



Council Meeting – Minutes

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, February 25, 2016 – 7:05 p.m.

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

LATE: No One

ABSENT: No One

Council President Morad called the meeting to order and presided.

Prayer Led By: Reverend Ramiro Monteiro, from The International Church of the Nazarene

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

COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER appropriating \$18,128,896.00 for accelerated repair projects at Carney Academy, Hayden McFadden Elementary School, Casimir Pulaski Elementary School and Alfred J. Gomes Elementary School; and further, amending the Order passed January 08, 2015 and amended July 16, 2015 to provide that the \$1,000,000.00 portion of such Order allocable to school projects shall be allocated to such accelerated repair projects.

Referred to the Committee on Finance – FAILED Yeas 5, Nays 6. (Councillors Abreu, Carney, Coelho, Morad, and Rebeiro IN FAVOR.)

Received and Placed on File. (#0296)

LOAN ORDER,

Referred to the Committee on finance – FAILED – Yeas 5, nays 6, (Councillors Abreu, Carney, Coelho, Morad and Rebeiro IN FAVOR.)

Passed to a Second Reading. (#0297)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for BRENDAN HEALEY, Vineyard Haven, MA, as a Diesel Engine Repairman with the Department of Facilities and Fleet Management.

Referred to the Committee on Appointments and Briefings FAILED – Yeas 2, Nays 9. (Councillors Carney and Rebeiro IN FAVOR.)

Waiver amended to SIX MONTHS, Waiver Granted and Rule 40 Waived – Yeas 10, Nays 1. (Councillor Rebeiro OPPOSED.)

Presented to the Mayor for approval February 26, 2016.

Approved February 26, 2016. (#0298)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for WILLIAM SHURTLEFF, Dartmouth, MA, as a Carpenter with the Department of Facilities and Fleet Management.

Referred to the Committee on appointments and Briefings FAILED – Yeas 2, Nays 9. (Councillor Carney and Rebeiro IN FAVOR.)

One-year Waiver Granted and Rule 40 Waived – Yeas 10, Nays 1. (Councillor Rebeiro OPPOSED.)

Presented to the Mayor for approval February 26, 2016.

Approved February 26, 2016. (#0299)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of HERBERT B. JOHNSON, New Bedford, MA 02745, to the HUMAN RELATIONS COMMISSION, replacing Janice Baptist; this term will expire April 2019.

Referred to the Committee on Appointments and Briefings. (#0300)

AN ORDINANCE, amending Chapter 2, Article XXIV – COMMUNITY PRESERVATION COMMITTEE. Rule 42 Waived – Yeas 11, Nays

Passed to a Second Reading – January 28, 2016.

Passed, to be Ordained, as Amended.

Presented to the Mayor for approval February 29, 2016.

Approved March 08, 2016. (#0210)

AN ORDINANCE, rezoning Plot 91/Lot 45 from Residence “C” to MIXED-USE BUSINESS, located at 170 Reynolds Street.

Rule 42 Waived – Yeas 11, nays 0

Passed to a Second Reading – January 28, 2016.

Passed, to be Ordained – Years 11, Nays 0.

Presented to the Mayor for approval February 29, 2016.

Approved March 08, 2016. (#0208)

WRITTEN MOTION, Councillor Lopes, requesting that the City of New Bedford draft a Home Rule Petition that would expand on the existing State Nuisance Law, to provide local landlords with the authority to evict tenants involved

in crimes related to the use or illegal possession of guns. (To be Referred to Mayor Mitchell and City Solicitor McDermott.)

Adopted.

Presented to the Mayor for approval February 29, 2016.

RETURNED UNSIGNED March 25, 2016.

(#0301)

WRITTEN MOTION, Councillors Gomes, Winterson, Lopes, Martins, Rebeiro, Coelho, Carney, Oliveira, Abreu and Bousquet, requesting, AGAIN, that the New Bedford City Council go on record in support of ATI (Allegheny Technologies, Inc.) steelworkers of New Bedford and send a letter to the ATI Steelworkers President and CEO, urging them to bargain in good faith and respect the veteran workmanship, and get the steelworkers back to work; and further, that the City begin the process of recouping the thousands of dollars in Police detail and vehicle costs used during the details provided from day one in this steelworkers lockout.

Adopted.

(#0302)

WRITTEN MOTION, Councillors Carney, Abreu, Lopes, Martins, 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 will be 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 11, Nays 0.

Adopted.

(#0303)

IT WAS VOTED, on a motion made and duly seconded, Yeas 11, Nays 0, to waive Rule 42 in order of business to take up the following items at this time.

REPORT, Committee on Ordinances, recommending that the City Council requests the Board of Health to use their regulatory authority and enact a regulation banning the sale of synthetic drugs in the City of New Bedford, and that they use the current Wareham and Lowell Ordinances for guidelines; and further, that the Board of Health has the leeway to use other Ordinances as they see fit.

Rule 42 Waived – Yeas 11, Nays 0.

Recommendation Followed.

(#0304)

REPORT, Committee on Finance, recommending to the City Council City's Capital Improvement Program (CIP), appropriating \$5,509,000.00 for the purpose of making critically-needed repairs to City-owned building including, but not limited to, projects for the repair and renovations of public safety facilities, recreational facilities and general office space.

Rule 42 Waived – Yeas 11, Nays 0.

Recommendation Followed. (#0305)

LOAN ORDER,

Referred to the Committee on Finance - February 11, 2016.

Rule 42 Waived – Yeas 11, Nays 0.

Passed to a Second Reading. (#0218)

REPORT, Committee on Finance, recommending to the City Council APPROVAL of the LOAN ORDER, in the amount of \$520,000.00 to pay the costs of improving Hazelwood Park for recreational purposes including new pedestrian entrances and walkways, enhanced lighting, benches, table and other amenities and all other costs incidental and related thereto (the “Project”) for which project the City has been awarded a grant from the Commonwealth of Massachusetts in the amount of \$24,500 for design costs and \$339,500 for construction costs.

Rule 42 Waived – Yeas 11, Nays 0.

Recommendation Followed. (#0306)

LOAN ORDER,

Referred to the Committee on Finance - January 14, 2016.

Rule 42 Waived – Yeas 11, Nays 0.

Passed to a Second Reading. (#0015)

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 Union Street, (In Front of the Zeiterion Theatre), ON: FRIDAY, MAY 06, 2016, AT 6:00 A.M. TO: SUNDAY, MAY 08, 2016, 12:00 P.M. (NOON), for the purpose of VIVA PORTUGAL.

Rule 42 Waived – Yeas 11, Nays 0.

Permission Granted.

Presented to the Mayor for approval February 29, 2016.

Approved March 08, 2016. (#0307)

Ending of Late File.

WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the Zeiterion Performing Arts Center’s Viva Portugal Event, that the following street(s) be included: SPRING STREET, from Pleasant Street to Acushnet Avenue ON: FRIDAY, MAY 06, 2016, AT 6:00 A.M. TO: SUNDAY, MAY 08, 2016, 12:00 (NOON).

Permission Granted.

Presented to the Mayor for approval February 29, 2016.

Approved March 8, 2016.

(#0308)

WRITTEN MOTION, Councillor Winterson, requesting, that the following street(s) be CLOSED: ONEIDA STREET, from Lake Street to Fuller Memorial Parkway; LAKE STREET, from Oneida Street to Buttonwood Street; BUTTONWOOD STREET, from Lake Street to Fuller Memorial Parkway; FULLER MEMORIAL PARKWAY, from Rockdale Avenue to Brownell Avenue, AND BROWNELL AVENUE, from Hawthorn Street to Fuller Memorial Parkway, to be Re-opened as soon as the runners pass, (SAID CLOSING TO ENSURE THE SAFETY OF THE PARTICIPANTS IN THE RACE), ON SUNDAY, APRIL 10, 2016, FROM 6:00 A. M, TO 1:00 P.M. for the purpose of RUN WITH C.A.R.E.

Permission Granted.

Presented to the Mayor for approval February 29, 2016.

Approved March 8, 2016.

(#0309)

WRITTEN MOTION, Councillors Bousquet, Lopes, Abreu, Council President Morad, Councillors Oliveira and Winterson, requesting, that the Administration work with the Health Department to develop a hoarding task force, an interagency response team to identify, recover, and get help for people who suffer from this condition, it shall include Health, Police, Fire, Minimum Housing and the Solicitors Office representatives working together on this Citywide epidemic. (To be Referred to the Mayor, Health Department, Director Dr. Brenda Weis, Acting Police Chief Lizotte and Fire Chief Gomes.)

Referred to the Committee on Public Safety and Neighborhoods.

(#0310)

WRITTEN MOTION, Councillors Coelho, Lopes, Carney, Winterson, Abreu and Martins, requesting that Acting Police Chief Lizotte provide the Committee on Public Safety and Neighborhoods with the data of overdoses in the City of New Bedford for the past six (6) months. (To be Referred to the Committee on Public Safety and Neighborhoods.)

Referred to the Committee on Public Safety and Neighborhoods.

(#0311)

WRITTEN MOTION, Councillors Martins, Oliveira and Bousquet, requesting, that Hands Across the River Coalition, Inc., and South Coast Neighbors United Organization be invited to attend a Committee on Appointments and Briefings meeting to discuss their opposition to the Access Northeast LNG expansion project and to present a fifteen minute presentation. (To be Referred to the Committee on Appointments and Briefings.)

Referred to the Committee on Appointments and Briefings.

(#0312)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Henry N. Lee, 23 Sycamore Street, New Bedford, MA 02740 d/b/a LEE TRANSPORTATION CORP., P.O. Box 5622, New Bedford, MA 02742** hereby submit a copy of the Application requesting a **NEW 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. **(The last known Livery License expired June 06, 2010.)**

Referred to the Committee on Appointments and Briefings. (#0313)

COMMUNICATION, Council President Morad, submitting an email from Milton Rocha regarding the rolling closures of the fire stations in New Bedford. (To be Received and Placed on File.)

Received and Placed on File. (#0314)

COMMUNICATION, Councillor Martins, submitting an article from the Worcester Telegram, dated February 14, 2016, entitled "Worcester argues for significantly reduced bill for panhandler Ordinance legal costs." (To be Referred to the Committee on Ordinances.)

Referred to the Committee on Ordinance. (#0315)

CITATION, Councillor Lopes, honoring JILL HORTON-SIMMS, New Bedford Local Cultural Council, in recognition of her Leadership Circle Award for excellence in individual contributions to community arts and culture – 2016.

TABLED – February 11, 2016.

Removed from the Table and Referred to the Special City Council Meeting on March 03, 2016.

(#0214)

ANNUAL REPORT, Tax Increment Financing Board (TIF) submitting the 2015 TIF Board Annual Report. (Copy all Councillors via email 02/22/2016.)

Received and Placed on File. (#0316)

MINUTES, Greater New Bedford Regional Vocational Technical High School District, submitting MINUTES of a meeting held on December 8, 2015.

Received and Placed on File. (#0317)

MINUTES, Board of Assessors, submitting MINUTES of a meeting held on February 4, 2016.

Received and Placed on File. (#0318)

MINUTES, New Bedford Council on Aging Advisory Board, submitting MINUTES of a meeting held on January 14, 2016.

Received and Placed on File. (#0319)

MINUTES, Board of Assessors, submitting MINUTES of a meeting held on February 12, 2016.

Received and Placed on File. (#0320)

MINUTES, Zoning Board of Appeals, submitting MINUTES of a meeting held on January 21, 2016.

Received and Placed on File. (#0321)

APPLICATION, **Sherry Construction Corp.**, for permission to maintain a STREET OBSTRUCTION at **Corner of Elm and Bethel Streets (25 Elm Street)**, provisionally granted by the City Clerk on February 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 February 29, 2016.3

Approved March 08, 2016. (#0322)

APPLICATION, **W.C. Smith & Son**, for permission to maintain a STREET OBSTRUCTION at **45 Timberlane Road**, provisionally granted by the City Clerk on February 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 February 29, 2016.

Approved March 08, 2016. (#0323)

APPLICATION, **Precision Valley Communications**, for permission to maintain a STREET OBSTRUCTION at **46 Foster Street**, provisionally granted by the City Clerk on February 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 February 29, 2016.

Approved March 08, 2016. (#0324)

APPLICATION, **Frank Corp. Environmental Services**, for permission to maintain a STREET OBSTRUCTION at **Corner of Ash Street and Maple Street**, provisionally granted by the City Clerk on February 25, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 29, 2016.

Approved March 08, 2016. (#0325)

APPLICATION, **W.C. Smith & Son, Inc.** for permission to maintain a STREET OBSTRUCTION at **226 Court Street**, provisionally granted by the City Clerk on February 25, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 29, 2016.

Approved March 08, 2016.

(#0326)

APPLICATION, **Sherry Construction Corp.**, to DISTURB THE SURFACE, of **Corner of Elm and Bethel Streets (25 Elm Street)**, provisionally granted by the City Clerk on February 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 February 29, 2016.

Approved March 08, 2016.

(#0327)

APPLICATION, **W.C. Smith & Son**, to DISTURB THE SURFACE, of **45 Timberlane Road**, provisionally granted by the City Clerk on February 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 February 29, 2016.

Approved March 08, 2016.

(#0328)

APPLICATION, **Precision Valley Communications**, to DISTURB THE SURFACE, of **46 Foster Street**, provisionally granted by the City Clerk on February 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 February 29, 2016.

Approved March 08, 2016.

(#0329)

APPLICATION, **Frank Corp. Environmental Services**, to DISTURB THE SURFACE, of **Corner of Ash Street and Maple Street**, provisionally granted by the City Clerk on February 25, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 29, 2016.

Approved March 08, 2016.

(#0330)

APPLICATION, **W.C. Smith & Son, Inc.** to DISTURB THE SURFACE, of **226 Court Street**, provisionally granted by the City Clerk on February 25, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 29, 2016.

Approved March 08, 2016.

(#0331)

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on February 25, 2016, subject to ratification by the Mayor and City Council as follows:

Adelaide Street (#0332)

293 – 317 Raymond Street (#0333)

Received and Action of the City Clerk Ratified.

Presented to the mayor for approval February 29, 2016.

Approved March 8, 2016.

APPLICATIONS, **ABC Disposal Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on February 17, 2016, subject to ratification by the Mayor and City Council as follows:

187 Chancery Street (#0334)

22 Merrill Street (#0335)

239 Plymouth Street (#0336)

170 Irvington Street (#0337)

1277 Acushnet Avenue (#0338)

359 Orchard Street (#0339)

5 Hemlock Street (#0340)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 29, 2016.

Approved March 08, 2016.

On a motion, the Council then adjourned at 8:07pm.

ATTEST:

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