, 2016, AT 3:00 P.M., THROUGH SUNDAY, JUNE 26, 2016, AT 10:00 P.M. (AS NEEDED), for the purpose of their Annual Religious Feast.

Permission Granted.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0868)

WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Sun Multisport Events, that the following street(s) be CLOSED: The East Side lane of East Rodney French Boulevard (i.e. the lane closest to the water) from Fort Taber Park to David Street; we will place cones down the yellow line of East Rodney French Boulevard in this section and then divide this lane with a second row of cones so we can have cyclists travel in both directions on the East Side lane of East Rodney French Boulevard; the West Side lane of East Rodney French Boulevard would remain open to traffic; Close one lane on sections of David Street, Cleveland Street and Mott Street; cyclists will go left on David Street from East Rodney French Boulevard, then left on Cleveland Street, then left on Mott Street and then right back onto East Rodney French Boulevard; they will be traveling on David, Cleveland and Mott Streets against the normal flow of traffic; Close South Rodney French Boulevard in both directions between East and West Rodney French Boulevards; Close the West Side lane of West Rodney French Boulevard (i.e. the lane closest to the water) from Fort Taber Park, to just past Woodlawn Street, where a turnaround point would be established; we will place cones down the yellow line of West Rodney French Boulevard in this section and then divide this lane with a second row of cones so we can have cyclists travel in both directions on the West Side of West Rodney French Boulevard; the East Side lane of West Rodney French Boulevard would remain open to traffic; Race crews would be setting out cones down the yellow line of East Rodney French Boulevard, David, Cleveland and Mott Streets and West Rodney French Boulevard, from 5:30 A.M., until 7:00 A.M., and during this time traffic will be able to travel in both directions on the above mentioned roads. Starting at 7:00 A.M. race crews will start to divide the lanes of East and West Rodney French Boulevards in order to be ready for the race to start at 8:00 A.M., and concluding with all roads open to traffic in all directions at 10:30 A.M., ON SUNDAY, JULY 03, 2016, FROM 7:00 A.M. TO 10:30 A.M., for the purpose of The Whaling City Triathlon.

Permission Granted.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0869)

WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Our Lady's Chapel, that the following street(s) be CLOSED: PLEASANT STREET, from Market Street to Union Street AND MARKET STREET, from Pleasant Street to North Sixth Street, ON SUNDAY, MAY 29, 2016, FROM 11:00 A.M. TO 3:00 P.M., for the purpose of A RELIGIOUS PROCESSION.

Permission Granted.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0870)

WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Mass in Motion New Bedford, that the following street(s) be CLOSED: BARKER'S LANE, from Acushnet Avenue, to North Second Street, EVERY THURSDAY, FROM JUNE 16, 2016, TO OCTOBER 27, 2016, FROM 1:00 P.M. TO 7:00 P.M., for the purpose of vendor parking for the New Bedford Farmer's Market. PLEASE NOTE: REQUESTING THAT WHEN AHA! NEW BEDFORD IS HELD, THAT THIS AREA REMAIN CLOSED ONE ADDITIONAL HOUR UNTIL 8:00 P.M., ALSO REQUESTING: THAT AREA ALLOW FOR AT LEAST TWO FOOD TRUCKS TO PARK AT SAID LOCATION

Permission Granted.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0871)

WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Mass in Motion New Bedford, that the following street(s) be CLOSED: BARKER'S LANE, from Acushnet Avenue, to North Second Street, EVERY THURSDAY, FROM JUNE 16, 2016, TO OCTOBER 27, 2016, FROM 1:00 P.M. TO 7:00 P.M., for the purpose of vendor parking for the New Bedford Farmer's Market. PLEASE NOTE: REQUESTING THAT WHEN AHA! NEW BEDFORD IS HELD, THAT THIS AREA REMAIN CLOSED ONE ADDITIONAL HOUR UNTIL 8:00 P.M., ALSO REQUESTING: THAT AREA ALLOW FOR AT LEAST TWO FOOD TRUCKS TO PARK AT SAID LOCATION

Permission Granted.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0871)

WRITTEN MOTION, Councillors Winterson, Coelho, Gomes, Abreu, Lopes, Martins, Bousquet and Carney requesting, that the Committee on Ordinances draft an Ordinance for Chapter 23, Traffic in the City Code, to deal with uninspected motor vehicles; and further, that violations be added to said section dealing with uninspected vehicles and said enforcement would include both Police Officers and Parking Control Officers. (To be Referred to the Committee on Ordinances.)

Referred to the Committee on Ordinances.

(#0872)

WRITTEN MOTION, Councillors Carney, Abreu, Gomes, Winterson, Coelho, Bousquet, Rebeiro and Oliveira, requesting, that the City Council send a letter to Governor Baker, along with our State and Federal Delegations in opposition of our boat owners paying \$700.00 a day for the at-sea fishing monitor, which was previously paid by NOAA, said new fee was put into place on March 01, 2016, by the United States Department of Commerce, this will have a devastating effect on New Bedford's fishing industry, which is a major part of the economy in New Bedford and all of New England.

Rule 17 Waived – Yeas 10, Nays 0.

Adopted.

(#0873)

WRITTEN MOTION, Councillors Lopes, Abreu, Rebeiro, Winterson, Bousquet, Council President Morad, Councillors Oliveira, Coelho, Carney and Martins, requesting, that Mayor Mitchell consider the establishment of an "Asset Replacement Fund", said fund would serve as a cash funded capital account, for the sole purpose of planning and financing ongoing maintenance of government owned facilities; and further, the fund would be appropriated as part of the City's general budget, further requesting, that Mayor Mitchell amend the existing financial policies of the City of New Bedford to include the addition of an "Asset Replacement Fund."

Referred to the Committee on Finance.

(#0874)

WRITTEN MOTION Councillors Winterson, Gomes, Abreu, Lopes, Martins, Bousquet and Carney, requesting, that our State and Federal Legislative Delegations reconsider or amend having State run facilities being imposed on Residential "A" areas. (To be Referred to our State and Federal Legislative Delegations.)

Adopted – Yeas 7, Nays 3. (Council President Morad, Councillors Oliveira and Rebeiro OPPOSED.)

(#0875)

WRITTEN MOTION, Councillor Winterson, due to the increase in vandalism near the Buttonwood Park Basketball Courts and the five new trees that have been hacked or axed about 1000 times and the destruction of the sign at

the Senior Center, requesting, that a letter be sent the Police Department asking for additional patrols near the areas of the Senior Center and the Basketball Courts at Buttonwood Park.

Referred to the Police Department.

Presented to the Mayor for approval May 31, 2016.

RETURNED UNSIGNED June 27, 2016. (#0876)

WRITTEN MOTION, Council President Morad, requesting that the City Council WAIVE RULE 27, IN ORDER TO HOLD BUDGET INTERVIEW SESSION on MONDAY, JUNE 06, 2016.

Adopted – Yeas 9, Nays 0. (Councillor Winterson not present for vote.) (#0877)

COMMUNICATION, Derek Santos, Executive Director, New Bedford Economic Development Council, to Members of the City Council, submitting a TIF application and Resolution approved by the Tax Increment Financing Board for a five (5) year STA Agreement for **SERVPRO of Dartmouth/New Bedford**, 1476 Purchase Street, New Bedford, MA 02740. (Copies provided and distributed to all Councillors on 05/17/2016.)

Referred to the Committee on Finance. (#0878)

RESOLUTION, Approving Certified Project Application and Special Tax Assessment Agreement with **SERVPRO of Dartmouth/New Bedford**.

Referred to the Committee on Finance. (#0879)

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW OF 21 MARGIN STREET, (MAP 20, LOT 368) Circa 1924 concrete block garage structure – advising that “the structure is not located in a National Register Historic District; the structure is of no notable historic significance either recorded or found with the existing condition of the structure; the structure is in poor condition due to extensive deferred maintenance, and restoration or preservation efforts would be impractical due to the existing condition of the structure, “the New Bedford Historical Commission has determined that the structure at 21 Margin Street is NOT a Historically Significant building or structure and not Preferably Preserved.”

Grant Demolition.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0880)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Robert M. Barnes, 204 Cedar Street, New Bedford, MA 02740, d/b/a R & M ENTERPRISE, INC., 67 Clifford Street, New Bedford, MA 02745**, hereby submits a copy of the Application requesting a **NEW 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.

Referred to the Committee on Appointments and Briefings. (#0881)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Edward M. Pacheco, 32 St. John Street, South Dartmouth, MA 02748, d/b/a PLACES TO GO LLC, 1 Wamsutta Street, Office #3, New Bedford, MA 02740**, hereby submits 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 Livery License expires June 25, 2016.)**

Livery License Renewal Granted.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0882)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Michael Souza, d/b/a SOUZA TRANSPORTATION, 91 Clifford Street, New Bedford, MA 02745** hereby submit a copy of the Application requesting a **RENEWAL** of a **Private Livery License**, under the provisions of M.G.L. 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 expires May 28, 2016.)**

Livery License Renewal Granted.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0883)

COMMUNICATION, Council President Morad, submitting an email from Janine da Silva, regarding her appointment approval by the Committee on Appointments and Briefings to the Community Preservation Committee. (Received and Placed on File; Copy all Councillors via email 05/20/2016.)

Received and Placed on File. (#0884)

COMMUNICATION, Solicitor McDermott, submitting to City Council, a memorandum regarding the Judgment/Claims/Settlements Update in the General Government Unclassified Account for FY2016. (Copies provided to all Councillors 05/18/2016.)

Received and Placed on File. (#0885)

COMMUNICATION, R. Renee Fernandes, Treasurer, submitting to City Council, a copy of a letter to Mayor Mitchell regarding Tax Lien Auctions. (Copies provided to all Councillors 05/18/2016.)

Received and Placed on File. (#0886)

COMMUNICATION, Maritime International, Inc., to City Council, thanking the Council for their support of the State Pier Refrigeration Project. (Copy all Councillors 05/12/2016; To be Received and Placed on File.)

Received and Placed on File.

(#0887)

COMMUNICATION, Lisa Sherman, P.E., PTOE CDM Smith, submitting to Members of the City Council, a copy of an Environmental Notification Form, addressed to Matthew A. Beaton, Secretary of Energy and Environmental Affairs (EEA), relative to the John F. Kennedy Highway Reconstruction Project-Phase II.

Received and Placed on File.

(#0888)

PETITION/INDEMNITY AGREEMENT, LORENZO'S BAKERY, for permission to Erect and Maintain a Illuminated Projecting sign at 1533 Acushnet Avenue, 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 May 31, 2016.

Approved June 6, 2016.

(#0889)

COMMUNICATION, Council President Morad, submitting a copy of a letter from Daniel J. Bertoldo, Interim CEO, Greater New Bedford Community Health Center, Inc., announcing his appointment.

Received and Placed on File.

(#0890)

COMMUNICATION/EMAIL, Councillor Martins, submitting a copy of an email sent to Donna Amado, Department of Public Infrastructure, requesting that Webster Court and Tinkham Street, from Madeira Avenue to Funchal Place (Hope Street) be cleaned prior to the Senhor Da Pedra Holy Ghost Feast, held on Saturday, June 18, and Sunday, June 19, 2016; and further, requesting that the street cleaning be done on both nights prior to the Feast which begins at 5:00 p.m.

Received and Placed on File.

(#0891)

MINUTES, Council on Aging Advisory Board, submitting MINUTES of a meeting held on April 14, 2016.

Received and Placed on File.

(#0892)

MINUTES, Airport Commission, submitting MINUTES of a meeting held on March 16, 2016.

Received and Placed on File.

(#0893)

MINUTES, Bristol County PHEP Executive Board, submitting MINUTES of meetings held on March 15, and May 17, 2016.

Received and Placed on File.

(#0894)

MINUTES, Board of Assessors, submitting MINUTES of a meeting held on May 04, 2016.

Received and Placed on File.

(#0895)

MINUTES, Bristol County PHEP Coalition, submitting MINUTES of meetings held on March 15, and May 17, 2016.

Received and Placed on File.

(#0896)

MINUTES, Bristol County EP Coalition, submitting MINUTES of a meeting held on April 25, 2016.

Received and Placed on File.

(#0897)

MINUTES, New Bedford Water Board, submitting MINUTES of a meeting held on March 28, 2016.

Received and Placed on File.

(#0898)

MINUTES, Commission for Citizens with Disabilities, submitting MINUTES of a meeting held on March 1, 2016.

Received and Placed on File.

(#0899)

APPLICATION, **LVIV Construction, Inc.**, for permission to maintain a STREET OBSTRUCTION at **16 Spruce Street**, provisionally granted by the City Clerk on May 16, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0900)

APPLICATION, **Couto Construction**, for permission to maintain a STREET OBSTRUCTION at **514 Ashley Boulevard**, provisionally granted by the City Clerk on May 17, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0901)

APPLICATION, **Bay State Restoration**, for permission to maintain a STREET OBSTRUCTION at **City Hall (North Sixth Street Side)**, provisionally granted by the City Clerk on May 18, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0902)

APPLICATION, **Jag Painting Contractors**, for permission to maintain a STREET OBSTRUCTION at **76 Cottage Street**, provisionally granted by the City Clerk on May 19, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0903)

APPLICATION, **MHT Excavating**, for permission to maintain a STREET OBSTRUCTION at **122 Allen Street**, provisionally granted by the City Clerk on May 12, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0904)

APPLICATION, **Able Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **355 – 359 Earle Street**, provisionally granted by the City Clerk on May 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0905)

APPLICATION, **Able Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **213 Orchard Street**, provisionally granted by the City Clerk on May 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0906)

APPLICATION, **Able Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **187 Metcalf Street**, provisionally granted by the City Clerk on May 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0907)

APPLICATION, **Able Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **Geraldine Street sx 295 Gardner Street**, provisionally granted by the City Clerk on May 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0908)

APPLICATION, **Able Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **133 Brock Avenue**, provisionally granted by the City Clerk on May 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0909)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **Farm Street/Allen Street**, provisionally granted by the City Clerk on May 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0910)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **961 Tradewind Street**, provisionally granted by the City Clerk on May 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0911)

APPLICATION, **C.C. Construction Inc.**, for permission to maintain a STREET OBSTRUCTION at **26 Madeira Avenue**, provisionally granted by the City Clerk on May 16, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0912)

APPLICATION, **W.C. Smith & Son**, for permission to maintain a STREET OBSTRUCTION at **32 Templeton Street**, provisionally granted by the City Clerk on May 16, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0913)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **41 Briggs Street**, provisionally granted by the City Clerk on May 18, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0914)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **40 Liberty Street**, provisionally granted by the City Clerk on May 18, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0915)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **19 Ashley Street**, provisionally granted by the City Clerk on May 18, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0916)

APPLICATION, **Cardoso Contracting**, for permission to maintain a STREET OBSTRUCTION at **859 Belleville Avenue**, provisionally granted by the City Clerk on May 18, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0917)

APPLICATION, **Cardoso Contracting**, for permission to maintain a STREET OBSTRUCTION at **713 Belleville Avenue**, provisionally granted by the City Clerk on May 18, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0918)

APPLICATION, **Cardoso Contracting**, for permission to maintain a STREET OBSTRUCTION at **235 Austin Street**, provisionally granted by the City Clerk on May 18, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0919)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **167 Grinnell Street**, provisionally granted by the City Clerk on May 19, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0920)

APPLICATION, **Cardoso Contracting, Inc.**, for permission to maintain a STREET OBSTRUCTION at **224 Court Street (475 Union Street)**, provisionally granted by the City Clerk on May 20, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0921)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **P137 – L279 Meadow Street**, provisionally granted by the City Clerk on May 20, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0922)

APPLICATION, **Dellbrook JK Scanlan**, for permission to maintain a STREET OBSTRUCTION at **Belleville Avenue/Hathaway Street Alma del Mar**, provisionally granted by the City Clerk on May 24, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0923)

APPLICATION, **Dupre, Inc.**, for permission to maintain a STREET OBSTRUCTION at **312 Davis Street**, provisionally granted by the City Clerk on May 26, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0924)

APPLICATION, **MHT Excavating**, to DISTURB THE SURFACE, of **122 Allen Street**, provisionally granted by the City Clerk on May 12, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0925)

APPLICATION, **Able Asphalt Inc.**, to DISTURB THE SURFACE, of **355 – 359 Earle Street**, provisionally granted by the City Clerk on May 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0926)

APPLICATION, **Able Asphalt Inc.**, to DISTURB THE SURFACE, of **213 Orchard Street**, provisionally granted by the City Clerk on May 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0927)

APPLICATION, **Able Asphalt Inc.**, to DISTURB THE SURFACE, of **187 Metcalf Street**, provisionally granted by the City Clerk on May 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0928)

APPLICATION, **Able Asphalt Inc.**, to DISTURB THE SURFACE, of **Geraldine Street sx 295 Gardner Street**, provisionally granted by the City Clerk on May 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0929)

APPLICATION, **Able Asphalt Inc.**, to DISTURB THE SURFACE, of **133 Brock Avenue**, provisionally granted by the City Clerk on May 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0930)

APPLICATION, **R. J. Canessa Excavating**, to DISTURB THE SURFACE, of **Farm Street/Allen Street**, provisionally granted by the City Clerk on May 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0931)

APPLICATION, **R. J. Canessa Excavating**, to DISTURB THE SURFACE, of **961 Tradewind Street**, provisionally granted by the City Clerk on May 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0932)

APPLICATION, **C. C. Construction Inc.**, to DISTURB THE SURFACE, of **26 Madeira Avenue**, provisionally granted by the City Clerk on May 16, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0933)

APPLICATION, **W. C. Smith & Son**, to DISTURB THE SURFACE, of **32 Templeton Street**, provisionally granted by the City Clerk on May 16, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0934)

APPLICATION, **R. J. Canessa Excavating**, to DISTURB THE SURFACE, of **41 Briggs Street**, provisionally granted by the City Clerk on May 18, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0935)

APPLICATION, **R. J. Canessa Excavating**, to DISTURB THE SURFACE, of **41 Liberty Street**, provisionally granted by the City Clerk on May 18, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0936)

APPLICATION, **R. J. Canessa Excavating**, to DISTURB THE SURFACE, of **19 Ashley Street**, provisionally granted by the City Clerk on May 18, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0937)

APPLICATION, **Cardoso Contracting**, to DISTURB THE SURFACE, of **859 Belleville Avenue**, provisionally granted by the City Clerk on May 18, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0938)

APPLICATION, **Cardoso Contracting**, to DISTURB THE SURFACE, of **713 Belleville Avenue**, provisionally granted by the City Clerk on May 18, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0939)

APPLICATION, **Cardoso Contracting**, to DISTURB THE SURFACE, of **235 Austin Street**, provisionally granted by the City Clerk on May 18, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0940)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **167 Grinnell Street**, provisionally granted by the City Clerk on May 19, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0941)

APPLICATION, **Cardoso Contracting, Inc.**, to DISTURB THE SURFACE, of **224 Court Street (475 Union Street)**, provisionally granted by the City Clerk on May 20, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0942)

APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **P137 – L279 Meadow Street**, provisionally granted by the City Clerk on May 20, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016. (#0943)

APPLICATION, **Dellbrook JK Scanlan**, to DISTURB THE SURFACE, of **Belleville Avenue/Hathaway Street (Alma del Mar)**, provisionally granted by the City Clerk on May 24, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0944)

APPLICATION, **Dupre, Inc.**, to DISTURB THE SURFACE, of **312 Davis Street**, provisionally granted by the City Clerk on May 26, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 31, 2016.

Approved June 6, 2016.

(#0945)

IT WAS VOTED, on a motion made and duly seconded, Yeas 11, Nays 0, to waive Rule 42 in order to take up the late file items.

REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER AS AMENDED, authorizing the Mayor, on behalf of the City for the consideration of the sum of \$587,500.00 to execute an offer to sell easement between the City and the United States of America; and further, authorizing to execute an Easement to be recorded at the Registry of Deeds in a form acceptable to the City Solicitor for the completion of any work necessary and incident to design and construction of the New Bedford Harbor Superfund remedy on a portion of City owned property located at 103 Sawyer Street; and further that the \$587,500.00 be divided equally into the six (6) wards to allow the Councillors of each ward along with the Councillors at Large an opportunity to utilize their share of the proceeds for streetscape improvements and quality of life issues in the ward neighborhoods.

Rule 42 Waived – Yeas 10, Nays 0.

Recommendation Followed.

(#0946)

CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 28, 2016

ORDERED, that in consideration of the sum of FIVE HUNDRED EIGHTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$587,500.00) set forth in an Offer to Sell Easement between the City of New Bedford and the United States of America, the Mayor is hereby authorized on the on behalf of the City to execute 1) the Office to Sell Easement and 2) is further authorized to execute and Easement to be recorded at the Registry of Deeds in a form acceptable to the City Solicitor for the completion of any work necessary and incident to design and construction of the New Bedford Harbor Superfund remedy on a portion of City owned property located at 103 Sawyer Street and shown on City Assessor's Map 93, Lot 120; and further, that the \$587,500.00 be divided equally into the six (6) wards to allow their share of the proceeds for streetscape improvements and quality of life issues in the ward neighborhoods. A copy of the proposed Offer to Sell Easement is attached hereto and made a part hereof.

Referred to the Committee on Finance – April 28, 2016.

Rule 42 Waived – Yeas 10, Nays 0.

Adopted as Amended – Yeas 10, Nays 0.

Presented to the Mayor for approval May 31, 2016.

Approved June 06, 2016.

(#0640)

REPORT, Committee on City Property, recommend to the City Council APPROVAL of the ORDER, AS AMENDED, that land shown on Plan of Land entitled, “Paul Walsh Field, Hunter St. New Bedford, MA 02740” dated March 31, 2016 and as described on Attachment “A” hereto be accepted from the School Committee and conveyed to the City Council Committee on City Property for the purpose of licensing the property to the New Bedford Bay Sox LLC on which the sale of beer and wine may be permitted, in accordance with conditions established by the Licensing Board and such other reasonable conditions as may be necessary or appropriate. Any licenses granted authorizing the use of the described land to any non-governmental entity shall immediately expire and become null and void if, by June 13, 2016, the School Committee of the City of New Bedford has not voted to accept the described property effective September 6, 2016. If, by June 14, 2016, the School Committee of the City of New Bedford has not voted to accept the described property effective September 6, 2016, no licenses shall be issued to any non-government entity on the described property that authorizes the sale of alcoholic beverages.

Rule 42 Waived – Yeas 10, Nays 0.

Recommendation Followed.

(#0947)

CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 28, 2016

ORDERED, that land shown on a Plan of Land entitled “Paul Walsh Field, Hunter Street, New Bedford, MA 02740” dated March 31, 2016 and as described on Attachment “A” hereto be accepted from the School Committee and conveyed to the ~~Department of Facilities and Fleet Management~~ City Council Committee on City Property for the purpose of licensing the property to the New Bedford Baysox LLC on which the sale of beer and wine may be permitted, in accordance with conditions establishes by the Licensing Board and such other reasonable conditions as may be necessary or appropriate; ***and further any licenses granted authorizing the use of the described land to any non-government entity shall immediately expire and become null and void if, by June 14, 2016, the School Committee of the City of New Bedford has not voted to accept the described property effective September 06, 2016, if, by June 14, 2016, the School Committee of the City of New Bedford has not voted to accept the described property effective September 06, 2016, no licenses shall be issued to any non-governmental entity on the described property that authorizes the sale of alcoholic beverages.***

Rule 42 Waived – Yeas 11, Nays 0.

Referred to the Committee on City Property – April 28, 2016.

Rule 42 Waived – Yeas 10, Nays 0.

Adopted as Amended – Yeas 10, Nays 0.

Presented to the Mayor for approval May 31, 2016.

Approved June 02, 2016.

(#0657)

COMMUNICATION, Council President Morad, submitting a copy of an email from Director of EMS, Mark McGraw regarding the Ordinance on the agenda which deals with the percentage that a municipality can charge above Medicare rates. .

Rule 42 Waived – Yeas 10, Nays 0.

Received and Placed on File.

(#0948)

COMMUNICATION, Council President Morad, submitting a copy of an email from Colleen Dawicki, notifying that she will be unable to the Council Meeting due to Planning Board meeting tonight and asking for consideration of her appointment to the Community Preservation Committee. (To be Received and Placed on File; Copy all Councillors via email 05/26/2016.)

Rule 42 Waived – Yeas 10, Nays 0.

Received and Placed on File.

(#0949)

On a motion, the Council then adjourned at 8:05 pm.

ATTEST:

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