



***Council Meeting*** - Minutes  
**CITY COUNCIL CALENDAR**  
Chambers of the City Council Municipal Building  
**Thursday, March 14, 2013 - 7:09 p.m.**

View Agenda

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

LATE: No One.

ABSENT: No One.

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Council President Duarte called the meeting to order and presided.

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Reverend Joseph Basala, Our Lady of the Assumption Parish, led the Assembly in Prayer.

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Debora Coelho, Councillor At Large led the Assembly in the Pledge of Allegiance to the Flag.

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The following resolution in recognition of National Women's History Month – March 2013 was presented by Councillors Gonsalves and Coelho.

CITY OF NEW BEDFORD  
IN CITY COUNCIL  
MARCH 14, 2013

**RESOLUTION IN RECOGNITION AND CELEBRATION OF  
NATIONAL WOMEN'S HISTORY MONTH - MARCH 2013**

**WHEREAS**, American women of every race, class and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

**WHEREAS**, American women have played and continue to play a critical economic, cultural and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

**WHEREAS**, This year, 2013, marks the Sixteenth Anniversary of the National Women's History Project, an organization that leads the drive to write women back into history by recognizing the achievements of women in all facets of life; and

**WHEREAS**, The theme for 2013, and the Thirty-third Anniversary Celebration is "Women Inspiring Innovation Through Imagination: Celebrating Women in Science, Technology, Engineering and Mathematics", (STEM) fields, honoring generations of women who throughout American History have used their intelligence, imagination, sense of wonder and tenacity to make extraordinary contributions to the (STEM) fields, it must be noted that despite women's myriad achievements, their paths are often difficult, and women are still noticeably underrepresented, therefore, this year women who have active careers in the mathematical sciences, the life sciences, molecular research, cell biology and biochemistry are being honored; and

**WHEREAS**, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation; and

**WHEREAS**, American women were particularly important in the establishment of early charitable, philanthropic and cultural institutions in the United States; and

**WHEREAS**, American women of every race, class and ethnic background served as early leaders in the forefront of every major progressive social change movement in the United States; and

**WHEREAS**, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but, also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement and other movements, especially the peace movement, which created a more fair and just society for all;

**WHEREAS**, Despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American History:

**NOW, THEREFORE, BE IT RESOLVED**, That the New Bedford City Council hereby recognizes March as **NATIONAL WOMEN’S HISTORY MONTH**, thanks all the women locally and Nationally who have made a mark on our City, State and Country’s culture, government and society in general.

Adopted. (#0389)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$240,000.00 from OVERLAY RESERVE, to PUBLIC FACILITIES, SUPPLIES & MATERIALS.

Received and Placed on File. (#0390)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
MARCH 14, 2013

ORDERED: that the sum of TWO HUNDRED FORTY THOUSAND DOLLARS (\$240,000.00) now standing to the credit of the account from OVERLAY RESERVE is and the same is hereby transferred and appropriated to as follows:

PUBLIC FACILITIES, SUPPLIES AND MATERIALS.....\$240,000.00

To be certified and approved by the Department Head.

Adopted – Yeas 11, Nays 0.

Presented to the Mayor for approval March 18, 2013.

Approved March 18, 2013. (#0391)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$30,000.00 from PUBLIC FACILITIES, SALARIES & WAGES, to PUBLIC FACILITIES, SUPPLIES & MATERIALS.

Received and Placed on File. (#0392)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

MARCH 14, 2013

ORDERED: that the sum of THIRTY THOUSAND DOLLARS (\$30,000.00) now standing to the credit of the account from PUBLIC FACILITIES, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

PUBLIC FACILITIES, SUPPLIES AND MATERIALS.....\$30,000.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval March 18, 2013.

Approved March 18, 2013. (#0393)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$3,398.00 from PARKS/RECREATION, SALARIES & WAGES, to PARKS/RECREATION, CAPITAL OUTLAY.

Received and Placed on File. (#0394)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

MARCH 14, 2013

ORDERED: that the sum of THREE THOUSAND, THREE HUNDRED NINETY-EIGHT DOLLARS (\$3,398.00) 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, CAPITAL OUTLAY.....\$3,398.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval March 18, 2013.

Approved March 18, 2013. (#0395)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$1,885.00 from PARKS/RECREATION, SALARIES & WAGES, to PARKS/RECREATION, CHARGES & SERVICES.

Received and Placed on File. (#0396)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

MARCH 14, 2013

ORDERED: that the sum of ONE THOUSAND, EIGHT HUNDRED EIGHTY-FIVE DOLLARS (\$1,885.00) 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.....\$1,885.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval March 18, 2013.

Approved March 18, 2013. (#0397)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 9, Section 4000, by adding a new Section 4700A, Interim Regulations for Medical Marijuana Dispensaries, which will establish a moratorium to allow New Bedford time to consider whether to allow facilities associated with the medical use of marijuana.

Referred to the Committee on Ordinances. (#0398)

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ORDINANCE, amending Chapter 9, Zoning Relative to Interim Regulations for Medical Marijuana Dispensaries.

Referred to the Committee on Ordinances. (#0399)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for GREGORY HREN, Weymouth, MA, as a PARAMEDIC; Paramedic Hren has been an asset to New Bedford EMS since taking a per diem slot in February 2009, current Waiver expired February 2013.

One Year Waiver Granted – All Ayes.

Presented to the Mayor for approval March 18, 2013.

Approved March 18, 2013. (#0400)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for KEVIN PORTER, Mattapoisett, MA, as a PARAMEDIC; Paramedic Porter has been an asset to New Bedford EMS since taking a per diem slot in February 2009, current Waiver expired February 2013.

One Year Waiver Granted – All Ayes.

Presented to the Mayor for approval March 18, 2013.

Approved March 18, 2013. (#0401)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of BRUCE DUARTE, New Bedford, MA 02740, to the VETERAN’S ADVISORY BOARD, Mr. Duarte’s term expired in December 2012; this term will expire December 2015.

Rule 38 Waived and Appointment Confirmed – Yeas 11, Nays 0. (#0402)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of COLONEL (Ret.) GRACE REGAN, New Bedford, MA 02740, to the VETERAN'S ADVISORY BOARD, Ms. Regan's term expired December 2012; this term will expire December 2015.

Rule 38 Waived and Appointment Confirmed – Yeas 11, Nays 0. (#0403)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of VINCENT P. RODRIGUES, New Bedford, MA, as a SPECIAL POLICE OFFICER.

Received and Placed on File. (#0404)

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APPLICATION, VINCENT P. RODRIGUES, New Bedford, MA, for REAPPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed. (#0405)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
FEBRUARY 14, 2013

ORDERED, that the City appropriates the amount of SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS (\$750,000.00) for the purpose of paying costs of a feasibility study for the potential construction of a new John Hannigan Elementary School, to be located at 33 Emery Street in New Bedford and also to pay schematic design costs associated with constructing a new John Hannigan Elementary School, including the payment of all costs incidental or related thereto (the "Project"), and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee; to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said sum of money, pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority; 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 approved by and received from the MSBA shall be the sole responsibility of the City, and that the amount of borrowing authorized pursuant to this order shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City and the MSBA.

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 14, 2013.

Rule 42 Waived – Yeas 11, Nays 0.

Passed to a Second Reading – February 28, 2013.

Adopted – Yeas 11, Nays 0.

Presented to the Mayor for approval March 18, 2013.

Approved March 18, 2013.

(#0235)

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WRITTEN MOTION, Council President Duarte, requesting, on behalf of AHA! New Bedford and the Earth Day Committee, that the following street(s) be CLOSED: MARKET STREET, from Pleasant Street to North Sixth Street, ON THURSDAY, APRIL 11, 2013, FROM 4:00 P.M. TO 7:00 P.M., for the purpose of the Earth Eve Parade.

Permission Granted.

Presented to the Mayor for approval March 18, 2013.

Approved March 25, 2013.

(#0406)

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WRITTEN MOTION, Council President Duarte, requesting, on behalf of AHA! New Bedford, that the following street(s) be CLOSED: PURCHASE STREET, between Union Street and Spring Street, ON THURSDAY, APRIL 11, 2013, FROM 4:00 P.M. TO 7:00 P.M., for the purpose of AHA! Night/A Sustainable Southcoast.

Permission Granted.

Presented to the Mayor for approval March 18, 2013.

Approved March 25, 2013.

(#0407)

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WRITTEN MOTION, Councillor Lopes, requesting, that the following street(s) be CLOSED: CLEVELAND STREET, from David Street to Rodney Street, ON SUNDAY, MAY 19, 2013, FROM: 9:30 A.M. TO 11:00 A.M., for the purpose of the 34<sup>TH</sup> ANNUAL HAZELWOOD WOMEN'S 5K RUN/WALK.

Permission Granted.

Presented to the Mayor for approval March 18, 2013.

Approved March 25, 2013.

(#0408)

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WRITTEN MOTION, Councillor Bousquet, requesting, on behalf of the residents at the Mount Pleasant Street Neighborhood Association, that the Mayor consider creating an Advisory Council made up of Citizens to help with snow removal issues and to come up with ideas to help during snow bans, and aid in making certain that the City's snow removal policy better reflects the needs of the residents.

Referred to the Mayor and Acting DPF Commissioner Blanchard.

Presented to the Mayor for approval March 18, 2013.

RETURNED UNSIGNED April 01, 2013.

(#0409)

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WRITTEN MOTION, Councillors Coelho, Bousquet and Gonsalves, once again, requesting, that the Mayor's Office look into hiring a "Baby Advocate" for the City of New Bedford to address the needs of the growing baby population in the City, the advocate would assess the needs of both mothers and babies and bring in, if necessary, State agencies to provide proper services for the wellbeing and safety of the City's babies and possibly obtain grants or needed funding for the vital assistance needed for the welfare of these children; *and further, requesting that Diane Bolton be invited to a Committee on Appointments and Briefings meeting, along with Cynthia Wallquist, Department of Community*

*Services Director, to discuss if the City can add a person or have someone pick up this work as a Baby Advocate for the City.*

Referred to the Mayor and the Committee on Appointments and Briefings.

Presented to the Mayor for approval March 18, 2013.

RETURNED UNSIGNED April 01, 2013. (#0410)

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WRITTEN MOTION, Council President Duarte, requesting, that due to a severe winter storm season and the many streets throughout our City that are in deplorable condition and are in desperate need of repair, that our State Legislative Delegation fight for all additional Chapter 90 funding available to address this issue that has worsened due to all the snow plowing done this year; and further, that a letter be sent to Governor Deval Patrick on behalf of the taxpayers of the City of New Bedford regarding this issue.

Adopted. (#0411)

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WRITTEN MOTION, Councillor Gomes, requesting, that the Special Committee on Employment Opportunities send a letter to Little Debbie/McKee Foods Corporation, issuing an invitation to the company to visit the City of New Bedford for the purposes of touring the former Sunbeam Bread Company located at 229 Coffin Avenue, and also to meet with the Special Committee on Employment Opportunities to discuss the possibilities of the company expanding its operations to New Bedford to produce their line of products; and further, that an invitation also be sent to Matthew Morrissey, Director, Economic Development Council asking for his participation in this venture.

Adopted.

Rule 40 Waived – Yeas 10, Nays 0. (Councillor Lawrence not present for vote.) (#0412)

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WRITTEN MOTION, Councillor Gomes, requesting, that Scott Downing, Executive Secretary, Traffic Commission along with Department of Public Infrastructure Commissioner Ronald Labelle, look into the possibility of making Walnut Street, from South Second Street to Acushnet Avenue a TWO-WAY street, east and west, at the present time the intersection, from South Second Street to Acushnet Avenue is a one-way street east; and further, that the corner of Acushnet Avenue and Walnut Street be squared off on the north east corner and the left lane exit onto Walnut Street be closed off and that the present Monument and light pole island be taken back north, making it possible to square off the corner and have an intersection that can handle two-way traffic, east and west with “NO RIGHT TURN” Signs being installed at the corner along with a “STOP SIGN” in a westerly direction at Acushnet Avenue and Walnut Street; and further, that “NO PARKING” Signs be installed on the southside of Walnut Street, from Acushnet Avenue to South Second Street, for the purposes of a clean left turn off of Acushnet Avenue with no vehicle obstruction, the reason for this request is the amount of traffic since the revamping of Route 18 and Walnut Street has taken place, many motorists continue west on Walnut Street making it an unsafe situation towards Acushnet Avenue, this should cure the problem along with ensuring a normal flow of traffic from Acushnet Avenue, to the Waterfront Area and leaving the Waterfront Area heading in a westerly direction on Walnut Street. (To be Referred to Scott Downing, Executive Secretary, Traffic Commission and DPI Commissioner Ronald Labelle.)

Adopted.

Presented to the Mayor for approval March 18, 2013.

RETURNED UNSIGNED April 01, 2013.

(#0413)

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WRITTEN MOTION, Councillors Gomes and Oliveira, requesting, that the Committee on Public Safety and Neighborhoods along with the Mayor's Office and the Police Department look into ~~providing~~ Wendy's, located on Kings Highway ~~with a~~ *providing a* Detail Officer, from 9:00 p.m. to 3:00 a.m., on Fridays and Saturdays, due to the numerous calls that come into the Police Department over the course of the weekend and the ongoing problem of groups hanging around, traffic build-up and noise complaints coming from that location, as Chairman and Vice-Chairman of the Committee on Public Safety and Neighborhoods, we believe that a Detail Officer would curb many of these problems existing at this location during the night time hours of operations.

Adopted as Amended.

Presented to the Mayor for approval March 18, 2013.

RETURNED UNSIGNED April 01, 2013.

(#0414)

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RELATED MOTION, Councillor Gomes, requesting, that a letter be sent to the State Police, Dartmouth Barracks, asking for assistance with patrols on Route 140, between the hours of 10 p.m. and 2 a.m. to address the drag racing that is currently happening on this stretch of the highway.

Adopted.

(#0415)

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WRITTEN MOTION, Councillors Gomes, Oliveira and Alves, requesting, that the Greater New Bedford Industrial Foundation Business Park along with the Department of Public Facilities/Forestry, immediately begin to cut back all the brush and branches along Phillips Road, from Braley Road south, on the west side of Phillips Road, land which is owned by the Business Park; and further, that the City take immediate action on City-owned land by cutting back the branches and the trees that have fallen during the winter storms, cleaning all the way to the end of the wooded area on Phillips Road, just before the Schooner Cove Condominium Project by the Muldoon's Mini-Mart making it safe for motorists headed in a southerly direction.

Adopted.

Presented to the Mayor for approval March 18, 2013.

RETURNED UNSIGNED April 01, 2013.

(#0416)

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WRITTEN MOTION, Councillor Martins, requesting, that members of C.A.L.M., Inc., be invited to a Committee on Appointments and Briefings meeting to discuss their organization's involvement in the education and use of medical marijuana.

Referred to the Committee on Appointments and Briefings.

(#0417)

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COMMUNICATION, Councillor Gomes, submitting email request from Lt. Jeffrey Silva, regarding amending the City Code to add fines for ONE-WAY violations. (To be Referred to the Committee on Ordinances and Legal Counsel David Gerwatowski.)

Referred to the Committee on Ordinances and Legal Counsel David Gerwatowski.

(#0418)

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COMMUNICATION, Councillor Bousquet, submitting a request from John M. Janiak, Esquire, for the DISCONTINUANCE OF A PORTION OF EASTON STREET (BOARD OF SURVEY), 50 feet wide, from Upton Street northerly 193+/- feet.

Received and Placed on File.

(#0419)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
MARCH 14, 2013

WHEREAS, this City Council has received a request from Councillor Ward Three, Henry G. Bousquet, on behalf of John M. Janiak, Esquire, for the DISCONTINUANCE of A PORTION OF EASTON STREET (BOARD OF SURVEY), 50 feet wide, from Upton Street northerly 193 +/- feet, it is therefore hereby:

ORDERED, that due notice be given to NEIL & STACY STARK; ARNOLD & JOYCE GRACE; HAI VAN CAO; TONI LEE GOMES; STELLA CAMARA, TRUSTEE / CAMARA FAMILY REALTY TRUST and JOHN M. JANIAC, ESQUIRE, owners of abutting property, and to all other persons who may be interest, that the City Council will hold a public hearing on said DISCONTINUANCE in City Council Chambers, on Second Floor of City Hall, on **THURSDAY, APRIL 25, 2013 AT 7 P.M.**

Adopted.

(#0420)

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WRITTEN MOTION, Councillor Lopes, on behalf of St. Martin's Episcopal Church located at 136 Rivet Street, requesting that SRTA relocate the bus stop that is currently in front of said Church to either the northeast corner of Rivet and County Streets or the southwest corner of County and Blackmer Streets, due to the residents waiting for the bus are destroying church grounds and littering the area with trash. (To be Referred to SRTA.)

Referred to SRTA.

(#0421)

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PETITION/INDEMNITY AGREEMENT, Madeira Café, Inc., for Permission to Erect and Maintain a Projecting, Illuminated Sign at 70-76 Church Street, New Bedford, MA. 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 March 18, 2013.

Approved March 25, 2013.

(#0422)

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PETITION/INDEMNITY AGREEMENT, Slainte Irish Pub, for Permission to Erect and Maintain a Projecting Sign and a Flush Against the Building Sign at 34 Union Street, New Bedford, MA. 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 March 18, 2013.

Approved March 25, 2013. (#0423)

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MINUTES, Board of Assessors, submitting MINUTES of meetings held on February 22 and March 01, 2013.

Received and Placed on File. (#0424)

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MINUTES, Bristol Coalition Meeting, submitting MINUTES of a meeting held on February 19, 2013.

Received and Placed on File. (#0425)

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MINUTES, Bristol County Executive Meeting, submitting MINUTES of a meeting held on February 19, 2013.

Received and Placed on File. (#0426)

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MINUTES, Conservation Commission, submitting MINUTES of a meeting held on February 26, 2013.

Received and Placed on File. (#0427)

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APPLICATION, **Cardoso Contracting Inc.**, for permission to maintain a STREET OBSTRUCTION at **60 Nelson Street**, provisionally granted by the City Clerk on March 04, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 18, 2013.

Approved March 25, 2013. (#0428)

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APPLICATION, **Able Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **England Street, n.s. 495 +/- W x Mt. Pleasant Street, P123A / L484,486,487**, provisionally granted by the City Clerk on March 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 March 18, 2013.

Approved March 25, 2013. (#0429)

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APPLICATION, **Cardoso Contracting Inc.**, to DISTURB THE SURFACE, of **60 Nelson Street**, provisionally granted by the City Clerk on March 04, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 18, 2013.

Approved March 25, 2013.

(#0430)

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APPLICATION, **Able Asphalt Inc.**, to DISTURB THE SURFACE, of **England Street, n.s. 495 +/- W x Mt. Pleasant Street, P123A / L484,486,487**, provisionally granted by the City Clerk on March 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 March 18, 2013.

Approved March 25, 2013.

(#0431)

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APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on March 05, 2013, subject to ratification by the Mayor and City Council as follows:

31 Frederick Street

(#0432)

19 Sagamore Street

(#0433)

180 North Front Street

(#0434)

36 Jonathan Street

(#0435)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 18, 2013.

Approved March 25, 2013.

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APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on March 14, 2013, subject to ratification by the Mayor and City Council as follows:

889 Chaffee Street

(#0436)

59 Washburn Street

(#0437)

6 Arch Street

(#0438)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 18, 2013.

Approved March 25, 2013.

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APPLICATION, **NSTAR Electric Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on March 06, 2013, subject to ratification by the Mayor and City Council as follows:

Reed Street, North of Arnold Street

(#0439)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 18, 2013.

Approved March 25, 2013.

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IT WAS VOTED, on a motion made and duly seconded, Yeas 9, Nays 0, to waive Rule 42 in order to take up the late file items. (Councillors Gomes and Gonsalves not present for vote.)

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WRITTEN MOTION, Councillor Alves, in anticipation of the upcoming Massachusetts Gaming Commission meeting scheduled to be held on March 21, 2013, that the City Council go on record requesting, that the Commission take a vote to open up the South East Area (Area 3) to an open, fair and competitive bidding for a Full Casino in the area for both Commercial and Indian Developers, in an effort to ensure the Commonwealth and the entire Region has an equal opportunity to maximize the full economic potential that a Casino Development can bring to the area and to give to all Cities in the area, including New Bedford, the opportunity to compete and provide their Residents with equal employment and economic opportunities, if the community can offer the best response to the Request for Proposal that will be issued.

Rule 42 Waived – Yeas 9, Nays 0. (Councillors Gomes and Gonsalves not present for vote.)

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

(#0440)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER accepting a “non-recourse loan” of \$35,000.00 from Taber Mill Company Limited Partnership to help pay for a Vapor Intrusion Mitigation System (VIMS) under the Taber Mill that the City is required to install at a cost of approximately \$85,000.00 (\$50,000.00 grant monies and \$35,000.00 from Taber) per order of the Massachusetts DEP in conjunction with rehabilitation of the Payne Cutlery/Elco parcels.

Rule 42 Waived – Yeas 9, Nays 0. (Councillors Gomes and Gonsalves not present for vote.)

Received and Placed on File. (#0441)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
MARCH 14, 2013

ORDERED, that the City accept (as a gift for purposes of M.G.L. c44, §53A) a “non-recourse loan” of \$35,000.00 from Taber Mill Company Limited Partnership to help pay for a Vapor Intrusion Mitigation System (VIMS) under Taber Mill that the City is required to install per order of the Massachusetts DEP in conjunction with rehabilitation of the Payne Cutlery/Elco parcels.

This acceptance is in accordance with the Agreement between the City of New Bedford and Taber Mill Company Limited Partnership attached hereto which requires the City to repay the loan from grant funds if and when grant funds are available from which the loan may be repaid, otherwise, the loan shall be considered a gift to the City to be applied to payment of the VIMS installation costs at Taber Mill.

Rule 42 Waived – Yeas 9, Nays 0. (Councillors Gomes and Gonsalves not present for vote.)

Adopted and Rule 40 Waived – Yeas 9, Nays 1. (Council President Duarte OPPOSED; Councillor Coelho not present for vote.)

Presented to the Mayor for approval March 15, 2013.

Approved March 21, 2013. (#0442)

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REPORT, Committee on Public Safety & Neighborhoods, recommending that the City Council recommend to the Mayor and City Solicitor that the members of the Licensing Board, are once again made City employees and receive all the protection and backing that employment with the City entails, so that they may once again proactively inspect bars, restaurants and other establishments in the City in order to improve the safety of our neighborhoods; and further, that the Police Department also be involved in these inspections as well.

Rule 42 Waived – Yeas 9, Nays 0. (Councillors Gomes and Gonsalves not present for vote.)

Recommendation Followed.

Presented to the Mayor for approval March 18, 2013.

RETURNED UNSIGNED April 01, 2013. (#0443)

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WRITTEN MOTION, Councillor Gomes, requesting, that the Administration provide the Committee on ~~Public Safety and Neighborhoods~~ Finance at its' April meeting a breakdown of the monies received through FEMA's SAFER Grant and a breakdown of how the monies were spent throughout each year by the Fire Department; and further, that through the calculations of this Councillor, there presently is \$2.5 Million Dollars unaccounted for that was transferred out of the SAFER Grant, that the Committee on ~~Public Safety and Neighborhoods~~ Finance would like to know how and when the money got transferred out of the SAFER Grant to the City. (To be Referred to the Committee on ~~Public Safety and Neighborhoods~~ Finance.)

Rule 42 Waived – Yeas 9, Nays 0. (Councillors Gomes and Gonsalves not present for vote.)

Referred to the Committee on Finance – Yeas 10, Nays 0. (Councillor Coelho not present for vote.)

(#0444)

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REPORT, Committee on the Airport, recommending that the City Council, the Administration and the City's Legislative Delegation go on record in support of the new terminal project as it is detailed in the developing Master Plan.

Rule 42 Waived – Yeas 9, Nays 0. (Councillors Gomes and Gonsalves not present for vote.)

Recommendation Followed.

Presented to the Mayor for approval March 18, 2013.

RETURNED UNSIGNED April 01, 2013. (#0445)

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REPORT, Committee on the Airport, recommending that the City Council send a letter to the Federal Aviation Administration seeking that they reevaluate their recent decision to close the FAA Control Tower Operation at the New Bedford Regional Airport in that it is a major and valuable resource for the US Coast Guard, Bridgewater University's Aviation School, and the Community at Large; and further, that it is a major resource of the region and has significant importance to the security of our national airspace.

Rule 42 Waived – Yeas 9, Nays 0. (Councillors Gomes and Gonsalves not present for vote.)

Recommendation Followed and Rule 40 Waived – Yeas 10, Nays 0. (Councillor Coelho not present for vote.)

(#0446)

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WRITTEN MOTION, Councillor Lawrence, requesting, that in light of the Fire Department not being awarded the SAFER Grant, which would allow for the City of New Bedford to retain the current seventy (70) firefighters, that the City Council send a letter to our Federal Delegation and ask that they take every step necessary to provide us with assistance; and further, that laying off firefighters will result in diminishing the public safety of the Citizens of the City of New Bedford.

Rule 42 Waived – Yeas 9, Nays 0. (Councillors Gomes and Gonsalves not present for vote.)

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

(#0447)

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On a motion, the Council then adjourned at 8:38 p.m.

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ATTEST:

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