

REGULAR MEETING
Chambers of the City Council
Thursday, April 25, 2019

CITY COUNCIL
Municipal Building
7:02 p.m.

PRESENT: Council President Morad, Councillors Abreu, Carney, Coelho, Dunn, Giesta, Gomes, Lima, Lopes, and Markey.

LATE: No One

ABSENT: Councillor Rebeiro

Council President Linda M. Morad called the meeting to order and presided.

Prayer Led By: Reverend Kevin Harrington, St Francis of Assisi Parish.

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

COMMUNICATION, Councillor Rebeiro to Members of the City Council, notifying that he will be absent for the Special City Council Meeting on Thursday, April 25, 2019, due to a previously scheduled business commitment.

Received and Placed on File. (#0731)

COMMUNICATION, Jane Medeiros Friedman, First Assistant City Solicitor to City Council, pursuant to an Order of the City Council dated March 28, 2019, enclosed is AN ORDER for the DISCONTINUANCE of a portion of John F. Kennedy Memorial Highway, variable width, at the northeast corner of its present terminus.

Received and Placed on File. (#0732)

CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 25, 2019

RESOLVED, that the common necessity and convenience of the inhabitants of the City of New Bedford no longer require that a portion of **JOHN F. KENNEDY MEMORIAL HIGHWAY**, variable width, at the northeast corner of its present terminus, be continued as a public street or way, and that therefore said portion of **JOHN F. MEMORIAL HIGHWAY**, within the above limits, should be discontinued as a public street or way

Said portion of **JOHN F. MEMORIAL HIGHWAY** to be discontinued is more specifically described as follows:

Beginning at a point on the sideline of John F. Kennedy Memorial Highway;

Thence, S 62°38'30" W a distance of 12.98 feet to a point;

Thence, by a curve turning to the right, having a radius of 25.00 feet and an arc length of 33.51 feet to a point;

Thence, N 40°34'11" W a distance of 62.37 feet to a point, on the northwesterly sideline of John F. Kennedy Memorial Highway;

Thence, N 55°16'54" E a distance of 87.59 feet to a point, in said sideline of John F. Kennedy Memorial Highway;

Thence, N 70°15'08" E a distance of 19.78 feet to a point, still in said sideline of John F. Kennedy Memorial Highway;

Thence, by a non-tangent curve to the left, having a radius of 80.62 feet and an arc length of 113.36 feet in said sideline of JFK Memorial Highway to the point of beginning.

Containing approximately 4,578 square feet, more or less; in accordance with a plan entitled "DISCONTINUANCE PLAN OF A PORTION OF JOHN F. KENNEDY MEMORIAL HIGHWAY NEW BEDFORD, MA VARIABLE WIDTH AT THE NORTHEAST CORNER OF ITS PRESENT TERMINUS", Scale 1"=30", dated November 5, 2018, prepared by SMC Surveying and Mapping Consultants and, signed by Kevin Hanley, PLS. A plan showing the lines of the street, the abutters, and the area being proposed for discontinuance accompanies this description.

AND WHEREAS due notice has been given to the intention of this City Council to discontinue a portion of **JOHN F. KENNEDY MEMORIAL HIGHWAY**, variable width, at the northeast corner of its present terminus, it is therefore

ORDERED, That a portion of JOHN F KENNEDY MEMORIAL HIGHWAY, Variable width, at the northeast corner of its present terminus, as herein described and as shown on a plan heretofore referred to in this order, on file in the office of the City Clerk, be and the same hereby is discontinued as a public street or way of said City of New Bedford under the provisions of Chapter 82 of the General Laws relating to the discontinuance of public ways. Said discontinuance shall be for highway purposes only.

The damages sustained by the owners of property affected by this discontinuance is hereby estimated and awarded as compensation in full to them as follows: To all persons, No Damages.

AND BE IT FURTHER ORDERED, that the City Clerk shall cause a copy of this order, certified by him, to be recorded on behalf of the City of New Bedford in the Registry of Deeds for the Southern District of Bristol County, and to give such other notices as are required by General Laws.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval April 29, 2019.

Approved May 7, 2019.

Approved as to form: Mikaela A. McDermott – May 16, 2019 (#0733)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, to execute on behalf of the City a Preservation Restriction for Rural Cemetery; the restriction is given as part of a \$50,000.00 grant to be awarded by the Massachusetts Preservation Projects Fund and matched by Community Preservation Act funds for a total of \$100,000.00.

Received and Placed on File. (#0734)

CITY OF NEW BEDFORD
IN CITY COUNCIL
APRIL 25, 2019

ORDERED, that the Mayor is hereby authorized to execute, on behalf of the City of New Bedford, a Preservation restriction (PR) for the Rural Cemetery, in substantially the same form as the attached draft. A description of the Rural Cemetery location is attached as Exhibit A.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval April 29, 2019.

Approved May 7, 2019. (#0735)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the FINAL Fiscal Year 2019 Department of Planning, Housing and Community Development Action Plan for a period July 1, 2019 through June 30, 2020; also submitting a RESOLUTION, authorizing the Mayor to Apply for Federal Financial Assistance from the United States of America.

Received and Placed on File. (#0736)

ACTION PLAN 2019,

Received and Placed on File. (#0737)

RESOLUTION OF THE NEW BEDFORD CITY COUNCIL AUTHORIZING THE MAYOR TO APPLY FOR FEDERAL FINANCIAL ASSISTANCE FROM THE UNITED STATES OF AMERICA

CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 25, 2019

WHEREAS, The City of New Bedford desires to continue its participation in Community Development Block Grant (CDBG) activities under the Housing and Community Development Act of 1974, as amended, the Emergency Solutions Grant (ESG) activities under the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), as amended, and Home Investment Partnership (HOME) activities under Title II of the Cranston Gonzalez National Affordable Housing of 1990, as amended, and;

WHEREAS, the Housing and Community Development, McKinney-Vento and National Affordable Housing Acts, as amended, and the regulations promulgated thereunder, require a Resolution of the local Governing Body authorizing the Mayor to apply for and execute the federal entitlement grant as a condition of eligibility for Federal financial assistance; and

WHEREAS, the Mayor of the City of New Bedford must be authorized to submit information to the United States Department of Housing and Urban Development for Federal financial assistance under said Acts;

NOW THEREFORE, BE IT RESOLVED, by the New Bedford City Council, as follows:

SECTION 1. The Mayor of the City of New Bedford is authorized to do all things necessary, and to execute any and all documents required for the timely application for Federal financial assistance under these Acts, as amended, and to provide any and all necessary documents which are required for the acceptance and use of CDBG, ESG and HOME funds.

SECTION 2. The Mayor of the City of New Bedford, as Chief Executive Officer, is authorized and designated as an official representative for the City of New Bedford to act in all matters arising in connection with the application for funds, and in providing the United States of America or any of its subdivisions with any additional information as may be required.

SECTION 3. The Mayor of the City of New Bedford is authorized to assume the status of a responsible Federal Official under the National Environmental Policy Act of 1969, insofar as the provisions of that Act apply to Community Development Block Grants administered by the City of New Bedford, and receipt of Federal financial assistance from the United States of America under the Housing and Community Development Act, as amended, and the City of New Bedford hereby accepts the jurisdiction of the Federal Courts for the purpose of enforcement of the Mayor's responsibilities as such a responsible Federal Official under the provisions of the National Environmental Policy Act of 1969.

Adopted.

Presented to the Mayor for approval April 29, 2019.

Approved May 7, 2019.

(#0738)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR Waiver of Residency for JONATHAN VILLA, variable time paramedic for the Department of Emergency Medical Services, who currently resides in Somerset, Massachusetts.

One- Year Waiver of Residency GRANTED – Yeas 10, Nays 0.

Presented to the Mayor for approval April 29, 2019.

Approved May 7, 2019.

(#0739)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for TRANSFER of \$447,660.00 from POLICE, SALARIES & WAGES, to POLICE, OTHER FINANCING USES.

Received and Placed on File.

(#0740)

CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 25, 2019

ORDERED, that the sum of **FOUR HUNDRED FORTY-SEVEN THOUSAND SIX HUNDRED SIXTY DOLLARS (\$447,660)** now standing to the credit of the account from **POLICE SALARIES AND WAGES** be and the same is hereby transferred and appropriated to as follows:

POLICE OTHER FINANCING USES.....\$447,660

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval April 29, 2019.

Approved May 7, 2019.

(#0741)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for TRANSFER of \$4,000.00 from TOURISM, SALARIES & WAGES, to TOURISM, CHARGES & SERVICES.

Received and Placed on File. (#0742)

CITY OF NEW BEDFORD
IN CITY COUNCIL
APRIL 25, 2019

ORDERED, that the sum of **FOUR THOUSAND DOLLARS (\$4,000)** now standing to the credit of the account from **TOURISM SALARIES AND WAGES** be and the same is hereby transferred and appropriated to as follows:

TOURISM CHARGES AND SERVICES.....\$4,000

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval April 29, 2019.

Approved May 7, 2019. (#0743)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for TRANSFER of \$410.00 from LICENSING, SALARIES & WAGES, to LICENSING, CHARGES & SERVICES.

Received and Placed on File. (#0744)

CITY OF NEW BEDFORD
IN CITY COUNCIL
APRIL 25, 2019

ORDERED, that the sum of **FOUR HUNDRED TEN DOLLARS (\$410)** now standing to the credit of the account from **LICENSING SALARIES AND WAGES** be and the same is hereby transferred and appropriated to as follows:

LICENSING CHARGES AND SERVICES.....\$410

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval April 29, 2019.

Approved May 7, 2019. (#0745)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of DANIEL HIGGINS, New Bedford, MA, to the WATER BOARD, replacing the late Carl Natho; this term will expire April 2021.

Referred to the Committee on Appointments and Briefings. (#0746)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN APPLICATION for the REAPPOINTMENT of SHAWN MACFARLAND, New Bedford, MA as a SPECIAL POLICE OFFICER.

Received and Placed on File. (#0747)

APPLICATION, SHAWN MACFARLAND, New Bedford, MA 02744, for APPOINTMENT as a SPECIAL POLICE OFFICER.

Reappointment made and Confirmed. (#0748)

COMMUNICATION, Mayor Mitchell, to City Council, submitting DRAFT language for special legislation that would effectuate the agreement between the City, the Alma del Mar Charter School, and the Department of Elementary & Secondary Education to establish a 450-student neighborhood-based charter school at the site of the former Kempton Elementary School. (CHARTER RULED by Councillor Dunn.)

Referred to the Committee on Appointments and Briefing – FAILED – Yeas 5, Nays 6. (Councillors Dunn, Giesta, Lopes, Morad and Rebeiro OPPOSED.)

CHARTER RULED by Councillor Dunn – April 11, 2019.

Received and Placed on File. (#0640)

REVISED DRAFT Possible Legislative Language – between the City of New Bedford and the Alma del Mar Charter School, dated April 3, 2019.

Referred to the Committee on Appointments and Briefings – FAILED – Yeas 5, Nays 6. (Councillors Dunn, Giesta, Lopes, Morad and Rebeiro OPPOSED.)

CHARTER RULED by Councillor Dunn – April 11, 2019.

Received and Placed on File. (#0641)

COMMUNICATION, Council President Morad, submitting AN ACT, Relative to the Operation of Charter Schools in the City of New Bedford, said matter was Charter Ruled at the April 11th City Council Meeting. (To be Referred to Representative Markey to submit on behalf of the city of New Bedford; Copy all Councillors via email on April 22, 2019.)

Adopted – Yeas 8, Nays 2.

Presented to the Mayor for approval April 29, 2019.

Approved May 7, 2019. (#0749)

REPORT, Committee on Ordinances, recommending to the City Council to REJECT the Proposal of the rezoning of 157 – 161 Coggeshall Street, Plot 93, Lot 169, New Bedford, MA, from Mixed-Use Business to Industrial “B”.

Recommendation Followed. (#0750)

REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, AS AMENDED, amending Chapter 15, Licenses and Permits; Business Regulations, that will allow the City to permit commercial aquaculture in its waters.

Recommendation Followed. (#0751)

AN ORDINANCE,

Referred to the Committee on Ordinances – March 28, 2019.

To be Passed to a Second Reading, as amended. (#0546)

REPORT, Committee on City Property, recommending to the City Council that the City Property Committee ACCEPTED the Proposal submitted by PACE and APPROVED the lease and purchase of the property located at 32 Madison Street known as the former T. A. Greene School subject to the City Solicitor’s negotiating the terms to assure that the bid selection, lease and purchase comply with Chapter 30B of the Massachusetts General Laws.

Recommendation Followed. (#0752)

REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER for the TRANSFER of \$160,000.00 from DOWNTOWN ENTERPRISE FUND, FREE CASH, to DOWNTOWN ENTERPRISE FUND, CHARGES & SERVICES in the amount of \$60,000.00 and DOWNTOWN ENTERPRISE FUND, CAPITAL OUTLAY in the amount of \$100,000.00.

Recommendation Followed. (#0753)

CITY OF NEW BEDFORD
IN CITY COUNCIL
APRIL 25, 2019

ORDERED, that the sum of **ONE HUNDRED SIXTY THOUSAND DOLLARS (\$160,000)** now standing to the credit of the account from **DOWNTOWN ENTERPRISE FREE CASH** be and the same is hereby transferred and appropriated to as follows:

DOWNTOWN ENTERPRISE CHARGES AND SERVICES.....\$60,000
DOWNTOWN ENTERPRISE CAPITAL OUTLAY.....\$100,000

To be certified and approved by the Department Head.

Referred to the Committee on Finance -February 14, 2019.

Adopted.

Presented to the Mayor for approval April 29, 2019.

Approved May 7, 2019. (#0217)

REPORT, Committee on Finance, recommending to the City Council ADOPTION of the LOAN ORDER, AS AMENDED, in the amount of \$3,975,000.00 for the purpose of making critically-needed repairs to City-owned buildings including, but not limited to, projects for the repair and renovations of public safety facilities, recreational facilities, general office space, roads and infrastructure.

Recommendation Followed. (#0754)

LOAN ORDER,

Referred to the Committee on Finance – December 13, 2018.

Amended amount of \$3,500,000.00 and Referred to the Committee on Finance – March 14, 2019.

Passed, to a Second Reading, as amended. (#1954)

REPORT, Committee on Ordinances, recommending to the City Council to take “**NO FURTHER ACTION**” on a WRITTEN MOTION, Councillor Abreu, requesting, that the City Council engage in dialogue with our Health Department and the Department of Inspectional Services about implementing mandatory CPR and Heimlich training and certifications for all New Bedford restaurants, bars, food-related cafes and establishments which seat less than 25 patrons, currently, Massachusetts General Law (105:CMR-Mass Dept. of Health 590.003(A)(2) Mgmt. and Personnel) has only established a mandatory statewide law for all restaurants which seat 25 or more patrons that they must have on its premises while food is being served a person trained and certified in CPR; and further, a collaborative approach on the local level on this issue could help potentially save lives.

Recommendation Followed. (#0755)

WRITTEN MOTION, Councillor Abreu, requesting, that the City Council engage in dialogue with our Health Department and the Department of Inspectional Services about implementing mandatory CPR and Heimlich training and certifications for all New Bedford restaurants, bars, food-related cafes and establishments which seat less than 25 patrons, currently, Massachusetts General Law (105:CMR - Mass Dept. of Health 590.003(A)(2) Mgmt. and Personnel) has only established a mandatory statewide law for all restaurants which seat 25 or more patrons that they must have on its premises while food is being served a person trained and certified in CPR; and further, a collaborative approach on the local level on this issue could help potentially save lives. (Referred to the Committee on Ordinances – September 28, 2017.)

Referred to the Health Department, the Department of Inspectional Services and the Committee on Ordinances – September 28, 2017.

Presented to the Mayor for approval October 02, 2017.

RETURNED UNSIGNED October 26, 2017.

NO FURTHER ACTION. (#1675)

REPORT, Committee on Ordinances, recommending to the City Council to take **“NO FURTHER ACTION”** on a WRITTEN MOTION, Councillors Coelho, Lopes and Giesta, requesting, that the Committee on Ordinances look into the possibility of creating an Ordinance, addressing jaywalking in the City of New Bedford, jaywalking as defined by crossing the street in an illegal or unsafe manner, whereupon Police can enforce jaywalking laws by issuing citations, the penalty of violating jaywalking laws typically would include a fine similar to a parking ticket, in many jurisdictions, fines increase with repeat jaywalking offenses.

Recommendation Followed. (#0756)

WRITTEN MOTION, Councillors Coelho, Lopes and Giesta, requesting, that the Committee on Ordinances look into the possibility of creating an Ordinance addressing jaywalking in the City of New Bedford, jaywalking as defined by crossing the street in an illegal or unsafe manner, whereupon Police can enforce jaywalking laws by issuing citations, the penalty for violating jaywalking laws typically would include a fine similar to a parking ticket, in many jurisdictions, fines increase with repeat jaywalking offenses. (Referred to the Committee on Ordinances – September 13, 2018.)

Referred to the Committee on Ordinances – September 13, 2018.
NO FURTHER ACTION. (#1490)

REPORT, Committee on Ordinances, recommending to the City Council to take **“NO FURTHER ACTION”** on a WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Ordinances meet with the Inspectional Services Commissioner to discuss implementing an Ordinance that would give City residents and Property Owners, with enough footage, an opportunity to put solar panels in their backyards instead of the traditional roof solar panels; and further that the City Solicitor along with the City Council’s Legislative Counsel begin drafting an Ordinance that would allow residents with enough space, to utilize their backyards to locate a solar farm.

Recommendation Followed. (#0757)

WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Ordinances meet with the Inspectional Services Commissioner to discuss implementing an Ordinance that would give City residents and Property Owners, with enough footage, an opportunity to put solar panels in their backyards instead of the traditional roof solar panels; and further that the City Solicitor along with the City Council’s Legislative Counsel begin drafting an Ordinance that would allow residents with enough space, to utilize their backyards to locate a solar farm. (Referred to the Committee on Ordinances – September 13, 2018.)

Referred to the Committee on Ordinances – September 13, 2018.
NO FURTHER ACTION. (#1492)

REPORT, Committee on City Property, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Giesta, requesting, that the City Council direct the Committee on City Property, prior to taking any votes on any proposals regarding the Phillips Avenue School, hold a public hearing in order to acquire information, thoughts and opinions from the various citizens in and around the neighborhood or from anyone else who may be interested in the fate of the former Phillips Avenue School property.

Recommendation Followed. (#0758)

WRITTEN MOTION, Councillor Giesta, requesting, that the City Council direct the Committee on City Property, prior to taking any votes on any proposals regarding the Phillips Avenue School, hold a public hearing in order to acquire information, thoughts and opinions from the various citizens in and around the neighborhood or from anyone else who may be interested in the fate of the former Phillips Avenue School property. (Referred to the Committee on City Property – October 11, 2018.)

Referred to the Committee on City Property – October 11, 2018.
NO FURTHER ACTION. (#1697)

REPORT, Committee on Finance, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Lopes, requesting that the Committee on Finance meet with the City Treasurer and the Commissioner of the Department of Public Infrastructure to discuss a temporary establishment of an amnesty program for the collection of quarterly Real Estate Tax, Water and Sewer bills for those City residents effected by the Government furlough, said amnesty program would allow for the City residents effected by the furlough to establish a

payment plan with the City of New Bedford void of any penalties and interest on the unpaid portion of City billings during the United States Government furlough and for a period of 60 days after the conclusion of the furlough.

Recommendation Followed. (#0759)

WRITTEN MOTION, Councillor Lopes, requesting that the Committee on Finance meet with the City Treasurer and the Commissioner of the Department of Public Infrastructure to discuss a temporary establishment of an amnesty program for the collection of quarterly Real Estate Tax, Water and Sewer bills for those City residents effected by the Government furlough, said amnesty program would allow for the City residents effected by the furlough to establish a payment plan with the City of New Bedford void of any penalties and interest on the unpaid portion of City billings during the United States Government furlough and for a period of 60 days after the conclusion of the furlough. (Referred to the Committee on Finance – January 24, 2019.)

Referred to the Committee on Finance – January 24, 2019.

NO FURTHER ACTION. (#0154)

REPORT, Committee on Finance, recommending to the City Council to take **“NO FURTHER ACTION”** on the COMMUNICATION, Councillor Lopes and Council President Morad, submitting the 2018 New Bedford Economic Development Council Tax Increment Financing Program Annual Report.

Recommendation Followed. (#0760)

COMMUNICATION, Councillor Lopes and Council President Morad, submitting the 2018 New Bedford Economic Development Council Tax Increment Financing Program Annual Report. (Referred to the Committee on Finance – February 14, 2019.)

Referred to the Committee on Finance – February 14, 2019.

NO FURTHER ACTION. (#0251)

CITY OF NEW BEDFORD
IN CITY COUNCIL
FEBRUARY 28, 2019

A BOND ORDER TO AUTHORIZE THE BORROWING OF FUNDS TO PAY COSTS OF CONSTRUCTION OF A SOUTH PUBLIC SAFETY CENTER TO BE LOCATED ON THE PROPERTY LOCATED AT BROCK AVENUE AND RUTH STREET INCLUDING THE DEMOLITION OF THE FORMER ST. ANNE’S CHURCH AND SCHOOL.

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF NEW BEDFORD AS FOLLOWS:

ORDERED that \$17,000,000 is appropriated to pay the costs of site preparation and construction of the South Public Safety Center, to be located at the intersection of Brock Avenue and Ruth Street, including the demolition of the former St. Anne's Church and School and including the payment of all other costs incidental or related thereto (the "Project"); that to meet this appropriation the Treasurer with the approval of the Mayor and the Committee on Finance is authorized to borrow \$17,000,000 under Chapter 44 of the General Laws or any other enabling authority and issue bonds or notes therefor, provided that the debt incurred for the Project by this order shall be defeased in part by the amount of proceeds from the sale of the following properties that are to be decommissioned as a result of this Project: Fire Station 3 (834 Kempton Street), Fire Station 6 (151 Purchase Street), Fire Station II (754 Brock Avenue) and Police Station (170 Cove Street); and the Mayor is authorized to take any other action necessary to carry out this project.

FURTHER ORDERED: That any premium received by the City upon the sale of any bonds or notes hereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs, and further, the amount authorized to be borrowed hereunder shall be reduced by the amount of any such premium so applied.

FURTHER ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

Referred to the Committee on Finance – February 28, 2019.

Passed to a Second Reading – March 08, 2019.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval April 29, 2019.

Approved May 7, 2019. (#0318)

CITY OF NEW BEDFORD
IN CITY COUNCIL
MARCH 28, 2019

AN ORDER APPROPRIATING \$2,266,968 FOR ACCELERATED REPAIR PROJECT AT THE JOHN AVERY PARKER ELEMENTARY SCHOOL AND TRINITY DAY ACADEMY

BE IT ORDERED, BY THE CITY COUNCIL, OF THE CITY OF NEW BEDFORD AS FOLLOWS:

That the City appropriate the amount of Two Million Two Hundred Sixty-Six Thousand Nine Hundred Sixty-Eight (\$2,266,968) for the purpose of paying the costs of repairs to John Avery Parker Elementary School, 705 County Street, New Bedford, and Trinity Day Academy, 181 Hillman Street, New Bedford, consisting of the replacement of the roof at the John Avery Parker School and the replacement of the boiler at Trinity Day Academy, including the payment of all costs incidental or related thereto (the "Projects"); which proposed repair projects will materially extend the useful life of the schools and preserve an asset that otherwise is capable of supporting the required educational program, and for a portion of which the City has applied for a grant from the Massachusetts School Building Authority (MSBA), said amount to be expended under the direction of the School Committee; that to meet this appropriation the Treasurer with the approval of the Mayor and the Committee Finance is authorized to borrow such amount under M.G.L. Chapter 44, Chapter 70B, or pursuant to any other enabling authority; that the City acknowledges the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant that may be received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City of New Bedford may receive from the MSBA for the eligible portion of the project shall not exceed the lesser of (1) eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and provided that the amount of borrowing authorized pursuant to this order shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA; and further that a portion of the amount appropriated and authorized to be borrowed under this order shall be provided by a transfer of \$1,000,000 of the appropriation and borrowing authority for the accelerated repair project at the John Avery Parker Elementary School authorized by the order of the City Council approved by the Mayor on January 20, 2017, and that such order be amended to reduce the appropriation and borrowing authority accordingly.

Further that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws and any or all the bonds and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

Further, that any premium received by the City upon sale of any bonds or notes hereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed hereunder shall be reduced by the amount of any such premium so applied; and the Mayor is authorized to take any other action necessary to carry out this project.

Passed to a Second Reading – March 28, 2019.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval April 29, 2019.

Approved May 7, 2019.

(#0535)

CITY OF NEW BEDFORD
IN CITY COUNCIL
MARCH 28, 2019

AN ORDER APPROPRIATING \$360,722 FOR ACCELERATED REPAIR PROJECT AT THE ELIZABETH CARTER BROOKS ELEMENTARY SCHOOL

BE IT ORDERED, BY THE CITY COUNCIL OF THE CITY OF NEW BEDFORD AS FOLLOWS:

That the City appropriate the amount of Three Hundred Sixty Thousand Seven Hundred and Twenty-Two Dollars (\$360,722), which amount is in addition to the amount of \$4,100,334 approved under the order of the City council passed March 22, 2018, for the purpose of paying the costs of repairs to the Elizabeth Carter Brooks Elementary School consisting of the replacement of windows, doors, boiler, the abatement of hazardous material, handicap accessibility improvements and a new fire alarm system including the payment of all costs incidental or related thereto (the "Project"); which proposed repair project will materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for a portion of which the City has applied for a grant from the Massachusetts School Building Authority (MSBA), said amount to be expended under the direction of the School Committee; that to meet this appropriation the Treasurer with the approval of the Mayor and the Committee on Finance is authorized to borrow such amount under M.G.L. Chapter 44, Chapter 70B, or pursuant to any other enabling authority; that the City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant that may be received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City of New Bedford may receive from the MSBA for the

eligible portion of the project shall not exceed the lesser of (1) eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and provided that the amount of borrowing authorized pursuant to this order shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA; and further that the amount appropriated and authorized to be borrowed under this order shall be provided by a transfer of \$360,722 of the appropriation and borrowing authority for the Taylor School at SeaLab project authorized by the order of the City Council approved by the Mayor on October 14, 2014, and that such order be amended to reduce the appropriation and borrowing authority accordingly.

Further that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws and any or all the bonds and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes

Further, that any premium received by the City upon sale of any bonds or notes hereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed hereunder shall be reduced by the amount of any such premium so applied; and the Mayor is authorized to take any other action necessary to carry out this project.

Passed to a Second Reading – March 28, 2019.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval April 29, 2019.

Approved May 7, 2019.

(#0537)

AN ORDINANCE, amending Chapter 12, HEALTH & SANITATION - Section 12-39.5 Unattended Clothing Donation Containers. (Passed to a Second Reading, as amended March 28, 2019.)

Referred to the Committee on Ordinances – October 25, 2018.

Passed to a Second Reading, as Amended – March 28, 2019.

Passed, to be Ordained.

Presented to the Mayor April 29, 2019.

Approved May 7, 2019.

(#1730)

AN ORDINANCE, amending Chapter 17, Section 17-18 Noncriminal disposition of violations of certain Ordinances, rules and regulations - by adding Section 12-39.5 Unattended clothing donation containers. (Passed to a Second Reading - March 28, 2019.)

Referred to the Committee on Ordinances – October 25, 2018.

Passed to a Second Reading – March 28, 2019.

Passed, to be Ordained.

Presented to the Mayor April 29, 2019.

Approved May 7, 2019.

(#1731)

AN ORDINANCE, amending Chapter 17, Section 17-28 Chapter 40U of the Massachusetts General Laws - by adding Section 12-39.5 Unattended clothing donation containers. (Passed to a Second Reading - March 28, 2019.)

Referred to the Committee on Ordinances – October 28, 2018.

Passed to a Second Reading – May 28, 2019.

Passed, to be Ordained.

Presented to the Mayor April 29, 2019.

Approved May 7, 2019.

(#1732)

WRITTEN MOTION, Councillor Lopes, requesting that the Administration establish a Public Arts Fund which will be derived from a yearly transfer, 10% from the Arts and Culture Fund and 1 % on building Loan Orders in excess of ten (10) million dollars. (To be Referred to the Administration and CFO Sky.)

Referred to the Administration and CFO Sky.

Presented to the Mayor for approval April 29, 2019.

RETURNED UNSIGNED May 14, 2019.

(#0761)

WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Birgilio Cabral the Owner of Union Fruit Market located at 111 Ruth Street, that the Traffic Commission install a 30-minute parking sign in front of said business. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission.

(#0762)

WRITTEN MOTION, Councillors Giesta, Coelho and Abreu, requesting that the Department of Facilities and Fleet Management work with ABC Disposal Service, Inc. to make sure that trash, furniture, mattresses, etc., left in front of properties are those of the homeowner before issuing a Citation and if a Citation is issued, DFFM should contact the owner directly, either by phone or mail and not leave the Citation attached to the door of the property that they have determined is in violation; and further, the City should also give the owner 30 days to fix the violation, and putting a lien on the property that is in violation is an excessive penalty especially for the first offense.

Referred to the Committee on Appointments and Briefings. (#0763)

WRITTEN MOTION, Councillor Dunn, requesting, that Director of Tourism and Marketing, Dagny Ashley provide an update to the City Council on efforts to leverage the upcoming Plymouth 400 to attract tourism to the City of New Bedford.

Referred to the Department of Tourism and Marketing.

Councillor Dunn made a Motion to RECONSIDER the matter – All Ayes.

Referred to the Committee on Appointments on Briefings. (#0764)

WRITTEN MOTION, Councillor Markey, requesting, that Airport Director, Scot Servis be invited to attend a Special Committee on the Airport meeting to update the Council on the current status and operation of the New Bedford Regional Airport.

Referred to the Special Committee on the Airport. (#0765)

WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Public Safety and Neighborhoods meet with Hank Turgeon, President of the New Bedford Police Union along with the Executive Board for the purposes of discussing the recent Police survey, morale, and the recent vote by the New Bedford Police Union; and further, to also discuss the recent study and assessment of the New Bedford Police Department that was done by the City at a cost of \$80,000.; and further, that if needed, the Committee on Public Safety and Neighborhoods go into Executive Session to protect the best interests of the Police Department and public safety of the City; and further, that the Police Chief release to the Committee on Public Safety and Neighborhoods the crime statistics for the years 2014 through 2018, more importantly the year 2015 that has never been submitted to the FBI, and that this information be provided to said Committee within 14 business days. (To be Referred to the Committee on Public Safety and Neighborhoods and Rule 40 Waived.)

Referred to the Committee on Public Safety and Neighborhoods and Police Chief Cordeiro – Yeas 9, Nays 1.

RETURNED UNSIGNED May 14, 2019. (#0766)

WRITTEN MOTION, Councillor Gomes, requesting, that the Department of Public Infrastructure do an immediate inventory of all of the City's street lights and their ground bases, due to the number of deteriorating ground bases throughout the City; and further, that immediate action be taken to replace those streetlights and ground bases, this request is made on behalf of public safety and liability to the City if one of these light poles should come down due to their deteriorating conditions. (To be Referred to the Committee on Public Safety and Neighborhoods.)

Referred to the Committee on Public Safety and Neighborhoods. (#0767)

On a motion, the Council then adjourned at 7:48p.m.

ATTEST:

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