



# **Council Meeting** - Minutes

## **CITY COUNCIL CALENDAR**

Chambers of the City Council Municipal Building  
*Wednesday, March 27, 2013 - 7:15 p.m.*

View Agenda

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

LATE: Councillors Lawrence (7:25 p.m.) and Lopes (7:30 p.m.)

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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John T. Saunders, Councillor At Large led the Assembly in the Pledge of Allegiance to the Flag.

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The following resolution commemorating Vietnam Veteran's Day and the Thirty-Eighth Anniversary of the end of the Vietnam War was presented by Councillors Lawrence, Alves and Oliveira.

CITY OF NEW BEDFORD

IN CITY COUNCIL

MARCH 27, 2013

### **COMMEMORATING VIETNAM VETERAN'S DAY AND THE THIRTY-EIGHTH ANNIVERSARY OF THE END OF THE VIETNAM WAR**

**WHEREAS**, The Vietnam Veterans of America, Chapter 499, will be hosting their annual "RECOGNITION DAY CEREMONY" commemorating Vietnam Veteran's Day of Remembrance and the THIRTY-EIGHTH ANNIVERSARY of the End of the Vietnam War, to show support for our once neglected heroes, enabling a now grateful public, to separate the War from the Warriors, to finally give them the recognition and "homecoming" they deserve; and

**WHEREAS**, The Ceremony is scheduled to take place on Saturday, March 30, 2013, at 1:00 p.m., at Fort Taber Park, and offers everyone the opportunity to visit the Fort Taber Military Museum directly following the Ceremony to view the prominently displayed 43 photographs of our Vietnam Veterans who made the ultimate sacrifice by giving their "ALL" for their Country and its Citizens; and

**WHEREAS**, New Bedford's original Vietnam Veteran's Memorial Monument is a plaque located outside of City Hall; however, through the efforts of Chapter 499 POW-MIA Vietnam Veterans, the City's Legislators and Administration, departments and workforce, as well as public fundraisers and support, the stunning granite "Welcome Home" Memorial was dedicated on September 17, 2006, at this beautiful site facing Clark's Cove in Fort Taber Park, where everyone may visit more freely and where it serves as a fitting tribute for all Vietnam Veterans; and

**WHEREAS**, Along with our own Vietnam Welcome Home Memorial, there are now many tributes to our Vietnam Veterans, namely, the Vietnam Veterans Memorial Wall in Washington, D.C., honoring the nearly 58,200 Americans who died or were declared Missing in Action by having each and every name inscribed on the Wall, the half-size replica "Moving

Wall,” which has been crisscrossing the Country for over 20 years, built by Vietnam Veteran Volunteers who were deeply touched by the positive power of “THE WALL” and vowed to share that experience with those who could not go to Washington, D.C. to view the original, the traveling tributes known as the “Quilts of Tears,” made by loved ones to honor and remember our Vietnam Veterans who still suffer, or have lost their lives, as a result of their tour of duty in Vietnam AFTER they returned home and many others – all of which when viewed provide a truly heartbreaking and moving experience, but serve to honor the men and women who served when their Nation called; and

**WHEREAS,** The American people have finally acknowledged the sacrifices made by our servicemen and women in Vietnam, and, on this Vietnam Veterans Day, we take the time to honor all Vietnam and Vietnam-era Veterans for their courage and loyalty to God and Country during turbulent times, and to those who are or were Prisoners of War, to those still Missing in Action and to those soldiers who loved peace, but willingly laid down their lives to protect and preserve freedom throughout the world, as well as honoring and respecting those who still suffer the remnants of the war, be it physically or psychologically and offer them support, gratitude and respect for their pain and sacrifice; and

**WHEREAS,** The Veterans of the Vietnam War have formed a “Band of Brothers” to show their support for our present-day Veterans, especially those serving in active combat, and to ensure that they are given the welcome home and tributes so greatly deserved by all our fighting forces; and the New Bedford City Councillors also try to ensure that the treatment the Vietnam Veterans received is NEVER repeated, by honoring and showing their appreciation to returning New Bedford Servicemen and Servicewomen, citing them for their service at City Council meetings, at the City’s LIGHTS FOR PEACE events and at this now annual “RECOGNITION DAY CEREMONY;” and

**WHEREAS,** The Veterans of the Vietnam War deserve our gratitude and respect for the time, effort and dedication they have given in the service of our Country, and, on this THIRTY-EIGHTH ANNIVERSARY of the Vietnam Veterans Day of Remembrance, may we always deeply appreciate and never forget the men and women who gave have given so much to ensure our freedom that no words, no standing ovation, no ceremony, no ribbon, no medal could adequately honor them and their service in Vietnam, even as we seek to by using their inspiring and popular slogan “ALL GAVE SOME, SOME GAVE ALL:”

**NOW, THEREFORE BE IT RESOLVED,** That the New Bedford City Council proudly Salutes our **VIETNAM VETERANS** and those who have passed into eternity, Commemorates the **THIRTY-EIGHTH ANNIVERSARY OF THE VIETNAM VETERANS DAY OF REMEMBRANCE**, sends its best wishes for a once again well-attended and successful “**RECOGNITION DAY CEREMONY,**” by our own **VVA, CHAPTER 499**, at the beautiful “**WELCOME HOME MEMORIAL,**” in Fort Taber Park, and sincerely hopes that all Citizens of the world will never forget that our freedom does not come free, but with the sacrifices that were made by those who fought, and continue to fight, so valiantly to preserve our way of life.

Adopted, to be presented at a later date.

(#0448)

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The following resolution honoring Raycela Dasher was presented by Council President Duarte and Councillor Alves.

CITY OF NEW BEDFORD

IN CITY COUNCIL

MARCH 27, 2013

**RESOLUTION HONORING RAYCELA DASHER  
FOR BEING SELECTED TO SERVE ON THE GOVERNOR’S STATEWIDE  
YOUTH COUNCIL**

**WHEREAS,** Raycela Dasher, a Junior at the Greater New Bedford Regional Vocational Technical High School in the City of New Bedford, majoring in Legal and Protective Services, with a GPA of 3.54 and ranking 67 out of 547 students; and

**WHEREAS,** Raycela Dasher, an intelligent student has received many awards during her three years at Greater New Bedford Regional Vocational Technical High School such as: the Dean’s List, which honors students for their academic excellence, the Renaissance Award for academic achievement and the BEAR Award for her outstanding citizenship; and

**WHEREAS**, Raycela Dasher has volunteered her service and time in many community service programs such as: Cans Across the Park, Operation Clean Sweep, i-Safe America, Iris Scanning and many more, totaling more than 100 hours of community service; and

**WHEREAS**, In addition to Raycela Dasher's volunteerism and academic background, she has been a member of the Cross Country Team and the Spring Track Team, has become CPR and First Aid Certified as well as, AED First Responder Certified, obtained her OSHA 10 Hour Card, and has worked at New Directions; and

**WHEREAS**, At the end of Raycela's sophomore year, she was encouraged by her teacher, Kellie Martin, to apply to the Governor's Statewide Youth Council, which encourages young people to become civically engaged in their local communities and help tackle the State's biggest challenges; and

**WHEREAS**, In October 2012, Raycela Dasher was informed she had been selected to serve on the Third Youth Council Class which serves for two years, Raycela had been the first student selected from Greater New Bedford Regional Vocational Technical High School and only the second student from the City of New Bedford, which members are selected by an application review committee for their excellence in leadership and their outstanding potential to create change in their communities; and

**WHEREAS**, On November 30, 2012, Raycela Dasher was sworn in by Governor Deval Patrick, as a member of the Governor's Statewide Youth Council, members hold formal bi-monthly sessions, advising the Governor as Representatives of Massachusetts Youth, members gather independently to share what they see in their communities and partner with local communities to create solutions; and

**WHEREAS**, While serving on the Governor's Statewide Youth Council, Raycela focuses her attention on social justice and poverty, being the voice for disadvantaged people and focuses on positive aspects of the City of New Bedford; and

**NOW, THEREFORE, BE IT RESOLVED**, That the New Bedford City Council hereby honors **RAYCELA DASHER FOR BEING SELECTED TO SERVE ON THE GOVERNOR'S STATEWIDE YOUTH COUNCIL**, commends her for her hard work and dedication to the Community and wishes her much success in all her future endeavors.

Adopted. ( #0449)

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REPORT, Committee on Ordinances, recommending that the City Council ADOPT the ORDINANCE, Relative to Pawnbrokers – Establishments.

Referred to the Committee on Ordinances and the Planning Board. ( #0450)

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ORDINANCE, Relative to Pawnbroker Establishments.

Referred to the Committee on Ordinances and the Planning Board. ( #0451)

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IT WAS VOTED, on a motion made and duly seconded, Yeas 9, Nays 0, to waive Rule 42 in order of business to take up the following items at this time. (Councillors Bousquet and Lopes not present for vote.)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the TRANSFER of \$2,000,000.00 from FREE CASH, to SCHOOL, SALARIES & WAGES.

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

Referred to the Committee on Finance. ( #0452)

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ORDER,

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

Referred to the Committee on Finance. (#0453)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the TRANSFER of \$700,000.00 from FREE CASH, to POLICE, CAPITAL OUTLAY.

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

Referred to the Committee on Finance. (#0454)

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ORDER,

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

Referred to the Committee on Finance. (#0455)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the TRANSFER of \$250,000.00 from FREE CASH, to PUBLIC FACILITIES, CAPITAL OUTLAY.

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

Referred to the Committee on Finance. (#0456)

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ORDER,

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

Referred to the Committee on Finance. (#0457)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the TRANSFER of \$175,000.00 from FREE CASH, to EMS, CAPITAL OUTLAY.

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

Referred to the Committee on Finance. (#0458)

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ORDER,

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

Referred to the Committee on Finance. (#0459)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the TRANSFER of \$125,000.00 from FREE CASH, to GENERAL GOVERNMENT UNCLASSIFIED, OTHER FINANCING USES.

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

Referred to the Committee on Finance. (#0460)

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ORDER,

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

Referred to the Committee on Finance. (#0461)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the TRANSFER of \$90,000.00 from FREE CASH, to GENERAL GOVERNMENT UNCLASSIFIED, JUDGMENTS/CLAIMS.

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

Referred to the Committee on Finance. (#0462)

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ORDER,

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

Referred to the Committee on Finance. (#0463)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the TRANSFER of \$181,000.00 from FREE CASH, to ZOO, SUPPLIES & MATERIALS.

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

Referred to the Committee on Finance. (#0464)

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ORDER,

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

Referred to the Committee on Finance. (#0465)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the TRANSFER of \$69,000.00 from FREE CASH, to ZOO, CHARGES & SERVICES.

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

Referred to the Committee on Finance. (#0466)

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ORDER,

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

Referred to the Committee on Finance. (#0467)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the TRANSFER of \$33,000.00 from ZOO, SALARIES & WAGES, to ZOO, SUPPLIES & MATERIALS.

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

Received and Placed on File. (#0468)

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IN CITY COUNCIL

MARCH 27, 2013

ORDERED: that the sum of THIRTY THREE THOUSAND DOLLARS (\$33,000.00) now standing to the credit of the account from ZOO, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

ZOO, SUPPLIES AND MATERIALS.....\$33,000.00

To be certified and approved by the Department Head.

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

Adopted.

Presented to the Mayor for approval March 29, 2013.

Approved March 29, 2013. ( #0469)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting a RESOLUTION, authorizing Interim Superintendent Michael Shea to submit a Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA) to replace seven (7) rooftop units and two (2) outdoor condensing units at the Casimir Pulaski Elementary School.

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

Received and Placed on File. ( #0470)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

MARCH 27, 2013

*Resolved:* having convened in open meeting on March 27, 2013, the City Council of New Bedford, Massachusetts, in accordance with its charter, by-laws and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority a Statement of Interest Form for the Casimir Pulaski Elementary School, located at 1097 Braley Road, New Bedford, Massachusetts, which describes and explains the following deficiencies and priority category for which an application may be submitted to the Massachusetts School Building Authority in the future:

Priority 5: Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.

Deficiencies: The original seven Roof Top Units (RTU), as well as two (2) outdoor condensing units, have exceeded their useful life expectancy and need to be replaced;

And hereby further specifically acknowledges that by submitting this Statement of Interest Form, which will be submitted to the Massachusetts School Building Authority by no later than April 10, 2013 for consideration in FY 2013, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City to filing an application for funding with the Massachusetts School Building Authority.

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

Adopted.

Presented to the Mayor for approval March 29, 2013.

Approved March 29, 2013.

(#0471)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting a RESOLUTION, authorizing Interim Superintendent Michael Shea to submit a Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA) to replace the absorption unit and related pumps in the air conditioning system at New Bedford High School.

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

Received and Placed on File.

(#0472)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
MARCH 27, 2013

*Resolved:* having convened in open meeting on March 27, 2013, the City Council of New Bedford, Massachusetts, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority a Statement of Interest Form for New Bedford High School located at 230 Hathaway Boulevard, New Bedford, Massachusetts, which describes and explains the following deficiencies and priority category for which an application may be submitted to the Massachusetts School Building Authority in the future:

Priority 5: Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.

Deficiencies: The absorption unit and related pumps in the air conditioning system at New Bedford High School need to be replaced because they periodically break down and require the use of three gas fired Cleaver-Brooks boilers in order to operate. The district seeks to replace the existing absorption unit and pumps with an absorption unit and pumps that do not rely on the boilers, which will both increase energy conservation and extend the life of the boilers;

And hereby further specifically acknowledges that by submitting this Statement of Interest Form, which will be submitted to the Massachusetts School Building Authority by no later than April 10, 2013 for consideration in FY 2013, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City to filing an application for funding with the Massachusetts School Building Authority.

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

Adopted.

Presented to the Mayor for approval March 29, 2013.

Approved March 29, 2013.

(#0473)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for BRIAN LOURO, 165 Aquidneck Street, New Bedford, MA, and Account Number 018989A, in the amount of \$174.30.

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

Abatement Granted.

Presented to the Mayor for approval March 29, 2013.

Approved March 29, 2013.

(#0474)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for MANUEL PEREIRA, 811 South First Street, New Bedford, MA, and Account Number 011202A, in the amount of \$174.30.

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

Abatement Granted.

Presented to the Mayor for approval March 29, 2013.

Approved March 29, 2013.

(#0475)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for MIGUEL SOUSA, 72 Nash Road, New Bedford, MA and Account Number 014659A, in the amount of \$468.95.

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

Abatement Granted.

Presented to the Mayor for approval March 29, 2013.

Approved March 29, 2013.

(#0476)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of REBEKAH A. TOMLINSON, Acushnet, MA 02743 as a CONSTABLE.

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

Received and Placed on File.

(#0477)

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APPLICATION, REBEHAH A. TOMLINSON, Acushnet, MA 02743, for REAPPOINTMENT as a CONSTABLE.

Confirmed.

(#0478)

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

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

Received and Placed on File.

(#0479)

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

Appointment made and confirmed.

(#0480)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of TYLER G. TRUELLE, New Bedford, MA, as a SPECIAL POLICE OFFICER.

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

Received and Placed on File.

(#0481)

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APPLICATION, TYLER G. TRUDELLE, New Bedford, MA, for APPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed. (#0482)

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WRITTEN MOTION, Councillor Martins, requesting, on behalf of the Day of Portugal Committee, that the School Committee waive all fees for their Annual Soccer Tournament, scheduled to be held on Sunday, May 19, 2013. Copy of Application enclosed. (To be Referred to the School Committee.)

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

Referred to the School Committee and Rule 40 Waived – Yeas 10, Nays 0. (Councillor Bousquet not present for vote.)

Presented to the Mayor for approval March 28, 2013.

RETURNED UNSIGNED April 11, 2013. (#0483)

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WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and the Police Chief increase Patrols in the area of Washington Street and Pleasant Street within a 4 block radius, east and west, north and south, due to the increasing amounts of breaking and enterings and car vandalism that has been occurring in this area.

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

Adopted and Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval March 28, 2013.

Approved March 29, 2013. (#0484)

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The Council then returned to the regular order of business.

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REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, amended to read as follows: That every offer of employment to a prospective employee shall be contingent upon a favorable review by a CORI certified individual of the Department of Personnel of the prospective employee's Criminal Offender Record Information (CORI) obtained from the CORI Report Services Unit.

Recommendation Followed. (#0485)

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ORDINANCE, Relative to Personnel – CORI.

Passed to a Second Reading. (#0486)

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REPORT, Committee on Ordinances, recommending to the City Council ADOPTION, of the ORDER, requesting that the City Council authorize and forward the plan for certification to the Massachusetts Department of Housing and Community Development (DHCD) for its approval and endorsement.

Recommendation Followed. (#0487)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
JANUARY 10, 2013

ORDERED, that the City Council of the City of New Bedford hereby approves the Housing Development (HD) Zone Plan for the City of New Bedford and authorizes and forwards said HD Zone Plan for certification to the Massachusetts Department of Housing and Community Development (DHCD) for its approval and endorsement.

Referred to the Committee on Ordinances – January 10, 2013.

Adopted.

Presented to the Mayor for approval March 29, 2013.

Approved March 29, 2013. (#0027)

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REPORT, Committee on Appointments & Briefings recommending to the City Council APPROVAL of the APPOINTMENT of JEFF COSTA, New Bedford, MA 02740, to the HUMAN RELATIONS COMMISSION, replacing Ji Tae “JT” Ghim, who has resigned; this term will expire December 2015.

Recommendation Followed and Appointment Confirmed. (#0488)

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REPORT, Committee on Appointments & Briefings recommending to the City Council APPROVAL of the APPOINTMENT of CELIA BRITO, New Bedford, MA 02740, to the REDEVELOPMENT AUTHORITY, replacing Jenny Fialho, who has resigned; this term will expire July 2017.

Recommendation Followed and Appointment Confirmed. (#0489)

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REPORT, Committee on Appointments & Briefings recommending to the City Council APPROVAL of the APPOINTMENT of ROBERT SCHILLING, New Bedford, MA 02740, to the NEW BEDFORD HOUSING AUTHORITY, replacing Reverend Leona Fisher, whose term has expired; this term will expire December 2014.

Referred to the Committee on Appointments and Briefings. (#0490)

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REPORT, Committee on Appointments & Briefings recommending to the City Council APPROVAL of an International Sister City Agreement between the City of New Bedford and the City of Cuxhaven, Germany.

Recommendation Followed and International Sister City Agreement Approved.

Presented to the Mayor for approval March 29, 2013.

Approved March 29, 2013. (#0491)

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WRITTEN MOTION, Council President Duarte, requesting, on behalf of the United Way of Greater New Bedford and Mayor Mitchell, that the following street(s) be CLOSED: WILLIAM STREET, from North Sixth Street to Pleasant Street, ON FRIDAY, MAY 03, 2013, FROM 7:00 A.M. TO 9:00 A.M., for the purpose of the United Way’s 19<sup>th</sup> Annual Youth Day of Caring Event on the Main Library’s Steps and Parking for the Student’s Buses.

Permission Granted.

Presented to the Mayor for approval March 29, 2013.

Approved April 08, 2013. (#0492)

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WRITTEN MOTION, Councillor Oliveira, requesting, that DOWNEY STREET at MT. PLEASANT STREET, BE CLOSED on SATURDAY, MAY 18, 2013, FROM 10:00 A.M. TO 4:00 P.M. for the purpose of the New Bedford Regional Airport's 7<sup>th</sup> Annual General Aviation Fun Day, and that Members of the Police Department will be on hand throughout the day to assure the rerouting of traffic and further, requesting that DPF provide street closure barrels for said event.

Permission Granted.

Presented to the Mayor for approval March 29, 2013.

Approved April 08, 2013. (#0493)

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WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Our Lady of Mount Carmel Church, that the following street(s) be CLOSED: KATHERINE STREET, from Crapo Street to Bonney Street, ON SATURDAY, MAY 18, 2013, FROM 4:00 P.M., THROUGH SUNDAY, MAY 19, 2013, TO 11:30 P.M., for the purpose of Our Lady of Mount Carmel Holy Ghost Feast.

Permission Granted.

Presented to the Mayor for approval March 29, 2013.

Approved April 08, 2013. (#0494)

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WRITTEN MOTION, Councillor Gonsalves, requesting, on behalf of the Humane Coalition for Animals of Greater New Bedford, that the following street(s) be CLOSED: LT. WALTER P. FULLER MEMORIAL PARKWAY, from Rockdale Avenue West to the Monument, ON SUNDAY, MAY 19, 2013, FROM 8:00 A.M. TO 4:00 P.M., for the purpose of their 14<sup>th</sup> Annual Dog Walk and Pet Fest in Buttonwood Park.

Permission Granted.

Presented to the Mayor for approval March 29, 2013.

Approved April 08, 2013. (#0495)

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WRITTEN MOTION, Councillor Gonsalves, requesting, on behalf of COMMUNITY ACTION FOR BETTER HOUSING, that the following street(s) be CLOSED: ALLEN STREET, from County Street to Bonney Street, ON TUESDAY, APRIL 16, 2013, FROM 9:00 A.M. TO 1:30 P.M., for the purpose of: A Ribbon-Cutting Ceremony for the Oscar Romero House.

Permission Granted.

Presented to the Mayor for approval March 29, 2013.

Approved April 08, 2013. (#0496)

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WRITTEN MOTION, Councillor Oliveira, requesting, on behalf of Paul Dupont, Scout Master, Troop 24, that the following street(s) be CLOSED: CHEROKEE STREET, between Acushnet Avenue and Morton Avenue, on SATURDAY, MAY 25, 2013, FROM 7:00 A.M. THROUGH 3:00 P.M., for the purpose of The Annual Soap Box Derby Race Event; and further, requesting that Cherokee Street be swept before said event.

Permission Granted.

Presented to the Mayor for approval March 29, 2013.

Approved April 08, 2013. (#0497)

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WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Javier Rojas, Cinco De Mayo Celebration Committee, that the following street(s) be CLOSED: RIVET STREET, between South Second Street and Acushnet Avenue, ON SATURDAY, MAY 04, 2013, FROM 9:00 A.M. TO 12:00 A.M., (MIDNIGHT) for the purpose of The Cinco De Mayo Celebration.

Permission Granted.

Presented to the Mayor for approval March 29, 2013.

Approved April 08, 2013. (#0498)

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WRITTEN MOTION, Councillor Lopes, requesting, AGAIN, that the City of New Bedford adopt M.G.L., Chapter 59, Section 5N, which allows Cities and Towns to create a work-off tax abatement program for Veterans, this would allow Veterans to earn abatements on their property taxes by working for the community. (To be Referred to Mayor Mitchell, Renee Fernandes-Abbott, City Treasurer, Peter Barney, Assessor's Office and Christopher Gomes, Veteran's Agent.)

Adopted and Referred to the Committee on Finance.

Presented to the Mayor for approval March 29, 2013.

RETURNED UNSIGNED April 11, 2013. (#0499)

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WRITTEN MOTION, Councillor Oliveira, requesting that DPI Commissioner Ronald H. Labelle allow Boy Scout Troop 24 the use of Pine Grove Cemetery for their annual Laying to Rest of American Flags Ceremony on June 12, 2013; and further requesting, that DPI supply the burn barrels for the event and that the Fire Department is notified of said ceremony.

Adopted.

Presented to the Mayor for approval March 29, 2013.

RETURNED UNSIGNED April 11, 2013. (#0500)

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WRITTEN MOTION, Councillor Lopes, requesting that Mayor Mitchell consider revising the current policy of charging a flat three percent (3%) fee on the value of an electrical contract, that the City look into adopting a fee structure similar to the one used by the Town of Lowell; said fee structure differentiates between residential and commercial contracts, the residential property owners have a flat fee structure and commercial property owners have a fee structure that is based on

the total square footage of electrical work to be completed. (To be Referred to Mayor Mitchell and DIS Commissioner Danny Romanowicz.)

Adopted.

Presented to the Mayor for approval March 29, 2013.

RETURNED UNSIGNED April 11, 2013. (#0501)

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WRITTEN MOTION, Councillors Alves and Martins, that in light of the fact that the City has put the former Elco Dress site out to bid and no qualified bidders responded in time at either RFP posting, and in consideration of the recorded and documented need for additional soccer fields, requesting that the Special Committee on Soccer Fields look to work with the Administration, the Department of Public Infrastructure and Department of Public Facilities to develop the barren area into adult and youth soccer fields to encourage and benefit the large number of local youth and community groups with their athletic programs, and to address the growing need for soccer fields in the City. (To be Referred to the Special Committee on Soccer Fields and the Mayor.)

Referred to the Mayor and the Special Committee on Soccer Fields.

Presented to the Mayor for approval March 29, 2013.

RETURNED UNSIGNED April 11, 2013. (#0502)

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WRITTEN MOTION, Councillor Alves, requesting that the City Council's Special Committee on Soccer Fields meet with DPI Commissioner Ronald Labelle, to outline and discuss the status of his request to the Massachusetts Department of Transportation in regard to the City's use of the land between Route 18 and Purchase Street (with an access through the opening under the railroad tracks at Cedar Grove Street) for the development of additional soccer fields to address the growing need for such fields in the City of New Bedford. (To be Referred to the Special Committee on Soccer Fields.)

Adopted.

(#0503)

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WRITTEN MOTION, Councillor Alves, requesting that the City Council send a letter to Mayor Mitchell and the Economic Development Council expressing our disappointment in the fact that at the recent meeting of the Massachusetts Gaming Commission, held on Thursday, March 21, 2013, that neither the Mayor, a Representative from the Mayor's Office or from the Economic Development Council was there to fight for an opportunity for an opening bidding process and for anyone considering New Bedford as a potential site, or to fight for the employment opportunities and economic development opportunities a commercial multi-million dollar development could bring to the City or the South Coast region, the embarrassment was made even more visual when the Mayor of Fall River, the Mayor of Taunton and the majority of State Legislators were in attendance to fight for JOBS and EMPLOYMENT OPPORTUNITIES and neither our Mayor or a Representative of his office was there to show our City's Interest or concern for the City's unemployed, only a Representative of the City Council was there to express our concern on behalf of the City Council. (To be Referred to the Mayor, Economic Development Council and the Special Committee on Gaming/Casino.)

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

(#0504)

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COMMUNICATION, Councillor Bousquet, submitting copies of a letter to Mayor Mitchell and an email from Mr. Timothy Correia regarding numerous trash violation notices at Mr. Correia's Peckham Street properties.

Received and Placed on File. (#0505)

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HEARING, on NSTAR ELECTRIC COMPANY, for location of one (1) 4" Conduit in HATHAWAY STREET, corner of Riverside Avenue.

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

Hearing held and closed.

TABLED.

Councillor Gonsalves having voted with the prevailing side made a motion to RECONSIDER.

RECONSIDERATION Adopted – Yeas 11, Nays 0.

TABLED – February 28, 2013.

Removed from the Table and Petition Placed on File. (#0337)

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ORDER,

TABLED.

Councillor Gonsalves having voted with the prevailing side made a motion to RECONSIDER.

RECONSIDERATION Adopted – Yeas 11, Nays 0.

TABLED – February 28, 2013.

Removed from the Table, Adopted and Ordered Recorded in Book of Location Order Records.

Presented to the Mayor for approval March 29, 2013.

Approved April 08, 2013. (#0338)

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HEARING, on NSTAR ELECTRIC COMPANY, for location of one (1) 4" Conduit in MANOMET STREET, corner of Riverside Avenue.

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

Hearing held and closed.

TABLED.

Councillor Gonsalves having voted with the prevailing side made a motion to RECONSIDER.

RECONSIDERATION Adopted – Yeas 11, Nays 0.

TABLED – February 28, 2013.

Removed from the Table and Petition Placed on File. (#0339)

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ORDER,

TABLED.

Councillor Gonsalves having voted with the prevailing side made a motion to RECONSIDER.

RECONSIDERATION Adopted – Yeas 11, Nays 0.

TABLED – February 28, 2013.

Removed from the Table, Adopted and Ordered Recorded in Book of Location Order Records.

Presented to the Mayor for approval March 29, 2013.

Approved April 08, 2013.

(#0340)

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The following resolution honoring the Susan A. Sullavou Temple #94 was presented by Council President Duarte and Councillor Gomes.

CITY OF NEW BEDFORD

IN CITY COUNCIL

MARCH 27, 2013

**RESOLUTION HONORING THE SUSAN A. SULLAVOU TEMPLE #94  
IMPROVED BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS OF THE WORLD**

**WHEREAS**, The Susan A. Sullavou Temple #94 received it's Elks Charter from the Grand Temple of the Improved Benevolent and Protective Order of the Elks of the World on July 31, 1917; and

**WHEREAS**, Susan A. Thompson was born on the Island of St. Helena in the South Atlantic Ocean on July 06, 1856, the daughter of William and Mary (Cummings) Thompson; and

**WHEREAS**, Susan A. Thompson arrived in New Bedford, Massachusetts aboard a whaling ship in 1866; and

**WHEREAS**, Susan A. Thompson married Emanuel Sullavou on November 17, 1877, and lived in the West End of the City at 233 Park Street; and

**WHEREAS**, Mr. Emanuel Sullavou was one of the most prominent black lawyers in the City of New Bedford and in all of New England, with a distinguished educational background, graduating from Phillips Exeter Academy, Harvard and Harvard Law School, he served as the City's Common Council in 1878, and was also the Registrar of Voters for many years; and

**WHEREAS**, Susan A. Sullavou died on December 20, 1904, leaving her husband Emanuel, daughter Lena Barreau and son-in-law, John Barreau; and

**WHEREAS**, The first daughter ruler of the Susan A. Sullavou Temple, #94, was Daisy Cole, a well known Christian woman of the Community who was a stalwart of the Temple from it's inception to her death; and

**WHEREAS**, The Susan A. Sullavou Temple #94, is a community based organization, which holds an annual Senior Dinner, an Easter Egg Hunt, Christmas parties for local children, sponsors Thanksgiving dinners, Veterans programs, youth programs and marches in parades:

**NOW, THEREFORE, BE IT RESOLVED**, That the New Bedford City Council hereby honors the **SUSAN A. SULLAVOU TEMPLE #94, IMPROVED BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS OF THE WORLD**, for their many years of charitable work on behalf of the people of New Bedford, the many different groups who have benefited since their founding and wishes them many more years of continued success.

**Given this 23rd Day of March 2013.**

Adopted, to be presented at a later date.

(#0506)

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WRITTEN MOTION, requesting, on behalf of David Martins and Jennifer Motta, that the Traffic Commission install a "NO PARKING EXCEPT HANDICAP VEHICLE" Sign at 234 Davis Street, New Bedford, MA (Copy of Handicap Placard and letter from owner of building to allow installation of sign enclosed.) (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission.

(#0507)

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WRITTEN MOTION, Councillor Gomes, requesting, that Acting Commissioner of the Department of Public Facilities, Kenneth Blanchard, install a metal trash can in front of 318 Dartmouth Street and secure it to the "NO PARKING" Sign in front of said address, the reason for this request is because the businesses in that area and those waiting for the bus are littering this location and the installation of a trash receptacle would resolve this.

Referred to the Acting Commissioner of the Department of Public Facilities, Kenneth Blanchard.

Presented to the Mayor for approval March 29, 2013.

RETURNED UNSIGNED April 11, 2013.

(#0508)

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WRITTEN MOTION, Councillor Gomes, requesting, on behalf of Mr. David T. Sinagra, 993 County Street, that a Tree Hearing be held for the removal of two trees located on the southside of said property, at the corner of County Street and Cedar Grove Street, these trees are located on the Cedar Grove Street side and are presently in rotted condition and the petitioner is asking that they be removed.

Referred to the Department of Public Facilities/Forestry.

Presented to the Mayor for approval March 29, 2013.

RETURNED UNSIGNED April 11, 2013.

(#0509)

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WRITTEN MOTION, Councillor Gomes, requesting, on behalf of Mr. Jose Demelo, 278 Aquidneck Street, that the Department of Public Infrastructure replace the sidewalk/driveway in front of said address due to its poor condition, it has cracks in some areas making it unsafe for pedestrians to use.

Referred to the Department of Public Infrastructure.

Presented to the Mayor for approval March 29, 2013.

RETURNED UNSIGNED April 11, 2013.

(#0510)

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PETITION/INDEMNITY AGREEMENT, World Famous Pizza and Subs, for Permission to Erect and Maintain a Projecting, Illuminated Sign at 1114 Acushnet Avenue, New Bedford, MA 02746. 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 29, 2013.

Approved April 08, 2013.

(#0511)

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COMMUNICATION, Councillor Lawrence, submitting letter dated March 13, 2013, to the Office of the City Solicitor from Epic Realty Associates, Inc., relative to building demolitions. (To be Referred to the Committee on Appointments and Briefings.)

Referred to the Committee on Appointments and Briefings. (#0512)

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MINUTES, Bristol Coalition Meeting, submitting MINUTES of a meeting held on March 13, 2013.

Received and Placed on File. (#0513)

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MINUTES, Board of Assessors, submitting MINUTES of a meeting held on March 08 and 14, 2013.

Received and Placed on File. (#0514)

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APPLICATION, **Marc A. Gadbois Contractor**, for permission to maintain a STREET OBSTRUCTION at **63 Union Street**, provisionally granted by the City Clerk on March 15, 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 29, 2013.

Approved April 08, 2013. (#0515)

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APPLICATION, **Hayes Construction Inc.**, for permission to maintain a STREET OBSTRUCTION at **42 Harbor Street**, provisionally granted by the City Clerk on March 18, 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 29, 2013.

Approved April 08, 2013. (#0516)

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APPLICATION, **Sign Design Inc.**, for permission to maintain a STREET OBSTRUCTION at **1657 Acushnet Avenue at Tinkham Street**, provisionally granted by the City Clerk on March 26, 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 29, 2013.

Approved April 08, 2013. (#0517)

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APPLICATION, **Mirra Company Inc.**, for permission to maintain a STREET OBSTRUCTION at **121 Duchaine Boulevard**, provisionally granted by the City Clerk on March 18, 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 29, 2013.

Approved April 08, 2013. (#0518)

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APPLICATION, **RJ Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **71 Bonney Street P36/L64**, provisionally granted by the City Clerk on March 22, 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 29, 2013.

Approved April 08, 2013. (#0519)

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APPLICATION, **Mirra Company Inc.**, to DISTURB THE SURFACE, of **121 Duchaine Boulevard**, provisionally granted by the City Clerk on March 18, 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 29, 2013.

Approved April 08, 2013. (#0520)

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APPLICATION, **RJ Canessa Excavating**, to DISTURB THE SURFACE, of **71 Bonney Street P36/L64**, provisionally granted by the City Clerk on March 22, 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 29, 2013.

Approved April 08, 2013. (#0521)

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APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on March 19, 2013, subject to ratification by the Mayor and City Council as follows:

194 Jarry Street (#0522)

398 Union Street (#0523)

424 Mt. Pleasant Street (#0524)

182 North Street (#0525)

203 Weld Street (#0526)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval March 29, 2013.

Approved April 08, 2013.

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APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on March 25, 2013, subject to ratification by the Mayor and City Council as follows:

1033 Belleville Avenue (#0527)

9 Brownell Street (#0528)

27-29 Brigham Street (#0529)

391 Bolton Street (#0530)

711 Belleville Avenue (#0531)  
220 Aquidneck Street (#0532)  
27 Bourne Street (#0533)  
24 Crapo Street digging on the Fair Street side (#0534)  
Received and Action of the City Clerk Ratified.  
Presented to the Mayor for approval March 29, 2013.  
Approved April 08, 2013.

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APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on March 26, 2013, subject to ratification by the Mayor and City Council as follows:

37 Hickory Street (#0535)  
261 Walnut Street (#0536)  
4174 Acushnet Avenue (#0537)  
2489 Acushnet Avenue (#0538)  
49 Bedford Street, corner property on South Sixth Street side (#0539)  
Received and Action of the City Clerk Ratified.  
Presented to the Mayor for approval March 29, 2013.  
Approved April 08, 2013.

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APPLICATIONS, **ABC Disposal Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on March 19, 2013, subject to ratification by the Mayor and City Council as follows:

2 Durfee Street (#0540)  
171-175 Clara Street (#0541)  
Received and Action of the City Clerk Ratified.  
Presented to the Mayor for approval March 29, 2013.  
Approved April 08, 2013.

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On a motion, the Council then adjourned at 8:15 p.m.

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ATTEST:

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