

**CITY COUNCIL CALENDAR
THURSDAY, JUNE 13, 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:

PLEDGE OF ALLEGIANCE

HEARINGS

1. HEARING, NSTAR Electric Company d/b/a Eversource Energy for location of three (3) 4" Conduits in BROCK AVENUE, Opposite Butler Street.

1a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$63,646.00, from TRAFFIC CAPITAL OUTLAY to TRAFFIC OTHER FINANCING USES.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Purchasing Department known as the PURCHASING REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$200,000.00, is hereby authorized for FISCAL YEAR 2020.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Planning Department, known as the ZONING BOARD OF APPEALS REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$33,000.00, is hereby authorized for FISCAL YEAR 2020.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Fire Department known as the COMMUNITY TRAINING REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$27,000.00, is hereby authorized for FISCAL YEAR 2020.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the MIS Department known as the SOUTHEASTERN REGIONAL POLICE REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$17,000.00, is hereby authorized for FISCAL YEAR 2020.

M5a. AN ORDER,

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M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Library, known as the LIBRARY EQUIPMENT REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$15,000.00, is hereby authorized for FISCAL YEAR 2020.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER,, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Clerk of Committees Department known as the COUNCIL SPECIAL PERMIT REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$5,000.00, is hereby authorized for FISCAL YEAR 2020.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the School Department known as the FOOD SERVICE CONCESSION REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$2,861.00, is hereby authorized for FISCAL YEAR 2020.

M8a AN ORDER,

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the TANGIBLE SUPPLY REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$53,250.00 (DFFM - \$40,000.00; School - \$13,250), is hereby authorized for FISCAL YEAR 2020.

M9a. AN ORDER,

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Department of Facilities and Fleet known as the QUEST CENTER REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$47,827.00, is hereby authorized for FISCAL YEAR 2020.

M10a. AN ORDER,

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Community Services known as the ADULT DAY PROGRAM REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$177,000.00, is hereby authorized for FISCAL YEAR 2020.

M11a. AN ORDER,

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Community Services known as the SENIOR TRAVEL REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$135,000.00, is hereby authorized for FISCAL YEAR 2020.

M12a. AN ORDER,

M13. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Community Services, known as the SENIOR TRANSPORTATION REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$10,000.00, is hereby authorized for FISCAL YEAR 2020.

M13a. AN ORDER,

6/11/2019 3:32:34 PM CITY CLERK

M14. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Community Services, known as the SENIOR ACTIVITIES REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$3,500.00, is hereby authorized for FISCAL YEAR 2020.

M14a. AN ORDER,

M15. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Department of Public Infrastructure known as the NEW BEDFORD RAILYARD REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$300,000.00, is hereby authorized for FISCAL YEAR 2020.

M15a. AN ORDER,

M16. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Department of Public Infrastructure known as the NEW BEDFORD ENERGY NOW REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$21,241.00, is hereby authorized for FISCAL YEAR 2020.

M16a. AN ORDER,

M17. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Parks and Recreation Department known as the FORT TABER REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$80,000.00, is hereby authorized for FISCAL YEAR 2020.

M17a. AN ORDER,

M18. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Parks and Recreation Department known as the SUPPORTIVE RECREATION REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$55,000.00, is hereby authorized for FISCAL YEAR 2020.

M18a. AN ORDER,

M19. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Parks and Recreation Department, known as the GOLF COURSE REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$20,000.00, is hereby authorized for FISCAL YEAR 2020.

M19a. AN ORDER,

M20. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Parks and Recreation Department known as the DOG PARK REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$5,000.00, is hereby authorized for FISCAL YEAR 2020.

M20a. AN ORDER,

M21. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Inspectional Services Department known as the VACANT BUILDING REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$662,314.00, is hereby authorized for FISCAL YEAR 2020.

M21a. AN ORDER,

M22. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Inspectional Services Department known as the DEMOLITION REVOLVING FUND, whose revenues collected and amount limited to be spent estimated at \$38,166.00, is hereby authorized for FISCAL YEAR 2020.

M22a. AN ORDER,

M23. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR Waiver of Residency for JODI GOODMAN, Special Collections Librarian, who currently resides in Providence, Rhode Island; attached is correspondence to support the reason for this request.

M24. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR Waiver of Residency for BRIAN PRATT, as a Variable Time Paramedic, Department of Emergency Services, who currently resides in Acushnet, MA.

M25. 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.

NEW BUSINESS

2. REPORT, Committee on City Property, recommending that the City Council go on record in support of the “Grand Panorama of a Whaling Voyage Around The World” A Spectacle In Motion and its continued support of the Whaling Museum and its Board.

3. REPORT, Committee on City Property, informing the City Council that the Committee on City Property approved a twenty-year leasehold interest in property owned by the City of New Bedford, consisting of approximately 2.745 acres of vacant land located on the West Side of East Rodney French Boulevard, shown on City of New Bedford Assessor’s Map 12, as Lot 298 and that the City Property Committee accepted the RFP with the changes that were recommended by the Committee to Attorney Blair Bailey and once the changes are made the RFP will be released.

4. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of an ORDINANCE amending Chapter 20, Department of Planning and Community Development, dissolving the consolidated Department of Planning and Community Development and reinstating the Stand-alone departments of Planning and of Housing and Community Development.

4a. AN ORDINANCE, (To be Passed to a Second Reading; Referred to the Committee on Ordinances – March 28, 2019.)

5. REPORT, Committee on City Property, recommending that the City Council take “**NO FURTHER ACTION**” on a COMMUNICATION, Mary Rapoza, to Committee on City Property, submitting an Information Sheet relative to Park Use Fees.

6. REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council to take “**NO FURTHER ACTION**” on a RELATED MOTION, City Council President Morad, requesting that the Members of the Committee on Public Safety and Neighborhoods tour the new Fire Department’s Boat.

6a. RELATED MOTION, City Council President Morad, requesting that the Members of the Committee on Public Safety and Neighborhoods tour the new Fire Department’s Boat. (Referred to the Committee on Public Safety and Neighborhoods – August 18, 2016.)

7. REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council to take **“NO FURTHER ACTION”** on a RELATED MOTION, Councillor Gomes, requesting that Mayor Mitchell and DPI Commissioner Ponte provide the City Council with the cost of installing cobblestone architecture at all major intersections with median strips throughout the City such as the one that has been installed at the Octopus on Route 6 entering New Bedford from Fairhaven; and further, that the City work together with the State for permission to install cobblestone architecture median strips at some of the major State intersections, such as Rt. 195 and Rt. 140 that intervene with City intersections; and further, that the City consider masonry concrete planter boxes with diamond or triangle top edging to be placed at these intersections with non-maintenance annual green perennials keeping the intersections attractive and welcoming to tourist and City residents; and further, that the City consider Community Development Block Grant monies or Community Preservation funds for the project if needed.

7a. RELATED MOTION, Councillor Gomes, requesting that Mayor Mitchell and DPI Commissioner Ponte provide the City Council with the cost of installing cobblestone architecture at all major intersections with median strips throughout the City such as the one that has been installed at the Octopus on Route 6 entering New Bedford from Fairhaven; and further, that the City work together with the State for permission to install cobblestone architecture median strips at some of the major State intersections, such as Rt. 195 and Rt. 140 that intervene with City intersections; and further, that the City consider masonry concrete planter boxes with diamond or triangle top edging to be placed at these intersections with non-maintenance annual green perennials keeping the intersections attractive and welcoming to tourist and City residents; and further, that the City consider Community Development Block Grant monies or Community Preservation funds for the project if needed. (Referred to the Committee on Public Safety and Neighborhoods – May 8, 2018.)

8. REPORT, Committee on Public Safety & Neighborhoods, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Rebeiro, Council President Morad, Councillors Abreu and Carney, requesting, that the Management of King Village East be invited to attend the Committee on Public Safety and Neighborhoods meeting to explain why they are closing the Community Room on the weekends, specifically on Sunday, when there is a service at 10:00 a.m., as they are denying a vulnerable population the right to exercise their religious freedom.

8a. WRITTEN MOTION, Councillor Rebeiro, Council President Morad, Councillors Abreu, and Carney, requesting, that the Management of King Village East be invited to attend the Committee on Public Safety and Neighborhoods meeting to explain why they are closing the community room on the weekends, specifically on Sunday, when there is a service at 10:00 a.m., as they are denying a vulnerable population the right to exercise their religious freedom. (Referred to the Committee on Public Safety and Neighborhoods – May 8, 2018.)

9. LOAN ORDER, ORDERED, that the City appropriates \$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 renovation of public safety facilities, general office space, and roads and infrastructure and all costs incidental and related thereto. (FY2019-2023 Capital Improvement Program.) (Passed to a Second Reading - April 25, 2019.)

10. REPORT, Committee on City Property, recommending to the City Council ADOPTION of the ORDER, that the City Solicitor obtain appraisals of land located on King’s Highway, from the Route 140 overpass to Oliver Street for the purpose of acquiring permanent and construction easements, through eminent domain or other legal means; said easements are necessary for widening of the roadway to accommodate turn lanes and improve traffic flow through a highly congested corridor.

10a. AN ORDER,

11. REPORT, Committee on City Property, recommending to the City Council ADOPTION of AN ORDER, that the City of New Bedford waives the appraisal requirement and the right of any damages the City may be entitled to with respect to five permanent easements and two temporary easements to be acquired by the Massachusetts Department of Transportation for the purpose of altering and improving King’s Highway and for all other uses incidental to said municipal purposes and further authorizes the Mayor to execute on behalf of the City of New Bedford a MassDOT Land Damage Agreement and Right of Entry form.

11a. AN ORDER,

6/11/2019 3:32:34 PM CITY CLERK

12. AN ORDINANCE, amending Chapter 15 License and Permit; Business Regulations by adding Section 15-73 SHELLFISH AQUACULTURE LICENSES. (Passed to a Second Reading - April 25, 2019.)

13. WRITTEN MOTION, Councillor Gomes, requesting, that the Department of Public Infrastructure sweep and clean the streets prior to the Cape Verdean Recognition Day Parade on SATURDAY, JULY 06, 2019, the Parade route is as follows: ROCKDALE AVENUE AND UNION STREET, proceed down UNION STREET, right onto ACUSHNET AVENUE, right onto GRINNELL STREET, right onto PURCHASE STREET, ending at the reviewing stand located at the CAPE VERDEAN-AMERICAN VETERANS MEMORIAL HALL, 561 PURCHASE STREET. (Copy of the Parade Permit enclosed.)

14. WRITTEN MOTION, Councillors Dunn, Giesta, Gomes, Lopes and Abreu, requesting, that Pride Month be recognized by the City of New Bedford by flying the Pride Flag at City Hall throughout the month of June to promote respect and solidarity with our LGBTQ community.

15. WRITTEN MOTION, Councillor Gomes, requesting, that the new Public Safety building on Brock Avenue be named the "Sgt. Joseph Camara Public Safety Center" in honor of Staff Sgt. Joseph Camara, who dedicated his life to the Citizens of New Bedford as a Police Officer, and also served our Country in the United States Army National Guard, making the ultimate sacrifice, giving his life on September 01, 2003, when a landmine struck his Humvee outside of Baghdad, Iraq. (To be Referred to the Mayor and the Committee on City Property.)

16. 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."

17. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Noel Ciminello, 22 Shannon Way, Dartmouth, MA 02747 d/b/a Yes! We Van, 167 Butler Street, New Bedford, MA 02744**, 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. **(This license will expire June 30, 2020.)**

18. COMMUNICATION/EMAIL, Council President Morad, submitting a letter from Jeffrey C. Riley, Commissioner, Massachusetts Department of Elementary and Secondary Education, regarding the Alma del Mar Charter School enrollment increase. (Copy all Councillors 06/04/2019.)

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.***