



# Council Meeting - Minutes

## CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, April 25, 2013 - 7:11 p.m.

View Agenda

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PRESENT: Council First Vice-President Martins, Councillors Alves, Bousquet, Coelho, Gomes, Gonsalves, Lawrence, Oliveira and Saunders.

LATE: Councillor Lopes (7:40 p.m.)

ABSENT: Council President Duarte

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Council First Vice-President Martins called the meeting to order and presided.

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Rabbi Raphael Kanter, Tifereth Israel Congregation, led the Assembly in Prayer.

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Council First Vice-President called for a moment of silence for the victims and families affected by the Boston Tragedy.

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Jane L. Gonsalves, Councillor Ward Five led the Assembly in the Pledge of Allegiance to the Flag.

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COMMUNICATION, Council President Duarte, to Members of the City Council, notifying that he will be unable to attend the City Council Meeting on April 25, 2013, due to the fact that he will be representing the City on a trade mission to the Countries of Germany and Denmark, relative to the South Terminal and Cape Wind Projects.

Received and Placed on File. (#0649)

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COMMUNICATION, Councillor Lopes, to Members of the City Council, informing that he will be late to the City Council Meeting, on April 25, 2013, due to the fact that he will be attending the Mass Housing 23<sup>rd</sup> Annual Greater Boston Minority and Women's Business Enterprise Expo.

Received and Placed on File. (#0650)

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HEARING, ON THE DISCONTINUANCE of a portion of EASTON STREET (Board of Survey) 50 feet wide, from Upton Street northerly 193+/- feet.

Hearing was held; Attorney Janiak was in favor of said Discontinuance; Toni Gomes of Whitlow Street was in Opposition of said Discontinuance.

Referred to the Committee on Appointments and Briefings. (#0651)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$96,000.00 from POLICE, SALARIES & WAGES, to ELECTIONS, SALARIES & WAGES.

Received and Placed on File. (#0652)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
APRIL 25, 2013

ORDERED: that the sum of NINETY-SIX THOUSAND DOLLARS (\$96,000.00) now standing to the credit of the account from POLICE, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

ELECTIONS, SALARIES AND WAGES..... \$96,000.00

To be certified and approved by the Department Head.

Adopted – Yeas 9, Nays 0. (Councillor Lopes not present for vote.)

Presented to the Mayor for approval April 29, 2013.

Approved April 29, 2013. (#0653)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$15,000.00 from POLICE, CHARGES & SERVICES, to ELECTIONS, CHARGES & SERVICES.

Received and Placed on File. (#0654)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
APRIL 25, 2013

ORDERED: that the sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00) now standing to the credit of the account from POLICE, CHARGES AND SERVICES be and the same is hereby transferred and appropriated to as follows:

ELECTIONS, CHARGES AND SERVICES..... \$15,000.00

To be certified and approved by the Department Head.

Adopted – Yeas 9, Nays 0. (Councillor Lopes not present for vote.)

Presented to the Mayor for approval April 29, 2013.

Approved April 29, 2013. (#0655)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$4,000.00 from POLICE, SALARIES & WAGES, to ELECTIONS, CHARGES & SERVICES.

Received and Placed on File. (#0656)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 25, 2013

ORDERED: that the sum of FOUR THOUSAND DOLLARS (\$4,000.00) now standing to the credit of the account from POLICE, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

ELECTIONS, CHARGES AND SERVICES.....\$4,000.00

To be certified and approved by the Department Head.

Adopted – Yeas 9, Nays 0. (Councillor Lopes not present for vote.)

Presented to the Mayor for approval April 29, 2013.

Approved April 29, 2013. (#0657)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$70,000.00 from DPI/HIGHWAY, SALARIES & WAGES, to DPI/HIGHWAY, SUPPLIES & MATERIALS.

Received and Placed on File. (#0658)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 25, 2013

ORDERED: that the sum of SEVENTY THOUSAND DOLLARS (\$70,000.00) now standing to the credit of the account from DPI/HIGHWAY, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

DPI/HIGHWAY, SUPPLIES AND MATERIALS..... \$70,000.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval April 29, 2013.

Approved April 29, 2013. (#0659)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$15,000.00 from FIRE, CHARGES & SERVICES, to FIRE, CAPITAL OUTLAY.

Received and Placed on File. (#0660)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 25, 2013

ORDERED: that the sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00) now standing to the credit of the account from FIRE, CHARGES AND SERVICES be and the same is hereby transferred and appropriated to as follows:

FIRE, CAPITAL OUTLAY..... \$15,000.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval April 29, 2013.

Approved April 30, 2013. (#0661)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$8,000.00 from TOURISM, SUPPLIES & MATERIALS, to TOURISM, CHARGES & SERVICES.

Received and Placed on File. (#0662)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 25, 2013

ORDERED: that the sum of EIGHT THOUSAND DOLLARS (\$8,000.00) now standing to the credit of the account from TOURISM, SUPPLIES AND MATERIALS be and the same is hereby transferred and appropriated to as follows:

TOURISM, CHARGES AND SERVICES..... \$8,000.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval April 29, 2013.

Approved April 30, 2013. (#0663)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$5,000.00 from CITY COUNCIL, SUPPLIES & MATERIALS, to CITY COUNCIL, CHARGES & SERVICES.

Received and Placed on File. (#0664)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 25, 2013

ORDERED: that the sum of FIVE THOUSAND DOLLARS (\$5,000.00) now standing to the credit of the account from CITY COUNCIL, SUPPLIES AND MATERIALS be and the same is hereby transferred and appropriated to as follows:

CITY COUNCIL, CHARGES AND SERVICES..... \$5,000.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval April 29, 2013.

Approved April 30, 2013. (#0665)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$1,500.00 from LIBRARY, CHARGES & SERVICES, to LIBRARY, SALARIES & WAGES.

Received and Placed on File. (#0666)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
APRIL 25, 2013

ORDERED: that the sum of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) now standing to the credit of the account from LIBRARY, CHARGES AND SERVICES be and the same is hereby transferred and appropriated to as follows:

LIBRARY, SALARIES AND WAGES.....\$1,500.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval April 29, 2013.

Approved April 30, 2013. (#0667)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for HENRY CONSTANT, 26 Rodney French Boulevard, New Bedford, MA, Account Number 007052A, in the amount of \$1,373.65.

Abatement GRANTED – Yeas 9, Nays 0. (Councillor Lopes not present for vote.)

Presented to the Mayor for approval April 29, 2013.

Approved May 02, 2013. (#0668)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for A RESIDENT OF WESTPORT, as a Candidate for the ASSISTANT SUPERINTENDENT OF WASTEWATER position.

One-Year Waiver Granted and Rule 40 Waived – Yeas 9, Nays 0. (Councillor Lopes not present for vote.)

Presented to the Mayor for approval April 26, 2013.

Approved April 29, 2013. (#0669)

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ORDINANCE, Amending Chapter 19, Section 19-6.1, Relative to Personnel – Criminal Offender Record Information- CORI.

Passed to a Second Reading – March 27, 2013.

Passed, to be Ordained – Yeas 9, Nays 0. (Councillor Lopes not present for vote.)

Presented to the Mayor for approval April 29, 2013.

RETURNED UNSIGNED May 14, 2013. (#0486)

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REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, for the TRANSFER of \$2,000,000.00 from FREE CASH, to SCHOOL, SALARIES & WAGES.

Tabled. (Councillors Bousquet and Oliveira OPPOSED.) (#0670)

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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 – March 27, 2013.

Tabled. (Councillors Bousquet and Oliveira OPPOSED.) (#0453)

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REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER (AS AMENDED) for the TRANSFER of \$700,536.00 from FREE CASH to POLICE, CAPITAL OUTLAY.

Amended to the original amount of \$700,000.00 – All Ayes. (#0671)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
MARCH 27, 2013

ORDERED: that the sum of SEVEN HUNDRED THOUSAND DOLLARS (\$700,000.00) now standing to the credit of the account from FREE CASH be and the same is hereby transferred and appropriated to as follows:

POLICE, CAPITAL OUTLAY.....\$700,000.00

To be certified and approved by the Department Head.

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

Referred to the Committee on Finance – March 27, 2013.

Adopted – Yeas 9, Nays 0. (Councillor Lopes not present for vote.)

Presented to the Mayor for approval April 29, 2013.

Approved April 29, 2013. (#0455)

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REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, for the TRANSFER of \$250,000.00 from FREE CASH, to PUBLIC FACILITIES, CAPITAL OUTLAY.

Recommendation Followed. (#0672)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
MARCH 27, 2013

ORDERED: that the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) now standing to the credit of the account from FREE CASH be and the same is hereby transferred and appropriated to as follows:

PUBLIC FACILITIES, CAPITAL OUTLAY..... \$250,000.00

To be certified and approved by the Department Head.

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

Referred to the Committee on Finance – March 27, 2013.

Adopted – Yeas 9, Nays 0. (Councillor Lopes not present for vote.)

Presented to the Mayor for approval April 29, 2013.

Approved April 29, 2013. (#0457)

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REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, for the TRANSFER of \$175,000.00 from FREE CASH, to EMS, CAPITAL OUTLAY.

Recommendation Followed. (#0673)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
MARCH 27, 2013

ORDERED: that the sum of ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000.00) now standing to the credit of the account from FREE CASH be and the same is hereby transferred and appropriated to as follows:

EMS, CAPITAL OUTLAY .....\$175,000.00

To be certified and approved by the Department Head.

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

Referred to the Committee on Finance – March 27, 2013.

Adopted – Yeas 9, Nays 1. (Councillor Saunders OPPOSED.)

Presented to the Mayor for approval April 29, 2013.

Approved April 30, 2013. (#0459)

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REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, for the TRANSFER of \$125,000.00 from FREE CASH, to GENERAL GOVERNMENT UNCLASSIFIED, OTHER FINANCING USES.

Recommendation Followed. (#0674)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
MARCH 27, 2013

ORDERED: that the sum of ONE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$125,000.00) now standing to the credit of the account from FREE CASH be and the same is hereby transferred and appropriated to as follows:

GENERAL GOVERNMENT UNCLASSIFIED,  
OTHER FINANCING USES .....\$125,000.00

To be certified and approved by the Department Head.

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

Referred to the Committee on Finance – March 27, 2013.

Adopted – Yeas 8, Nays 2. (Councillors Martins and Saunders OPPOSED.)

Presented to the Mayor for approval April 29, 2013.

Approved April 30, 2013. (#0461)

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REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, for the TRANSFER of \$90,000.00 from FREE CASH, to GENERAL GOVERNMENT UNCLASSIFIED, JUDGMENTS/CLAIMS.

Recommendation Followed. (#0675)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
MARCH 27, 2013

ORDERED: that the sum of NINETY THOUSAND DOLLARS (\$90,000.00) now standing to the credit of the account from FREE CASH be and the same is hereby transferred and appropriated to as follows:

GENERAL GOVERNMENT UNCLASSIFIED,  
JUDGMENTS/CLAIMS ..... \$90,000.00

To be certified and approved by the Department Head.

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

Referred to the Committee on Finance – March 27, 2013.

Adopted – Yeas 9, Nays 1. (Councillor Saunders OPPOSED.)

Presented to the Mayor for approval April 29, 2013.

Approved April 30, 2013. (#0463)

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REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, for the TRANSFER of \$181,000.00 from FREE CASH, to ZOO, SUPPLIES & MATERIALS.

Recommendation Followed. (#0676)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
MARCH 27, 2013

ORDERED: that the sum of ONE HUNDRED EIGHTY ONE THOUSAND DOLLARS (\$181,000.00) now standing to the credit of the account from FREE CASH be and the same is hereby transferred and appropriated to as follows:

ZOO, SUPPLIES AND MATERIALS ..... \$181,000.00

To be certified and approved by the Department Head.

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

Referred to the Committee on Finance – March 27, 2013.

Adopted – Yeas 8, Nays 1. (Councillor Saunders OPPOSED; Councillor Gomes not present for vote.)

Presented to the Mayor for approval April 29, 2013.

Approved April 30, 2013. (#0465)

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REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, for the TRANSFER of \$69,000.00 from FREE CASH, to ZOO, CHARGES & SERVICES.

Recommendation Followed. (#0677)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
MARCH 27, 2013

ORDERED: that the sum of SIXTY NINE THOUSAND DOLLARS (\$69,000.00) now standing to the credit of the account from FREE CASH be and the same is hereby transferred and appropriated to as follows:

ZOO, CHARGES AND SERVICES.....\$69,000.00

To be certified and approved by the Department Head.

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

Referred to the Committee on Finance – March 27, 2013.

Adopted – Yeas 8, Nays 1. (Councillor Saunders OPPOSED; Councillor Gomes not present for vote.)

Presented to the Mayor for approval April 29, 2013.

Approved April 30, 2013. (#0467)

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WRITTEN MOTION, Councillor Alves, requesting, on behalf of Our Lady of Perpetual Help Church, that the following street(s) be CLOSED: NORTH FRONT STREET, from Coggeshall Street to Beetle Street, ON SATURDAY, JUNE 15, 2013, FROM 8:00 A.M. TO 8:30 P.M., or shortly after, AND SUNDAY, JUNE 16, 2013, from 8:00 A.M. TO 8:30 P.M., or shortly after, for the purpose of the “POLISH FESTIVAL”; and further requesting, that ‘NO PARKING’ signs be POSTED ON NORTH FRONT STREET, from Coggeshall Street to Beetle Street, ON FRIDAY EVENING, JUNE 14, 2013, at 6:00 P.M., THROUGH SUNDAY, JUNE 16, 2013, at 10:00 P.M. (NOTE: WOODEN BARRELS WILL ALSO BE USED.)

Permission Granted.

Presented to the Mayor for approval April 29, 2013.

Approved May 02, 2013. (#0678)

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WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Senhor Da Pedra Club and Feast Committee, that the following street(s) be CLOSED: WEBSTER COURT, from Madeira Avenue to Funchal Place (Hope Street) and

TINKHAM STREET, from Madeira Avenue to Funchal Place (Hope Street), ON SATURDAY, JUNE 15, 2013, FROM 10:00 A.M. TO 11:45 P.M., AND SUNDAY, JUNE 16, 2013, FROM 10:00 A.M. TO 11:45 P.M., for the purpose of THE ANNUAL SENHOR DA PEDRA HOLY GHOST FEAST.

Permission Granted.

Presented to the Mayor for approval April 29, 2013.

Approved May 02, 2013. (#0679)

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WRITTEN MOTION, Councillor Martins, requesting, that the Committee on Ordinances review the current Ordinance, Chapter 23, Section 23-25, Motorized Scooter; Prohibition, for the purpose of amending such in order to assist law enforcement to better enforce the regulations, this amendment should require sellers of motorized scooters to inform purchasers about the rules for operating them, (no riding double, cannot be driven at night, requires an approved DOT helmet, must stay to the right, like bicycles, etc.). (To be Referred to the Committee on Ordinances.)

Referred to the Committee on Ordinances. (#0680)

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REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, for the TRANSFER of \$2,000,000.00 from FREE CASH, to SCHOOL, SALARIES & WAGES.

Tabled. (Councillors Bousquet and Oliveira OPPOSED.)

Removed from the Table – All Ayes.

Tabled. (#0670)

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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 – March 27, 2013.

Tabled. (Councillors Bousquet and Oliveira OPPOSED.)

Removed from the Table – All Ayes.

Tabled. (#0453)

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WRITTEN MOTION, Councillor Alves, requesting, on behalf of parents and grandparents who visit or use the new and recently developed "Children's Playground" at Brooklawn Park, and who have expressed their concern that there is no apparatus installed to allow children with disabilities to use the facility, and that there should be consideration for the installation for at least one apparatus so that ALL CHILDREN who visit the park playground will have the opportunity to enjoy the park and new playground area; and further, that the Council request the Executive Director, Commission for Citizens with Disabilities, Cynthia Wallquist report back to the City Council and confirm to the Council that this is not a violation of Federal requirements. (To be Referred to Executive Director, Commission for Citizens with Disabilities, Cynthia Wallquist with a request for a response in twenty days.)

Adopted.

Presented to the Mayor for approval April 29, 2013.

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WRITTEN MOTION, Councillors Alves, *Martins and Coelho*, requesting, that the Parks, Recreation and Beaches Department address the maintenance needs of the Duck Pond/Enclosure at Brooklawn Park, and remove the tree that is broken and down across the pond and eliminate the debris in the enclosed area, which is a safety issue to the animals confined to the area, and to enhance the aesthetics of the area which is visited on a daily basis by young children and their parents, this area does not currently demonstrate or speak well for the City's care of animals or maintenance of our facilities; *and that the City contact the Greater New Bedford Regional Vocational Technical High School to find out if the bridge is being repaired and if the bridge will be returned for the summer months; and further, requesting that the Department of Community Development and/or DPI and DPF provide the Commission for Citizens with Disabilities with copies of the plans and specifications for the playground and also provide the City Council with copies of the plans for the playground and the overall plans for Brooklawn Park.*

Referred to the Committee on Appointments and Briefings.

(#0682)

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WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Public Safety and Neighborhoods meet with the Mayor and Police Chief for the purpose of discussing what policies, procedures and safety measures are being implemented throughout the City as we approach the summer season when many festivals and feasts will be held, in light of the recent events that took place at the Boston Marathon, that the City of New Bedford take every security measure in its power during all these outdoor activities, including the Whaling City Festival, Portuguese Feast and any function being held on the State Pier, just to name a few, that the City ensure resources are available, whether it be the Canine Units, or any other method in place in order to guarantee the safety of the people of New Bedford.

Referred to the Committee on Public Safety and Neighborhoods.

(#0683)

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COMMUNICATION, Board of Assessors, to City Council, submitting THREE ORDERS, for the Optional Cost of Living Adjustments for Fiscal Year 2014 Exemption, the 2014 increases raises the Tax Exemption for Clause 17 to \$290.11; the asset amount under Chapter 59, Section 5 (17E) is \$59,151; under Chapter 59, Section 5 (41,41-B,41-C) the income limit for single taxpayers is \$19,223 and married couples is \$22,183 and under Chapter 59, Section 5 (41,41-B, and 41-C) the assets limit for single taxpayers is \$41,405 and married couples \$44,363 there is no State reimbursement for any money expended in the increased exemptions which is adopted every year.

Received and Placed on File.

(#0684)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 25, 2013

ORDERED, that the base limit of income and the total value of assets of persons qualifying under M.G.L. Chapter 59, Section 5, Clause 41, 41B and 41C is hereby increased by 1.64% for Fiscal Year 2014, said increase is equal to the Consumer Price Index.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval April 29, 2013.

Approved May 02, 2013.

(#0685)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 25, 2013

ORDERED, that pursuant to M.G.L. Chapter 59, Section 5, Clause 17 E, the total value of assets, as set forth in M.G.L. Chapter 59, Section 5, Clause 17, 17C, 17c ½ and 17D is hereby increased by 1.64% for Fiscal Year 2014, said increase is equal to the Consumer Price Index.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval April 29, 2013.

Approved May 02, 2013.

(#0686)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

APRIL 25, 2013

ORDERED, that the exemption granted to persons qualifying under M.G.L. Chapter 59, Section 5, Clause 17, 17C, 17c ½, and 17D is hereby increased by 1.64% for Fiscal Year 2014, said increase is equal to the Consumer Price Index.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval April 29, 2013.

Approved May 02, 2013.

(#0687)

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COMMUNICATION, David J. Cotney, Commonwealth of Massachusetts Commissioner of Banks, to City Council, regarding our correspondence relative to interest rate for items pawned be set at a rate of 18% annual percentage rate (APR) for loan amounts greater than \$25.00, that the matter has been referred to the Division's Non Depository Institution Supervision Unit for review. (Copy all Councillors 04/11/2013.)

Received and Placed on File.

(#0688)

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WRITTEN MOTION, Councillor Martins, requesting, on behalf of The Zeiterion Theatre, that the following street(s) be CLOSED: PURCHASE STREET, from School Street to Spring Street, ON FRIDAY, APRIL 26, 2013, FROM 4:00 P.M. TO 11:00 P.M., for the purpose of the American Bandstand Classic Car Show/Joe Jesus.

GRANTED PROVISIONALLY BY THE CITY COUNCIL FIRST VICE-PRESIDENT STEVEN MARTINS, ON WEDNESDAY, APRIL 24, 2013, TO BE RATIFIED BY THE CITY COUNCIL ON THURSDAY, APRIL 25, 2013.

Received and Action of the City Council First Vice-President Ratified.

Presented to the Mayor for approval April 29, 2013.

Approved May 02, 2013.

(#0689)

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WRITTEN MOTION, Councillor Martins, on behalf of Acushnet Company located at 700 Belleville Avenue, requesting that the Traffic Commission consider eliminating one of the two existing "LOADING ZONE" signs in front of said business and move the remaining one "LOADING ZONE" sign south; and further, that the sign in question is just south of the intersection of Hadley Street/Belleville Avenue and that the Company feels that moving the sign further down Belleville Avenue will increase safety by improving the visibility of the associates who exit Hadley Street turning south on Belleville Avenue.

Referred to the Traffic Commission.

(#0690)

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WRITTEN MOTION, Councillor Gomes, requesting, on behalf of Gary and Myra Wunschel, 253 Chestnut Street, Shawn DeVincentis and Nicole Edwards, 255 Chestnut Street and Edwin and Rita Andrews, 256 Chestnut Street, that the tree located between 253 and 255 Chestnut Street be removed due to the fact that the tree is rotten from the top to bottom, and if the tree is deemed to be no good that a Tree Hearing be held, if needed, by the Department of Public Facilities/Forestry in order to remove said tree due to the limbs that have fallen on cars, the sidewalk and in the street during the past six months because of the many storms that we had in the City causing damages to cars in the area and is a safety concern. (To be Referred to the Department of Public Facilities/Forestry.)

Referred to the Department of Public Facilities/Forestry.

Presented to the Mayor for approval April 29, 2013.

RETURNED UNSIGNED May 14, 2013.

(#0691)

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CONSTABLE BOND, REBEKEH A. TOMLINSON, 57 Nyes Lane, Rear, Acushnet, MA 02743, Western Surety Company in the amount of \$5,000.

Approved.

Presented to the Mayor for approval April 29, 2013.

Approved May 02, 2013.

(#0692)

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ANNUAL REPORT, New Bedford Public Schools, submitting Annual Report for 2011 - 2012.

Received and Placed on File.

(#0693)

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MINUTES, Commission for Citizens with Disabilities, submitting MINUTES of meetings held on December 17, 2012 and March 11, 2013.

Received and Placed on File.

(#0694)

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MINUTES, Board of Assessors, submitting MINUTES of a meeting held on April 11, 2013.

Received and Placed on File.

(#0695)

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MINUTES, Bristol County Executive Meeting, submitting MINUTES of a meeting held on March 19, 2013.  
Received and Placed on File. (#0696)

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MINUTES, Bristol Coalition Meeting, submitting MINUTES of a meeting held on March 19, 2013.  
Received and Placed on File. (#0697)

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MINUTES, Zoning Board of Appeals, submitting MINUTES of a meeting held on January 24, 2013.  
Received and Placed on File. (#0698)

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APPLICATION, **Mill City Construction**, for permission to maintain a STREET OBSTRUCTION at **226 Ash Street (Ash Street Jail) Union Street/Court Street**, provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013. (#0699)

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APPLICATION, **Constantino Construction**, for permission to maintain a STREET OBSTRUCTION at **60 Mechanics Lane P52/L203**, provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013. (#0700)

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APPLICATION, **Able Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **Barnum Street / Morris Street P130A/L366**, provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013. (#0701)

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APPLICATION, **Able Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **Barnum Street / Morris Street P130A/L806**, provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013. (#0702)

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APPLICATION, **Able Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **S.S. Westbrook Street P33/L128**, provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013. (#0703)

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APPLICATION, **RJ Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **Bedford Street, Lot 180 S.S. 152' w x Borden Street** provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013. (#0704)

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APPLICATION, **Reis Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **560 Elm Street**, provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013. (#0705)

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APPLICATION, **Christopher Mendoza**, for permission to maintain a STREET OBSTRUCTION at **1014 Marion Street P130/L328**, provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013. (#0706)

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APPLICATION, **Christopher Mendoza**, for permission to maintain a STREET OBSTRUCTION at **223-225 Princeton Street P113/L143**, provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013. (#0707)

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APPLICATION, **Able Asphalt Inc.**, to DISTURB THE SURFACE, of **Barnum Street / Morris Street P130A/L366**, provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013. (#0708)

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APPLICATION, **Able Asphalt Inc.**, to DISTURB THE SURFACE, of **Barnum Street / Morris Street P130A/L806**, provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013. (#0709)

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APPLICATION, **Able Asphalt Inc.**, to DISTURB THE SURFACE, of **S.S. Westbrook Street P33/L128**, provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013. (#0710)

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APPLICATION, **RJ Canessa Excavating**, to DISTURB THE SURFACE, of **Bedford Street, Lot 180 S.S. 152' w x Borden Street**, provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013. (#0711)

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APPLICATION, **Reis Asphalt Inc.**, to DISTURB THE SURFACE, of **560 Elm Street**, provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013. (#0712)

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APPLICATION, **Christopher Mendoza**, to DISTURB THE SURFACE, of **1014 Marion Street P130/L328**, provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013.

(#0713)

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APPLICATION, **Christopher Mendoza**, to DISTURB THE SURFACE, of **223-225 Princeton Street P113/L143**, provisionally granted by the City Clerk on April 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 April 29, 2013.

Approved May 02, 2013.

(#0714)

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APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on April 17, 2013, subject to ratification by the Mayor and City Council as follows:

964 Peckham Road

(#0715)

762 New Plainville Road

(#0716)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 29, 2013.

Approved May 02, 2013.

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APPLICATIONS, **ABC Disposal Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on April 18, 2013, subject to ratification by the Mayor and City Council as follows:

316 Hawthorn Street

(#0717)

2 Durfee Street

(#0718)

20 Holly Street

(#0719)

457 Cottage Street

(#0720)

121 Deane Street

(#0721)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval April 29, 2013.

Approved May 02, 2013.

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IT WAS VOTED, on a motion made and duly seconded, Yeas 10, Nays 0, to waive Rule 42 in order to take up the late file items.

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COMMUNICATION, Mayor Mitchell, to City Council, submitting two proposed Orders authorizing the City to execute two (2) utility easements, one to NSTAR Gas Company and one to Verizon New England, Inc., relative to property under the control of the New Bedford Airport Commission, the proposed easements are necessary for purposes of relocating existing utility lines as part of the New Bedford Airport Runway 5/23 Safety Improvement.

Rule 42 Waived – Yeas 10, Nays 0.

Received and Placed on File.

(#0722)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
APRIL 25, 2013

ORDERED, that the Mayor is hereby authorized on behalf of the City to execute a utility easement in favor of NSTAR Gas Company for the relocation of utilities at the New Bedford Regional Airport, necessitated by the Airport Runway 5/23 Safety Improvement Project, a copy of said easement is attached hereto and made a part hereof.

Rule 42 Waived – Yeas 10, Nays 0.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval April 29, 2013.

Approved May 01, 2013. (#0723)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
APRIL 25, 2013

ORDERED, that the Mayor is hereby authorized on behalf of the City to execute a utility easement in favor of Verizon New England, Inc., for the relocation of utilities at the New Bedford Regional Airport, necessitated by the Airport Runway 5/23 Safety Improvement Project; a copy of said easement is attached hereto and made a part hereof.

Rule 42 Waived – Yeas 10, Nays 0.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval April 29, 2013.

Approved May 01, 2013. (#0724)

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WRITTEN MOTION, Councillor Lopes, requesting, that the Committee on City Property and the Community Boating Center discuss plans for the Boating Center to use the City's owned lot, located on East Rodney French Boulevard, directly across from the former Smuggler's property for boat and trailer storage during the summer season; and further requesting, that a representative from the Mayor's Office be invited to discuss the matter, when said matter is heard in Committee. (To be Referred to the Committee on City Property.)

Rule 42 Waived – Yeas 10, Nays 0.

Referred to the Committee on City Property. (#0725)

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COMMUNICATION, Councillor Lopes, submitting letter from the Community Boating Center regarding permission to use the City's owned lot, located on East Rodney French Boulevard for storage. (To be Referred to the Committee on City Property.)

Rule 42 Waived – Yeas 10, Nays 0.

Referred to the Committee on City Property. (#0726)

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COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 164 NORTH FRONT STREET – CIRCA 1905 TWO AND 1/2–STORY WOOD FRAMED STRUCTURE - advising that “the structure is not located in a National Register Historic District; the structure is of no notable historic significance either recorded or found with the existing condition of the structure;” and therefore, “the NBHC has determined that the building is NOT a historically significant building or structure and not preferably preserved.”

Rule 42 Waived – Yeas 10, Nays 0.

Accept the Commission’s Findings and Grant the Demolition – Yeas 10, Nays 0.

Presented to the Mayor for approval April 29, 2013.

Approved May 02, 2013. (#0727)

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REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDER, for the City to accept M.G.L. Chapter 148, § 26H, which requires the installation of sprinkler systems in lodging and boarding houses in which rooms are let to six (6) or more persons, the statute does not apply to fraternity houses or dormitories, rest homes or group residence licensed or regulated by agencies of the Commonwealth.

Rule 42 Waived – Yeas 10, Nays 0.

Recommendation Followed. (#0728)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
FEBRUARY 14, 2013

ORDERED, that the City of New Bedford accept M.G.L. c. 148, § 26H, which requires the installation of sprinkler systems in lodging and boarding houses in which rooms are let to six (6) or more persons, the statute does not apply to fraternity houses or dormitories, rest homes or group residences licensed or regulated by agencies of the Commonwealth.

Referred to the Committee on Ordinances – February 14, 2013.

Rule 42 Waived – Yeas 10, Nays 0.

Adopted and Rule 40 Waived – Yeas 10, Nays 0.

Presented to the Mayor for approval April 26, 2013.

Approved April 29, 2013. (#0247)

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REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, Amending Chapter 18, PARKS AND RECREATION, inserting Section 18-9, RECREATION AND PARKS DEPARTMENT and Section 18-10, DIRECTOR OF RECREATION AND PARKS, and the ORDINANCE, Amending Chapter 2, Article XVI, Section 2-203 DEPARTMENT OF COMMUNITY SERVICES, which redirects Parks and Recreation related responsibilities from the Department of Community Services, to the Recreation and Parks Department.

Rule 42 Waived – Yeas 10, Nays 0.

Recommendation Followed.

(#0729)

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ORDINANCE, Amending Chapter 18, PARKS AND RECREATION, inserting Section 18-9, RECREATION AND PARKS DEPARTMENT and Section 18-10, DIRECTOR OF RECREATION AND PARKS.

Referred to the Committee on Ordinances – May 24, 2012.

Passed to a Second Reading – July 19, 2012.

Referred to the Committee on Ordinances – August 16, 2012.

Rule 42 Waived – Yeas 10, Nays 0.

Passed, to be Ordained and Rule 40 Waived – Yeas 10, Nays 0.

Presented to the Mayor for approval April 29, 2013.

Approved May 02, 2013.

(#0932)

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ORDINANCE, Amending Chapter 2, Article XVI, Section 2-203 DEPARTMENT OF COMMUNITY SERVICES, which redirects Parks and Recreation related responsibilities from the Department of Community Services, to the Recreation and Parks Department.

Referred to the Committee on Ordinances – May 24, 2012.

Passed to a Second Reading – July 19, 2012.

Referred to the Committee on Ordinances – August 16, 2012.

Rule 42 Waived – Yeas 10, Nays 0.

Passed, to be Ordained and Rule 40 Waived – Yeas 10, Nays 0.

Presented to the Mayor for approval April 29, 2013.

Approved May 02, 2013.

(#0934)

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WRITTEN MOTION, Councillor Gomes, requesting, on behalf of the Paul Ryan Vermette Family, that permission from the Committee on City Property be given to the Vermette Family to adopt the triangle located at Mill Street and Kempton Street, outside of the Rite Aid Pharmacy, for a dedication to the late Paul Ryan Vermette; and further, that the Vermette Family would like to adopt and provide upkeep and maintenance, with all costs incurred by the Vermette Family, to the triangle located east of the Hess Gas Station; and further requesting, that the rotten trees be removed and replaced with four cherry blossom trees, along with a bench and a plaque in memory of the late Paul Ryan Vermette due to his contributions to businesses and buildings that he built all around the triangle located at Mill Street and Kempton Street; and further, that the Vermette Family is establishing a yearly scholarship to be given to a New Bedford School Student in memory of the late Paul Ryan Vermette. (To be Referred to the Committee on City Property.)

Rule 42 Waived – Yeas 10, Nays 0.

Referred to the Committee on City Property and the Special Committee on Memorials and Dedications.

(#0730)

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WRITTEN MOTION, Councillor Bousquet, requesting that the New Bedford Police Department increase Police Patrol in the Coggeshall Street and Highland Street area, particularly earlier in the day between the hours of 9 a.m. and 3 p.m. (To be Referred to Police Chief Provencher.)

Rule 42 Waived – Yeas 10, Nays 0.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval April 29, 2013.

RETURNED UNSIGNED May 14, 2013. (#0731)

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WRITTEN MOTION, Councillors Gonsalves, Bousquet, Gomes and Lawrence, requesting that the Committee on Ordinances be discharged from further consideration of the Mayor’s motion to amend the Code of Ordinances, Chapter 9, Section 9-4000, to institute a moratorium on Medical Marijuana Dispensaries.

Rule 42 Waived – Yeas 10, Nays 0.

Motion to Discharge Committee from Further Consideration – FAILED – Yeas 5, Nays 5. (Councillors Alves, Bousquet, Gomes, Gonsalves and Oliveira IN FAVOR.) (#0732)

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COMMUNICATION, Mickelson Barnet Counselors at Law, to City Council, submitting Public Notice of a Waterways Application and copy of a two-page plan for Nordic Fisheries, Inc. to construct and maintain an addition to existing licensed buildings on filled tidelands at 14 Hervey Tichon Avenue (North Terminal). (Copy all Councillors 04/25/2013.)

Rule 42 Waived – Yeas 10, Nays 0.

Received and Placed on File. (#0733)

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On a motion, the Council then adjourned at 8:50 p.m.

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ATTEST:

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