

**CITY COUNCIL CALENDAR**  
**THURSDAY, MAY 09, 2019**  
**7 P.M. CITY COUNCIL CHAMBERS – ROOM 214**  
**CITY HALL, 133 WILLIAM STREET, NEW BEDFORD, MA**

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**OPENING OF SESSION BY: CITY COUNCIL PRESIDENT LINDA M. MORAD**

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**PRAYER LED BY: REVEREND DAN LACROIX**  
**ST. MARY'S PARISH**

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**PLEDGE OF ALLEGIANCE**

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**MAYOR'S PAPERS**

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$438,000.00 from FACILITIES AND FLEET, SALARIES & WAGES in the amount of \$282,500 and FACILITIES AND FLEET, CAPITAL OUTLAY in the amount of \$155,500 to FACILITIES AND FLEET, CHARGES & SERVICES in the amount of \$282,500 and FACILITIES AND FLEET, OTHER FINANCING USES in the amount of \$155,500.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, *Amending* the Order adopted by the City Council on June 14, 2018, and signed by the Mayor on June 19, 2018, which in accordance with the Massachusetts General Law, Chapter 44, Section 53E½, authorized the revolving fund under the control of the Fire Department known as the **COMMUNITY TRAINING FUND**, whose amount limited at **\$14,000**, is hereby authorized at **\$18,000** for **FISCAL YEAR 2019**.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the City of New Bedford to accept a donation of an original ticket booth from the Lincoln Park Amusement Park in North Dartmouth, Massachusetts, restored and given by John Nicolaci, Jr.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting a request, that pursuant to Section 2-65 of the City Code, the Committee on City Property begin proceedings to seek proposals for the disposition of a long-term leasehold interest in property owned by the City of New Bedford, consisting of approximately 0.151 acres (6,5778) square feet of land currently occupied by an accessory structure to a commercial property located on MacArthur Drive, shown on the City of New Bedford Assessor's Map 53 as Lot 255 (51 Fisherman's Wharf).

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting a Renewal of a One-Year WAIVER OF RESIDENCY for BOARD OF HEALTH Member, DR. CRAIG LONGO, Dartmouth, MA 02747, Dr. Longo has been a Board of Health Member since 2012; this waiver will be in effect until April 2020.

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting a One-Year WAIVER OF RESIDENCY for STEVEN KOCZERA, Garage Superintendent, Fleet manager, who currently resides in Fairhaven, MA.

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of MELVIN L. DAVIS, New Bedford, MA 02745, to the HOUSING AUTHORITY; this term will expire December 2021.

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M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of SUSAN J. BEWSHER, New Bedford, MA, 02744, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire in May 2022.

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of BARBARA MCDONALD, New Bedford, MA, 02740, to the CEMETERY BOARD; this term will expire in May 2022.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of STEVEN CATON, New Bedford, MA, 02745, to the CEMETERY BOARD; this term will expire in May 2022.

### ***NEW BUSINESS***

1. REPORT, Committee on Finance, recommending to the City Council APPROVAL of the Community Preservation Act annual budget for Fiscal Year 2020.

1a. COMMUNICATION, Community Preservation Committee to City Council, submitting for consideration the CPA Annual Budget for Fiscal Year 2020. (Referred to the Committee on Finance – March 28, 2019.)

2. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER for the Community Preservation Act FY19 Project Funding Recommendations, a total expenditure of \$1,547,875.00 for seventeen (17) projects.

2a. AN ORDER,

3. REPORT, Special Committee on Memorials & Dedications, recommending to the City Council APPROVAL to the Park Board for a Plaque honoring Domingos and Celeste Aresta.

3a. COMMUNICATION, Councillor Abreu, submitting a request from the Department of Parks, Recreation and Beaches for a Plaque honoring Domingos and Celeste Aresta. (To be Referred to the Special Committee on Memorial and Dedications.)

4. REPORT, Special Committee on Memorials & Dedications, recommending to the City Council APPROVAL to the Park Board for a Bench and Plaque honoring Ricardo E. Arruda.

4a. COMMUNICATION, Councillor Abreu, submitting a request from the Department of Parks, Recreation and Beaches for a Bench and Plaque honoring Ricardo E. Arruda. (To be Referred to the Special Committee on Memorial and Dedications.)

5. WRITTEN MOTION, Councillor Gomes, requesting, that Mayor Mitchell and Mark Champagne, Commissioner of the Department of Facilities and Fleet Management take immediate action to notify all residents in the area of the Phillips Avenue School, Ashley Boulevard, that they have 21 days to remove their cars from the school parking lot and that the City permanently close the school parking lot area due to the condition of the building and the safety and the liability to the City: and further, that the only time parking will be permitted for the time being will be when a snow ban is in effect, and that snow ban parking only be permitted on the east side of property and that the whole entire area not be used due to the conditions of the building; and further, that any car not removed within 21 days be towed at the owners expense out of the City-owned parking lot and the parking lot be chained closed till further notice. (To be Referred to the Committee on Public Safety and Neighborhoods, the Mayor Mitchell and Mark Champagne, Commissioner of the Department of Facilities and Fleet Management and Rule 40 Waived.)

6. WRITTEN MOTION, Councillor Gomes, requesting, that Mayor Mitchell and DPI Commissioner Ponte consider that the Department of Infrastructure put on a night and weekend crew to deal with the pothole situation that is erupting all over the City due to the recent rain storms and the warm weather approaching; this action will give an opportunity to the crew to get a lot more work done while there is less congestion throughout the City.

7. WRITTEN MOTION, Councillors Coelho, Gomes and Lima, requesting, to be recorded in support of Cruz Development and their plans for the Phillips Avenue School, all Councillors did not have the opportunity to vote on the matter when it was heard in the Committee on City Property, and all Councillors should have the same opportunity to vote on this important issue. (To be Referred to the Committee on City Property.)

8. WRITTEN MOTION, Councillor Gomes, On behalf of the residents and businesses in the immediate area of the New Bedford Business Park, requesting that the City Council go on record as being in opposition to the waste, recycling, trash and sludge facility currently being proposed by Parallel Products of New England, located at 100 Duchaine Blvd; and further, that letters be sent to the Massachusetts Department of Energy & Environmental Affairs and the City of New Bedford's Planning Department, Board of Health, Environmental Stewardship and Conservation Commission, asking that unfavorable recommendations be made concerning this proposal and/or that any permits sought by Parallel Products for this project be denied due to the fact that the location of said business is in very close proximity to a residential area and that the New Bedford Business Park was established and intended for production and hi-tech businesses; furthermore, that letters be sent to Gov. Baker, Sen. Mark Montigny and the City's entire State legislative delegation, Senators Warren and Markey and Congressman Keating expressing the City Council's opposition to any state or federal permitting of this facility; and that letters also be sent to every business located in the Business Park, asking that they join the community and City officials in our firm opposition to this type of industry being located within this area; and finally, that the Committee on Appointments & Briefings meet with all park businesses in order to learn their opinions regarding this proposed project and what impact they foresee it having on the Business Park, the residents and overall quality of life within the area. (To be Adopted, referred to the Committee on Appointments & Briefings, and that Rule 40 be Waived.)

9. WRITTEN MOTION, Councillor Carney, requesting that DPI Commissioner Jamie Ponte, meet with the Committee on Appointments and Briefings to discuss the \$50.00 fee that residents are being charged for exterior meters. (To be Referred to the Committee on Appointments and Briefings.)

10. WRITTEN MOTION, Councillor Carney, requesting that Board of Park Commissioners Chairman, Peter Boswell, DPI Commissioner Jamie Ponte and Director of Parks, Recreation and Beaches, Mary Rapoza meet with the Committee on City Property to discuss utilizing the park behind the Pulaski School for additional parking purposes. (To be Referred to the Committee on City Property.)

11. WRITTEN MOTION, Councillor Rebeiro, requesting, that the Committee on City Property meet with representatives of the Zeiterion Theatre, Inc. and the City Administration to discuss the potential for a long-term lease, possibly up to 99 years, of the building at Purchase Street currently being used as the Zeiterion Theatre Performing Arts Center.

12. HOME RULE PETITION, Authorizing the City of New Bedford To Enter Into A Lease Agreement for a term of up to 99 Years for Purposes of Operation of a Performing Arts Center. (Submitted by Councillor Rebeiro.)

13. WRITTEN MOTION, Councillor Gomes, requesting, that the City and State update the City Council on the future and completion date of the New Bedford Marine Commerce Terminal, discuss plans for paving the entire parcel, installation of electricity, security cameras and the possibility of a storage facility; and further, that \$100 million of the taxpayers money has been spent on this terminal which is doing nothing at this time to produce any return on the money spent to benefit the community with any long-term plan of action for the terminal, beside the possibility of wind turbines being staged out of this area; and further, that a letter be sent to our State Legislative Delegation, including Senator Mark Montigny, asking that they, along with the City step up efforts to bring real commerce trading to this marine commerce terminal. (To be Referred to the Committee on Appointments and Briefings.)

14. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW of 4597 ACUSHNET AVENUE, (MAP 137/LOT 23), a Circa 1922 one storey, wood-framed residence, advising that “the structure is not located in a National Register Historic District; the structure has minimal historic significance related to its association with the growth of neighborhoods in response to the burgeoning textile industry in the early 20<sup>th</sup> century; the structure is in poor condition due to extensive deferred maintenance and restoration or preservation efforts would be impractical due to the existing condition of the structure, “in light of these findings, the New Bedford Historical Commission has determined that the structure at 4597 Acushnet Avenue is neither Historically Significant nor a Preferably Preserved Structure.”

15. COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW of 890 BROCK AVENUE, (MAP 15/LOT 167), a Circa 1947 wood-framed, former St. Anne’s Church building and 45 SALISBURY STREET, (MAP 15/LOT 154), a Circa 1899/1905 wood-framed and masonry school buildings, advising that “Saint Anne’s Church (1947) and Saint Anne’s School (1899/1905) are both eligible to be listed on the National Register of Historic Places; the buildings are associated with the City’s French-Canadian population which migrated here in the late 19<sup>th</sup> century to work in the textile mills; the construction of the Church and its associated buildings by the Fall River Diocese in the south end of the City is relevant to the broad cultural, economic, political and social history of the City; the Church building is architecturally significant, a fine example of the Neoclassical style, serves as an architectural landmark, and is a placemaking gateway into the City’s peninsula”, “considering these findings, the Preservation Planner has determined the following: St. Anne’s Church building is NOT seventy-five (75) years old and is NOT REGULATED by the Demolition Delay Ordinance; St. Anne’s school buildings are severely deteriorated and will no longer retain historical context due to the planned demolition of the associated Church building. The Preservation Planner has determined that the school buildings at 45 Salisbury Street are neither Historically Significant nor Preferably Preserved Structures.”

16. COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW of 279-281 COGGESHALL STREET (MAP 93/LOT 85), a Circa 1933 one storey, masonry store, advising that “the structure is not located in a National Register Historic District; the structure has been extensively altered with its large original windows replaced with smaller windows and brick infill along with the addition of an aluminum door; there is loss of historical context related to the building’s association with the 20<sup>th</sup> century dense immigrant neighborhood due to demolition of nearby buildings and the construction of Interstate 95, “in light of these findings, the Preservation Planner has determined that the structure at 279-281 Coggeshall Street is neither Historically Significant nor a Preferably Preserved Structure.”

17. COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW of SS FISH ISLAND (MAP 60/LOT 4), a Circa 1920 one storey masonry, former gas and auto repair station advising the “the structure is not located in a National Register Historic District; the structure is vacant and has been extensively altered with its large original windows replaced with smaller windows and concrete block infilling former garage bays; the structure is within the Designated Port Area, limiting adaptive reuse possibilities; however, the structure’s concrete slab foundation will be utilized for marine-related crane operations, “in light of these findings, the Preservation Planner has determined that the structure at SS Fish Island is neither Historically Significant nor a Preferably Preserved Structure.”

18. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **PETER MEDEIROS, 1629 Padanaram Avenue, New Bedford, MA 02740 d/b/a PETER’S BUS, INC., 1629 Padanaram Avenue, New Bedford, MA 02740**, hereby submits 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, 2019 – June 30, 2020.**)

19. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **GEORGE M. VIVEIROS, 102 Durfee Street, New Bedford, MA 02740 d/b/a MED FIRST, INC., P.O. Box 3001, New Bedford, MA 02741**, 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 1, 2019-June 30, 2020.**)

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20. COMMUNICATION/EMAIL, Dagny Ashley, Director, Tourism and Marketing to City Council, submitting a RESOLUTION, in support of the New Bedford Seaport Cultural District Re-Designation.

20a. RESOLUTION,

21. COMMUNICATION, Councillor Lopes, submitting a copy of an email and pictures from Christine Pereira-Vasquez, teacher at Congdon School regarding the condition, health and environmental dangers at the Congdon School. (To be Received and Placed on File.)

22. COMMUNICATION, Councillor Gomes, submitting a copy of the Standard-Times article dated April 18, 2019, relative to the Committee on City Property meeting regarding the proposed sale of the Phillips Avenue School to Cruz Management.

23. COMMUNICATION, Councillor Giesta, submitting copies of letters from Princeton Street residents regarding their opposition to the property owner of 293 Princeton Street request to the Zoning Board of Appeals for a variance for said property. (Copies of said letters referred to the Zoning Board of Appeals 04/23/2019; To be Received and Placed on File.)

24. COMMUNICATION, Council President Morad submitting an email from Amanda McMullen, President & CEO, New Bedford Whaling Museum, regarding the Whaling Museum's request for Community Preservation monies for their Bourne & Wood Buildings Exterior Restoration Project. (Copy all Councillors 05/04/2019; To be Received and Placed on File.)

#### ***TABLED BUSINESS***

01/10/2019 WRITTEN MOTION, Councillor Gomes, requesting that the City Council forward a letter of request to the Commonwealth of Massachusetts' Cannabis Commission as to whether the City is following State Law regarding marijuana establishments in the City; and further, enclosed in the letter, please include a copy of the 11-page "Screening Form/Application for a Marijuana Establishment Host Community Agreement", and a copy of the City's zoning map that has been put forth by the Mayor's Review Committee, comprised of the City Solicitor, the City Planner, the Chief of Police, the Chief Financial Officer, the Director of Inspectional Services, the Director of Planning, Housing and Community Development and the City's Health Director; asking that the Cannabis Control Commission review the application and the zoning map and report back to the City Council as to whether this Application process and zoning map applies to the laws of the Commonwealth of Massachusetts' Cannabis Control Commission; and further, that Steven Hoffman, Chairman of the Massachusetts Cannabis Control Commission or a representative, meet with the Special Committee on Licensing and Zoning for Cannabis to discuss whether the City has followed Massachusetts Laws and policies regarding marijuana establishments in the City of New Bedford.

***In accordance with the Americans with Disabilities Act (ADA),  
if any accommodations are needed, please contact the City Council Office at 508-979-1455. Requests should be  
made as soon as possible but at least 48 hours prior to the scheduled meeting.***