
THIS MEETING IS BEING HELD REMOTELY IN ACCORDANCE WITH THE GOVERNOR OF MASSACHUSETTS' MARCH 12, 2020, ORDER SUSPENDING CERTAIN PROVISIONS OF THE OPEN MEETING LAW G. L. C. 30A, SECTION 20 WITH AN EXTENSION SIGNED ON JUNE 16, 2021 AND THE CITY COUNCIL'S VOTE TO WAIVE RULE 21A JANUARY 13, 2022

THIS MEETING WILL BE LIVE STREAMED ON NB CABLE ACCESS FACEBOOK PAGE

Thursday, February 10, 2022

7:01 p.m.

PRESENT: Council President Abreu (remotely), Councillors Baptiste (remotely), Burgo (remotely), Carney (remotely), Giesta (remotely), Gomes (remotely), Lima (remotely), Markey (remotely), Morad (remotely) and Pereira (remotely).

LATE: Councillor Dunn (remotely) 7:06 p.m.

ABSENT: No One.

Council President Abreu called the meeting to order and presided.

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

HEARING, NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc for location of one (1) Pole in ALLEN STREET, West of Rockdale Avenue. (Hearing continued from January 27, 2022 meeting.)

Hearing Continued until February 10, 2022 at 7 p.m. – Yeas 11, Nays 0 – January 27, 2022.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

Hearing Held.

Petition placed on file – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0213)

AN ORDER, (Hearing continued from the January 27, 2022 meeting.)

Hearing Continued until February 10, 2022 at 7 p.m. – Yeas 11, Nays 0 – January 27, 2022.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

Approved with the condition of Police Detail at work site and ordered recorded in Book of Location Order Records – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

Presented to the Mayor for approval February 14, 2022.

Approved February 16, 2022. (#0214)

HEARING, R.W. Bryant Contacting, Inc. for location of approximately 85’ of 3” PVC Conduit at the Intersection of Union Street and Second Street. (Hearing continued from the January 27, 2022 meeting.)

Hearing Continued until February 10, 2022 at 7 p.m. – Yeas 11, Nays 0 – January 27, 2022.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

Hearing Continued until February 24, 2022 at 7 p.m. – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0218)

AN ORDER, (Hearing continued from the January 27, 2022 meeting.)

Hearing Continued until February 10, 2022 at 7 p.m. – Yeas 11, Nays 0 – January 27, 2022.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

Hearing Continued until February 24, 2022 at 7 p.m. – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0219)

HEARING, NSTAR Electric Company d/b/a/ Eversource Energy for location of 7’ Conduit and Cable and one (1) Handhole in MAPLE STREET, West of Cottage Street.

Hearing Held.

Petition placed on file – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0268)

AN ORDER,

Adopted and ordered recorded in Book of Location Order Records – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

Presented to the Mayor for approval February 14, 2022.

Approved February 16, 2022. (#0269)

WRITTEN MOTION, Councillor Giesta, Council President Abreu, Councillors Lima and Markey, requesting, that the Committee on Appointments and Briefings hold a meeting to discuss viable options for curbing the litter in the City derived from the sale of small spirits bottles and that the Chair invite Nick Nanopoulos, Director of the Licensing Board; a representative of the Massachusetts Package Store Association; a representative of the Distilled Spirits Council of the United States; a representative from Keep Massachusetts Beautiful and any other person or organization deemed appropriate by the Committee Chair; and further, that the City Council forward copies of bills pending before the State Legislature involving small spirit bottles, specifically H.3332; H.3284; H.869 and S.2159, to the Committee on Appointments and Briefings and to the invitees named above in order to address the potential benefits and risks of these bills at the requested meeting.

Referred to the Committee on Appointments and Briefings – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0270)

COMMUNICATIONS, Councillor Giesta, submitting H.3332; H.3284; H.869 and S.2159, relative to small spirit bottles.

Referred to the Committee on Appointments and Briefings – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0271)

WRITTEN MOTION, Councillor Morad, requesting that Department of Public Infrastructure Commissioner Jamie Ponte provide the Committee on Finance with a summary report detailing current and past due Commercial, Industrial, Municipal and Residential accounts for Water and Wastewater billings as of January 31, 2022, said report shall include comparable information for the periods of March 2021 and August 2021. (To be Referred to the Committee on Finance.)

Referred to the Committee on Finance – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0272)

WRITTEN MOTION, Councillor Baptiste, on behalf of D.F. Pray General Contractors, requesting, that the following street(s) be CLOSED: COMMERCIAL STREET, from South Water Street to its terminus, starting on **TUESDAY, MARCH 1, 2022 – TUESDAY, FEBRUARY 28, 2023**, for the purpose of the construction project happening at 21-35 Commercial Street, 13-19 Commercial Street and 24 Union Street.

Referred to the Committee on Appointments and Briefings – Yeas 10, Nays 1.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey and Pereira.

NAYS: Councillor Morad. (#0273)

WRITTEN MOTION, Councillor Pereira, requesting that the Special COVID-19 Business Committee explore the City’s capacity to purchase COVID-19 Rapid Tests to assist businesses obtain tests for their staff. (To be Referred to the Special COVID-19 Business Committee.)

Referred to the Special COVID-19 Business Committee – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0274)

WRITTEN MOTION, Councillor Pereira, requesting that the Committee on Ordinances discuss and review the Plastic Bag Ban Ordinance including implementation, fines, enforcement, and other topics related to the ban. (To be Referred to the Committee on Ordinances.)

Referred to the Committee on Ordinances – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0275)

WRITTEN MOTION, Councillor Gomes, requesting that the implementation of the Ordinance, relative to Plastic Bags, Chapter 17 be SUSPENDED immediately until the Committee on Ordinances can meet to discuss and review the said Ordinance; and further, that the Administration delay the enforcement of said Ordinance until such time so the Council can revisit the provisions of the Plastic Bag Ordinance. (To be Referred to the Committee on Ordinances and the Administration.)

Referred to the Committee on Ordinances, the Administration and Rule 40 Waived, AS AMENDED – Yeas 10, Nays 1.

YEAS: Councillors Abreu, Baptiste, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

NAYS: Councillor Burgo.

Presented to the Mayor for approval February 14, 2022.

RETURNED UNSIGNED March 01, 2022. (#0276)

WRITTEN MOTION, Councillor Giesta, requesting that the Special Committee on Solid Waste Services hold a meeting to discuss the recent sale of ABC Disposal Services, Inc., to Waste Connections U.S. Holdings, Inc.; it is important that the residents and business owners of New Bedford be reassured that there will be no interruption of trash and recycle pickup. (To be Referred to the Special Committee on Solid Waste Services.)

Referred to the Special Committee on Solid Waste Services – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0277)

WRITTEN MOTION, Councillor Gomes, on behalf of Bonnie Waite, 112 Peckham Road, Acushnet, requesting that Kathleen Street be changed to SPOONER FARM LANE, the Spooner Family owned land for decades along Kathleen Street; and this name change would give recognition to a family that contributed so much to this area for decades. (To be Referred to the Planning Board, the Committee on City Property and the Traffic Commission.)

Referred to the Planning Board, Committee on City Property and the Traffic Commission – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0278)

WRITTEN MOTION, Councillors Carney and Pereira, on behalf of Brigilio Cabral, owner of the convenience store located at 111 Ruth Street, requesting that the Traffic Commission install two (2) 20-minute parking from 8:00 am to 7:00 pm Signs in front of said store allowing customers to park. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0279)

COMMUNICATION, Department of Environmental Protection Waterways Regulation Program, submitting a copy of a Notice of License Application to construct and maintain a temporary meteorological tower on an existing concrete pier at 706 South Rodney French Boulevard. (To be Received and Placed on File.)

Received and Placed on File – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0280)

COMMUNICATION, Department of Environmental Protection Waterways Regulation Program, submitting a copy of a Notice of License Application from Andrew Herlihy to construct and maintain a temporary meteorological tower on an existing breakwater at 0 SS Padanaram Avenue. (To be Received and Placed on File.)

Received and Placed on File – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0281)

COMMUNICATION, Department of Environmental Protection Waterways Regulation Program, submitting a copy of a Notice of License Application by the New Bedford Port Authority to authorize a change in use for Water-Dependent Industrial, Temporary, and Supporting Designated Port Area Uses at 40 Hervey Tichon Boulevard. (To be Received and Placed on File.)

Received and Placed on File – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0282)

COMMUNICATION, Mayor Mitchell, to City Council, submitting LOAN ORDER, in the amount of \$2,450,000.00 to pay costs of purchasing and equipping a pumper truck and aerial ladder truck for the Fire Department. (Referred to the Committee on Finance – January 13, 2022; Discharged from the Committee on Finance – January 27, 2022.)

Referred to the Committee on Finance.

Amendment was made to Refer the matter to the Committee on Finance and Pass to a Second Reading – Adopted – Yeas 9, Nays 2.

YEAS: Councillors Abreu, Baptiste, Burgo, Dunn, Gomes, Lima, Markey, Morad and Pereira.

NAYS: Councillors Carney and Giesta.

Referred to the Committee on Finance and Passed to a Second Reading – Yeas 8, Nays 3 – January 13, 2022.

YEAS: Councillors Abreu, Baptiste, Burgo, Gomes, Lima, Markey, Morad and Pereira.

NAYS: Councillors Carney, Dunn and Giesta.

Discharged from the Committee on Finance from further consideration of the matter – ADOPTED – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

TABLED – Yeas 11, Nays 0 – January 27, 2022.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

Removed from the Table – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

Received and Placed on File – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0010)

LOAN ORDER, (Referred to the Committee on Finance – January 13, 2022; Discharged from the Committee on Finance – January 27, 2022.)

Referred to the Committee on Finance.

Amendment was made to Refer the matter to the Committee on Finance and Pass to a Second Reading – Adopted – Yeas 9, Nays 2.

YEAS: Councillors Abreu, Baptiste, Burgo, Dunn, Gomes, Lima, Markey, Morad and Pereira.

NAYS: Councillors Carney and Giesta.

Referred to the Committee on Finance and Passed to a Second Reading – Yeas 8, Nays 3 – January 13, 2022.

YEAS: Councillors Abreu, Baptiste, Burgo, Gomes, Lima, Markey, Morad and Pereira.

NAYS: Councillors Carney, Dunn and Giesta.

Discharged from the Committee on Finance from further consideration of the matter – ADOPTED – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

TABLED – Yeas 11, Nays 0 – January 27, 2022.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

Removed from the Table – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

Adopted – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

Presented to the Mayor for approval February 14, 2022.

Approved February 16, 2022. (#0011)

WRITTEN MOTION, Councillor Gomes, Council President Lopes, Councillors Markey and Carney, requesting, that the City Council go on record in opposition and condemnation of the Boston Globe’s article along with the report done by Citizens For Juvenile Justice, titled, “We Are The Prey”; and further, that the New Bedford City Council also go on record in support of the men and women of the New Bedford Police Department as this report was not fairly done, and does not fit the image, the profile and the mission of our law-enforcement in the City, this report condemned our Police Department for racial profiling of minority groups of juveniles; and further, that the department continues to enforce law and order and justice for all Citizens of the City of New Bedford; and further, that Acting Police Chief Paul Oliveira reassure the people of the City that his leadership and New Bedford Police Department will mirror an image and commitment that all Citizens of the City of New Bedford will be treated fairly with no bias, only law and order and protection of all City residents.

TABLED – Yeas 6, Nays 4 – April 22, 2021.

YEAS: Councillors Abreu, Baptiste, Carney, Dunn, Giesta and Lima.

NAYS: Councillors Gomes, Lopes, Markey and Morad.

Removed from the Table – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

Referred to the Committee on Public Safety and Neighborhoods – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira. (#0533)

The City Council took a Roll Call to take up the Consent Agenda and take the appropriate action – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

CITATION, Councillor Pereira, honoring START AT THE BOTTOMS, in recognition of their Grand Opening and Ribbon Cutting Ceremony.

Adopted, to be presented at a later date. (#0283)

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 the Community Preservation Committee for meetings held on January 5, 11 and 20, 2022, the Conservation Commission for meetings held on September 9 and 21, October 26, November 2 and 16, December 7 and 21, 2021, and January 4 and 18, 2022, the Greater New Bedford Regional Refuse Management District for a meeting held on December 7, 2021 and the Health & Medical Coordinating Coalition for a meeting held on January 25, 2022.

Received and Placed on File. (#0284)

APPLICATION, **PODS of New England**, for permission to maintain a STREET OBSTRUCTION at **994 Ridge Street**, provisionally granted by the City Clerk on January 25, 2022, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 14, 2022.

Approved February 16, 2022. (#0285)

APPLICATION, **PODS of New England**, for permission to maintain a STREET OBSTRUCTION at **104 Clara Street**, provisionally granted by the City Clerk on January 28, 2022, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 14, 2022.

Approved February 16, 2022. (#0286)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **66 Duncan Street**, provisionally granted by the City Clerk on January 25, 2022, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 14, 2022.

Approved February 16, 2022. (#0287)

APPLICATIONS, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on February 01, 2022, subject to ratification by the Mayor and City Council as follows:

104 Ashley Boulevard (#0288)

861 Ashley Boulevard (#0289)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 14, 2022.

Approved February 16, 2022.

APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **66 Duncan Street**, provisionally granted by the City Clerk on January 25, 2022, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 14, 2022.

Approved February 16, 2022. (#0290)

APPLICATIONS, **JLC Construction**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on February 01, 2022, subject to ratification by the Mayor and City Council as follows:

104 Ashley Boulevard (#0291)

861 Ashley Boulevard (#0292)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 14, 2022.

Approved February 16, 2022.

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on January 26, 2022, subject to ratification by the Mayor and City Council as follows:

116 Hope Street (#0293)

5 Bonneau Court (#0294)

5 Reynolds Street (#0295)

1541 Purchase Street (#0296)

324 Shaw Street (#0297)

503 Mt. Pleasant Street (#0298)

154 Query Street (#0299)

68 Morris Street (#0300)

49-51 Robert Street (#0301)

1877 Purchase Street (#0302)

153 Grinnell Street (#0303)

2157 Acushnet Avenue (#0304)

4014 Acushnet Avenue (#0305)

Belleville Avenue – Intersection of Wood Street (#0306)

22 Illinois Street (#0307)

231 Irvington Street (#0308)

1494 Phillips Road (#0309)

461 Sawyer Street (#0310)

70 Greenbrier Drive (#0311)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 14, 2022.

Approved February 16, 2022.

APPLICATION, **Northeast Recycling LLC**, for permission to maintain a STREET OBSTRUCTION at **11 Commercial Street**, provisionally granted by the City Clerk on January 27, 2022, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 14, 2022.

Approved February 16, 2022. (#0312)

APPLICATION, **Vaz Construction, Inc.**, for permission to maintain a STREET OBSTRUCTION at **63 Rotch Street (West Clinton Street Side)**, provisionally granted by the City Clerk on February 03, 2022, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 14, 2022.

Approved February 16, 2022. (#0313)

On a motion, the Council took a roll call vote to adjourn at 8:04 p.m. – Yeas 11, Nays 0.

YEAS: Councillors Abreu, Baptiste, Burgo, Carney, Dunn, Giesta, Gomes, Lima, Markey, Morad and Pereira.

ATTEST:

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