



# **Council Meeting – Minutes**

## **CITY COUNCIL CALENDAR**

Chambers of the City Council Municipal Building

**Thursday, September 22, 2016 – 7:00 p.m.**

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

LATE: Councillor Lopes 7:04 p.m.

ABSENT: No One

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Council President Morad called the meeting to order and presided.

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

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A HEARING, on NSTAR Electric Company for location of two (2) 4” Conduits in EMMA STREET, West of Brock Avenue.

Hearing Held.

Petition Placed on File. (#1710)

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AN ORDER,

Adopted and ordered recorded in Book of Location Order Records- All Ayes.

Presented to the Mayor for approval September 26, 2016.

Approved October 03, 2016. (#1711)

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COMMUNICATION, Mayor Mitchell, to City Council, asking for reconsideration of Mr. Scot Servis’ salary at the top step of the Unit C Salary schedule for Assistant Airport Manager which is \$69,609.00.

Received and Placed on File – Yeas 10, Nays 1. (Council President Morad OPPOSED.)

(#1712)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE amending Chapter 6 of the City Code by the addition of Article IX adopting the Stretch Code, 780 CMR Appendix 115.AA, to the 9<sup>th</sup> Edition Massachusetts Building Code.

Referred to the Committee on Ordinances. (#1713)

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AN ORDINANCE,

Referred to the Committee on Ordinances. (#1714)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for BAY SIDE BUILDERS REALTY TRUST, 1851 Acushnet Avenue, New Bedford, MA, Account Number 1032138 in the amount of \$1,223.04.

Abatement Granted.

Presented to the Mayor for approval September 26, 2016.

Approved October 03, 2016. (#1715)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of DONALD S. CARPENTER, Rehoboth, MA as a SPECIAL POLICE OFFICER.

Received and Placed on File. (#1716)

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APPLICATION, DONALD S. CARPENTER, Rehoboth, MA 02769, for APPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed. (#1717)

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REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the Application 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, 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.

Recommendation Followed. (#1718)

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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 05/26/2016.)

Referred to the Committee on Appointments and Briefings – May 26, 2016.

Livery License GRANTED – Yeas 7, Nays 4. (Councillor Martins, Council President Morad, Councillors Oliviera and Rebeiro OPPOSED.) (#0881)

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WRITTEN MOTION, Councillor Bousquet, requesting, that CFO, Ari Sky research the cost savings of privatizing grass cutting for the City of New Bedford and consolidating those services for the School Department, our City parks, and cemeteries.

Referred to CFO Ari Sky and the Mayor's Office.

Presented to the Mayor for approval September 26, 2016.

RETURNED UNSIGNED – October 20, 2016. (#1719)

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WRITTEN MOTION, Councillor Martins, requesting that Chapter 15, Section 15-52 of the Code of Ordinances, relative to Door to Door Sales, be amended to strike the words fingerprint scan under Definitions B – Restrictions on Door to Door Sales, the new definition will read as follows: B. Restrictions on door to door sales – No person shall engage in door to door sales activity in the City of New Bedford without first obtaining a license from the City Clerk. The City Clerk shall have the authority to grant a license to any person age 18 or over deemed suitable at the discretion of the City Clerk after a CORI check review.

Adopted. (#1720)

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AN ORDINANCE, (To be Passed to a Second Reading and Referred to the Committee on Ordinances in its Second Reading Stage.)

Passed, to a Second Reading and Referred to the Committee on Ordinances in its Second Reading Stage.

(#1721)

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COMMUNICATION, Maria Tomasia, Board of Election Commissioners to City Council, requesting that the City Council approve the Early Voting Calendar and locations, this is the first time the State is putting Early Voting in effect. (Copy all Councillors 09/15/2016.)

Received and Placed on File. (#1722)

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WRITTEN MOTION, Councillors Lopes, Bousquet, Martins and Abreu, requesting that the Committee on Public Safety and Neighborhoods invite a representative from Murray Sign Company to the next committee meeting to discuss providing the City of New Bedford with free public service announcements on their digital build boards located across the City, suggesting that people donate money to charity and not to the panhandlers.

Referred to the Committee on Public Safety and Neighborhoods. (#1723)

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WRITTEN MOTION, Councillors Lopes, Gomes and Abreu, requesting that the Hurricane Dike Walking Path on the east beach be named after the former Ward Six City Councillor, Ralph J. Saulnier. (To be Referred to the Special Committee on Memorials and Dedications.)

Referred to the Special Committee on Memorials and Dedications. (#1724)

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WRITTEN MOTION, Councillor Lopes, requesting that Health Director, Dr. Weis and Acting City Planner Clarke, provide the Committee on Ordinances with guidance on the drafting of a Zoning Ordinance that would establish the parameters in which a Registered Medical Marijuana Dispensary can be located within the City of New Bedford. (To be Referred to the Committee on Ordinances.)

Referred to the Committee on Ordinances – FAILED –Yeas 5, Nays 6. (Councillors Abreu, Bousquet, Gomes, Martins, Rebeiro and Winterson OPPOSED) (#1725)

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WRITTEN MOTION, Councillor Lopes, requesting that the Committee on Public Safety and Neighborhoods, review Ballot Question 4, which allows for the Legalization, Regulation and Taxation of Marijuana in the Commonwealth of Massachusetts, and that the City of New Bedford begin the process for a ballot question on the next bi-annual State Election, to ask whether to allow, in the City of New Bedford, the sale of marijuana and marijuana products for consumption on the premises where sold, and that this be submitted to the voters of the City of New Bedford on the next bi-annual State Election.

Referred to the Committee on Public safety and Neighborhoods – Yeas 7, Nays 4. (Councillor Martins, Council President Morad, Councillors Oliviera and Rebeiro OPPOSED.) (#1726)

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WRITTEN MOTION, Councillor Lopes, requesting that the Committee on Finance, work with the Mitchell Administration on the adoption of the maximum 2% local sale tax option upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the City of New Bedford if Ballot Question 4 is passed. (To be Referred to the Committee on Finance and Mayor Mitchell.)

Referred to the Committee on Finance and Mayor Mitchell.

Presented to the Mayor for approval for approval September 26, 2016.

RETURNED UNSIGNED - October 20, 2016. (#1727)

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WRITTEN MOTION, Councillor Lopes, requesting that the Committee on Ordinances draft an Ordinance that would limit the number of marijuana retailers to no more than 20 percent of the number of licenses issued by the City of New Bedford for the retail sale of alcoholic beverages not to be drunk on the premises sold under Chapter 138 of the Massachusetts General Laws. (To be Referred to the Committee on Ordinances.)

Referred to the Committee on Ordinances – Yeas 6, Nays 5. (Councillors Abreu, Gomes, Martins, Oliviera and Rebeiro OPPOSED.) (#1728)

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WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Public Safety and Neighborhoods meet with Police Chief Cordeiro, Fire Chief Gomes, EMS Director McGraw, Emergency Management Director Mahoney, Health Director, Dr. Weis, a representative from the Mayor’s office and Bristol County Sheriff Hodgson, for the purpose of discussing a terrorist attack or a home grown terrorist attack and a plan of action for the City of New Bedford; and further, that the plan include State and Federal resources with an immediate response of mutual aid from surrounding Police departments and emergency responders, and further, that a public awareness campaign be placed before the general

public stating that if you see something, you hear something, you know something, you are required to notify authorities immediately in the best interest of keeping our community safe.

Referred to the Committee on Public Safety and Neighborhoods -Yeas 9, Nays 0. ( Councillors Winterson and Oliviera not present for vote.) (#1729)

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COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: 11-63 DAVID STREET (Map 14/Lot 218) Circa 1910 four-story concrete building, “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 therefore, in light of these findings, the Preservation Planner has determined that the structure at 11-63 David Street is neither a Historically Significant nor a Preferably Preserved Structure.

DEMOLITION GRANTED.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016. (#1730)

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COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW OF 248 HAWTHORN STREET, (MAP 39, LOT 98) A CIRCA 1936 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 has experienced damage due to an automobile accident, is in a dilapidated state and is a safety hazard, “in light of these findings, the New Bedford Historical Commission has determined that the structure at 248 Hawthorn Street is neither a Historically Significant nor a Preferably Preserved structure.”

DEMOLITION GRANTED.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016. (#1731)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Jason Lobo d/b/a GOOD TIMES LIMO, 400 Union Street, New Bedford, MA 02745**, hereby submitting 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. **(Please note Mr. Lobo had a Livery License from 2008-2010.)**

Referred to the Committee on Appointments and Briefings. (#1732)

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COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **EDDIE GABBIDON d/b/a APPLE TRANSPORTATION SERVICES, 2110 Phillips Road, New Bedford, MA 02745**, hereby submitting 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. (#1733)

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COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Edward BeJarano d/b/a A&M TRANSPORTATION, 1251 Church Street, New Bedford, MA 02745**, hereby submitting 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. (#1734)

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COMMUNICATION, City Clerk/Clerk of the City Council, Dennis W. Farias, to City Council, submitting a letter received from Ellen Cebula, Deputy Director, Seaport Economic Council, in response to a Council Motion, relative to the installation of a ferry service at the State Pier.

Received and Placed on File. (#1735)

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COMMUNICATION, City Clerk/Clerk of the City Council, Dennis W. Farias, to City Council, submitting a letter received from Leo P. Roy, Commissioner, Massachusetts Department of Conservation and Recreation (DCR) in response to a Council Motion, relative to the installation of a ferry service at the State Pier.

Received and Placed on File. (#1736)

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WRITTEN MOTION, Councillor Winterson, 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 6:00 A.M. THROUGH 1:30 P.M., on SUNDAY, OCTOBER 30, 2016, for the purpose of THE 38TH ANNUAL SPOONER 10K AND SPOOKY 5K RUN/WALK. NOTE: ALSO REQUESTING THAT THE DPI PROVIDE STREET CLOSURE BARRELS.

Permission Granted.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016. (#1737)

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WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the Zeiterion Performing Arts Center, that the following street(s) be CLOSED: PURCHASE STREET, from School Street to Spring Street, (In Front of the Zeiterion Theatre), ON SATURDAY, OCTOBER 22, 2016, FROM 3:00 P.M. TO 12:00 A.M., for the purpose of Mariza.

Permission Granted.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016. (#1738)

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WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the Zeiterion Performing Arts Center, that the following street(s) be CLOSED: PURCHASE STREET, from School Street to Spring Street, (In Front of the Zeiterion Theatre), ON SUNDAY, OCTOBER 23, 2016, FROM 3:00 P.M. TO 12:00 A.M., for the purpose of “Jay Leno”.

Permission Granted.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016. (#1739)

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WRITTEN MOTION, Councillor Lopes, requesting, on behalf of the Cove Street Neighborhood Association, that the following street(s) be CLOSED: RUTH STREET, from Salisbury Street to Ashley Street, ON FRIDAY, DECEMBER 02, 2016, FROM 4:00 P.M. TO 8:30 P.M., for the purpose of their Annual Christmas Tree Lighting.

Permission Granted.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016. (#1740)

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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 Hunter Street, ON SUNDAY, OCTOBER 16, 2016, FROM 12:00 P.M. (NOON)TO 4:30 P.M., for the purpose of the ANNUAL BAND COMPETITION.

Permission Granted.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016. (#1741)

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COMMUNICATION, Cynthia Wallquist, Director of Community Services, to City Council submitting the Departments FY17 Work Plan.

Received and Placed on File. (#1742)

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MINUTES, Board of Assessors, submitting MINUTES, of meetings held on August 25, 2016 and September 1, 2016.

Received and Placed on File. (#1743)

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MINUTES, Planning Board, submitting MINUTES, of a meeting held on August 10, 2016.

Received and Placed on File. (#1744)

MINUTES, Conservation Commission, submitting MINUTES, of a meeting held on March15, 2016.

Received and Placed on File. (#1745)

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APPLICATION, **C. C. Construction**, for permission to maintain a STREET OBSTRUCTION at **26 Madeira Avenue**, provisionally granted by the City Clerk on September 9, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016. (#1746)

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APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **Bradford Street**, provisionally granted by the City Clerk on September 9, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016. (#1747)

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APPLICATION, **Precision Valley Communications**, for permission to maintain a STREET OBSTRUCTION at **204 Court Street**, provisionally granted by the City Clerk on September 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 September 26, 2016.

Approved October 3, 2016. (#1748)

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APPLICATION, **Precision Valley Communications**, for permission to maintain a STREET OBSTRUCTION at **187 Cottage Street**, provisionally granted by the City Clerk on September 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 September 26, 2016.

Approved October 3, 2016. (#1749)

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APPLICATION, **Precision Valley Communications**, for permission to maintain a STREET OBSTRUCTION at **791 Purchase Street**, provisionally granted by the City Clerk on September 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 September 26, 2016.

Approved October 3, 2016. (#1750)

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APPLICATION, **Morgado Company, Inc.**, for permission to maintain a STREET OBSTRUCTION at **141-143 Arlington Street**, provisionally granted by the City Clerk on September 14, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016. (#1751)

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APPLICATION, **Morgado Company, Inc.**, for permission to maintain a STREET OBSTRUCTION at **1289 Robin Street**, provisionally granted by the City Clerk on September 14, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016. (#1752)

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APPLICATION, **Cardoso Contracting Inc.**, for permission to maintain a STREET OBSTRUCTION at **6 Sowle Street**, provisionally granted by the City Clerk on September 14, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016. (#1753)

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APPLICATION, **MHT Excavating.**, for permission to maintain a STREET OBSTRUCTION at **978 Nash Road**, provisionally granted by the City Clerk on September 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 September 26, 2016.

Approved October 3, 2016. (#1754)

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APPLICATION, **MHT Excavating**, for permission to maintain a STREET OBSTRUCTION at **16 Felton Street**, provisionally granted by the City Clerk on September 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 September 26, 2016.

Approved October 3, 2016. (#1755)

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APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **3759 Acushnet Avenue**, provisionally granted by the City Clerk on September 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 September 26, 2016.

Approved October 3, 2016.

(#1756)

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APPLICATION, **C.C. Construction**, to DISTURB THE SURFACE, of **26 Madeira Avenue**, provisionally granted by the City Clerk on September 9, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor September 26, 2016.

Approved October 3, 2016.

(#1757)

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APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **Bradford Street**, provisionally granted by the City Clerk on September 9, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor September 26, 2016.

Approved October 3, 2016.

(#1758)

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APPLICATION, **Precision Valley Communications**, to DISTURB THE SURFACE, of **204 Court Street**, provisionally granted by the City Clerk on September 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor September 26, 2016.

Approved October 3, 2016.

(#1759)

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APPLICATION, **Precision Valley Communications**, to DISTURB THE SURFACE, of **187 Cottage Street**, provisionally granted by the City Clerk on September 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor September 26, 2016.

Approved October 3, 2016.

(#1760)

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APPLICATION, **Precision Valley Communications**, to DISTURB THE SURFACE, of **791 Purchase Street**, provisionally granted by the City Clerk on September 13, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor September 26, 2016.

Approved October 3, 2016.

(#1761)

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APPLICATION, **Morgado Company Inc.**, to DISTURB THE SURFACE, of **141-143 Arlington Street**, provisionally granted by the City Clerk on September 14, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor September 26, 2016.

Approved October 3, 2016.

(#1762)

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APPLICATION, **Morgado Company Inc.**, to DISTURB THE SURFACE, of **1289 Robin Street**, provisionally granted by the City Clerk on September 14, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor September 26, 2016.

Approved October 3, 2016. (#1763)

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APPLICATION, **Cardoso Contracting, Inc.**, to DISTURB THE SURFACE, of **6 Sowle Street**, provisionally granted by the City Clerk on September 14, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor September 26, 2016.

Approved October 3, 2016. (#1764)

APPLICATION, **MHT Excavating**, to DISTURB THE SURFACE, of **978 Nash Road**, provisionally granted by the City Clerk on September 16, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor September 26, 2016.

Approved October 3, 2016. (#1765)

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APPLICATION, **MHT Excavating**, to DISTURB THE SURFACE, of **16 Felton Street**, provisionally granted by the City Clerk on September 16, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor September 26, 2016.

Approved October 3, 2016. (#1766)

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APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **3759 Acushnet Avenue**, provisionally granted by the City Clerk on September 19, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor September 26, 2016.

Approved October 3, 2016. (#1767)

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APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on September 19, 2016, subject to ratification by the Mayor and City Council as follows:

Trinity Street (#1768)

Austin Street (#1769)

L720 Bartlett Street (#1770)

22 Bourne Street (#1771)

27 Pine Grove Street (#1772)

859 Belleville Avenue (#1773)

Sears Street (#1774)  
17 Ball Street (#1775)  
363 Earle Street (#1776)  
323 Summer Street (#1777)  
19 Lawrence Street (#1778)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016.

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APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on September 21, 2016, subject to ratification by the Mayor and City Council as follows:

43 King Street (#1779)  
242 Central Avenue (#1780)  
157 – 159 Carroll Street (#1781)  
600 Sawyer Street (#1782)  
71 Locust Street (#1783)  
154 Collette Street (#1784)  
154 Davis Street (#1785)  
501 – 509 Kempton Street (#1786)  
224 Carroll Street (#1787)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016.

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APPLICATIONS, **S&L Rolloff Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on September 22, 2016, subject to ratification by the Mayor and City Council as follows:

791 Purchase Street (#1788)  
791 Purchase Street (#1789)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016.

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APPLICATIONS, **S&L Rolloff Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on September 22, 2016, subject to ratification by the Mayor and City Council as follows:

791 Purchase Street (#1788)  
791 Purchase Street (#1789)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 26, 2016.

Approved October 3, 2016.

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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.

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WRITTEN MOTION, Councillors Abreu, Bousquet, Lopes, Carney and Martins, requesting that the Mayor's Office provide this City Council with an update regarding the progress of the Community Preservation Act Committee formation, most Members of this Committee were confirmed on May 26, 2016, and have been repeatedly asking the Administration for a schedule of meetings to elect its officers and set forth a plan of action, and have not received a response, further that the City of New Bedford voted to adopt the Community Preservation Act (CPA) in 2014, the CPA will enable the City to establish a dedicated funding source for open space, recreation, historic preservation and affordable housing, the CPA has been funded by a 1.5% surcharge on annual tax assessments in excess of \$100,000, effective July 1, 2015, said revenue from the CPA will be deposited in a special fund which, when combined with State matching funds, will allow the City to improve our community and historic assets. (To be Referred to the Mayor's Office and Community Development.)

Rule 42 Waived – Yeas 11, Nays 0.

Referred to the Mayor's Office and the Department of Planning, Housing and Community Development.

Presented to the Mayor for approval September 26, 2016.

RETURNED UNSIGNED October 20, 2016. (#1790)

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RELATED MOTION, Councillor Martins requesting a written response within ten (10) days from Mayor Mitchell, outlining why the Community Preservation Committee has yet to hold an initial meeting.

Adopted and Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval September 23, 2016.

RETURNED UNSIGNED October 20, 2016. (#1791)

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REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE as AMENDED, Relative to the Use of Marijuana In Public.

Rule 42 Waived – Yeas 11, Nays 0.

Referred to the Committee on Ordinances, Yeas 8, Nays 3. (Councillors Abreu, Martins and Rebeiro OPPOSED.) (#1792)

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AN ORDINANCE, amending Chapter 17, Section 17-10.1 RELATIVE TO THE USE OF MARIJUANA IN PUBLIC.

Rule 42 Waived – Yeas 11, Nays 0.

Referred to the Committee on Ordinances, Yeas 8, Nays 3. (Councillors Abreu, Martins and Rebeiro OPPOSED.) (#1793)

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REPORT, Committee on Ordinances, recommending to the City Council, that the Communication/Email from Eddie Johnson, President, CLEAN, regarding the cleanup of toxic contamination of the Parker Street dump site and the proposed Ordinance, Relative to Environmental Protection and Economic Development be referred to the Mayor for his review.

Rule 42 Waived – Yeas 11, Nays 0.

Referred to the Mayor – Yeas 9, Nays 1. (Council President Morad OPPOSED, Councillor Oliviera not present for vote.)

Presented to the Mayor for approval September 26, 2016.

RETURNED UNSIGNED October 20, 2016.

(#1794)

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On a motion, the Council then adjourned at 8:10 p.m.  
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ATTEST:

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