



Council Meeting – Minutes

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, April 24, 2014 – 7:01 p.m.

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

LATE: Councillor Martins (7:22 p.m.)

ABSENT: No One.

Council President Lopes called the meeting to order and presided.

Reverend Pamela J. Cole, from the Greater New Bedford Chapter of Church Women United led the Assembly in Prayer.

Councillor at Large Linda M. Morad led the Assembly in the Pledge of Allegiance to the Flag.

CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 24, 2014

RESOLUTION HONORING THE 2014 GREATER NEW BEDFORD REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL “LADY BEARS” VARSITY BASKETBALL TEAM ON ANOTHER WINNING YEAR

WHEREAS, The Greater New Bedford Regional Vocational Technical High School “Lady Bears” Varsity Basketball Team are a competitive and successful group of young athletes; and

WHEREAS, On Saturday, March 01, 2014, the “Lady Bears” scored a 64-24 win over fifth-seeded Holbrook in the Quarterfinals of the Division 4 South Sectionals, during that game, Tri-Captain Nakira Examond scored her 1000th career point; and

WHEREAS, The Greater New Bedford Regional Vocational Technical High School “Lady Bears” Varsity Basketball Team won the Division 4 South Sectional on Tuesday, March 04, 2014, beating the top-seeded Blue Hills in the semi-finals at Bridgewater-Raynham High School by a score of 75-47; and

WHEREAS, On Friday, March 07, 2014, the “Lady Bears” scored a 53-52 overtime win over second-seeded West Bridgewater in the Finals of the Division 4 South Sectional at Taunton High sending the “Lady Bears” to the TD Garden in Boston for the third straight year, this year to take on North Sectional Champions, New Mission High School in the Division 4 State semi-finals; and

WHEREAS, Coaching the Greater New Bedford Regional Vocational Technical High School “Lady Bears” Varsity Basketball Team are: Head Coach David Harrison, Assistant Coach Mike Prior and Assistant Coach Serge Moniz; and

WHEREAS, The Members of the Greater New Bedford Regional Vocational Technical High School “Lady Bears” Varsity Basketball Team are: Rilegh Avila, Mandy Carneiro, Kelsey Clark, Chantyl DePina, Nakira Examond, Tayisha Examond, Jennifer Pires, Irisneida Rivera, Mikalya Roderick, Kristen Sabino, Krystin Sylvia, Payton Wildrick and Megan Young; and

WHEREAS, The “Lady Bears” ran past teams during the regular season on the way to finishing as Co-Champions with Bourne High School in the SouthCoast Conference winning three Sectional victories; and

WHEREAS, The “Lady Bears” ended this Season with a 21-3 overall record:

NOW, THEREFORE, BE IT RESOLVED, That the New Bedford City Council hereby honors and congratulates the **2014 GREATER NEW BEDFORD REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL “LADY BEARS” VARIETY BASKETBALL TEAM ON ANOTHER WINNING YEAR**, commends them for their hard work and dedication and wishes them good luck in all their future endeavors.

Adopted.

(#0527)

COMMUNICATION, Mayor Mitchell to City Council, submitting AN ORDER, *amending* the Order adopted by the City Council on June 27, 2013, and signed by the Mayor on June 28, 2013, which in accordance with M.G.L. Chapter 44, Section 53E ½, authorized the Revolving Fund under the control of the Department of Community Services, known as SENIOR ACTIVITIES REVOLVING FUND, whose purpose is to support social activities and entertainment at all Senior Centers, etc., whose revenues collected and amount limited at **\$6,200.00** is hereby authorized at **\$15,970.00** for **FISCAL YEAR 2014**.

Received and Placed on File.

(#0528)

CITY OF NEW BEDFORD
IN CITY COUNCIL
APRIL 24, 2014

AN ORDER, **Amending** the order adopted by the City Council on June 237, 2013, and signed by the Mayor on June 28, 2013, which in accordance with MGL Chapter 44, section 53E ½, authorized the Revolving fund under the control of the Department of Community Services, known as **SENIOR ACTIVITIES REVOLVING FUND**, whose purpose is to support social activities and entertaining at all Senior Centers, etc., whose revenues collected and amount limited at **\$6,200.00** is hereby authorized at **\$15,970.00** for **FISCAL YEAR 2014**.

Adopted.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014.

(#0529)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER to provide for the payment of unpaid bills of a previous Fiscal Year of the City of New Bedford, the

sum set against the PURCHASING DEPARTMENT REVOLVING FUND SUPPLIES AND MATERIALS is hereby approved to be expended in FISCAL YEAR 2014 in the amount of \$3,825.45

Received and Placed on File.

(#0530)

CITY OF NEW BEDFORD
IN CITY COUNCIL
APRIL 24, 2014

ORDERED: that to provide for the payment of unpaid bills of the previous fiscal year of the City of New Bedford, the sum set against the **PURCHASING DEPARTMENT REVOLVING FUND SUPPLIES AND MATERIALS** is hereby approved to be expended in **FISCAL YEAR 2014** in the amount of **\$3,825.45 (THREE THOUSAND, EIGHT HUNDRED AND TWENTY FIVE DOLLARS AND FORTY FIVE CENTS.)**

Adopted.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014.

(#0531)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, Amending Chapter 6, Article VII, Prevention and Abatement of Nuisances, by adding Section 6-125, CHRONIC PROBLEM PROPERTIES.

Referred to the Committee on Ordinances.

(#0532)

AN ORDINANCE,

Referred to the Committee on Ordinances.

(#0533)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, Amending Chapter 16, Article IV, SOLID WASTE COLLECTION AND DISPOSAL, and AN ORDINANCE, Amending Chapter 17, Section 17-18, Noncriminal Disposition of Violations of Certain Ordinances, Rules and Regulations.

Referred to the Committee on Ordinances.

(#0534)

AN ORDINANCE, Amending Chapter 16, Article IV, SOLID WASTE COLLECTION AND DISPOSAL.

Referred to the Committee on Ordinances.

(#0535)

AN ORDINANCE, Amending Chapter 17, Section 17-18, Noncriminal Disposition of Violations and Certain Ordinances, Rules and Regulations.

Referred to the Committee on Ordinances.

(#0536)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the Mayor to execute a lease amendment and lease extension between the City and the Commonwealth (on behalf of Bridgewater State University) the purpose being to extend the current lease (which expired last summer) an additional (5) five years and provide a rent reduction, Bridgewater Flight Academy pays the highest rate of any tenant at the Airport and also services and fuels its fleet of aircraft at the Airport creating additional revenue.

Referred to the Committee on Finance.

(#0537)

CITY OF NEW BEDFORD
IN CITY COUNCIL
APRIL 24, 2014

ORDERED, that the Mayor is authorized to execute on behalf of the City of New Bedford a First Amendment to Lease and Lease Extension between the City of New Bedford, acting through its Airport Commission and the Commonwealth of Massachusetts acting by and through the Commissioner of its Division of Capital Asset Management and Maintenance on behalf of Bridgewater State University. A copy of the First Amendment and Lease Extension is attached hereto and made a part hereof.

Referred to the Committee on Finance.

(#0538)

RELATED MOTION, Requesting that the Committee on Finance be supplied with the Minutes of the Airport Leasing Sub-Committee Meeting where the lease extension for the Bridgewater State University was discussed and approved, the Minutes of the Airport Commission Meeting where the lease extension was approved; and further, that the Minutes be supplied to the Committee on Finance within the next (10) business days.

Referred to the Committee on Finance.

(#0539)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, awarding to BWC Origination 1, LLC, the attached Solar (PV) Generation Net Metering Power Sales Agreement for the purpose of procuring the solar electricity credits generated by a photovoltaic system in the New Bedford Industrial Park.

Referred to the Committee on Ordinances.

(#0540)

CITY OF NEW BEDFORD
IN CITY COUNCIL
APRIL 24, 2014.

ORDERED, that the City of New Bedford hereby enter the attached Solar (PV) Generation Net Metering Agreement New Bedford Industrial Park Locus with BWC Origination 1, LLC, a Delaware limited liability company, with a principal place of business at 12500 Baltimore Avenue, Beltsville, MD 20705, to purchase Net Metered, solar photo voltaic generated, electricity, and that the Mayor of the City of New Bedford

be, and is hereby, authorized to execute said contract. This contract is before the City Council since its term is in excess of 5 years.

Referred to the Committee on Ordinances.

(#0541)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for INTERNATIONAL PARALLEL MACHINE, INC., 50 Conduit Street, New Bedford, MA 02745, Account No. 017039A, in the amount of \$327.85.

ABATEMENT GRANTED.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014.

(#0542)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for XIU L. ZHANG, 359 North Front Street, New Bedford, MA 02740, Account No. 009896A, in the amount of \$244.85.

ABATEMENT GRANTED.

Presented to the Mayor for Approval April 28, 2014.

Approved April 29, 2014.

(#0543)

COMMUNICATION, Mayor Mitchell to City Council, requesting a ONE-YEAR WAIVER OF RESIDENCY for DR. PATRICIA ANDRADE, Dartmouth, MA 02748. Dr. Andrade has been a Board of Health member since December 1995; this Waiver will be in effect until May 2015.

ONE-YEAR WAIVER OF RESIDENCY GRANTED.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014.

(#0544)

COMMUNICATION, Mayor Mitchell to City Council, requesting a ONE-YEAR WAIVER OF RESIDENCY for DR. CRAIG LONGO, Dartmouth, MA 02747, Dr. Longo has been a Board of Health member since June 2012; this Waiver will be in effect until June 2015.

ONE-YEAR WAIVER RESIDENCY GRANTED.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014.

(#0545)

AN ORDINANCE, amending Chapter 23 TRAFFIC by amending Section 23-26 COLLECTION FROM METERS and adding Section 23-48 DOWNTOWN TRANSPORTATION FACILITIES ENTERPRISE FUND.

Referred to the Committee on Ordinances - March 13, 2014.

Passed to a Second Reading- Yeas 8, Nays 2 - March 27, 2014. (Councillors Coelho and Morad OPPOSED; Councillor Winterson not present for vote)

Passed to be Ordained – Yeas 10, Nays 1. April 24, 2014. (Councillor Morad OPPOSED.)

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0308)

WRITTEN MOTION, Councillors Alves and Morad, requesting, on behalf of Our Lady of Perpetual Help Church, that the following street(s) be CLOSED: NORTH FRONT STREET, from Coggeshall Street to Beetle Street, ON SATURDAY, JUNE 14, 2014, FROM 8:00 A.M. TO 8:30 P.M., or shortly after, AND SUNDAY, JUNE 15, 2014, from 8:00 A.M. TO 8:30 P. M., or shortly after, for the purpose of the “POLISH FESTIVAL”; and further, requesting, that ‘NO PARKING’ Signs be POSTED ON NORTH FRONT STREET, from Coggeshall Street to Beetle Street, ON FRIDAY EVENING, JUNE 13, 2014 at 6:00 P.M., THROUGH SUNDAY, JUNE 15, 2014, at 10:00 P.M. (NOTE: WOODEN BARRELS WILL ALSO BE USED.)

Permission Granted.

Presented to the Mayor for Approval April 28, 2014.

Approved April 29, 2014. (#0546)

WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Senhor Da Pedra Club and Feast Committee, that the following street(s) be CLOSED: WEBSTER COURT, from Madeira Avenue to Funchal Place (Hope Street) and TINKHAM STREET, from Madeira Avenue to Funchal Place (Hope Street), ON SATURDAY, JUNE 14, 2014, FROM 10:00 A.M. TO 11:45 P.M., AND SUNDAY, JUNE 15, 2014, FROM 10:00 A.M. TO 11:45 P.M., for the purpose of THE ANNUAL SENHOR DA PEDRA HOLY GHOST FEAST.

Permission Granted.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0547)

WRITTEN MOTION, Councillor Rebeiro, requesting, that the following street(s) be CLOSED: PURCHASE STREET, from Union Street to William Street, ON SATURDAY, JUNE 28, 2014, FROM 7:00 A.M. TO 8:00 P.M., for the purpose of the Annual Southcoast Equality Pride Day.

Permission Granted.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0548)

WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the American Cancer Society, that the following street(s) be CLOSED: HUNTER STREET, from Parker Street to Maxfield Street, FROM

FRIDAY, JUNE 27, 2014, AT 8:00 A.M. TO SATURDAY, JUNE 28, 2014. AT 12:00 (NOON), for the purpose of the Relay for Life Walk at Paul Walsh Field.

Permission Granted.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0549)

WRITTEN MOTION, Councillor Oliveira, requesting, on behalf of Paul Dupont, Scout Master, Troop 24, that the following street(s) be CLOSED: CHEROKEE STREET, between Acushnet Avenue and Morton Avenue, on SATURDAY, MAY 17, 2014, FROM 7:00 A.M. THROUGH 3:00 P.M., for the purpose of The Annual Soap Box Derby Race Event; and further, requesting that Cherokee Street be swept before said event. (Rain Date: Saturday, May 31, 2014 from 7:00 a.m. to 3:00 p.m.)

Permission Granted.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0550)

WRITTEN MOTION, Councillor Martins, requesting, on behalf of Ms. Kayla Quinones, that the following street(s) be CLOSED: BONNEAU COURT, from 3:00 P.M. to 8:00 P.M., ON SUNDAY, JUNE 22, 2014, for the purpose of a Birthday Block Party.

Permission Granted.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0551)

WRITTEN MOTION, Council President Lopes, requesting, on behalf of the Zeiterion Theatre, that the following street(s) be CLOSED: PURCHASE STREET, from School Street to Spring Street, ON SATURDAY, APRIL 26, 2014, FROM 4:00 P.M. TO 11:00 P.M., for the purpose of Todd Baptista's DOO WOP 9.

Permission Granted.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0552)

WRITTEN MOTION, Councillor Oliveira, requesting, that DPI Commissioner Ronald H. Labelle allow Boy Scout Troop 24 the use of Pine Grove Cemetery for their annual Laying to Rest of American Flags Ceremony, on June 11, 2014; and further requesting, that the DPI supply the burn barrels for the event and that the Fire Department be notified of said Ceremony.

Referred to the Department of Public Infrastructure Commissioner Ronald Labelle.

Presented to the Mayor for approval April 28, 2014.

WRITTEN MOTION, Councillor Coelho, requesting, that the municipal parking lot on Phillips Avenue, between North Front Street and Acushnet Avenue, be immediately provided with lighting, even if it is temporary lighting, such as floodlights, while permanent lighting is being installed, for the safety of the many customers of the growing number of businesses in the area who use the parking lot during the evening hours; and further, requesting, that this be done without delay as more people will be utilizing the parking lot as the summer season approaches.

Referred to the Committee on Appointments and Briefings.

(#0554)

WRITTEN MOTION, Council President Lopes, requesting, that CFO Ari Sky brief the New Bedford City Council on the status of the City's "other post employment benefits"; and further, that CFO Sky provide this body with any and all plans that the City is looking at to address this matter.

Referred to the Committee on Finance.

(#0555)

COMMUNICATION, Councillor Bousquet, submitting, AN ORDINANCE Amending Chapter 15, Article III, Section 15-71.8 RELATIVE TO FOOD TRUCKS.

Referred to the Committee on Ordinances.

(#0556)

ORDINANCE, Amending Chapter 15, Article III, Section 15.71.8 – RELATIVE TO FOOD TRUCKS.

Referred to the Committee on Ordinances.

(#0557)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Rafael Reyes, d/b/a ROAD RUNNER TRANSPORTATION, 12 Roosevelt Street, New Bedford, MA 02744**, 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.

Referred to the Committee on Appointments and Briefings.

(#0558)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **DANIEL XAVIER, d/b/a MCKENZIE'S BUS COMPANY, 183, Campbell Street, New Bedford MA 02740**, 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. (**License will expire May 09, 2014.**)

Referred to the Committee on Appointments and Briefings. (#0559)

COMMUNICATION, City Clerk, on behalf of the City Treasurer, requesting that the City Council set the City Treasurer's Bond at \$350,000.00.

ADOPTED.

Presented to the Mayor for Approval April 28, 2014.

Approved May 05, 2014. (#0560)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER authorizing the Mayor to execute a Deed on behalf of the City of New Bedford to Finigan Property, LLC for \$75,000.00 in substantially the same form as attached hereto, for property located at 109 Hillman Street, shown as Lot 157 on City of New Bedford Assessor's Map 58

TABLED - March 27, 2014.

REMOVED FROM THE TABLE and Received and Placed on File. (#0394)

CITY OF NEW BEDFORD
IN CITY COUNCIL
APRIL 24, 2014

ORDERED, that the Mayor is authorized to execute a deed on behalf of the City of New Bedford to Finigan Property Group, LLC for \$75,000.00 in substantially the same form as attached hereto, for property located at 109 Hillman Street, shown as Lot 157 on City of New Bedford Assessor's Map 58.

Tabled – March 27, 2014.

REMOVED FROM THE TABLE and ADOPTED – Yeas 11, Nays 0.

Presented to the Mayor for approval April 28, 2014.

Approved May 05, 2014. (#0395)

COMMUNICATION, Greater New Bedford Regional Vocational Technical High School, submitting Agenda of April 15, 2014.

Received and Placed on File. (#0561)

MINUTES, Board of Assessors, submitting MINUTES of meetings held on April 03 and 11, 2014.

Received and Placed on File. (#0562)

MINUTES, Historical Commission, submitting MINUTES of meetings held on January 06, February 03, February 24 and March 03, 2014.

Received and Placed on File.

(#0563)

COMMUNICATION, City Clerk, on behalf of the City Treasurer, requesting that the City Council set the City Treasurer's Bond at \$350,000.00.

ADOPTED.

Presented to the Mayor for Approval April 28, 2014.

Approved April 05, 2014.

(#0560)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER authorizing the Mayor to execute a Deed on behalf of the City of New Bedford to Finigan Property, LLC for \$75,000.00 in substantially the same form as attached hereto, for property located at 109 Hillman Street, shown as Lot 157 on City of New Bedford Assessor's Map 58

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CITY OF NEW BEDFORD
IN CITY COUNCIL
APRIL 24, 2014

ORDERED, that the Mayor is authorized to execute a deed on behalf of the City of New Bedford to Finigan Property Group, LLC for \$75,000.00 in substantially the same form as attached hereto, for property located at 109 Hillman Street, shown as Lot 157 on City of New Bedford Assessor's Map 58.

Tabled – March 27, 2014.

REMOVED FROM THE TABLE and ADOPTED – Yeas 11, Nays 0.

Presented to the Mayor for approval April 28, 2014.

Approved May 05, 2014.

(#0395)

COMMUNICATION, Greater New Bedford Regional Vocational Technical High School, submitting Agenda of April 15, 2014.

Received and Placed on File.

(#0561)

MINUTES, Board of Assessors, submitting MINUTES of meetings held on April 03 and 11, 2014.

Received and Placed on File.

(#0562)

MINUTES, Historical Commission, submitting MINUTES of meetings held on January 06, February 03, February 24 and March 03, 2014.

Received and Placed on File.

(#0563)

MINUTES, Bristol County Public Health Emergency Preparedness Coalition, submitting MINUTES of a meeting held on April 15, 2014.

Received and Placed on File.

(#0564)

APPLICATION, **Care Free Homes, Inc.**, for permission to maintain a STREET OBSTRUCTION at **82 Princeton Street**, provisionally granted by the City Clerk on April 22, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014.

(#0565)

APPLICATION, **W.C. Smith & Son**, for permission to maintain a STREET OBSTRUCTION at **116 Caswell Street (Plot 127/ Lot 14)**, provisionally granted by the City Clerk on April 22, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014.

(#0566)

APPLICATION, **White Mountain Cable**, for permission to maintain a STREET OBSTRUCTION at **Purchase and Russell Streets** provisionally granted by the City Clerk on April 22, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014.

(#0567)

APPLICATION, **White Mountain Cable**, for permission to maintain a STREET OBSTRUCTION at **969 Pleasant Street to Sycamore Street** provisionally granted by the City Clerk on April 14, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014.

(#0568)

APPLICATION, **Mirra Company, Inc.**, for permission to maintain a STREET OBSTRUCTION at **102 Hillman Street** provisionally granted by the City Clerk on April 22, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0569)

APPLICATION, **Mirra Company, Inc.**, for permission to maintain a STREET OBSTRUCTION at **149 Armour Street** provisionally granted by the City Clerk on April 22, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0570)

APPLICATION, **R.J. Canessa Excavating** for permission to maintain a STREET OBSTRUCTION at **188 Hudson Street** provisionally granted by the City Clerk on April 22, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0571)

APPLICATION, **W. C. Smith & Son, Inc.** for permission to maintain a STREET OBSTRUCTION at **12 King Street** provisionally granted by the City Clerk on April 23, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0572)

APPLICATION, **W.C. Smith & Son, Inc.** to DISTURB THE SURFACE, of **116 Caswell Street (Plot 127/Lot 14)** , provisionally granted by the City Clerk on April 10, 2014 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0573)

APPLICATION, **White Mountain Cable** to DISTURB THE SURFACE, of **Purchase and Russell Streets** provisionally granted by the City Clerk on April 14, 2014 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0574)

APPLICATION, **R.J. Canessa Excavating** for permission to maintain a STREET OBSTRUCTION at **188 Hudson Street** provisionally granted by the City Clerk on April 22, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0571)

APPLICATION, **W. C. Smith & Son, Inc.** for permission to maintain a STREET OBSTRUCTION at **12 King Street** provisionally granted by the City Clerk on April 23, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0572)

APPLICATION, **W.C. Smith & Son, Inc.** to DISTURB THE SURFACE, of **116 Caswell Street (Plot 127/Lot 14)** , provisionally granted by the City Clerk on April 10, 2014 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0573)

APPLICATION, **White Mountain Cable** to DISTURB THE SURFACE, of **Purchase and Russell Streets** provisionally granted by the City Clerk on April 14, 2014 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0574)

APPLICATION, **Mirra Company, Inc.** to DISTURB THE SURFACE, of **102 Hillman Street**
provisionally granted by the City Clerk on April 22, 2014 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0576)

APPLICATION, **Mirra Company, Inc.** to DISTURB THE SURFACE, of **149 Armour Street**
provisionally granted by the City Clerk on April 22, 2014 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0577)

APPLICATION, **R.J. Canessa Excavating** to DISTURB THE SURFACE, of **188 Hudson Street**
provisionally granted by the City Clerk on April 22, 2014 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0578)

APPLICATION, **W.C. Smith & Son, Inc.** to DISTURB THE SURFACE, of **12 King Street**
provisionally granted by the City Clerk on April 23, 2014 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014. (#0579)

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the
City Clerk on April 10, 2014, subject to ratification by the Mayor and City Council as follows:

99 Brock Avenue (#0580)

169 Plymouth Street (#0581)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014.

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the
City Clerk on April 11, 2014, subject to ratification by the Mayor and City Council as follows:

37 North Second Street (#0582)

333-335 Pleasant Street (#0583)

249 Belleville Road (#0584)

1757 Acushnet Avenue (#0585)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014.

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on April 16, 2014, subject to ratification by the Mayor and City Council as follows:

363 Earle Street (#0586)

415 Mt. Pleasant Street (#0587)

16 Rodney Street (#0588)

14 Viall Street (#0589)

530 Kirby Street (#0590)

90 Query Street (#0591)

253 Acushnet Avenue (#0592)

148-150 Holly Street (#0593)

48 Stowell Street (#0594)

242 Purchase Street (#0595)

108 South Street (#0596)

385 County Street (#0597)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014.

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on April 22, 2014, subject to ratification by the Mayor and City Council as follows:

2243 Acushnet Avenue (#0598)

2165 Acushnet Avenue (#0599)

686 Cottage Street (#0600)

8 Birchwood Drive (#0601)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 28, 2014.

Approved April 29, 2014.

REPORT, Committee on Ordinances, recommending that the City Council ADOPT the ORDER authorizing the City to enter into a Net Metering Power Purchase Agreement with Future Generation Wind, LLC for the purpose of purchasing wind-generated electricity at 10.8 cents per kWh for the next twenty years.

Rule 42 Waived – Yeas 10, Nays 1. (Councillor Morad Opposed.)

Recommendation Followed. (#0602)

CITY OF NEW BEDFORD
IN CITY COUNCIL
APRIL 24, 2014

ORDERED, that the City of New Bedford hereby enter into the attached Net Metering Power Purchase Agreement with Future Generation Wind, LLC, 602 Head of the Bay Road, Buzzards, Bay, Massachusetts 02532, to purchase Net Metered, wind generated, electricity and that the Mayor of the City of New Bedford be, and is hereby, authorized to execute said contract. This contract is before the City Council since its term is in excess of 5 years.

Referred to the Committee on Ordinances - March 27, 2014.

Rule 42 Waived – Yeas 10, Nays 1. (Councillor Morad Opposed.)

ADOPTED – Yeas 6, Nays 5. (Yeas 6, Nays 5 (Councillor Alves, Bousquet, Carney, Morad and Rebeiro OPPOSED.)

Presented to the Mayor for approval April 28, 2014.

Approved April 28, 2014. (#0391)

REPORT, Committee on Appointments and Briefings, recommending that the City Council approve the opportunity to entertain the Community Choice Aggregation Program with a recommendation that the Mayor consider utilizing Global as an information expert in this matter. This motion passed on a voice vote.

Rule 42 Waived – Yeas 10, Nays 1. (Councillor Morad Opposed.)

Recommendation Followed and Referred to the Mayor.

Presented to the Mayor for approval April 28, 2014.

RETURNED UNSIGNED May 05, 2014. (#0603)

REPORT, Committee on Appointments and Briefings, recommending that the City Council grant a six (6) month DELAY for the DEMOLITION of 177 Cove Street, Map 20, Parcel 346, as it is a historically significant structure and preferably preserved.

Rule 42 Waived – Yeas 10, Nays 1. (Councillor Morad Opposed.)

Recommendation Followed and DEMOLITION GRANTED with six month delay.

Presented to the Mayor for approval April 28, 2014.

Approved May 05, 2014.

(#0604)

COMMUNICATION, Mayor Mitchell to City Council, submitting VETO of a Written Motion submitted by Council President Lopes and Councillor Martins at the April 10, 2014 City Council Meeting, recommending that the City accept M.G.L. Chapter 32, Section 90D ½ , which would increase certain pension allowances.

Rule 42 Waived – Yeas 10, Nays 1. (Councillor Morad Opposed.)

VETO RECEIVED AND ORDERED SPREAD ON THE RECORD. (#0605)

WRITTEN MOTION, Council President Lopes and Councillor Martins, asking, that the City accept the request from the New Bedford Contributory Retirement System under the provisions of M.G.L., Chapter 32, Section 90D1/2, Retirement Systems and Pensions, to increase the allowance of members retired on superannuation accidental disability or ordinary disability with at least twenty-five years of creditable service. (VETOED by Mayor Mitchell 04/24/2014.)

Referred to Mayor Mitchell - April 10, 2014.

Presented to the Mayor for approval April 14, 2014.

Vetoed by Mayor Mitchell on April 24, 2014.

Rule 42 Waived – Yeas 10, Nays 1. (Councillor Morad Opposed.)

VETO RECEIVED AND ORDERED SPREAD ON THE RECORD. (#0492)

On a motion, the Council then adjourned at 8:00pm.

ATTEST:

RITA D. ARRUDA, CITY CLERK/
CLERK OF THE CITY COUNCIL