

REGULAR MEETING

CITY COUNCIL

Thursday, November 10, 2022

7:01 p.m.

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

LATE: Councillor Dunn.

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.

COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER in the amount of ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000), to authorize the borrowing of funds to pay costs of a schematic design/feasibility study for an accelerated repair project at the Elizabeth Carter Brooks Elementary School, 212 Nemasket Street.

Passed to a Second Reading and Referred to the Committee on Finance in its Second Reading Stage. (#1864)

LOAN ORDER,

Passed to a Second Reading and Referred to the Committee on Finance in its Second Reading Stage. (#1865)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER in the amount of ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000), to authorize the borrowing of funds to pay costs of a schematic design/feasibility study for an accelerated repair project at the Ellen R. Hathaway Elementary School, 256 Court Street.

Passed to a Second Reading and Referred to the Committee on Finance in its Second Reading Stage. (#1866)

LOAN ORDER,

Passed to a Second Reading and Referred to the Committee on Finance in its Second Reading Stage. (#1867)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER in the amount of ONE MILLION, SEVEN HUNDRED AND FIVE THOUSAND, FIVE HUNDRED AND FOUR DOLLARS (\$1,705,504), to pay costs of purchasing and equipping two (2) pumper trucks for the Fire Department, including the payment of all costs incidental and related thereto.

Received and Placed on File. (#1868)

LOAN ORDER,

Passed to a Second Reading. (#1869)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 10, Subsection (e) of the City Code of Ordinances, to establish a Revolving Fund that will receive 50% of all payments received by the City pursuant to the Host Community Agreement (HCA) with Parallel Products affiliate Southcoast Renewables and SMRE 100, LLC.

Referred to the Committee on Finance. (#1870)

AN ORDINANCE,

Referred to the Committee on Finance. (#1871)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER authorizing the Mayor to enter into and execute a twenty-five-year Intermunicipal Agreement for waterfront improvements at Lake Street between the Town of Acushnet and the City of New Bedford.

Referred to the Committee on City Property. (#1872)

AN ORDER,

Referred to the Committee on City Property. (#1873)

INTERMUNICIPAL AGREEMENT,

Referred to the Committee on City Property. (#1874)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER authorizing the City of New Bedford to enter into a six-year lease with All American Investment Group, LLC, for the purchase of a rescue truck for the Fire Department.

Received and Placed on File. (#1875)

CITY OF NEW BEDFORD
IN CITY COUNCIL
NOVEMBER 10, 2022

ORDERED, that the City of New Bedford is hereby authorized to enter into a six-year lease *in the amount of \$240,000.00* with All American Investment Group, LLC, for the purchase of a rescue truck for the Fire Department. Submitted for City Council approval in accordance with M.G.L. c.30B, Section 12 (b) for contracts in excess of three years' duration.

Adopted as Amended to add the amount of \$240,000.00 – All Ayes.

Presented to the Mayor for approval November 14, 2022.

Approved November 17, 2022. (#1876)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JOSHUA AMARAL, New Bedford, MA 02746 as the DIRECTOR OF THE OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT.

Referred to the Committee on Appointments and Briefings – Yeas 11, Nays 0. (#1877)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of PAMELA KAVANAUGH, New Bedford, MA, to the BOARD OF HEALTH; Ms. Kavanaugh will be replacing Dr. Patricia Andrade, whose term has expired; this term will expire in February 2025.

Referred to the Committee on Appointments and Briefings. (#1878)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of WILLIAM COMEAU, New Bedford, MA, a United States Army Vietnam Veteran, to the VETERANS ADVISORY BOARD; Mr. Comeau will be replacing Anthony Rezendes, who has resigned; this term will expire in December 2023.

Referred to the Committee on Appointments and Briefings. (#1879)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JAMES R. GAGNON, New Bedford, MA, a United States Airforce Vietnam Veteran, to the VETERANS ADVISORY BOARD; Mr. Gagnon will be replacing Elizabeth C. McNamara, who has resigned; this term will expire in December 2023.

Referred to the Committee on Appointments and Briefings. (#1880)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ROBERT ALLEN LANGEVIN, New Bedford, MA, as a CONSTABLE.

Received and Placed on File. (#1881)

AN APPLICATION, ROBERT ALLEN LANGEVIN, New Bedford, MA for REAPPOINTMENT as a CONSTABLE.

Confirmed. (#1882)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of AMANCIO SOARES RIBEIRO, New Bedford, MA, as a CONSTABLE.

Received and Placed on File. (#1883)

AN APPLICATION, AMANCIO SOARES RIBEIRO, New Bedford, MA for REAPPOINTMENT as a CONSTABLE.

Confirmed. (#1884)

REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDER, approving the New Bedford Hicks Logan Area Redevelopment Plan and the ORDINANCE, amending Chapter 9, Comprehensive Zoning, by inserting Hicks Logan District (HLD).

Recommendation Followed. (#1885)

CITY OF NEW BEDFORD
IN CITY COUNCIL
SEPTEMBER 22, 2022

ORDERED, that in accordance with Massachusetts General Laws Chapter 121B, Section 48, the City of New Bedford approves the *New Bedford Hicks Logan Area Redevelopment Plan*.

Referred to the Committee on Ordinances and the Planning Board – September 22, 2022.

Adopted.

Presented to the Mayor for approval November 14, 2022.

Approved November 17, 2022. (#1561)

AN ORDINANCE,

Referred to the Committee on Ordinances and the Planning Board – September 22, 2022.

Passed to a Second Reading. (#1562)

REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the Ordinance to rezone the front portion (approximately 200' – 299') of three parcels of land located on Braley Road – specifically Parcels 135-9, 135-46, 135-11 from Industrial C (I-C) to Mixed Use Business (MUB).

Recommendation Followed. (#1885a)

AN ORDINANCE,

Passed to a Second Reading. (#1886)

REPORT, Committee on Ordinances, recommending to the City Council to take “**NO FURTHER ACTION**” on the WRITTEN MOTION, Councillors Dunn, Abreu, Baptiste, Giesta and Lima, requesting, that the City of New Bedford treat the Covid-19 deaths of all public safety personnel as a presumed line of duty death, thereby entitling the surviving spouse to a pension equal to the amount of regular compensation the member would have received had he or she been receiving the maximum salary for the position at the time of his or her death; and further should state legislation be required to extend this benefit, the New Bedford City Council is on record supporting said Legislation.

Recommendation Followed. (#1887)

WRITTEN MOTION, Councillors Dunn, Abreu, Baptiste, Giesta and Lima, requesting, that the City of New Bedford treat the Covid-19 deaths of all public safety personnel as a presumed line of duty death, thereby entitling the surviving spouse to a pension equal to the amount of regular compensation the member would have received had he or she been receiving the maximum salary for the position at the time of his or her death; and further should state legislation be required to extend this benefit, the New Bedford City Council is on record supporting said Legislation.

Referred to the Committee on Ordinances – July 15, 2021.

NO FURTHER ACTION. (#0970)

REPORT, Committee on Ordinances, recommending to the City Council to take **“NO FURTHER ACTION”** on the COMMUNICATION, Mayor Mitchell, to City Council, submitting a VETO of the HOME RULE PETITION, authorizing the City of New Bedford to qualify City Employee for certain death benefits when the cause of death is related to COVID-19.

Recommendation Followed. (#1888)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a VETO of the Home Rule Petition, authorizing the City of New Bedford to qualify City Employee for certain death benefits when the cause of death is related to COVID-19.

Received and Ordered Spread on the Record – Yeas 11, Nays 0.

Referred to the Committee on Ordinances – September 09, 2021.

NO FURTHER ACTION. (#1242)

HOME RULE PETITION,

Substitute Act Adopted – Yeas 9, Nays 0 – August 19, 2021.

Presented to the Mayor for approval August 23, 2021.

VETOED by Mayor Mitchell on September 01, 2021.

Received and Ordered Spread on the Record – Yeas 11, Nays 0.

Referred to the Committee on Ordinances – September 09, 2021.

NO FURTHER ACTION. (#1109)

REPORT, Committee on Ordinances, recommending to the City Council to take **“NO FURTHER ACTION”** on the COMMUNICATION, Mayor Mitchell to City Council, submitting an ORDINANCE, Amending Chapter 19, Section 19-7, Establishment of Unit C Classification and Salary Plan; Procedures for Advancement.

Recommendation Followed. (#1889)

COMMUNICATION, Mayor Mitchell to City Council, submitting an ORDINANCE, Amending Chapter 19, Section 19-7, Establishment of Unit C Classification and Salary Plan; Procedures for Advancement.

Referred to the Committee on Ordinances – September 08, 2022.

NO FURTHER ACTION. (#1455)

AN ORDINANCE,

Referred to the Committee on Ordinances – September 08, 2022.

NO FURTHER ACTION. (#1456)

REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Council President Lopes, Councillors Abreu, Lima, Giesta, Baptiste, Morad, Carney, Dunn, and Markey, requesting that the Fire Chief attend a Committee on Public Safety and Neighborhoods meeting to discuss the fire coverage area of each of the City’s Fire Stations and provide each Councillor with a copy of the coverage map.

Recommendation Followed. (#1890)

WRITTEN MOTION, Council President Lopes, Councillors Abreu, Lima, Giesta, Baptiste, Morad, Carney, Dunn and Markey, requesting that the Fire Chief attend a Committee on Public Safety and Neighborhoods meeting to discuss the fire coverage area of each of the City’s Fire Stations and provide each Councillor with a copy of the coverage map.

Referred to the Committee on Public Safety and Neighborhoods and Rule 40 Waived – Yeas 10, Nays 0 – February 13, 2020.

NO FURTHER ACTION. (#0212)

REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council to take **“NO FURTHER ACTION”** on the 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.

Recommendation Followed. (#1891)

WRITTEN MOTION, Councillor Gomes and Council President Lopes, 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. (Councillor Gomes, Council President Lopes and Councillors Markey and Morad OPPOSED.)

Removed from the Table – Yeas 11, Nays 0.

Referred to the Committee on Public Safety and Neighborhoods – Yeas 11, Nays 0 – February 10, 2022.

NO FURTHER ACTION. (#0533)

REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council to take **“NO FURTHER ACTION”** on the REPORT, Committee on Public Safety and Neighborhoods, recommending that the City Council follow the recommendations put forth in the “Comprehensive Beach Plan” submitted by Councillor Gomes and the “Summer Action Plan” submitted by Councillor Pereira, and to refer said plans to the Full City Council for distribution to all of the Invitees of the April 21, 2022 Public Safety Committee meeting as well as the Administration.

Recommendation Followed. (#1892)

REPORT, Committee on Public Safety and Neighborhoods, recommending that the City Council follow the recommendations put forth in the “Comprehensive Beach Plan” submitted by Councillor Gomes and the “Summer Action Plan” submitted by Councillor Pereira, and to refer said plans to the Full City Council for distribution to all of the Invitees of the April 21, 2022, Public Safety Committee meeting as well as the Administration.

Referred to the Committee on Public Safety and Neighborhoods – April 28, 2022.

NO FURTHER ACTION. (#0661)

REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council to take **“NO FURTHER ACTION”** on the RELATED MOTION, Councillor Morad, requesting that the Public Safety Chair hold another Public Safety meeting within the next 30 days and invite the Director of Parks, Recreation and Beaches, Mary Rapoza, in order to continue the discussion on how our parks will be monitored over the course of the Summer of 2022.

Recommendation Followed. (#1893)

WRITTEN MOTION, Councillor Giesta, Council President Abreu, Councillors Burgo, Morad and Lima, requesting that Mr. Erik Rousseau, Administrator, SRTA meet with the Committee on Appointments and Briefings to explain why SRTA is eliminating bus routes throughout the City, including Route 2 deviation to Whalers Cove in December 2022; and bus service for elderly residents to the Buttonwood Park Senior Center. (To be Referred to the Committee on Appointments and Briefings.)

Referred to the Committee on Appointments and Briefings. (#1894)

WRITTEN MOTION, Councillor Pereira, requesting that the Interim Chief Financial Officer, the City Auditor, and the Treasurer/Collector or representatives of these offices appear before the Committee on Finance to discuss the status of the City's current 457 Deferred Compensation Plan and further to discuss compliance with IRS regulations. (To be Referred to the Committee on Finance.)

Referred to the Committee on Finance. (#1895)

COMMUNICATION, Councillor Morad, submitting a copy of a letter sent to Governor Baker regarding the transfer of the New Bedford State Pier to Private Parties. (To be Received and Placed on File.)

Received and Placed on File. (#1896)

RELATED MOTION, Councillor Morad, requesting that the New Bedford City Council send a letter to Governor Charlie Baker indicating our opposition to the transfer of the New Bedford State Pier to a private party.

Adopted. (#1897)

COMMUNICATION, Department of Parks, Recreation and Beaches, submitting, a Memorial Park Bench and Tree Dedication Program Application for a Memorial Park Bench to be located by the bowling greens at Hazelwood Park, in memory of FRANK AND EUNICE HAMER. (To be Referred to the Special Committee on Memorials and Dedications.)

Referred to the Special Committee on Memorials and Dedications. (#1898)

CITATION, Councillors Gomes, Morad and Giesta, honoring, WHALER'S COVE ASSISTED LIVING, in recognition of the joyous celebration of their 20th anniversary and with sincere appreciation for their continued compassionate care of those that reside at Whaler's Cove.

Adopted, to be presented at a later date. (#1899)

CITATION, Councillor Gomes, honoring the CAPE VERDEAN-AMERICAN VETERANS ASSOCIATION, INC., in recognition of their 75th Anniversary Gala.

Adopted, to be presented at a later date. (#1900)

CITATION, Councillor Morad, honoring KERRI SOUSA AND SPA LARIMAR, in recognition of the Ribbon Cutting Celebration of the New Bedford location and with sincere appreciation for providing the newest technology and beauty services to our local residents.

Adopted, to be presented at a later date. (#1901)

CITATION, Councillors Carney and Morad, honoring, REBECCA MANN, Chief Warrant Officer 2, United States Army, Retired, in recognition of her being named the Veterans Transition House 2022 Southeastern Massachusetts Veteran of the Year.

Adopted, to be presented at a later date. (#1902)

WRITTEN MOTION, Councillor Baptiste, requesting, that the following street(s) be CLOSED: PLEASANT STREET, from Union Street to Elm Street; MARKET STREET, from North Sixth Street to Pleasant Street; WILLIAM STREET, from North Sixth Street to Water Street and WATER STREET, from Union Street to Elm Street, ON SATURDAY, December 03, 2022, FROM 4:00 P.M. TO 6:00 P.M., for the purpose of The Downtown Christmas Tree Lighting.

Permission Granted.

Presented to the Mayor for approval November 14, 2022.

Approved November 17, 2022. (#1903)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, notifying that the Office of the City Clerk has received Meeting Minutes from the Board of Assessors for a meeting held on October 13, 2022; Community Preservation Committee for a meeting held on July 26, 2022; Park Board for a meeting held on September 21, 2022; Planning Board for a meeting held on October 26, 2022; Licensing Board for a meeting held on August 29, 2022 and the Library Board of Trustees for meetings held on May 31, July 26 and September 27, 2022.

Received and Placed on File. (#1904)

APPLICATION, **Access Construction Services, LLC**, for permission to maintain a STREET OBSTRUCTION at **689 Kempton Street**, provisionally granted by the City Clerk on November 02, 2022, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 14, 2022.

Approved November 17, 2022. (#1905)

APPLICATION, **Seaside Masonry**, for permission to maintain a STREET OBSTRUCTION at **Corner of Route 18/Union Street**, provisionally granted by the City Clerk on November 02, 2022, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 14, 2022.

Approved November 17, 2022. (#1906)

APPLICATION, **R.J. Canessa Excavating Co.**, for permission to maintain a STREET OBSTRUCTION at **220-222 Mt. Pleasant Street**, provisionally granted by the City Clerk on October 24, 2022, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 14, 2022.

Approved November 17, 2022. (#1907)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **151 North Street**, provisionally granted by the City Clerk on October 26, 2022, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 14, 2022.

Approved November 17, 2022. (#1908)

APPLICATION, **Normans Enterprises**, for permission to maintain a STREET OBSTRUCTION at **364 Dartmouth Street (Sagamore Street side)**, provisionally granted by the City Clerk on October 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 November 14, 2022.

Approved November 17, 2022. (#1909)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **1530 Old Plainville Road**, provisionally granted by the City Clerk on November 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 November 14, 2022.

Approved November 17, 2022. (#1910)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **1094 Pequot Street**, provisionally granted by the City Clerk on November 04, 2022, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 14, 2022.

Approved November 17, 2022. (#1911)

APPLICATION, **R.J. Canessa Excavating Co.**, to DISTURB THE SURFACE, of **220-222 Mt. Pleasant Street**, provisionally granted by the City Clerk on October 24, 2022, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 14, 2022.

Approved November 17, 2022. (#1912)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **151 North Street**, provisionally granted by the City Clerk on October 26, 2022, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 14, 2022.

Approved November 17, 2022. (#1913)

APPLICATION, **Normans Enterprises**, to DISTURB THE SURFACE, of **364 Dartmouth Street (Sagamore Street side)**, provisionally granted by the City Clerk on October 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 November 14, 2022.

Approved November 17, 2022. (#1914)

APPLICATION, **R.J. Canessa Excavating Co.**, to DISTURB THE SURFACE, of **1530 Old Plainville Road**, provisionally granted by the City Clerk on November 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 November 14, 2022.

Approved November 17, 2022. (#1915)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **1094 Pequot Street**, provisionally granted by the City Clerk on November 04, 2022, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 14, 2022.

Approved November 17, 2022. (#1916)

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on November 02, 2022, subject to ratification by the Mayor and City Council as follows:

4299 Acushnet Avenue (#1917)

160 Church Street (#1918)

149 Dartmouth Street (#1919)

11 Salisbury Street (#1920)

202-204 Whitman Street (#1921)

55-57 William Street (#1922)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 14, 2022.

Approved November 17, 2022.

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on November 04, 2022, subject to ratification by the Mayor and City Council as follows:

1123 Old Plainville Road (#1923)

147 Tremont Street (#1924)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 14, 2022.

Approved November 17, 2022.

On a motion, the Council then adjourned at 7:31 p.m.

ATTEST:

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