

**CITY COUNCIL CALENDAR
THURSDAY, JULY 18, 2019
7 P.M. CITY COUNCIL CHAMBERS – ROOM 214
CITY HALL, 133 WILLIAM STREET, NEW BEDFORD, MA**

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

**PRAYER LED BY: DAVID LIMA, EXECUTIVE MINISTER
INTER-CHURCH COUNCIL OF GREATER NEW BEDFORD**

PLEDGE OF ALLEGIANCE

CITATIONS

1. CITATIONS, Councillor Gomes and Council President Morad, honoring JORGE BARBOSA, TREVOR BETTENCOURT, NUNO CUNHA, PATRICK KUSTKA and TYLER WHITE in recognition of their appointment as a NEW BEDFORD POLICE OFFICER.

HEARINGS

2. HEARING, NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for location of one (1) Pole in WINSOR STREET, West of Crapo Street.

2a. AN ORDER,

3. HEARING/APPLICATION of MIH1, LLC Christian A. Farland Manager, for a NEW license to keep, store and/or sell Products of crude petroleum at 2904 & 2914 Acushnet Avenue and ES Acushnet Avenue, being Plot 130D, Lots 117, 247, 248 and 447. Application is for TOTAL of 48,000 gallons; 42,000 gallons of gasoline and 6,000 gallons of diesel fuel.

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the APPROPRIATION of \$153,443.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS, to EMS, SALARIES & WAGES in the amount of \$88,807.00; EMS, SUPPLIES & MATERIALS in the amount of \$10,300.00; EMS, CAPITAL OUTLAY in the amount of \$50,000.00 and GENERAL GOVERNMENT UNCLASSIFIED, CHARGES & SERVICES in the amount of \$4,336.00.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for CHRISTOPHER G. GOMES, DIRECTOR OF VETERANS' SERVICES AND BENEFITS who currently resides in Freetown, MA.

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for MELISSA BATCHILDER, Compliance Officer (Community Relations Specialist) for the New Bedford Police Department, who currently resides in Fairhaven, MA.

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting a WAIVER OF RESIDENCY for CAMDEN LAWTON, Lifeguard for the Department of Parks, Recreation and Beaches who currently resides in Dartmouth, MA.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting a salary request for DAVID ZANDER, who has been selected for the EMS Training Position, at a M-9, Step 7, which is \$71,656.00 per year.

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ELIZABETH C. MCNAMARA, New Bedford, MA to the VETERANS ADVISORY BOARD; Ms. McNamara will be replacing Nelson Ostiguy whose term has expired; this term will expire December 2020.

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of KAREN AHERN, Stoughton, MA, as a SPECIAL POLICE OFFICER.

M7a. APPLICATION,

NEW BUSINESS

4. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the Ordinance Rezoning Plot 93, Lot 169 (157 – 161 Coggeshall Street) and Plot 93, Lot 227 (171 Coggeshall Street) from Mixed-Use Business to Industrial “B”.

4a. AN ORDINANCE,

5. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the Ordinance Rezoning the East Side of Mitchell Street, Plot 93, Lot 275, from Mixed-Use Business to Industrial “B”.

5a. AN ORDINANCE,

6. REPORT, Committee on Ordinances, recommending to the City Council to ADOPT the Planning Board’s **UNFAVORABLE RECOMMENDATION** of AN ORDINANCE amending Chapter 9, Section 4131B Paragraph (a) of Subsection (ii) – Location Requirements and Restrictions – by inserting after the words “Medical Marijuana Treatment Center” – “unless the Marijuana Establishment or Medical Marijuana Treatment Center is separated from said property in question by a roadway layout of 50 feet or more that contains at least 4 designated lanes of traffic.”

6a. AN ORDINANCE, (Referred to the Committee on Ordinances and the Planning Board – April 11, 2019.)

7. REPORT, Committee on Ordinances, recommending to the City Council to ADOPT the Planning Board’s **UNFAVORABLE RECOMMENDATION** of AN ORDINANCE amending Chapter 9, Section 4131B Paragraph (a) of Subsection (ii) – Location Requirements and Restrictions – by striking the last paragraph of subsection and inserting – “The distance under this provision shall be measured in a straight line from the nearest point of the property line in question to the primary entrance doorway into the structure where the Marijuana Establishment or Medical Marijuana Treatment Center will be located.”

7a. AN ORDINANCE, (Referred to the Committee on Ordinances and the Planning Board – April 11, 2019.)

8. REPORT, Committee on Public Safety and Neighborhoods, recommending to the City Council that the Administration allocates \$250,000 for the construction of a rear entrance to the Pulaski School to alleviate the traffic flow issues in the area.

9. REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the APPOINTMENT OF MELISSA CHESTER-LETENDRE, New Bedford, MA to the COMMUNITY PRESERVATION COMMITTEE, Ms. Chester-Letendre will be replacing Jessica Bailey whose term has expired; this term will expire April 2022.

9a. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MELISSA CHESTER-LETENDRE, New Bedford, MA to the COMMUNITY PRESERVATION COMMITTEE; Ms. Chester-Letendre will be replacing Jessica Bailey whose term has expired; this term will expire April 2022. (Referred to the Committee on Appointments and Briefings – June 13, 2019.)

10. REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of MICHAEL J. MOTTA, as ADMINISTRATIVE ASSISTANT to the BOARD OF ASSESSORS, for a five (5) year term to expire June 27, 2024, and a ONE YEAR WAIVER OF RESIDENCY and approval for Mr. Motta's salary at Step 4, Grade M-15 (\$91,436.00).

10a. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MICHAEL J. MOTTA, as ADMINISTRATIVE ASSISTANT to the BOARD OF ASSESSORS, for a five (5) year term to expire June 27, 2024, a ONE YEAR WAIVER OF RESIDENCY and approval for Mr. Motta's salary at Step 4, Grade M-15. (\$91,436.00) is also requested. (Referred to the Committee on Appointments and Briefings – June 27, 2019.)

11. REPORT, Committee on Appointments and Briefings, informing the City Council that the Committee on Appointments and Briefings held a Public Hearing on Monday, July 08, 2019, for a Building Demolition Review of 2405 Acushnet Avenue, Map 127E, Lot 179.

11a. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW of 2405 ACUSHNET AVENUE, (MAP 127E/LOT 179), a Circa 1860 wood-framed residence, advising that "the structure has historic significance due to its relationship with the Spooner and Hawes families, the region's agricultural past, and the development of the northern section of the City near the Head of the River as a historic farming settlement, due to recent demolitions, there exist fewer of these property types in this area of the City; the applicant, through his agent, has stated that rehabilitation of the existing structure would have challenges and be more costly than demolition and the subsequent new construction; the applicant has not stated or demonstrated that the structure is in poor condition or structurally unsound and has stated that the demolition is primarily for financial purposes, in light of these findings, the New Bedford Historical Commission has determined that the structure at 2405 Acushnet Avenue is a Historically Significant and a Preferably Preserved Structure." (Referred to the Committee on Appointments and Briefings – June 13, 2019.)

12. REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the APPLICATION, Christian Farland D/B/A Cumberland Farms, Inc., for a SPECIAL PERMIT for Motor Vehicle Light Service at 2904 & 2914 Acushnet Avenue and ES Acushnet Avenue, New Bedford, MA 02745.

12a. SPECIAL PERMIT, Christian Farland d/b/a Cumberland Farms, Inc., for a SPECIAL PERMIT for Motor Vehicle Light Service at 2904 & 2914 Acushnet Avenue and ES Acushnet Avenue, New Bedford, MA 02745.

13. AN ORDINANCE, amending Chapter 20, Department of Planning and Community Development (Passed to a Second Reading - June 13, 2019.)

14. WRITTEN MOTION, Councillor Coelho, requesting, in the interest of public safety, that the Committee on Public Safety and Neighborhoods address what can be done with the matter of pocket parks that are being vandalized by overnight loiterers, the homeless and those engaging in illicit activity, also the trash and debris that is left behind; and further, that representatives from the Police Department and DPI be invited when this matter is heard before the Committee on Public Safety and Neighborhoods.

15. WRITTEN MOTION: Councillor Gomes, requesting as Chairman of the Committee on Public Safety Neighborhoods, that the Department of Public Infrastructure immediately install NO TRESPASSING signs from dusk to dawn in all pocket parks across the City; and further that the signage also include NO littering, drug dealing, alcohol and

soliciting; and furthermore, once again that the City Council request that the Director of Parks, Recreation and Beaches, Mary Rapoza install the same signage in all parks across the City and these regulations be strictly enforced in the best interest of public safety and the quality of life in the neighborhoods.

16. WRITTEN MOTION: Councillors Giesta, Abreu, Lopes and Rebeiro, requesting in the interest of public safety that the Department of Public Infrastructure, install signs at all Pocket Parks throughout the City with the following information:

Welcome. This beautiful public space is yours to enjoy for relaxation and recreation. Please respect others and keep the park clean.

This Park is open from Dawn to Dusk

Prohibited Activities:	Use of or possession of alcohol or illegal drugs	Use of vulgar or threatening language
	Parking on public space	Bicycles on the public space
	Dumping or littering	Vandalism of a tree, plant, or park structure
	Unleashed animals	Fires, fireworks, or firearms of any kind
	Feeding birds	Use of metal detectors without a permit
	Smoking	
	Performances, solicitations, or commercial activity without license from the Department of Public Infrastructure	

No Use of the park after it is closed for: Skateboarding or Sleeping

17. WRITTEN MOTION, Councillor Carney, requesting that the Committee on Appointments and Briefings meet with Board of Park Commissioners Chairman Peter Boswell, Director of Parks, Recreation and Beaches, Mary Rapoza, Chairman of the Conservation Commission, Craig Dixon, Representative of New Bedford Port Authority, Representative of the Mayor's Office and a Representative of the City Solicitor's Office, to discuss the procedure and permitting process that allowed the Trampoline Water Park to be placed in the water off East Beach, to ensure that all the proper permitting was acquired before the company was granted permission to open and also explain the insurance policy held by the vendor to ensure that the City of New Bedford is not liable, in accordance with Massachusetts Law for any legal action and all suits that may be brought against the water park vendor in the event to include but not limited to injury, death and etc.; and further requesting, that the Chairperson of the Committee on Appointments and Briefings schedule this matter to be heard at the next meeting.

18. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Antonia Cruz, 89 Beetle Street, New Bedford, MA 02746, d/b/a TRANSPORTATION LA TRIXITA, 89 Beetle Street, New Bedford, MA 02746**, hereby submitting a copy of the Application requesting a **RENEWAL** of a **PRIVATE LIVERY LICENSE**, under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation to carry passengers for hire over the streets of New Bedford. **(Term of License July 01, 2019 – June 30, 2020.)**

19. COMMUNICATION, Councillor Abreu, submitting an Application from the Department of Parks, Recreation & Beaches for a Bench and Plaque honoring the Sarah D. Clark Memorial Fund. (To be Referred to the Special Committee on Memorials and Dedications.)

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 Control 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 City Council as to whether this Application process and zoning map applies to the laws of the Commonwealth of Massachusetts' Cannabis 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.***