

**CITY COUNCIL CALENDAR
THURSDAY, APRIL 11, 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: MAJOR MICHAEL JUNG, SALVATION ARMY

PLEDGE OF ALLEGIANCE

MAYOR'S PAPERS

M1. 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.

M1a. REVISED DRAFT Possible Legislative Language – between the City of New Bedford and the Alma del Mar Charter School, dated April 3, 2019.

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$75,000 from FREE CASH, to FACILITIES AND FLEET MANAGEMENT, OTHER FINANCING USES.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting a WAIVER OF RESIDENCY for ROBERT TETREAULT, Waterfront Supervisor, in the Parks, Recreation and Beaches Department who resides in Mattapoisett.

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JOSHUA AMARAL, New Bedford, to the GREATER NEW BEDFORD REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL DISTRICT COMMITTEE; this term will expire May 1, 2023.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of BRUCE DUARTE, New Bedford, MA to the VETERANS ADVISORY BOARD; this term will expire December 2021.

NEW BUSINESS

1. REPORT, Committee on City Property recommending that the City Council ADOPT the ORDER attached hereto for the acquisition of the land purchase price for Tifereth Israel Congregation, as described in said order.

1a. ORDER, (Referred to the Committee on City Property February 28, 2019.)

2. REPORT, Committee on City Property, recommending that the City Council ADOPT the ORDER attached hereto for the transfer of the land to the Tifereth Israel Congregation, as described in said order.

2a. ORDER, (Referred to the Committee on City Property February 28, 2019.)

3. REPORT, Committee on City Property, recommending that the City Council APPROVE the acquisition of the described land pursuant to the terms of the Committee's chosen proposal and attached hereto; and not to exceed a cost of \$350,000 and authorize the City Solicitor and the Administration to take the necessary action and execute the necessary documents to perform the land acquisition for the proposed Public Safety Facility at Ruth and Salisbury Streets and Brock Avenue.

4. REPORT, Committee on Appointments & Briefings, recommending to the City Council ADOPTION of the ORDER, authorizing the Statement of Interest (SOI) Form to the Massachusetts School Building Authority for the following elementary school: James B. Congdon Elementary School, located at 50 Hemlock Street, New Bedford.

4a. AN ORDER, (Referred to the Committee on Appointments and Briefings – March 28, 2019.)

5. REPORT, Committee on Appointments & Briefings, recommending to the City Council ADOPTION of the ORDER, authorizing the Statement of Interest (SOI) Form to the Massachusetts School Building Authority for the following elementary school: John B. DeValles Elementary School, located at 120 Katherine Street, New Bedford.

5a. AN ORDER, (Referred to the Committee on Appointments and Briefings – March 28, 2019.)

6. REPORT, Committee on Appointments & Briefings, recommending to the City Council that the School Committee invite a member of the City Council (as designated by the Council President) to all future discussions regarding building construction or repairs so that we are working jointly to determine future projects that will be considered for funding.

7. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of SHAYNE M. TRIMBELL, New Bedford, MA 02740, as an Alternate Member to the PLANNING BOARD; Mr. Trimbell will be replacing George N. Smith, whose term has expired; this term will expire September 2021.

7a. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of SHAYNE M. TRIMBELL, New Bedford, MA 02740, as an Alternate Member to the PLANNING BOARD; Mr. Trimbell will be replacing George N. Smith, whose term has expired; this term will expire September 2021. (Referred to the Committee on Appointments and Briefings – February 28, 2019.)

8. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of CELESTE PALEOLOGOS, New Bedford, MA, 02746, to the ZONING BOARD OF APPEALS; this term will expire December 2020.

8a. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of CELESTE PALEOLOGOS, New Bedford, MA, 02746, to the ZONING BOARD OF APPEALS; this term will expire in December 2020. (Referred to the Committee on Appointments and Briefings – February 28, 2019.)

9. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL on behalf of JOSEPH A. NEVES, 574 Allen Street, New Bedford, MA 02740 d/b/a NEVES BUS COMPANY, INC., 574 Allen Street, New Bedford, MA 02740, of the Application requesting a NEW PRIVATE LIVERY LICENSE, to carry passengers for hire over the streets of New Bedford.

9a. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of JOSEPH A. NEVES, 574 Allen Street, New Bedford, MA 02740 d/b/a NEVES BUS COMPANY, INC., 574 Allen Street, New Bedford, MA

02740, hereby submits a copy of the Application requesting a **NEW PRIVATE LIVERY LICENSE**, to carry passengers for hire over the streets of New Bedford. (Referred to the Committee on Appointments and Briefings – February 28, 2019.)

10. REPORT, Committee on Appointments & Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors Carney, Gomes, Dunn, Coelho and Rebeiro, requesting, that Congressman Keating, State Senator Montigny, Representative Cabral, a Representative from the Department of Housing and Urban Development (HUD) and the Department of Housing and Community Development, walk through the King Village Apartments to immediately address the deplorable conditions that residents are forced to live in since the new ownership has taken over; and further, that the Committee on Appointments and Briefings meet with King Village Ownership and HUD Officials to discuss the environmental concerns, security measures, maintenance and building construction.

10a. WRITTEN MOTION, Councillors Carney, Gomes and Dunn, requesting, that Congressman Keating, State Senator Montigny, Representative Cabral, a Representative from the Department of Housing and Urban Development (HUD) and the Department of Housing and Community Development, walk through the King Village Apartments to immediately address the deplorable conditions that residents are forced to live in since the new ownership has taken over; and further, that the Committee on Appointments and Briefings meet with King Village Ownership and HUD Officials to discuss the environmental concerns, security measures, maintenance and building construction. (Referred to the Committee on Appointments and Briefings – October 26, 2017.)

11. REPORT, Committee on Appointments & Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors, Gomes, Carney and Rebeiro, requesting, that the Committee on Appointments and Briefings meet with John DaCosta, the property manager at King Village Apartments, and owner/owners of King Village Apartments, along with the residents of buildings east and west, the Health Department and the Department of Inspectional Services for a report on what has taken place since our last meeting with residents; and further, that the Council get an update on building improvements, security, outside building structure problems, mold and cleanliness of the building and other possible problems that may be harmful to the Senior population living at both locations; and further, that a representative from HUD, a representative from the Atty. General’s Office, the Dept. of Housing and Community Development, Senator Montigny, State Representative Antonio Cabral, along with Federal and State officials also be invited to said meeting.

11a. WRITTEN MOTION, Councillors Gomes, Carney and Rebeiro, requesting, that the Committee on Appointments and Briefings meet with John DaCosta, the property manager at King Village Apartments, and owner/owners of King Village Apartments, along with the residents of buildings east and west, the Health Department and the Department of Inspectional Services for a report on what has taken place since our last meeting with residents; and further, that the Council get an update on building improvements, security, outside building structure problems, mold and cleanliness of the building and other possible problems that may be harmful to the Senior population living at both locations; and further, that a representative from HUD, State Representative Antonio Cabral, along with Federal and State officials also be invited to said meeting. (Referred to the Committee on Appointments and Briefings – January 25, 2018.)

12. REPORT, Committee on Appointments & Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors Gomes, Carney and Rebeiro, requesting, once more that the Committee on Appointments and Briefings meet with management of Kings Village, this request comes once again on behalf of the residents; and further, that once again the Board of Health and the Department of Inspectional Services inspect the housing complex for rodent complaints, bedbugs, mold and mildew and the maintenance procedures that have not been done in the buildings following up on inspections that were done early this year; and further, once more that letters be sent to our State Legislative Delegation, HUD and State Health inspectors about the conditions at the senior citizen complex.

12a. WRITTEN MOTION, Councillors Gomes and Carney, requesting, once more that the Committee on Appointments and Briefings meet with management of Kings Village, this request comes once again on behalf of the

residents; and further, that once again the Board of Health and the Department of Inspectional Services inspect the housing complex for rodent complaints, bedbugs, mold and mildew and the maintenance procedures that have not been done in the buildings following up on inspections that were done early this year; and further, once more that letters be sent to our State Legislative Delegation, HUD and State Health inspectors about the conditions at the senior citizen complex. (Referred to the Committee on Appointments and Briefings – August 16, 2018.)

13. LOAN ORDER, ordered that \$7,662,000.00 is appropriated to pay the costs of upgrading and replacing the City's public safety radio communications system, including but not limited to fiber infrastructure and radio tower installations, detail study and conceptual design, licensing and infrastructure implementation. (Passed to a Second Reading - March 14, 2019.)

14. WRITTEN MOTION, Councillor Lopes, requesting that CFO Sky, City Treasurer Fernandes and DPI Commissioner Ponte, review the ongoing posting delays of the online water & sewer payments with the City's current lockbox provider. (To be Referred to the Committee on Finance.)

15. WRITTEN MOTION, Councillors Lopes, Abreu and Giesta, requesting on behalf of Antoine J. Khalife and Michael J. Khalife, that 157-161 Coggeshall Street, Plot 93/Lot 169 and 171 Coggeshall Street, Plot 93/Lot 227, be rezoned from Mixed-Use Business to Industrial "B". (To be Referred to the Committee on Ordinances and the Planning Board.)

16. WRITTEN MOTION, Councillors Lopes, Abreu and Giesta, requesting on behalf of Heidi Johnson "Trustee"/ Mitchell Street Trust - 2013, that E.S. Mitchell Street, Plot 93/Lot 275 be rezoned from Mixed-Use Business to Industrial "B". (To be Referred to the Committee on Ordinances and the Planning Board.)

17. WRITTEN MOTION, Councillors Rebeiro, Dunn, Abreu, Lima and Lopes, requesting that the City look into allowing restaurants and bars to pay an annual fee for one parking space to accommodate valet parking. (To be Referred to the Committee on Ordinances.)

18. WRITTEN MOTION, Councillors Gomes and Lopes, requesting that the Committee on Ordinances amend Chapter 9, Section 4131B of the Code of Ordinances, Relative to Marijuana Establishment Zoning. (To be Referred to the Committee on Ordinances and the Planning Board.)

18a. AN ORDINANCE, amending Chapter 9, Subsection (ii) of Section 4131B – Location Requirements and Restrictions – by striking the last paragraph of subsection and inserting – "The distance under this provisions 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." (To be Referred to the Committee on Ordinances and the Planning Board.)

18b. AN ORDINANCE, amending Chapter 9, Section 4131, Paragraph (a) of Subsection (ii) – Location Requirements and Restrictions – by adding 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." (To be Referred to the Committee on Ordinances and the Planning Board.)

19. WRITTEN MOTION, Councillors Rebeiro and Morad, requesting that the Administration forward all appointees to the City Council for service on the City's Condominium Review Board, that has been established per the City Charter and is currently inactive; said appointees should be forwarded for approval within the next 60 days. (Referred to the Administration.)

20. WRITTEN MOTION, Councilor Gomes, requesting, that immediate action be taken by the Administration and the City's Department that is responsible for closing the gates to Wings Court; said gates should be closed nightly from

9pm. until sunrise the following morning, this request comes after several complaints from residents living in this area of downtown where the quality of life is deteriorated by activities that go on after dark.

21. COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW of 859 BELLEVILLE AVENUE, (MAP 119/LOT 46), a Circa 1902 Two storey, wood-framed residence, advising that “the structure is not located in a National Register Historic District; the structure is of no notable historic significance either recorded or found with the existing condition of the structure; the structure has been extensively altered with the addition of applied siding along with replacement windows and doors; in accordance with New Bedford City Code, **Article XI, Section 2-157.3. (q) – Procedures for Review and Approval of Demolition Permits**, prior to the issuance of a demolition permit, all approvals necessary for the future use and development of the site, including without limitation, any necessary zoning variances or special permits, must be granted, and all appeals from the granting of such approvals must be concluded, “in light of these findings, the Preservation Planner has determined that the structure at 858 Belleville Avenue is neither Historically Significant nor a Preferably Preserved Structure.”

22. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **EDWARD M. PACHECO, 188 Hixville Road, Dartmouth, MA 02747 d/b/a PLACES TO GO, LLC, 188 Wamsutta Street, Office #3, 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 – July 30, 2020.)

23. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **SHAHID M. BOKHARI 78 Jouvette Street, New Bedford, MA 02744 d/b/a ARROW TRANSPORTATION, 78 Jouvette Street, New Bedford, MA 02744**, hereby submits a copy of the Application requesting a **NEW PRIVATE LIVERY LICENSE**, to carry passengers for hire over the streets of New Bedford. (Term of License April 02, 2019 – June 30, 2019.)

24. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **SHAHID M. BOKHARI 78 Jouvette Street, New Bedford, MA 02744 d/b/a ARROW TRANSPORTATION, 78 Jouvette Street, New Bedford, MA 02744**, hereby submits a copy of the Application requesting a **NEW PRIVATE LIVERY LICENSE**, to carry passengers for hire over the streets of New Bedford. (Term of License July 01, 2019 – June 30, 2020.)

25. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **ROBERT JOSEPH NEVES, 2 Briarwood Lane, Berkley, MA 02779-1030 d/b/a WHALING CITY TRANSIT, 92 Sanford Road, Westport, MA 02790-3614**, 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. (Current License Expired October 26, 2018; Term of License April 02, 2019 – June 30, 2019.)

26. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **ROBERT JOSEPH NEVES, 2 Briarwood Lane, Berkley, MA 02779-1030 d/b/a WHALING CITY TRANSIT, 92 Sanford Road, Westport, MA 02790-3614**, 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.)

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.***