



***Council Meeting*** - Minutes  
**CITY COUNCIL CALENDAR**  
Chambers of the City Council Municipal Building  
*Thursday, January 24, 2013 - 7:10 p.m.*

View Agenda

-----

PRESENT: Council President Duarte, Councillors Alves, Bousquet, Coelho, Gomes, Lawrence, Lopes, Martins, Oliveira and Saunders.

LATE: Councillor Gonsalves (7:15 p.m.)

ABSENT: No One.

-----

Council President Duarte called the meeting to order and presided.

-----

Reverend Craig Pregana, Our Lady of Guadalupe at St. James Church, led the Assembly in Prayer.

-----

Denis Lawrence, Jr., Councillor At Large led the Assembly in the Pledge of Allegiance to the Flag.

-----

The following resolution supporting ABC Disposal Service, Inc., was presented by Councillor Gomes.

CITY OF NEW BEDFORD  
IN CITY COUNCIL  
JANUARY 24, 2013

**RESOLUTION SUPPORTING THE RENEWAL OF THE CONTRACT WITH  
ABC DISPOSAL SERVICE, INC.**

**WHEREAS**, The City of New Bedford's Citizens have traditionally relied on their municipal government to responsibly provide for the curbside collection and disposal of solid waste materials; and

**WHEREAS**, The City of New Bedford, for many years had utilized a City Department known as the Department of Public Works Solid Waste Division to provide said curbside collection and disposal service; and

**WHEREAS**, Municipal Officials in the early years of the twenty-first century decided that the service possibly could be provided at a lower cost and with greater efficiency if the right private company were found; and

**WHEREAS**, The City of New Bedford in 2003, issued a Request for Proposals for the procurement of various solid waste services and after a study of proposals, the needs of the community and careful consideration, the City of New Bedford entered into a contract for the service with a private company known as ABC Disposal Service, Inc., on July 01, 2003; and

**WHEREAS**, ABC Disposal Service, Inc., is a family owned and operated company located in New Bedford, Massachusetts, and has provided quality waste removal and disposal services for nearly fifty years, operating a fleet of 183 trucks, hiring local employees and paying in excess of \$65,000 in annual taxes to the City of New Bedford; and

**WHEREAS**, ABC Disposal Service, Inc., has the experience of collecting, transporting and disposing of more than 300,000 tons of non-hazardous waste annually in a safe and environmentally sound manner and continues to be a

leader in the waste disposal industry by expanding their facilities to operate not only in New Bedford, but in Bellingham, Rochester, Sandwich, and in Tisbury on Martha's Vineyard; and

**WHEREAS**, On March 13, 2008, the New Bedford City Council voted unanimously to extend the contract with ABC Disposal Service, Inc., for five additional years; and

**WHEREAS**, ABC Disposal Service, Inc., has continuously improved and expanded the recyclable pickup throughout the term of the contract and utilizes the most modern equipment in the industry, employing highly trained and experienced technicians to perform all waste disposal and recycling operations; and

**WHEREAS**, The residents of the City of New Bedford have expressed their extreme satisfaction with weekly service and the quick response in the event there has been a need to contact ABC Disposal Service, Inc., for additional service; and

**WHEREAS**, The New Bedford City Council is very mindful of the potentially disastrous consequences that could result in the event a company that does not meet the standard of performance of ABC Disposal Service, Inc., is awarded the solid waste contract:

**NOW, THEREFORE, BE IT RESOLVED**, That the New Bedford City Council hereby expresses its' utmost confidence in **ABC DISPOSAL SERVICE, INC.**, and, based upon the experience of being able to evaluate ten years of superbly professional and brilliantly responsive service to the Citizens of our City, supports awarding a renewal of their contract to continue to perform the curbside collection and disposal of solid waste services in the City of New Bedford.

Adopted. (0131)

-----

RESOLUTION, Councillor Martins, honoring Roy M. Nascimento, IOM, President and CEO of the New Bedford Area Chamber of Commerce on being selected Chamber Executive of the Year.

TABLED. (0132)

-----

HEARING, NSTAR Electric Company, for location of two (2) 45" x 45" x 36" Handholes in ALLEN STREET, East of Ward Street.

Donna Rosa-Gonsalves, Right of Way Representative of NSTAR Electric was present and in favor and answered questions.

No One Opposed; Hearing closed.

Petition Placed on File. (0133)

-----

ORDER,

Adopted and ordered recorded in Book of Location Order Records – Yeas 10, Nays 0. (Councillor Martins not present for vote.)

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013. (0134)

-----

HEARING, NSTAR Electric Company, for location of one (1) 45" x 45" x 36" Handhole in ROBESON STREET, West of Summer Street.

Donna Rosa-Gonsalves, Right of Way Representative of NSTAR Electric was present and in favor and answered questions.

No One Opposed; Hearing closed.

Petition Placed on File.

(#0135)

-----

ORDER,

Adopted and ordered recorded in Book of Location Order Records – Yeas 10, Nays 0. (Councillor Martins not present for vote.)

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013.

(#0136)

-----

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$7,000.00 from PLANNING, SALARIES & WAGES, to PLANNING, CHARGES & SERVICES.

Received and Placed on File.

(#0137)

-----

CITY OF NEW BEDFORD

IN CITY COUNCIL

JANUARY 24, 2013

ORDERED: That the sum of SEVEN THOUSAND DOLLARS (\$7,000.00) now standing to the credit of the account from PLANNING, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

PLANNING, CHARGES AND SERVICES..... \$7,000.00

To be certified and approved by the Department Head.

Adopted – All Ayes.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013.

(#0138)

-----

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$968.00 from PARKS/RECREATION, SALARIES & WAGES, to PARKS/RECREATION, CHARGES & SERVICES.

Received and Placed on File.

(#0139)

-----

CITY OF NEW BEDFORD

IN CITY COUNCIL

JANUARY 24, 2013

ORDERED: That the sum of NINE HUNDRED SIXTY-EIGHT DOLLARS (\$968.00) now standing to the credit of the account from PARKS/RECREATION, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

PARKS/RECREATION, CHARGES AND SERVICES.....\$968.00

To be certified and approved by the Department Head.

Adopted – All Ayes.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013. (#0140)

-----

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JAMES LOPES, New Bedford, MA 02740, to the HISTORICAL COMMISSION, as an ALTERNATE MEMBER, to replace Susan Rothschild, whose term has expired: this term will expire February 2015.

Referred to the Committee on Appointments and Briefings. (#0141)

-----

WRITTEN MOTION, Council President Duarte, Councillors Lawrence, Gonsalves, Lopes, Saunders, Alves, Martins, Bousquet, Gomes, Oliveira and Coelho, requesting, that the City Council send a letter to Governor Deval Patrick in support of former Congressman Barney Frank being named to fill the Senate seat of John F. Kerry, should Senator Kerry be confirmed as Secretary of State.

Adopted. (#0142)

-----

WRITTEN MOTION, Councillors Bousquet, Gomes, Lawrence, Gonsalves, Lopes, Alves, Saunders, Oliveira, Council President Duarte and Councillor Coelho, requesting, on behalf of the residents living in the New Bedford Housing Authority properties, that a letter be sent to Governor Deval Patrick and our State Legislative Delegation, stating that regionalization of the kind Governor Patrick proposes will eviscerate the ability of the New Bedford Housing Authority to provide direct services to the tenants in their care, effectively leaving us with thousands more units under the direction of an absentee landlord model.

Adopted and Rule 17 and Rule 40 Waived – Yeas 10, Nays 0. (Councillor Martins not present for vote.)

(#0143)

-----

WRITTEN MOTION, Councillor Bousquet, on behalf of CLEAN and the people who live near and work in the New Bedford High School building located on the Parker Street Waste Site, requesting that the New Bedford Health Department issue a statement regarding the information CLEAN has provided relative to their research of instances of cancer and other ailments associated with prolonged exposure to toxic chemicals. (To be Referred to Dr. Brenda Weis, Health Department.)

Referred to Dr. Brenda Weis, Health Department.

Presented to the Mayor for approval January 28, 2013.

RETURNED UNSIGNED February 12, 2013. (#0144)

-----

RELATED MOTION, Councillor Coelho, requesting, that representatives from CLEAN be invited to a Committee on Environmental Affairs meeting to brief Committee members on what CLEAN has discovered relative to their research of instances of cancer and other illness associated with prolonged exposure to toxic chemicals.

Referred to the Committee on Environmental Affairs. (#0145)

-----

WRITTEN MOTION, Councillor Alves, requesting, that the Department of Public Infrastructure address the loose manhole cover in front of 2394-2396 Acushnet Avenue, said cover is either the wrong size or needs to have a rubber gasket installed to eliminate the noise and vibrations it produces when trucks and large vehicles go over the cover, the noise is especially disturbing at night when residents are trying to sleep; and further requesting, that an immediate response to this matter would be greatly appreciated by residents in the area. (To be Referred to the Department of Public Infrastructure.)

Referred to the Department of Public Infrastructure.

Presented to the Mayor for approval January 28, 2013.

RETURNED UNSIGNED February 12, 2013. (#0146)

-----

WRITTEN MOTION, Councillor Alves, requesting, on behalf of Mr. and Mrs. Ramos, 49 Whitman Street, New Bedford, MA, that the Traffic Commission install two “NO PARKING BETWEEN SIGNS” in front of said address in an effort to allow for handicap equipped transport vehicles to park close to their home to provide Mr. Ramos with the ability to get medical transportation. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission. (#0147)

-----

WRITTEN MOTION, Councillor Alves, requesting, that the Department of Public Facilities make another “sweep across the City”, in an effort to pick up Christmas trees which were left out for pick-up after the scheduled date and are now blowing around neighborhoods causing problems for traffic and pedestrians and are a nuisance to the community. (To be Referred to the Mayor and the Department of Public Facilities.)

Referred to the Mayor and the Department of Public Facilities.

Presented to the Mayor for approval January 28, 2013.

RETURNED UNSIGNED February 12, 2013. (#0148)

-----

WRITTEN MOTION, Councillors Gonsalves and Bousquet, requesting, that Wire Inspector Michael Baker and Department of Inspectional Services Commissioner Danny Romanowicz meet with the Committee on Appointments and Briefings, regarding the requirement for licensed electricians to produce a signed contract in order to obtain a wiring permit if the project is valued at \$3,000.00 or higher.

Referred to the Committee on Appointments and Briefings. (#0149)

-----

COMMUNICATION, Councillor Gonsalves, submitting copy of a letter dated April 27, 2012, to DIS Commissioner Danny Romanowicz from Officers of the New Bedford Master Electricians Association, Inc., relative to licensed electricians and wiring permits and copies of additional correspondence regarding same.

Referred to the Committee on Appointments and Briefings. (#0150)

-----

WRITTEN MOTION, Council President Duarte, requesting, on behalf of Geoffrey Smith, The Sightings, LLC, that the following street(s) be CLOSED: UNION STREET AND MACARTHUR DRIVE, proceeding along MacArthur Drive to Conway Street/right onto Hassey Street/right at Wright Street/left back to MacArthur Drive/proceed to Front Street, take a left onto Front Street, proceed along Front Street to Cove Street/left to the Traffic Light at the intersection of John F. Kennedy Highway, take a right turn on John F. Kennedy Highway/proceed along John F. Kennedy Highway to MacArthur Drive/take a right turn at the intersection and another right turn onto MacArthur Drive, to finish at the Waterfront Park/Union Street area, ON SATURDAY, MARCH 09, 2013, FROM 8:00 A.M. TO 1:00 P.M., for the purpose of The Great Leprechaun Hat Run, A 5K Road Race.

Permission Granted.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013.

(#0151)

-----

COMMUNICATION, DANIEL MCCARTHY, RACE COORDINATOR - NEW BEDFORD HALF-MARATHON/FRIENDLY SONS OF SAINT PATRICK, to City Council/City Clerk Requesting THE CLOSING/OBSTRUCTION OF: WILLIAM STREET, at Sixth Street, MIDDLE STREET, at Sixth Street, MARKET STREET, at Sixth Street, PLEASANT STREET, at Union Street, ELM STREET, at Acushnet Avenue, FROM: 8:00 A. M. TO: 3:30 P. M. ON SUNDAY, MARCH 17, 2013, FOR THE PURPOSE OF: THE 2013 NEW BEDFORD HALF-MARATHON (COMMENCING AT 11:00 A.M.) ALSO REQUESTING:- that they be allowed to place cones on the centerline of HATHAWAY ROAD from Mt. Pleasant Street West to Rockdale Avenue, creating two-way traffic on the WESTBOUND LANE; - that the Police close ROCKDALE AVENUE, from Hathaway Road South to Potter Street, for approximately 30 MINUTES, or until the runners have passed; - that two-way traffic on ROCKDALE AVENUE, South from Grape Street to Cove Road, be stopped, and cones be placed in the middle of ROCKDALE AVENUE and COVE ROAD, to create a lane for runners on the South Side; - that the WEST LANE of WEST RODNEY FRENCH BOULEVARD and the EAST LANE of EAST RODNEY FRENCH BOULEVARD, be blocked off to traffic, except at intersections where autos must cross - horses or cones will be placed at WEST RODNEY FRENCH BOULEVARD and Portland, Hudson, Seymour, Bayview Streets, Rodney French Boulevard and Brock Avenue and SOUTH-BOUND TRAFFIC at SEYMOUR STREET will be BLOCKED to prevent autos from entering the race course; - that WESTBOUND traffic on COVE ROAD be directed NORTH onto Orchard Street, then if they choose, be detoured WEST on SWIFT STREET, again detoured SOUTH onto BOLTON STREET, to eventually cross ROCKDALE AVENUE and continue SOUTH; - that COUNTY STREET be closed to two-way traffic from COVE STREET, NORTH to Kempton Street; - that KEMPTON STREET be closed to all EASTERLY traffic, from County Street EAST to Pleasant Street, and cones be placed in the South corridor of the Octopus intersection, preventing traffic entrance to SIXTH STREET, and guiding runners to Pleasant Street; - that SIXTH STREET be closed to traffic at Kempton Street; and- that DETOUR SIGNS be installed directing EASTERLY traffic on KEMPTON STREET to detour traffic NORTH on COUNTY STREET, then EAST on HILLMAN STREET, then SOUTH on PURCHASE STREET, thus allowing EASTERLY TRAFFIC access to the New Bedford/Fairhaven Bridge. (Submitted by Councillor at Large John T. Saunders.)

Permission Granted.

Presented to the Mayor for approval January 28, 2013.

Approved January 07, 2013.

(#0152)

-----

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 523-525 PURCHASE STREET, MAP 41, PARCEL 40, advising that “a pre-1830 one and one-half story gable end Greek Revival with a rear ell, retaining splayed lintels from the preceding Federal period as well as its original six over six double-hung windows, its full height stone foundation is non typical or extant in New Bedford; in the nineteenth century, maritime manufacturing become centralized along the waterfront and the areas around the edges of the village become important residential locations for the working middle class, in 1838 this property was owned by Zacheus Cushman a sailmaker employed on Rodman Street in the heart of the maritime district; this property is located in the County Street National Register District;” and therefore, “the NBHC has determined that 523-525 Purchase Street is a historically significant structure and preferably preserved.”

Referred to the Committee on Appointments and Briefings.

(#0153)

-----

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 5 TALLMAN LANE, MAP 37, PARCEL 276, advising that “a circa 1882 three-story tenement style building that retains much of its Victorian style characteristics, such as its cross-gable, full height bay with patterned shingles and corner brackets; located in a dense part of the City, just south of Downtown; during the mid to late 19<sup>th</sup> Century, the village center expanded north and southward to accommodate a growing population and the demand of manufacturing employment; the structure is in poor condition due to extensive deferred maintenance, however due to the lack of a development plan or proposed re-use of the property, the NBHC determined the property to be preferably preserved;” and therefore, “the NBHC has determined that 5 Tallman Lane is a historically significant structure and preferably preserved.”

Referred to the Committee on Appointments and Briefings.

(#0154)

-----

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 130 TALLMAN STREET, MAP 92, PARCEL 246, advising that “a circa 1910 three-story tenement style building with a hipped roof and cross-gable, full height bay; two thirds of the City’s housing stock consists of tenement buildings built to accommodate the large immigrant population employed by the burgeoning textile industry; located in the rear of this property is a wood framed car barn with a hayloft style window above two sets of wooden cross-braced double doors, few of this style exist in the City, the car barns has been identified as endangered historic resources within the City and at risk of loss;” and therefore, the NBHC has determined that 130 Tallman Street is historically significant and preferably preserved.”

Referred to the Committee on Appointments and Briefings.

(#0155)

-----

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 153 ACUSHNET AVENUE, MAP 37, PARCEL 6, advising that “a circa 1882 two and one-

half story Italianate style residence characterized by a two story, triple window bay, as well as a two window bay above an off center entrance; located in a dense part of the City, just south of Downtown, these were the modest properties that housed whalers and workers employed at the nearby oil works, candle works, and Pairpoint Glass Company; the structure has vinyl siding and replacement windows, however, due to the lack of a development plan or proposed re-use of the property, the NBHC determined the property to be preferably preserved;” and therefore, “the NBHC has determined that 153 Acushnet Avenue is a historically significant structure and preferably preserved.”

Referred to the Committee on Appointments and Briefings. (#0156)

-----

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 147 ACUSHNET AVENUE, MAP 37, PARCEL 12, advising that “a circa 1876 two and one-half Italianate style building; located in a dense part of the City, just south of Downtown, these were the modest properties that housed whalers and workers employed at the nearby oil works, candle works, and Pairpoint Glass Company; the structure has vinyl siding and replacement windows, however, due to the lack of a development plan or proposed re-use of the property, the NBHC determined the property to be preferably preserved;” and therefore, “the NBHC has determined that 147 Acushnet Avenue is a historically significant structure and preferably preserved.”

Referred to the Committee on Appointments and Briefings. (#0157)

-----

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 929-937 BROCK AVENUE, MAP 15, PARCEL 176, advising that “built circa 1908, the property consists of two highly stylized tenement buildings, with prominent architecture anchoring an important corner location; constructed during the height of textile manufacturing, the building represent the architectural development of mill tenements and the small businesses which were established to accommodate the large population of mill workers; the structure is in poor condition due to extensive deferred maintenance, however due to the lack of a development plan or proposed re-use of the property, the NBHC determined the property to be preferably preserved;” and therefore, “the NBHC has determined that 929-937 Brock Avenue is a historically significant structure and preferably preserved.”

Referred to the Committee on Appointments and Briefings. (#0158)

-----

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 102 RUTH STREET, MAP 15, PARCEL 162, advising that “built circa 1909 as a three story tenement style building, the property has vinyl siding and replacement windows, with little or no historic fabric remaining; constructed during the height of textile manufacturing, the building represents the architectural development of mill tenements built to accommodate the large population of mill workers; the structure is in poor condition due to extensive deferred maintenance and retains no notable historic significance, either recorded or found with the existing condition of the structure;” and therefore, the NBHC has determined that the building is NOT a historically significant building or structure and not preferably preserved.”

Demolition Granted – Yeas 10, Nays 1. (Councillor Saunders OPPOSED.)

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013.

(#0159)

-----

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 27 ASHLEY STREET, MAP 15, PARCEL 145, advising that “built circa 1907 as a three story tenement style building, the property has vinyl siding and replacement windows, with little or no historic fabric remaining; constructed during the height of textile manufacturing, the building represents the architectural development of mill tenements built to accommodate the large population of mill workers; the structure is in poor condition due to extensive deferred maintenance and retains no notable historic significance, either recorded or found with the existing condition of the structure;” and therefore, the NBHC has determined that the building is NOT a historically significant building or structure and not preferably preserved.”

Demolition Granted – Yeas 10, Nays 1. (Councillor Saunders OPPOSED.)

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013.

(#0160)

-----

The following resolution honoring Roy M. Nascimento was presented by Councillor Martins.

CITY OF NEW BEDFORD

IN CITY COUNCIL

JANUARY 24, 2013

**RESOLUTION HONORING ROY M. NASCIMENTO, IOM, PRESIDENT AND CEO OF THE NEW BEDFORD AREA CHAMBER OF COMMERCE ON BEING SELECTED CHAMBER EXECUTIVE OF THE YEAR**

**WHEREAS**, Roy M. Nascimento has been President and CEO of the New Bedford Area Chamber of Commerce since 2006; and

**WHEREAS**, Roy M. Nascimento holds a Bachelor’s Degree from the University of Massachusetts at Dartmouth and a Masters Degree in Public Management from Suffolk University, Boston, Massachusetts, and is also a graduate of the U.S. Chamber of Commerce Institute for Organization Management at the University of Villanova in Pennsylvania and the AEDC’s Economic Development Institute at the University of Oklahoma; and

**WHEREAS**, Roy M. Nascimento has long been active in the Chamber of Commerce industry, serving as President of New England Association of Chamber of Commerce Executives (NEACCE), Treasurer, Scholarship Committee Chair, Annual Conference Chair and continues to be a frequent participant in various industry programs and conferences; and

**WHEREAS**, In 2011, Roy M. Nascimento organized an effort among various Chambers of Commerce in Massachusetts to form the MACCE Council of Chambers, a State-wide forum for chamber leaders to meet, share information, ideas and collaborate on important issues that impact their organizations, members and communities; and

**WHEREAS**, Roy M. Nascimento serves as co-chair of that group, which operates as an affiliate of MACCE, (Massachusetts Association of Chamber of Commerce Executives), he also serves on the five member Steering Committee that led to the formation of the MACCE Health Insurance Cooperative, which assists small businesses in the Commonwealth in negotiating better rates on their health insurance packages; and

**WHEREAS**, Roy M. Nascimento was nominated for the Chamber Executive of the Year Award by New Bedford Area Chamber of Commerce members Lynne Master, CFO of Precix, Inc. and James Rattray, Vice-President of

Marketing and Public Affairs for Southcoast Health System, for the leadership qualities he has consistently demonstrated since becoming President; and

**WHEREAS,** The Executive of the Year Award honors outstanding performance in the field of Chamber of Commerce Management in New England and is given to an individual who has been proven to be a leader not only at the Chamber of Commerce, but in the community as well; and

**WHEREAS,** Roy M. Nascimento was selected as the “Chamber Executive of the Year” by the New England Association of Chamber of Commerce Executives (NEACCE) at its 99<sup>th</sup> Annual Meeting held on November 4-5, 2012, in Chatham, Massachusetts for his commitment to his work, demonstrating professional and successful management of the New Bedford Area Chamber of Commerce and his community outreach:

**NOW, THEREFORE, BE IT RESOLVED,** That the New Bedford City Council hereby honors **ROY M. NASCIMENTO, IOM, PRESIDENT AND CEO OF THE NEW BEDFORD AREA CHAMBER OF COMMERCE ON BEING SELECTED CHAMBER EXECUTIVE OF THE YEAR,** congratulates him on his many career achievements, thanks him for his many years of hard work on behalf of the City of New Bedford and wishes him much future success.

TABLED – January 24, 2013.

Removed from the Table and Adopted. (#0132)

-----

COMMUNICATION, Joseph E. Connarton, Executive Director, Public Employee Retirement Administration Commission, submitting Required Fiscal Year 2014 Appropriation. (Copy all Councillors – 01/11/2013.)

Received and Placed on File. (#0161)

-----

COMMUNICATION, Stephen P. Crosby, Chairman of Massachusetts Gaming Commission, responding to a letter from City Clerk Arruda relative to casinos in Southeastern Massachusetts, City Council Meeting of December 20, 2012. (Copy all Councillors 01/16/2013.)

Received and Placed on File. (#0162)

-----

COMMUNICATION, Bruce J. Oliveira, submitting Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract as Required by G.L. c. 268A, § 20(d) Statement.

Adopted. (#0163)

-----

COMMUNICATION, Anthony J. Poente, Jr., submitting Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract as Required by G.L. c. 268A, § 20(d) Statement.

Adopted. (#0164)

-----

The following resolution honoring Bruce W. Duarte, Sr., was presented by Council President Duarte, Councillors Alves and Gomes.

CITY OF NEW BEDFORD  
IN CITY COUNCIL  
JANUARY 24, 2013

**RESOLUTION HONORING BRUCE W. DUARTE, SR.  
ON THE OCCASION OF HIS SEVENTIETH BIRTHDAY**

**WHEREAS**, Bruce W. Duarte, Sr., has served the City of New Bedford and his Country in many ways for many years; and

**WHEREAS**, Bruce W. Duarte, Sr., served in the United States Army from 1964 to 1967, and served in Vietnam from 1966 to 1967; and

**WHEREAS**, Bruce W. Duarte, Sr., became the Massachusetts Criminal Justice Training Counsel and Law Enforcement Deputy Sheriff on December 18, 1986, which was their 1<sup>st</sup> Graduating Class; and

**WHEREAS**, Bruce W. Duarte, Sr., was the first soldier from Massachusetts to receive the State Flag from Governor John Volpe on February 08, 1967; and

**WHEREAS**, Bruce W. Duarte, Sr., was President of OnBoard Inc., in 1980, and Treasurer of that organization from 1978 to 1979; and

**WHEREAS**, Bruce W. Duarte, Sr., was appointed to the Conservation Commission for the City of New Bedford on February 23, 1984; and

**WHEREAS**, Bruce W. Duarte, Sr., was appointed and served on the Water Board for the City of New Bedford from November 1985 through June 1993; and

**WHEREAS**, Bruce W. Duarte, Sr., was appointed a Member of the Loitering Ordinance Hearing Tribunal on October 11, 1994, and also, served on the Recreation Commission from January 11, 1996 to December 23, 2004; and

**WHEREAS**, Bruce W. Duarte, Sr., is presently the Chairman of the Council on Aging Board for the City of New Bedford, the Vice-Chairman of the Veteran's Advisory Council, and the Senior Property Manager for the New Bedford Housing Authority; and

**WHEREAS**, Bruce W. Duarte, Sr., is a lifetime member of Who's Who:

**NOW, THEREFORE, BE IT RESOLVED**, That the New Bedford City Council hereby honors and thanks **BRUCE W. DUARTE, SR., ON THE OCCASION OF HIS SEVENTIETH BIRTHDAY** for a lifetime of service to the City of New Bedford, commends him for his many accomplishments and wishes him many more years of continued success and happiness.

Given this 26<sup>th</sup> Day of January in the Year 2013.

Adopted, to be presented at a later date.

(#0165)

-----

WRITTEN MOTION, Councillor Alves, requesting, on behalf of the owners of the building located at 49 Hassey Street, in our Waterfront Overlay District, that the Traffic Commission approve and install a "NO PARKING LOADING ZONE" Sign, on the North side of SOUTH STREET, to include the area approximately 40 feet from the corner of Hassey Street west, to allow for trailer trucks delivering Nitrogen to the facility to park close to the curb while unloading the gas, this request is being made as a safety precaution and to get the trucks out of the way of other large trucks trying to negotiate the turn when leaving the area. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission.

(#0166)

PETITION/INDEMNITY AGREEMENT, 163 William Street Realty Trust, for Permission to Erect and Maintain a Projecting, Non-Illuminated Sign at 163 William Street, New Bedford, MA 02740. Provisionally Granted, subject to approval of the Building Commissioner and subject to Ratification by Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013. (#0167)

-----

CONSTABLE BOND, DAVID M. MILLER, 388 County Street, New Bedford, MA 02740 with Hanover Insurance Company in the amount of \$5,000.00.

Approved.

Presented to the Mayor for approval February 19, 2013.

Approved February 19, 2013. (#0168)

-----

MINUTES, Board of Assessors, submitting MINUTES of meetings held on January 03 and January 10, 2013.

Received and Placed on File. (#0169)

-----

MINUTES, Conservation Commission, submitting MINUTES of meetings held on October 02 and October 16, 2012.

Received and Placed on File. (#0170)

-----

MINUTES, Bristol Coalition Meeting, submitting MINUTES of a meeting held on December 04, 2012.

Received and Placed on File. (#0171)

-----

MINUTES, Bristol County Executive Meeting, submitting MINUTES of a meeting held on December 04, 2012.

Received and Placed on File. (#0172)

-----

MINUTES, Licensing Board, submitting MINUTES of meetings held on December 17, 2012 and January 09, 2013.

Received and Placed on File. (#0173)

-----

APPLICATION, **RJ Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **England Street (ns) 495' wx Mt. Pleasant Street**, provisionally granted by the City Clerk on January 11, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013. (#0174)

-----

APPLICATION, **W.C. Smith and Son Inc.**, for permission to maintain a STREET OBSTRUCTION at **109 William Street**, provisionally granted by the City Clerk on January 14, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013. (#0175)

-----

APPLICATION, **RJ Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **734 Kempton Street**, provisionally granted by the City Clerk on January 14, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013. (#0176)

-----

APPLICATION, **Farland Corporation Inc.**, for permission to maintain a STREET OBSTRUCTION at **58 Nautilus Street**, provisionally granted by the City Clerk on January 14, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013. (#0177)

-----

APPLICATION, **Reis Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **347 North Street**, provisionally granted by the City Clerk on January 17, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013. (#0178)

-----

APPLICATION, **A. Medeiros Contractor**, for permission to maintain a STREET OBSTRUCTION at **162 Francis Street**, provisionally granted by the City Clerk on January 23, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013. (#0179)

-----

APPLICATION, **RJ Canessa Excavating**, to DISTURB THE SURFACE, of **England Street (ns) 495' wx Mt. Pleasant Street**, provisionally granted by the City Clerk on January 11, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013. (#0180)

-----

APPLICATION, **W.C. Smith and Son Inc.**, to DISTURB THE SURFACE, of **109 William Street**, provisionally granted by the City Clerk on January 14, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013. (#0181)

-----

APPLICATION, **RJ Canessa Excavating**, to DISTURB THE SURFACE, of **734 Kempton Street**, provisionally granted by the City Clerk on January 14, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013. (#0182)

-----

APPLICATION, **Farland Corporation Inc.**, to DISTURB THE SURFACE, of **58 Nautilus Street**, provisionally granted by the City Clerk on January 14, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013. (#0183)

-----

APPLICATION, **Reis Asphalt Inc.**, to DISTURB THE SURFACE, of **347 North Street**, provisionally granted by the City Clerk on January 17, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013. (#0184)

-----

APPLICATION, **A. Medeiros Contractor**, to DISTURB THE SURFACE, of **162 Francis Street**, provisionally granted by the City Clerk on January 23, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013. (#0185)

-----

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on January 15, 2013, subject to ratification by the Mayor and City Council as follows:

71 Valentine Street (#0186)

186 Hemlock Street (#0187)  
900 Rockdale Avenue (#0188)  
323 Summer Street (#0189)  
58 Brock Avenue on the Hudson Street side (#0190)  
45 Babbitt Street (#0191)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013.

-----

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on January 23, 2013, subject to ratification by the Mayor and City Council as follows:

135 Clifford Street (#0192)  
Austin Street for 373-375 Summer Street (#0193)  
507 Bolton Street (#0194)  
146-148 Brownell Street (#0195)  
77 Smith Street (#0196)  
1453 Morton Avenue (#0197)  
18 Viall Street (#0198)  
271 Bolton Street (#0199)  
59 Tallman Street (#0200)  
Acushnet Avenue and Madison Street (#0201)  
Elm Street side of 175 James Street (#0202)  
Sunset Street side of 736 Hathaway Road (#0203)  
69 South Street (#0204)  
156 Clifford Street (#0205)  
28 Woodlawn Street (#0206)  
30 Circuit Street (#0207)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 28, 2013.

Approved February 07, 2013.

-----

IT WAS VOTED, on a motion made and duly seconded, Yeas 11, Nays 0, to waive Rule 42 in order to take up the late file items.

-----

COMMUNICATION, Councillor Bousquet, submitting copy of a letter from Joseph J. Nauman, Executive Vice-President, Acushnet Company to Mayor Mitchell, relative to a Standard-Times article dated January 18, 2013, entitled "Three Area Companies Among Most Toxic Polluters".

Rule 42 Waived – Yeas 11, Nays 0.

Received and Placed on File.

(#0208)

-----

COMMUNICATION, Dr. Brenda K. Weis, Director of Public Health, submitting letter to Councillor Bousquet in response to Motion No. 7, City Council Agenda of January 24, 2013, stating she is unable to attend Council Meeting.

Rule 42 Waived – Yeas 11, Nays 0.

Received and Placed on File.

(#0209)

-----

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 6, Building and other Structures, Article VII, Prevention and Abatement of Nuisances, by adding Section 6-125, Chronic Problem Properties.

Rule 42 Waived – Yeas 11, Nays 0.

Referred to the Committee on Ordinances.

(#0210)

-----

ORDINANCE, Amending Chapter 6, Buildings and Other Structures, Article VII, Prevention and Abatement of Nuisances, by adding Section 6-125, Chronic Problem Properties.

Rule 42 Waived – Yeas 11, Nays 0.

Referred to the Committee on Ordinances.

(#0211)

-----

COMMUNICATION, Mayor Mitchell, to City Council, submitting a list of individuals for confirmation by the City Council, as New Bedford Police Officers, pending successful completion of the Police Academy and their graduation on February 01, 2013: Kevin Medeiros, Algimantas Harrell, Yesenia Miranda-Santiago, Jared R. Lucas, Eric Beauregard, Jason A. Orlando, Brian M. Crosby, Bryant M. Capello, Daniel Victoria, Kory J. Kubik, Jonathan Alexandre, Sasha O. Vicente and Timothy Soares, in addition, submitting a list of individuals for confirmation by the City Council, as New Bedford Police Officers, pending successful completion of the Police Academy and their graduation on February 15, 2013: Agnieszka Ciarka, Brian C. Rei, Justin J. Frias, Roberto F. Nunes, Jacob M. Oliveira and Kevin S. Barbosa.

Rule 42 Waived – Yeas 11, Nays 0.

Received and Placed on File.

(#0212)

-----

COMMUNICATION, Councillor Bousquet, submitting letter from Personnel Director Angela Natho, relative to applicants for the City Planner position.

Rule 42 Waived – Yeas 11, Nays 0.

Received and Placed on File.

(#0213)

On a motion, the Council then adjourned at 8:40 p.m.

ATTEST:

RITA D. ARRUDA, CITY CLERK/  
CLERK OF THE CITY COUNCIL