

REGULAR MEETING
Chambers of the City Council
January 9, 2020

CITY COUNCIL
Municipal Building
7:02 p.m.

PRESENT: Council President Lopes, Councillors Abreu, Baptiste, Carney, Coelho, Dunn, Giesta, Gomes, Lima, Markey and Morad.

LATE: No One

ABSENT: No One

Council President Joseph P. Lopes called the meeting to order and presided.

Prayer led by: Rabbi Raphael Kanter, Tifereth Israel Congregation.

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

HEARING, NSTAR Electric Company d/b/a Eversource Energy for Location of six (6) 5" Conduits and two (2) Handholes in PURCHASE STREET, South of Madison Street.

Hearing held.

Petition placed on file. (#0007)

AN ORDER,

Adopted and ordered recorded in Book of Location Order Records.

Presented to the Mayor for approval January 13, 2020.

Approved January 16, 2020. (#0008)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a request to classify as "Special Municipal Employee," the positions of Special Legal Counsel and Hearing Officer.

Referred to the Committee on Finance. (#0009)

AN ORDER,

Referred to the Committee on Finance. (#0010)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that the Mayor is authorized to enter into a five (5) year lease between the City of New Bedford and All-American Investment Group, LLC, for the purchase of replacement vehicles assigned to the Departments of Facilities and Fleet Management and Public Infrastructure.

Received and Placed on File. (#0011)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JANUARY 9, 2020

ORDERED, that the City of New Bedford is hereby authorized to enter into a five (5) year lease with All American Investment Group, LLC, for the purchases of two trucks, two freightliners, one lift and three vans. Submitted for the City Council approval in accordance with M.G.L. c30B, Section 12 (b) for contracts in excess of three years' duration.

Adopted – Yeas 11, Nays 0.

Presented to the Mayor for approval January 13, 2020.

Approved January 16, 2020. (#0012)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$705,078.00, from the STABILIZATION FUND to GENERAL GOVERNMENT UNCLASSIFIED RESERVE FOR APPROPRIATION in the amount of \$695,000.00 and FICA in the amount of \$10,078.00.

Received and Placed on File. (#0013)

CITY OF NEW BEDFORD

IN CITY COUNCIL

JANUARY 9, 2020

AN ORDER, that the sum of **SEVEN HUNDRED FIVE THOUSAND, SEVENTY-EIGHT DOLLARS** (\$705,078) now standing to the credit of the account from the **STABILIZATION FUND** be and the same is hereby transferred and appropriated to as follows:

GENERAL GOVERNMENT UNCLASSIFIED RESERVE FOR APPROPRIATION.....\$695,000
FICA..... \$10,078

To be certified and approved by the Department Head.

This transfer provides funding in FY20 for the implementation of the contract settlement between the City of New Bedford and the AFSCME Local 851 Union.

Adopted – Yeas 11, Nays 0.

Presented to the Mayor for approval January 13, 2020.

Approved January 14, 2020. (#0014)

COMMUNICATION, Councillor Morad, submitting a letter from AFSCME Local 851 President, Moe Vezina regarding the ratification of a Memorandum of Agreement for a successor collective bargaining agreement covering the term of July 1, 2019 through June 30, 2022.

Received and Placed on File. (#0015)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of ALEXANDER J. KALIFE, New Bedford, MA, to the PLANNING BOARD; this term will expire October 2022.

Rule 38 Waived and Reappointment Confirmed – Yeas 11, Nays 0. (#0016)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of PETER CRUZ, New Bedford, MA, to the PLANNING BOARD; this term will expire August 2022.

Rule 38 Waived and Reappointment Confirmed – Yeas 11, Nays 0. (#0017)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of LAURA PARRISH, New Bedford, MA, as an ASSOCIATE MEMBER to the ZONING BOARD OF APPEALS; this term will expire December 2024.

Rule 38 Waived and Reappointment Confirmed – Yeas 11, Nays 0. (#0018)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of LEO SCHICK, New Bedford, MA, to the ZONING BOARD OF APPEALS; this term will expire December 2024.

Rule 38 Waived and Reappointment Confirmed – Yeas 11, Nays 0. (#0019)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of DANIEL S. GOULART, New Bedford, MA, to the VETERANS ADVISORY BOARD; this term will expire December 2022.

Rule 38 Waived and Reappointment Confirmed – Yeas 11, Nays 0. (#0020)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ESPERANZA ALEJANDRO-BERUBE, New Bedford, MA, to the COMMISSION FOR CITIZENS WITH DISABILITIES; Ms. Alejandro-Berube will be replacing Juanna Adesso who resigned in April; this term will expire May 2022.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 11, Nays 0.
(#0021)

AN ORDINANCE, amending Chapter 17, Section 17-19 RELATIVE TO PLASTIC BAGS. (Passed to a Second Reading as amended November 26, 2019.)

Referred to the Committee on Ordinances – September 26, 2019.

Passed to a Second Reading as Amended – November 26, 2019.

Passed to be Ordained – Yeas 10, Nays 0. (Councillor Dunn not present for vote.)

Presented to the Mayor for approval January 13, 2020.

Approved January 16, 2020. (#1541)

REPORT, Special Committee on Cannabis Regulation & Host Community Agreement Review, recommending to the City Council a Favorable Recommendation on the draft First Amendment to the Host Community Agreement between the City of New Bedford and Beacon Compassion, Inc., that would permit Beacon to proceed with the State application process for the sale of adult-use marijuana at its proposed facility at 366 Hathaway Road.

Recommendation Followed. (#0022)

HOST COMMUNITY AGREEMENT (FIRST AMENDMENT), Referred to the Special Committee on Cannabis Regulation & Host Community Agreement Review - September 26, 2019.

Referred to the Special Committee on Cannabis Regulation and Host Community Agreements Review – Yeas 6, Nays 4. (Councillors Abreu, Carney, Giesta and Markey OPPOSED.) – September 26, 2019.

Host Community Agreement Granted – Yeas 10, Nays 1. (Councillor Coelho OPPOSED.)

Presented to the Mayor for approval January 13, 2020.

Approved January 16, 2020. (#1531)

WRITTEN MOTION, Councillors Lima, Abreu, Morad, Council President Lopes and Councillor Gomes, requesting that the Committee on Public Safety and Neighborhoods invite the area neighbors of CleanSlate Addiction Treatment Center located at 92 Grape Street to a meeting for the purpose of discussing their concerns relative to CleanSlate's operation on Grape Street.

Referred to the Committee on Public Safety and Neighborhoods. (#0023)

COMMUNICATION, Councillor Morad, submitting a copy of an email from an area resident regarding the trash and debris around the property of Clean Slate. (To be Referred to the Committee on Public Safety and Neighborhoods.)

Referred to the Committee on Public Safety and Neighborhoods. (#0024)

WRITTEN MOTION, Councillor Abreu, Council President Lopes, Councillors Giesta, Lima, Baptiste and Carney, requesting, that the City of New Bedford look into establishing a Government Academy, similar to the program in Framingham, a six-week program where Citizens learn about the functions of City government; and further, these classes would be taught by City leaders at no cost, also requesting, that a representative from the Administration be invited to attend a Committee on Appointments and Briefings meeting to collaborate on how to move this process forward. (To be Referred to the Committee on Appointments and Briefings.)

Referred to the Committee on Appointments and Briefings. (#0025)

WRITTEN MOTION, Councillor Dunn, requesting, that the Administration, the CFO, the Chief of the Fire Department, and the New Bedford Firefighters IAFF 841, brief the City Council on the current logistics of the rolling blackouts of fire stations, any plan and timeline to cease this practice, and the overall fire safety and coverage plan for the City going forward. (To be Referred to the Committee on Public Safety and Neighborhoods.)

Referred to the Committee on Public Safety and Neighborhoods. (#0026)

RELATED MOTION, Councillors Dunn and Gomes, requesting that the City Council go on record against the fire station blackouts happening throughout the City; and further, that the City council and the Mayor work together to address and end the blackouts this is an obligation to the taxpayers of this City to provide fire safety throughout the City.

Adopted – Yeas 10, Nays 1. (Councillor Morad OPPOSED.) (#0027)

WRITTEN MOTION, Councillor Carney and Council President Lopes, requesting that New Bedford City Council go on record against House Bill 3573 and Senate Bill 1401, which would establish Massachusetts as a Sanctuary State.

Rule 17 Waived – Yeas 11, Nays 0.

Adopted – Yeas 7, Nays 4. (Councillors Baptiste, Coelho, Dunn and Giesta OPPOSED.)

(#0028)

COMMUNICATION, City Clerk Farias, submitting a letter from the Commonwealth of Massachusetts Public Employee Retirement Administration Commission to the New Bedford Retirement Board giving notification that the Board's required Fiscal Year 2021 Appropriation is \$36,751,374.00.

Received and Placed on File. (#0029)

COMMUNICATION, Councillor Morad, submitting a letter from Gerard Arnaudet, Ex. Director, New Bedford Retirement Board, notifying the City Council that the Retirement Board voted to increase the COLA Base from \$12,000.00 to \$13,000.00 effective July 1, 2020.

Referred to the committee on Finance.

(#0030)

COMMUNICATION, Council President Morad, submitting a copy of a letter from Mr. Ladino, New Bedford Resident to Executive Office of Energy and Environmental Affairs' Secretary, Kathleen Theoharides, regarding the Parallel Products Draft Environmental Impact Report issued November 22, 2019 by the Massachusetts Department of Environmental Protection. (To be Received and Placed on File.)

Referred to the Special Legal Counsel dealing with the Parallel Products Litigation.

(#0031)

COMMUNICATION, Councillor Morad, submitting a copy of a letter from Mr. Ladino, New Bedford Resident to Executive Office of Energy and Environmental Affairs' Secretary, Kathleen Theoharides, regarding the Massachusetts Environmental Protection Agency exclusion of the Site Suitability demonstration of 310CMR16 for Parallel Products. (To be Received and Placed on File.)

Referred to the Special Legal Counsel dealing with the Parallel Products Litigation.

(#0032)

RESOLUTION, Council President Lopes, Councillors Abreu, Giesta, Dunn, Markey, Baptiste and Carney, honoring GERARD H. ARNAUDET, on the occasion of his retirement from the New Bedford Retirement Board.

Adopted, to be presented at a later date.

(#0033)

PETITION/INDEMNITY AGREEMENT, TAQUERIA LARAZA, for Permission to Erect and Maintain an Illuminated, Projecting Sign at 1216 Acushnet Avenue, New Bedford, MA 02746. 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 January 13, 2020.

Approved January 13, 2020.

(#0034)

COMMUNICATION, Councillor Morad, submitting a copy of a letter sent to the Southeast Housing Court, Office of the Clerk Magistrate, regarding a request for a non-criminal hearing for Alicia Lewis, relative to a 12/10/2019, Violation Notice.

Received and Placed on File.

(#0035)

COMMUNICATION, City Clerk/Clerk of the City Council, to the City Council, notifying that the Office of the City Clerk has received Meeting Minutes from Board of Assessors for meetings held on December 6, 11, & 20, 2019, Community Preservation Committee for a meeting held on November 26, 2019, Conservation Commission for meetings held on August 6, 13, 27, September 17, October 2, 15, and November 5, 2019, Board of Health for meetings held on July 2 and September 24, 2019, Redevelopment Authority for a meeting held on May 29, 2019, Greater New Bedford Regional Refuse Management District for a meeting held on October 22, 2019, and Licensing Board for a meeting held on November 18, 2019.

Received and Placed on File.

(#0036)

APPLICATION, **Monitor Builders, Inc.**, for permission to maintain a STREET OBSTRUCTION at **874 Purchase Street**, provisionally granted by the City Clerk on December 19, 2019 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020.

(#0037)

APPLICATION, **RJ Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **887 Mt. Pleasant Street on the England Street side**, provisionally granted by the City Clerk on December 12, 2019 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0038)

APPLICATION, **RJ Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **Armsby Street Plot 127E/Lot 443**, provisionally granted by the City Clerk on December 17, 2019 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0039)

APPLICATION, **Cardoso Contracting**, for permission to maintain a STREET OBSTRUCTION at **7 Cottonwood Road**, provisionally granted by the City Clerk on December 19, 2019 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0040)

APPLICATION, **Cardoso Contracting**, for permission to maintain a STREET OBSTRUCTION at **52 Tinkham Street**, provisionally granted by the City Clerk on December 19, 2019 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0041)

APPLICATION, **Early Contractors**, for permission to maintain a STREET OBSTRUCTION at **77-89 Chancery Street**, provisionally granted by the City Clerk on December 20, 2019 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0042)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **46 Sycamore Street**, provisionally granted by the City Clerk on January 2, 2020 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0043)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **186 Smith Street**, provisionally granted by the City Clerk on January 08, 2020 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0044)

APPLICATION, **GeoSearch, Inc.**, for permission to maintain a STREET OBSTRUCTION at **397 Sawyer Street**, provisionally granted by the City Clerk on January 08, 2020 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0045)

APPLICATION, **JLC Construction**., for permission to maintain a STREET OBSTRUCTION at **60 Thomas Street**, provisionally granted by the City Clerk on January 08, 2020 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0046)

APPLICATION, **R. J. Canessa Excavating**, to DISTURB THE SURFACE, of **887 Mt. Pleasant Street on the England Street side**, provisionally granted by the City Clerk on December 12, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0047)

APPLICATION, **R. J. Canessa Excavating**, to DISTURB THE SURFACE, of **Armsby Street Plot 127E/Lot 443**, provisionally granted by the City Clerk on December 17, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0048)

APPLICATION, **Cardoso Contracting**, to DISTURB THE SURFACE, of **7 Cottonwood Road**, provisionally granted by the City Clerk on December 19, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0049)

APPLICATION, **Cardoso Contracting**, to DISTURB THE SURFACE, of **50 Tinkham Street**, provisionally granted by the City Clerk on December 19, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0050)

APPLICATION, **Early Contractors**, to DISTURB THE SURFACE, of **77-89 Chancery Street**, provisionally granted by the City Clerk on December 20, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0051)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **46 Sycamore Street**, provisionally granted by the City Clerk on January 2, 2020, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0052)

APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **186 Smith Street**, provisionally granted by the City Clerk on January 08, 2020, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0053)

APPLICATION, **GeoSearch, Inc.**, to DISTURB THE SURFACE, of **397 Sawyer Street**, provisionally granted by the City Clerk on January 08, 2020, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0054)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **60 Thomas Street**, provisionally granted by the City Clerk on January 08, 2020, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0055)

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on December 12, 2019, subject to ratification by the Mayor and City Council as follows:

305-307 Pleasant Street (#0056)

101 Belleville Avenue (#0057)

92 Hanover Street (#0058)

12 Kenney Street (#0059)

71-73 Richmond Street (#0060)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020.

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on December 18, 2019, subject to ratification by the Mayor and City Council as follows:

1-2 Gemini Drive (#0061)

Intersection of North Street and Summer Street (#0062)

198-200 County Street (#0063)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020.

APPLICATIONS, **NSTAR Electric Company d/b/a Eversource Energy**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on December 20, 2019, subject to ratification by the Mayor and City Council as follows:

Wamsutta Street, East of Acushnet Avenue (#0064)

Willis Street, East of Spencer Street (#0065)

Bolton Street, South of Jenkins Street (#0066)

Grinnell Street, West of Purchase Street (#0067)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020.

APPLICATIONS, **Frade's Disposal, Inc.**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on December 19, 2019, subject to ratification by the Mayor and City Council as follows:

279 Palmer Street

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0068)

APPLICATIONS, **Frade's Disposal, Inc.**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on January 2, 2020, subject to ratification by the Mayor and City Council as follows:

89 Edison Street	(#0069)
89 Edison Street	(#0070)
89 Edison Street	(#0071)
95 Norman Street	(#0072)
95 Norman Street	(#0073)
95 Norman Street	(#0074)
96 Morgan Street	(#0075)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020.

APPLICATIONS, **ABC Disposal Service, Inc.**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on January 2, 2020, subject to ratification by the Mayor and City Council as follows:

899 Elliot Street	(#0076)
11 Oaklawn Street	(#0077)
901 Brock Avenue	(#0078)
901 Brock Avenue	(#0079)
707 Hathaway Road	(#0080)
280 Harwich Street	(#0081)
150 Church Street	(#0082)
105 Thompson Street	(#0083)
59 Jouvette Street	(#0084)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020.

APPLICATIONS, **ABC Disposal Service, Inc.**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on January 6, 2020, subject to ratification by the Mayor and City Council as follows:

212 Summer Street	(#0085)
422 Summer Street	(#0086)
716 Summer Street	(#0087)
35 Penniman Street	(#0088)
155 Crapo Street	(#0089)
67 West Hill Road	(#0090)
1213 Purchase Street	(#0091)
222 Union Street	(#0092)
234 Allen Street	(#0093)
235 Maple Street	(#0094)
107 Osborn Street	(#0095)
56 Rotch Street	(#0096)
132 Glennon Street	(#0097)
624 Maxfield Street	(#0098)
213 Irvington Street	(#0099)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020.

APPLICATIONS, **ABC Disposal Service, Inc.**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on January 9, 2020, subject to ratification by the Mayor and City Council as follows:

196 Brownell Street

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 13, 2020.

Approved January 13, 2020. (#0100)

On a motion, the Council then adjourned at 7:50 p.m.

ATTEST:

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