

REGULAR MEETING
Chambers of the City Council
Thursday, May 11, 2023

CITY COUNCIL
Municipal Building
7:00 p.m.

PRESENT: Councillors Abreu, Baptiste, Burgo, Carney, Giesta, Gomes, Lima, Oliver and Pereira.

LATE: No one.

ABSENT: Council President Morad and Councillor Markey.

First Vice-President Abreu called the meeting to order and presided.

Prayer led by: Reverend David Lima, Executive Minister, Inter-Church Council of Greater New Bedford.

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

COMMUNICATION, Council President Morad, to Members of the City Council, informing that she will be unable to attend the City Council Meeting on Thursday, May 11, 2023, due to a personal commitment.

Received and Placed on File. (#0833)

COMMUNICATION, Councillor Markey, to Members of the City Council, notifying that he will be unable to attend the City Council Meeting on Thursday, May 11, 2023, due to a family commitment.

Received and Placed on File. (#0834)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of KIMBERLI BETTENCOURT, New Bedford, MA, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire in May 2026.

Rule 38 Waived, Reappointment Confirmed and Rule 40 Waived – Yeas 9, Nays 0.
(#0835)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of MARSHA F. FERNANDES, New Bedford, MA, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire in May 2026.

Rule 38 Waived, Reappointment Confirmed and Rule 40 Waived – Yeas 9, Nays 0.
(#0836)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of REVEREND PAMELA COLE, New Bedford, MA, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire in May 2026.

Rule 38 Waived, Reappointment Confirmed and Rule 40 Waived – Yeas 9, Nays 0.
(#0837)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of DR. ELIZABETH BLANCHARD, New Bedford, MA, to the BOARD OF HEALTH; this term will expire in April 2026.

Rule 38 Waived, Reappointment Confirmed and Rule 40 Waived – Yeas 9, Nays 0.
(#0838)

WRITTEN MOTION, Councillors Giesta, Pereira, Abreu, Gomes and Baptiste, requesting that the City Council go on record reaffirming their continued support of the MBTA Southcoast Commuter Rail project and that the project remain on the current timeline with service expected to begin later this year.

Referred to the MBTA, Governor Maura Healey, our Local State Delegation and the Administration.

Presented to the Mayor for approval May 15, 2023.

RETURNED UNSIGNED June 06, 2023. (#0839)

WRITTEN MOTION, Councillors Abreu and Pereira, requesting that New Bedford Police Chief Paul Oliveira come before the Committee on Public Safety and Neighborhoods to discuss on-going public issues relating to the south end of the City, where residents and business owners alike are growing increasingly concerned for their safety and overall well-being. (To be Referred to the Committee on Public Safety and Neighborhoods and New Bedford Police Chief Paul Oliveira.)

Referred to the Committee on Public Safety and Neighborhoods and New Bedford Police Chief Paul Oliveira. (#0840)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **CHRISTOPHER OKAFOR, 27 Maddie Drive, New Bedford, MA 02745 d/b/a KIK TRANSPORTATION, 27 Maddie Drive, New Bedford, MA 02745**, hereby submitting a copy of the Application requesting a **RENEWAL of a PRIVATE LIVERY LICENSE** to carry passengers for hire over the streets of New Bedford. **(Term of License – July 01, 2023 to June 30, 2024.)**

Referred to the Committee on Appointments and Briefings. (#0841)

COMMUNICATION, Council President Morad, submitting a letter from Atty. Eric C. Cohen, Executive Director of the New Bedford Retirement Board, regarding the New Bedford Contributory Retirement Board's vote to approve an additional two percent (2%) Cost of Living Adjustment (COLA) retroactive to the beginning of Fiscal Year 2023 (July 1, 2022) at a special meeting held on April 27, 2023. (To be Referred to the Committee on Finance.)

Referred to the Committee on Finance. (#0842)

COMMUNICATION, Department of Parks, Recreation and Beaches, submitting a Memorial Park Bench and Tree Dedication Program Application for a Memorial Park Bench and Plaque to be located at Buttonwood Park Zoo (outside of the Zoo facing the Elephant Enclosure) in memory of BEVERLY A. (ALMEIDA) SOUZA. (To be Referred to the Special Committee on Memorials and Dedications.)

Referred to the Special Committee on Memorials and Dedications. (#0843)

COMMUNICATION, Council President Morad, submitting a copy of a letter sent to Arthur Glassman, Chairperson of the Planning Board, in support of Case 22-15, a request submitted by NorthStar Learning Centers, Inc. for a one-year extension of a Special Permit for a reduction in parking (To be Received and Placed on File.)

Received and Placed on File. (#0844)

COMMUNICATION, Councillor Gomes submitting a copy of a letter sent to Ms. Downing of 796 Rockdale Avenue regarding a sidewalk repair in front of said address. (To be Received and Placed on File.)

Received and Placed on File. (#0845)

CITATION, Councillor Gomes, honoring ANDREA JOY CAMPBELL, Attorney General, in recognition of her commitment and dedication to protecting the people of the Commonwealth of Massachusetts.

Adopted, to be presented at a later date. (#0846)

CITATIONS, Councillor Gomes, honoring CATIA ANDRADE, JUNIEL JORDAN, NATHAN PACHECO, CAMERON PATOTA, HECTOR RIVERA and LOGAN ST. LOUIS, in recognition of their Appointments as New Bedford Police Officers.

Adopted, to be presented at a later date. (#0847)

WRITTEN MOTION, Councillor Baptiste, requesting, on behalf of the New Bedford Whaling Museum, that the following street(s) be CLOSED: JOHNNY CAKE HILL, from William Street to Union Street, ON THURSDAY, JULY 13, 2023 AT 7:00 A.M. TO MONDAY, JULY 17, AT 12:00 P.M. (NOON), for the purpose of “Under the Sea” Seaweed and Sea Creatures.

Permission Granted.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0848)

WRITTEN MOTION, Councillor Giesta, requesting, on behalf of the Global Learning Charter Public School, that the following street(s) be WRITTEN MOTION, Councillor Baptiste, requesting, on behalf of the Department of Tourism and Marketing, that the following street(s) be CLOSED: UNION STREET, from Rt. 18 and North Water Street, FROM 4:00 P.M. TO 10:00 P.M. on the following FRIDAYS; JUNE 09, JULY 07, AUGUST 04 and SEPTEMBER 01, 2023 AND PURCHASE STREET, from Union Street to William Street, FROM 4:00 P.M. TO 10:00 P.M. on the following FRIDAYS; JUNE 23, JULY 21, AUGUST 18 and SEPTEMBER 15, 2023, for the purpose of A SUMMER SOUND SERIES.

Permission Granted.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0849)

CLOSED: NYE STREET, from Ashley Boulevard to Acushnet Avenue, FROM 4:00 P.M. TO 8:00 P.M. on THURSDAY, JUNE 15, 2023, for the purpose of the School’s 8th Grade Graduation.

Permission Granted.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0850)

WRITTEN MOTION, Councillor Baptiste, requesting, that the following street(s) be CLOSED: ACUSHNET AVENUE, from William Street to Union Street; WILLIAM STREET, from Johnny Cake Hill to North Second Street AND BARKER’S LANE, South Side of Custom House Square (This Closure is needed as a Public Safety Precaution) FROM: 2:00 P.M. TO 9:30 P.M., ON: THURSDAY, JUNE 08, 2023, for the purpose of AHA! Pride Block Party and Concert at Custom House Square.

Permission Granted.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0851)

PETITION/INDEMNITY AGREEMENT, THE DRAWING ROOM, for Permission to Erect and Maintain a 12” x 24” Non-Illuminated Projecting Sign at 22 William Street, New Bedford, MA 02740.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0852)

CONSTABLE BOND, ANTHONY J. POENTE, JR., Dartmouth, MA 02747, in the amount of \$5,000.00 with the Western Surety Company.

Approved.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0853)

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 Board of Health for a meeting held on February 23, 2023; the Library Board for meetings held on June 28, November 29 and December 27, 2022 and the Licensing Board for a meeting held on March 27, 2023.

Received and Placed on File. (#0854)

APPLICATION, **Massachusetts Design Art & Technology Institute, Inc.**, for permission to maintain a STREET OBSTRUCTION at **4 Fish Island**, provisionally granted by the City Clerk on May 02, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0855)

APPLICATIONS, **Mike Andrade Excavation**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on April 28, 2023, subject to ratification by the Mayor and City Council as follows:

43 Ambergris Lane (#0856)

101 Maxfield Street (#0857)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023.

APPLICATION, **Century Paving**, for permission to maintain a STREET OBSTRUCTION at **756 South Front Street**, provisionally granted by the City Clerk on April 28, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0858)

APPLICATION, **Geologic Earth Exploration, Inc.**, for permission to maintain a STREET OBSTRUCTION at **195 Viaduct (State, County, Purchase, Cedar Grove and Penniman Streets)**, provisionally granted by the City Clerk on May 01, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0859)

APPLICATIONS, **W.C. Smith & Son, Inc.**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on May 01, 2023, subject to ratification by the Mayor and City Council as follows:

Corner of Brock Avenue and Hudson Street (#0860)

134 Deane Street (#0861)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023.

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **1856 Acushnet Avenue**, provisionally granted by the City Clerk on May 04, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0862)

APPLICATION, **Forgen, LLC**, for permission to maintain a STREET OBSTRUCTION at **740 Belleville Avenue**, provisionally granted by the City Clerk on May 04, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0863)

APPLICATION, **Ponte's Excavating Company**, for permission to maintain a STREET OBSTRUCTION at **Brock Avenue (w.s.) 126' s x Hudson Street**, provisionally granted by the City Clerk on May 04, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0864)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **3660 Acushnet Avenue**, provisionally granted by the City Clerk on May 08, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0865)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **85 Campbell Street**, provisionally granted by the City Clerk on May 08, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0866)

APPLICATIONS, **Mike Andrade Excavation**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on April 28, 2023, subject to ratification by the Mayor and City Council as follows:

43 Ambergris Lane (#0867)

101 Maxfield Street (#0868)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved March 19, 2023.

APPLICATION, **Century Paving**, to DISTURB THE SURFACE, of **756 South Front Street**, provisionally granted by the City Clerk on April 28, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0869)

APPLICATION, **Geologic Earth Exploration, Inc.**, to DISTURB THE SURFACE, of **195 Viaduct (State, County, Purchase, Cedar Grove and Penniman Streets)**, provisionally granted by the City Clerk on May 01, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0870)

APPLICATIONS, **W.C. Smith & Son, Inc.**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on May 01, 2023, subject to ratification by the Mayor and City Council as follows:

Corner of Brock Avenue and Hudson Street (#0871)
134 Deane Street (#0872)
Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval May 15, 2023.
Approved March 19, 2023.

APPLICATION, **R.J. Canessa Excavating, Co.**, to DISTURB THE SURFACE, of **1856 Acushnet Avenue**, provisionally granted by the City Clerk on May 04, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval May 15, 2023.
Approved May 19, 2023. (#0873)

APPLICATION, **Forgen, LLC**, to DISTURB THE SURFACE, of **740 Belleville Avenue**, provisionally granted by the City Clerk on May 04, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval May 15, 2023.
Approved May 19, 2023. (#0874)

APPLICATION, **Ponte’s Excavating Company**, to DISTURB THE SURFACE, of **Brock Avenue (w.s.) 126’ s x Hudson Street**, provisionally granted by the City Clerk on May 04, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval May 15, 2023.
Approved May 19, 2023. (#0875)

APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **3660 Acushnet Avenue**, provisionally granted by the City Clerk on May 08, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval May 15, 2023.
Approved May 19, 2023. (#0876)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **85 Campbell Street**, provisionally granted by the City Clerk on May 08, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval May 15, 2023.
Approved May 19, 2023. (#0877)

APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on April 27, 2023, subject to ratification by the Mayor and City Council as follows:

Church Street, from Nash Road to Park Avenue (including intersections) (#0878)
74 Plymouth Street (#0879)
109 Locust Street (#0880)
279 Bolton Street (#0881)
Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval May 15, 2023.
Approved March 19, 2023.

APPLICATION, **Eversource Gas**, to DISTURB THE SURFACE, of **16-18 Madeira Avenue**, provisionally granted by the City Clerk on May 04, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0882)

APPLICATIONS, **E.L. Harvey**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on April 27, 2023, subject to ratification by the Mayor and City Council as follows:

854 Rockdale Avenue (#0883)

65 Forest Street (#0884)

60 Cove Street (#0885)

8 Plymouth Street (#0886)

1055 Beckett Street (#0887)

249 State Street (#0888)

1060 Beverly Street (#0889)

133-135 Chancery Street (#0890)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023.

APPLICATION, **Couto Construction, Inc.**, for permission to maintain a STREET OBSTRUCTION at **46 Campbell Street**, provisionally granted by the City Clerk on May 01, 2023, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 15, 2023.

Approved May 19, 2023. (#0891)

PETITION, NSTAR Electric Company d/b/a Eversource Energy for location of two (2) FO Poles and one (1) Anchor in JUNE STREET, to provide electric service to Lot 726 June Street.

RECEIVED AND HEARING ORDERED FOR MAY 25, 2023.

PETITION, NSTAR Electric Company d/b/a Eversource Energy for location of approximately 54' of Conduit and Cable and two (2) Handholes in PURCHASE STREET, to provide electric service to 475 Purchase Street.

RECEIVED AND HEARING ORDERED FOR MAY 25, 2023.

PETITION, NSTAR Electric Company d/b/a Eversource Energy for location of approximately 45' of Conduit and Cable and one (1) Manhole in RIVER ROAD, this work is necessary part of the 4k V conversion system improvement project.

RECEIVED AND HEARING ORDERED FOR MAY 25, 2023.

PETITION, NSTAR Electric Company d/b/a Eversource Energy for location of approximately 75' of Conduit and Cable in NASH ROAD, to provide electric service to 40 Edison Street.

RECEIVED AND HEARING ORDERED FOR MAY 25, 2023.

On a motion, the Council then adjourned at 7:16 p.m.

ATTEST:

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