



Council Meeting - Minutes

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, May 9, 2013 - 7:04 p.m.

View Agenda

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

LATE: Councillors Gomes (7:07 p.m.) and Lawrence (7:40 p.m.)

ABSENT: No One.

Council President Duarte called the meeting to order and presided.

Reverend David Lima, Pastor New Seasons Worship Center, led the Assembly in Prayer.

Steven Martins, Councillor Ward Two led the Assembly in the Pledge of Allegiance to the Flag.

COMMUNICATION, Councillor Lawrence, to City Council, informing the Council that he will be late to the City Council Meeting on Thursday, May 09, 2013, due to a prior commitment.

Received and Placed on File.

(#0734)

CITATIONS, Councillor Martins, honoring ALEX CORREIA, TREG DEMBITZKI, GUSTIN FROIAS, NATHAN MORGADO, BRYAN PASQUARELLO and JORDAN VASCONCELLOS, Greater New Bedford Regional Vocational Technical High School, in Recognition of their First Place Finish at the Underwater Robotics Competition at the Marine Advanced Technology Education Remotely Operated Vehicle Competition.

Adopted.

(#0735)

CITATIONS, Councillor Martins, honoring ANGELA BASSE, THOMAS CANASTRA, ANTHONY CABRAL, NELSON BERNARDO and TRENT CARTER, for their Dedication and Commitment to the Students of the Greater New Bedford Regional Vocational Technical High School and their First Place Finish at the Underwater Robotics Competition at the Marine Advanced Technology Education Remotely Operated Vehicle Competition.

Adopted.

(#0736)

CITATIONS, Councillor Bousquet, honoring the Greater New Bedford Regional Vocational Technical High School winners of the 2013 MASSACHUSETTS SKILLS USA COMPETITION.

Adopted.

(#0737)

CITATIONS, Council President Duarte, Councillors Alves and Gonsalves, honoring SUZANNE RICHARD, JOSEPH LANGLOIS, DANA DEBARROS, PAUL SANTOS and TOM SEXTON, New Bedford Cable Network, in Recognition of their 15th Annual Alliance for Community Media Regional Video Festival Awards.

Adopted.

(#0738)

The following resolution honoring New Bedford Cable Network was presented by Councillor Gonsalves.

CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 09, 2013

**RESOLUTION HONORING NEW BEDFORD CABLE NETWORK FOR WINNING
A NATIONAL AWARD FROM THE ALLIANCE FOR COMMUNITY MEDIA FOR THEIR
DAILY EDUCATIONAL PROGRAM “HOMEWORK HELPERS”**

WHEREAS, The Alliance for Community Media has selected New Bedford Cable Network (NBCN) to receive a National award for their daily educational program, “Homework Helpers”; and

WHEREAS, This live show, which is currently in its second season is produced and filmed by New Bedford Cable Network staff and is hosted by New Bedford Public School teachers who provide real-time guidance to students who are seeking help with their homework; and

WHEREAS, Public, Educational and Governmental (PEG) Access Cable Television channel awards are presented to creative programs that address community needs, develop diverse community involvement, challenge conventional commercial television formats and move viewers to experience television in a different way; and

WHEREAS, Each year the Hometown Media Awards honors and promotes community media, and the local cable programs that are distributed on Public, Educational and Governmental Channels; and

WHEREAS, While more than eight hundred entries in thirty different categories were submitted this year, it was New Bedford Cable Network’s “Homework Helpers” program that won the top prize in the Live Format category; and

WHEREAS, Current and retired New Bedford Public School teachers host the half-hour call-in show on New Bedford’s Educational Channel 17 and provide helpful instruction and advice to students dealing with difficult homework questions, allowing students to call into the show with their questions four days a week, students may also email questions or leave messages for teachers; and

WHEREAS, Hosting the “Homework Helpers” is a wonderful and dedicated team of New Bedford Public School teachers, Amy Furtado, Cindy Goodfellow, George Goodfellow, Kristina Dahlene, Estelle Mota, Eileen Diggle, Marcia Guy, Sharon Pinho, Kelly Freitas, Ashley Hebert and Armand Viera; and

WHEREAS, Channels 17, 18, and 95 seek to connect residents to important activities in government and education and serve as an outlet for community engagement and communication; and

WHEREAS, New Bedford Cable Network, while operated by the City of New Bedford is funded through an annual grant from Comcast Cable and offers Government Access Programming, Mayoral press conferences, State of the City Addresses, speeches, City Council meetings, commission meetings of significant public interest, the Public Access Channel, provides residents with the opportunity to produce their own programs about what interests or concerns them, the Educational Access Channel, airs school graduations, plays, reading programs and School Committee meetings; and

WHEREAS, In 2007, the Alliance for Community Media selected New Bedford Cable Network as the winner of the Overall Excellence Award in Public, Educational, and Governmental (PEG) Access Programming:

NOW, THEREFORE, BE IT RESOLVED, That the New Bedford City Council hereby honors **NEW BEDFORD CABLE NETWORK FOR WINNING A NATIONAL AWARD FROM THE ALLIANCE FOR COMMUNITY MEDIA FOR THEIR DAILY EDUCATIONAL PROGRAM “HOMEWORK HELPERS”**, thanks them for their many years of community service to the viewers and residents of the Greater New Bedford area and wishes them continued future success.

Adopted. (#0739)

RESOLUTION, Council President Duarte, honoring TEAM BUILDERS, INC. / THE HOUSE OF MUSIC on the occasion of their 10TH ANNIVERSARY.

TABLED. (#0740)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER that in order to reduce interest costs, the Treasurer with the approval of the Mayor, is authorized to issue refunding bonds pursuant to M.G.L. c44, §21A to refund all or any portion of the remaining principal of and redemption premium and interest on any bonds of the City outstanding as the date of adoption of this Order, and for the payment of all costs incidental and related thereto, and that the Mayor and the Treasurer are each authorized to take any and all other action necessary to carry out the purposes of this Order.

Referred to the Committee on Finance. (#0741)

LOAN ORDER,

Passed to a Second Reading and Referred to the Committee on Finance, in its Second Reading Stage.

(#0742)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER appropriating \$1,000,000.00 to pay for the costs of the required environmental remediation and the construction of a solar park in the area known as HS-8 at New Bedford High School, which is the grassed northern portion of the campus between the northeast and northwest parking lots, the proposed project at HS-8 is an innovation solution that allows the City to achieve remedial goals and to promote sustainable energy, the Massachusetts School Building Authority (MSBA) has indicated to the City that it will consider reimbursement for 90% of the total project costs, consistent with the previous project agreements.

Referred to the Committee on Finance. (#0743)

LOAN ORDER,

Passed to a Second Reading and Referred to the Committee on Finance, in its Second Reading Stage.

(#0744)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER authorizing the Mayor to execute a utility easement to NSTAR ELECTRIC on behalf of the City relative to property under the control of the New Bedford Airport Commission on Mt. Pleasant Street, the property is shown on Assessor's Map at Plat 123/Lot38D and is intended to service two new generators to be constructed for the sub-tenant Comcast.

Received and Placed on File. (#0745)

CITY OF NEW BEDFORD
IN CITY COUNCIL
MAY 09, 2013

ORDERED, that the Mayor is hereby authorized on behalf of the City of New Bedford to execute a Utility Easement in favor of NSTAR Electric Company for the location of additional utilities at the "Comcast" property located on Mt. Pleasant Street in New Bedford, a copy of said easement is attached hereto and made a part hereof.

Adopted.

Presented to the Mayor for approval May 13, 2013.

Approved May 21, 2013. (#0746)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$820,535.00 from WATER FREE CASH, to WATER STABILIZATION FUND.

Received and Placed on File. (#0747)

CITY OF NEW BEDFORD
IN CITY COUNCIL
MAY 09, 2013

ORDERED: that the sum of EIGHT HUNDRED TWENTY THOUSAND, FIVE HUNDRED THIRTY-FIVE DOLLARS (\$820,535.00) now standing to the credit of the account from WATER FREE CASH be and the same is hereby transferred and appropriated to as follows:

WATER STABILIZATION FUND.....\$820,535.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval May 13, 2013.

Approved May 14, 2013. (#0748)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$9,500.00 from PARKS/RECREATION, SALARIES & WAGES, to PARKS/RECREATION, SUPPLIES & MATERIALS.

Received and Placed on File. (#0749)

CITY OF NEW BEDFORD
IN CITY COUNCIL
MAY 09, 2013

ORDERED: that the sum of NINE THOUSAND, FIVE HUNDRED DOLLARS (\$9,500.00) now standing to the credit of the account from PARKS/RECREATION, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

PARKS/RECREATION, SUPPLIES AND MATERIALS.....\$9,500.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval May 13, 2013.

Approved May 14, 2013. (#0750)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$5,000.00 from VETERANS, CHARGES & SERVICES, to VETERANS, CAPITAL OUTLAY.

Received and Placed on File. (#0751)

CITY OF NEW BEDFORD
IN CITY COUNCIL
MAY 09, 2013

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

VETERANS, CAPITAL OUTLAY.....\$5,000.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval May 13, 2013.

Approved May 14, 2013. (#0752)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$135.00 from PURCHASING, CHARGES & SERVICES, to PURCHASING, SALARIES & WAGES.

Received and Placed on File. (#0753)

CITY OF NEW BEDFORD
IN CITY COUNCIL
MAY 09, 2013

ORDERED: that the sum of ONE HUNDRED THIRTY FIVE DOLLARS (\$135.00) now standing to the credit of the account from PURCHASING, CHARGES AND SERVICES be and the same is hereby transferred and appropriated to as follows:

PURCHASING, SALARIES AND WAGES.....\$135.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval May 13, 2013.

Approved May 14, 2013. (#0754)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CHRISTOPHER GOMES, New Bedford, MA, as the DIRECTOR OF VETERANS SERVICES; this is a one-year term expiring in April 2014.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0. (Councillor Gomes not present for vote.) (#0755)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CYNTHIA WALLQUIST, New Bedford, MA 02745, as the EXECUTIVE DIRECTOR of the COMMISSION FOR CITIZENS WITH DISABILITIES, this term will expire April 2014.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0. (Councillor Gomes not present for vote.) (#0756)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of PAUL BARTON, New Bedford, MA 02740, to the AIRPORT COMMISSION; this term will expire December 2015.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0. (Councillor Gomes not present for vote.) (#0757)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of MOIRA TIERNEY, New Bedford, MA 02740 to the AIRPORT COMMISSION; this term will expire December 2015.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0. (Councillor Gomes not present for vote.) (#0758)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of NORMAND BERGERON, New Bedford, MA 02745, to the CEMETERY BOARD; this term will expire May 2016.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0. (Councillor Gomes not present for vote.) (#0759)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of BARBARA MCDONALD, New Bedford, MA 02740, to the CEMETERY BOARD, this term will expire May 2016.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0. (Councillor Gomes not present for vote.) (#0760)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JAMES M. ANDRE, JR., Acushnet, MA 02743, as a CONSTABLE.

Received and Placed on File. (#0761)

APPLICATION, JAMES M. ANDRE, JR., Acushnet, MA 02743, for REAPPOINTMENT as a CONSTABLE. Confirmed and Rule 40 Waived – Yeas 10, Nays 0. (Councillor Gomes not present for vote.)

(#0762)

REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, AS AMENDED, Amending Chapter 2, Section 2-61 – RELATIVE TO THE CLERK OF COMMITTEES AND THE CITY CLERK.

Recommendation Followed as Amended. (#0763)

ORDINANCE, Amending Chapter 2, Section 2-61 – RELATIVE TO THE CLERK OF COMMITTEES AND THE CITY CLERK.

Passed, to a Second Reading and Referred to the Committee on Ordinances in its Second Reading Stage – Yeas 10, Nays 1. (Councillor Gonsalves OPPOSED.) - December 20, 2012.

Motion was made to strike the words in (j) “shall cooperate and assist the City Clerk” and insert thereof “and City Clerk shall work in cooperation” – Yeas 9, Nays 1. (Councillor Gonsalves OPPOSED and Councillor Gomes not present for vote.)

Passed to a Second Reading as Amended. (#2139)

WRITTEN MOTION, Councillor Alves, requesting, that the City Council ask the Mayor to consider the appointment of a member of the Greater New Bedford Association of Realtors to the "Mayor's Housing Task Force", in that Realtors are among those first contacted by First Time Homeowners, Investors, Property Managers and Tenants and can be a "Key Resource" to the Task Force as the eyes and ears of the community in identifying problem properties and are able to advise the Task Force about issues of concern and of buildings that should be assessed, in that they are out showing properties in all the neighborhoods of the City and can help by providing information to other realtors, property owners and tenants as to what the City expects from all the parties involved for a safe and clean community. (To be Referred to the Mayor and the Committee on Veterans Affairs, Elderly, Health, Housing and Disability Issues.)

Adopted.

Presented to the Mayor for approval May 13, 2013.

RETURNED UNSIGNED May 28, 2013.

(#0764)

WRITTEN MOTION, Council President Duarte, requesting, on behalf of Mayor Mitchell and the New Bedford Folk Festival 2013, that the following street(s) be CLOSED: SOUTH SECOND STREET, from William Street to Elm Street, ON FRIDAY, JULY 05, 2013, FROM 6:00 P.M. THROUGH 11:00 P.M., ON SUNDAY, JULY 07, 2013, **AND** NORTH WATER STREET, from Union Street to Elm Street; JOHNNY CAKE HILL AND BETHEL STREET, from Union Street to Elm Street; SECOND STREET, from Union Street to Elm Street; ACUSHNET AVENUE, from Union Street to Elm Street and WILLIAM STREET, from Purchase Street to North Water Street, ON FRIDAY, JULY 05, 2013, FROM 8:00 A.M. THROUGH 11:00 P.M., ON SUNDAY, JULY 07, 2013, **AND** SPRING STREET, from Acushnet Avenue to Purchase Street (alongside the Zeiterion Theatre) FROM 6:00 A.M. ON SATURDAY, JULY 06, 2013, THROUGH 10:00 P.M. ON SUNDAY, JULY 07, 2013, for the purpose of THE NEW BEDFORD FOLK FESTIVAL 2013. **PLEASE NOTE: CLOSINGS ARE "AS NEEDED" AND INCLUDE AREAS FOR CRAFT BOOTHS.**

Permission Granted.

Presented to the Mayor for approval May 13, 2013.

Approved May 22, 2013.

(#0765)

WRITTEN MOTION, Council President Duarte, requesting, on behalf of Mr. Victor Pinheiro, that the following street(s) be CLOSED: NORTH WATER STREET, from Centre Street to Union Street, ON THURSDAY, SEPTEMBER, 05, 2013, FROM 4:00 P.M. TO 9:00 P.M., for the purpose of The Azorean Whaleboat Regatta.

Permission Granted.

Presented to the Mayor for approval May 13, 2013.

Approved May 22, 2013.

(#0766)

WRITTEN MOTION, Council President Duarte, requesting, on behalf of the American Cancer Society, that the following street(s) be CLOSED: HUNTER STREET, from Parker Street to Maxfield Street, FROM FRIDAY, JUNE 07, 2013, AT 8:00 A.M. TO SATURDAY, JUNE 08, 2013. AT 12:00 (NOON), for the purpose of the Relay for Life Walk at Paul Walsh Field.

Permission Granted.

Presented to the Mayor for approval May 13, 2013.

Approved May 22, 2013.

(#0767)

WRITTEN MOTION, Councillor Bousquet, requesting, on behalf of "LA LIGUE DES FRANCO-AMERICANS", that the following street(s) be CLOSED: MT. PLEASANT STREET, from Nauset Street NORTH to the intersection of Hathaway Road (The Point), ON: SUNDAY, JUNE 23, 2013, FROM 11:00 A.M. TO 1:00 P.M., for the

purpose of: A Memorial at the French Veterans Square for St. Jean Baptiste Day. (ALSO REQUESTING SAWHORSES TO BLOCK OFF DRIVEWAYS IN THE SHOPPING AREA ON THE EAST SIDE OF MT. PLEASANT STREET).

Permission Granted.

Presented to the Mayor for approval May 13, 2013.

Approved May 22, 2013. (#0768)

WRITTEN MOTION, Councillors Alves and *Coelho*, requesting, that the Committee on Ordinances consider the drafting of an Ordinance that insures the safety and a healthy environment for all the Children’s Playground areas to include appropriate fines for any pet owner who allows their pets to roam in a Park Playground area. (To be Referred to the Committee on Ordinances.)

Adopted. (#0769)

WRITTEN MOTION, Councillor Alves, requesting, that in an effort to insure a safe and healthy environment for all the Children's Playground areas in our City Parks that are used by young children and to guarantee that they are maintained free of animal waste and to insure the safety of our children, as some pet owners continue to violate the City's Leash Law and allow their dogs to roam the Park without required restraints, that the City Council ask the Department of Recreation and Parks post "NO PETS ALLOWED IN THE PLAYGROUND AREA – VIOLATORS WILL BE FINED” Signs. (To be Referred to the Department of Recreation and Parks.)

Referred to the Recreation and Parks Department.

Presented to the Mayor for approval May 13, 2013.

Approved May 22, 2013. (#0770)

RELATED MOTION, Councillor Gonsalves, that the City Council send a letter to Animal Control requesting that they attempt to provide more regular enforcement in City parks and playgrounds per the existing Ordinances.

Adopted. (#0771)

WRITTEN MOTION, Councillor Gonsalves, requesting, on behalf of the residents of Rotch Street, between Union Street and Hawthorn Street, that the SRTA bus route be removed from Rotch Street, in light of the extension of bus service into the evening hours. (To be Referred to the Committee on Appointments and Briefings.)

Referred to the Committee on Appointments and Briefings. (#0772)

WRITTEN MOTION, Councillors Gonsalves, Lopes, Oliveira, Martins, Bousquet, and Council President Duarte, requesting, that Department of Public Infrastructure Commissioner Ronald Labelle meet with the Ward Councillors to seek input from them relative to areas in particular need of road work in each Ward, given that the State has increased our Chapter 90 Funding ~~to~~ by about \$1.07 Million Dollars.

Referred to DPI Commissioner Ronald Labelle.

Presented to the Mayor for approval May 13, 2013.

RETURNED UNSIGNED May 28, 2013.

(#0773)

WRITTEN MOTION, Councillors Bousquet, Gonsalves, Lopes, Gomes *and Alves*, requesting, on behalf of the Young Marines SouthCoast, that the Mayor and the Department of Recreation and Parks, do **not** displace this extraordinary worthwhile youth organization from the Fort Taber Community Center, the adults that run this program invest time and money helping to make the young adults they work with into productive, respectful and hard working members of our community and deserve and have earned this small commitment of space from the City of New Bedford; and further, we believe the Citizens of this City will agree. (To be Referred to Mayor Mitchell and Department of Recreation and Parks Director, Mary Rapoza.)

Adopted.

Presented to the Mayor for approval May 13, 2013.

RETURNED UNSIGNED May 28, 2013.

(#0774)

WRITTEN MOTION, Councillors Lopes, Martins, Oliveira, Gonsalves, Bousquet, Lawrence and Alves, requesting that the City Council ONCE AGAIN go on the record in opposition to the proposed rate increase being requested by the Massachusetts Fair Plan; and further, requesting ONCE AGAIN that the Massachusetts Property Insurance Underwriting Association (MPIUA), Rate Filings for Property Insurance hold a public meeting in the City of New Bedford and that the Massachusetts Division of Insurance hold a rate hearing in the City of New Bedford.

Adopted.

(#0775)

WRITTEN MOTION, Councillors Lopes and Martins, requesting that the Committee on Ordinances draft an Ordinance as it relates to House Bill 3074, An Act permitting the use of traffic control signal violation monitoring system devices as a means of prompting traffic safety in the City of New Bedford. (Referred to the Committee on Ordinances.)

Referred to the Committee on Ordinances.

(#0776)

WRITTEN MOTION, Council President Duarte, requesting, that Department of Public Infrastructure Commissioner Ronald Labelle provide the City Council with information relative to the preparation work needed for the HS-8 work site at New Bedford High School, which is the construction of a solar park; and further, that this needed work be done as soon as possible due to the fact that the installation of the solar panels will create local jobs for New Bedford residents.

Referred to the Committee on Finance.

(#0777)

WRITTEN MOTION, Councillor Gomes, requesting, that as the City of New Bedford is in the process of salvaging the digital Paul Revere Sign, off of Route 195, that the sign's digital board be placed on Route 18, on the Elm Street Garage at that location in a southerly direction, giving messages and advertising, the many attractions in the City of New Bedford along with a "Welcome to New Bedford" Sign, and that the City immediately look into a replacement sign

on Route 195 east, even if is by renting a billboard through our Office of Marketing and Tourism, in order to capture the traffic heading east on Route 195 towards the Cape, in order to inform motorists of the attractions available in the City and of their locations, so that the thousands of cars that pass by will not do so without noticing that the City of New Bedford is here and alive.

Referred to the Mayor and the Office of Tourism and Marketing.

Presented to the Mayor for approval May 13, 2013.

RETURNED UNSIGNED May 28, 2013.

(#0778)

WRITTEN MOTION, Councillor Gomes, requesting, ONCE MORE, that the City Council go on record and request that immediate action be taken in removing the substances known as K2, K4 and K9 / *and bath salts* being sold in stores in the City of New Bedford and throughout the Commonwealth; and further, that the Council request that Interim Commissioner of the Massachusetts Department of Public Health, Lauren Smith, MD, take immediate action in banning this substance from store shelves and hold stores accountable for selling this product; and further, that Dr. Brenda Weis, Director of Public Health for the City of New Bedford also take action to rid every store in this City of this substance due to the fact that young people are behaving dangerously, possibly harming themselves or others, and in some cases committing suicide, which is something that occurred here in the City of New Bedford just a week ago.

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

(#0779)

WRITTEN MOTION, Councillor Martins, requesting, that the Committee on Finance meet with a representative of the MIS Department, City Auditor, CFO and City Treasurer for the purpose of having the City of New Bedford's checkbook placed online for all taxpayers and Citizens to view; and further, that the City has a large budget, monies being transferred, items being bought and salaries being paid for that although the City Budget is posted on the web, it's not easy to follow and doesn't give them the information needed to follow the monies being spent, nor the access to see what they pay for and what we do with City funds; and further; that this process would increase transparency of local government and we should have our books open to the public to show the people of New Bedford what is being done with their tax dollars; and further, this process should include the School Department's budget, especially during times like these when so many Citizens and taxpayers want answers to their questions and rightfully so.

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

(#0780)

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 83 RIVET STREET, MAP 31, PARCEL 163- advising that “built circa 1900, the structure is a vernacular barn located behind a multi-family tenement house, the structure is not located in a National Register Historic District and the structure is not architecturally significant” and therefore, “the NBHC has determined that the building is NOT a historically significant building and NOT preferably preserved.”

Accept the Commissions findings and Grant the Demolition.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0781)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Jesus Ortiz, 465 Purchase Street, New Bedford, MA 02740, d/b/a NORTH END FLEA MARKET, 2100 Acushnet Avenue, New Bedford, MA, 02745**, hereby submit a copy of the Application requesting a NEW LICENSE TO DEAL IN JUNK, OLD METALS OR ANY OTHER SECOND HAND ARTICLES under the provisions of M.G.L., Chapter 140, Sections 202-205 as amended, and as provided in the Code of the City of New Bedford, Chapter 15 and all Ordinances amending the same or in addition thereto, and further avers that he or she has been a resident of the City of New Bedford for at least six months next preceding the date of the application for such license; or that he or she has been a resident for at least six months in one of the towns next adjoining the limits of the City or that he or she has applied for a waiver of said residence requirement by the New Bedford City Council. (**License will expire April 30, 2014.**)

License Granted.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0782)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Daniel Xavier, 97 Collette Street, New Bedford, MA 02746 d/b/a/ MCKENZIE’S BUS CO., 97 Collette Street, New Bedford, MA 02746**, hereby submit a copy of the Application requesting RENEWAL of a Private Livery License, under the provisions of M.G.L. Chapter 159A, Section 1 and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation, to carry passengers for hire over the streets of New Bedford. (**Current License expired April 12, 2013.**)

License Granted.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0783)

COMMUNICATION, Interim School Superintendent Shea, to City Council, advising that on April 11, 2013, the School Committee’s Sub-Committee on Facilities, Maintenance and School Buildings referred a Written Motion, dated February 14, 2013, regarding alarming all schools with panic buttons to the School’s Facilities Director to investigate the issue and report back to the Sub-Committee at a later date. (Copy all Councillors 05/01/2013.)

Received and Placed on File.

(#0784)

COMMUNICATION, Interim School Superintendent Shea, to City Council, advising that on April 11, 2013, the School Committee's Sub-Committee on Facilities, Maintenance and School Building, tabled a Recommendation by the Committee on Memorials and Dedications, dated December 20, 2012, regarding renaming the Sea Lab Building in honor of the late Arthur Dutra. (Copy all Councillors 05/01/2013.)

Received and Placed on File.

(#0785)

COMMUNICATION, Congressman Keating, to City Council, inviting the Council of a joint meeting of the Federal Fishing Advisory Board and the Mayor's Ocean and Fisheries Council on May 13, 2013 at the New Bedford Whaling Museum, to discuss the upcoming expiration of the Magnuson-Stevens Act at the end of September. (Copy all Councillors via email 05/03/2013.)

Received and Placed on File.

(#0786)

COMMUNICATION, MassDOT Secretary & CEO Davey, to City Clerk Arruda, in response to the Written Motion regarding House Speakers DeLeo's decision to eliminate the monies that would facilitate South Coast Rail to the Greater New Bedford area. (Copy all Councillors 05/09/2013.)

Received and Placed on File.

(#0787)

COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that the City has acquired the following property as Tax Possession 31 Ashley Street, Plot 15/Lot 149, Area of 4,357 sq. ft. (Former Owner: John Pereira); Total Amount due on the parcel as of the date of the transfer is \$38,427.59.

Received and Placed on File.

(#0788)

COMMUNICATION, David A. Haskell, to City Council, submitting a Notice of Intention to Sell Land on Shawmut Avenue and Loftus Street in New Bedford to Massachusetts Land Conservation Trust, Inc., Land Shown on New Bedford Assessors Plat 89, Lots 242A, 257, 258, 199, 294, 27 and 207 under the provisions of M.G.L. c.61A §14 for charitable and historic preservation purposes, consisting of 5 acres of land. (Copy all Councillors 04/30/2013.)

Received and Placed on File.

(#0789)

WRITTEN MOTION, Councillor Lawrence, requesting, that the Traffic Commission install a "NO PARKING FROM HERE TO CORNER" Sign, for the length of one car, on the west side of Brigham Street, at the corner of Brigham and Elizabeth Streets, abutting the Healthcare for Women Medical Offices on the north side of Elizabeth Street. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission.

(#0790)

WRITTEN MOTION, Council President Duarte, requesting, on behalf of residents of the Boa Vista Apartments, that the Traffic Commission install a “SLOW” Sign at South Second Street and Russell Street, due to speeding motorists. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission. (#0791)

WRITTEN MOTION, Councillor Gomes, requesting, on behalf of Mr. John Fortes, Jr., that the Traffic Commission install a “NO PARKING EXCEPT HANDICAP VEHICLE” Sign in front of 323 County Street, New Bedford, from the tree line to the south border of the property. (Copy of Handicap Placard enclosed.) (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission. (#0792)

WRITTEN MOTION, Councillor Gomes, requesting, that the Traffic Commission install signage just off of County Street on Pleasant Street, in a northerly direction, before Grinnell Street, reading “SLOW CHILDREN”, on the right side of Pleasant Street, also that on the left side that a “THICKLY SETTLED” Sign be placed on west Pleasant Street before Grinnell Street in the middle of the street, due to the fact that the traffic moves through this area at a high rate of speed and there are a lot of families and children in this area that crisscross those intersections because of the businesses located in that area. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission. (#0793)

WRITTEN MOTION, Councillor Gomes, requesting, on behalf of Mr. Fernando O. Valentim of the Roasted Pig Restaurant located on 98 Nash Road, that the Department of Public Infrastructure repair the tar sidewalk that has cracked from the building to the curb which may be detrimental to pedestrian traffic; and further requesting, that when said sidewalk is repaired, that two curb cuts be made on the north side of the restaurant’s doorway and also on the south side of said property and also that they be resurfaced. (To be Referred to the Department of Public Infrastructure.)

Referred to the Department of Public Infrastructure.

Presented to the Mayor for approval May 13, 2013.

RETURNED UNSIGNED May 28, 2013. (#0794)

WRITTEN MOTION, Councillor Gomes, requesting, on behalf of Mr. Guilherme Correia, 110 West Rodney French Boulevard, that the Department of Public Infrastructure fill in the area in front of said property, where a tree had been removed sometime ago by the City and now has an overgrowth of grass; and further, that said resident would like it to conform with the rest of the sidewalk which is all cement. (To be Referred to the Department of Public Infrastructure.)

Referred to the Department of Public Infrastructure.

Presented to the Mayor for approval May 13, 2013.

RETURNED UNSIGNED May 28, 2013. (#0795)

MINUTES, Board of Assessors, submitting MINUTES of meetings held on April 19 and 26, 2013.

Received and Placed on File. (#0796)

MINUTES, Council on Aging, submitting MINUTES of a meeting held on April 11, 2013.

Received and Placed on File. (#0797)

MINUTES, Conservation Commission, submitting MINUTES of a meeting held on March 27, 2013.

Received and Placed on File. (#0798)

MINUTES, Board of Health, submitting MINUTES of a meeting held on March 21, 2013.

Received and Placed on File. (#0799)

APPLICATION, **Christopher Mendoza Company**, for permission to maintain a STREET OBSTRUCTION at **Wildwood Street (Lots 6 and 52)**, provisionally granted by the City Clerk on April 29, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0800)

APPLICATION, **D.W. White Construction**, for permission to maintain a STREET OBSTRUCTION at **62 Wood Street P116/L43**, provisionally granted by the City Clerk on April 30, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0801)

APPLICATION, **Reis Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **1021 Shelburne Street P130/L386**, provisionally granted by the City Clerk on May 01, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0802)

APPLICATION, **R.J. Canessa Excavating** for permission to maintain a STREET OBSTRUCTION at **73 Forest Street P36/L77**, provisionally granted by the City Clerk on May 07, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0803)

APPLICATION, **Joseph E. Dupre Inc.**, for permission to maintain a STREET OBSTRUCTION at **744 Belleville Avenue**, provisionally granted by the City Clerk on May 07, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0804)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **1166 Sawyer Street**, provisionally granted by the City Clerk on May 07, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0805)

APPLICATION, **Farland Corp Inc.**, for permission to maintain a STREET OBSTRUCTION at **E.S. Riverside Avenue (Cliftex North Building) P105/L170**, provisionally granted by the City Clerk on May 07, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0806)

APPLICATION, **Able Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **214 Bellevue Street**, provisionally granted by the City Clerk on May 08, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0807)

APPLICATION, **Able Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **64 Lark Street P138/L215**, provisionally granted by the City Clerk on May 08, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0808)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **Rowe Street (E.S.) 120' N x Potter Street**, provisionally granted by the City Clerk on May 09, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0809)

APPLICATION, **Christopher Mendoza Company**, to DISTURB THE SURFACE, of **Wildwood Street (Lots 6 and 52)**, provisionally granted by the City Clerk on April 29, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0810)

APPLICATION, **D.W. White Construction**, to DISTURB THE SURFACE, of **62 Wood Street P116/L43**, provisionally granted by the City Clerk on April 30, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0811)

APPLICATION, **Reis Asphalt Inc.**, to DISTURB THE SURFACE, of **1021 Shelburne Street P130/L386**, provisionally granted by the City Clerk on May 01, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0812)

APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **73 Forest Street P36/L77**, provisionally granted by the City Clerk on May 07, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0813)

APPLICATION, **Joseph E. Dupre Inc.**, to DISTURB THE SURFACE, of **744 Belleville Avenue**, provisionally granted by the City Clerk on May 07, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0814)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **1166 Sawyer Street**, provisionally granted by the City Clerk on May 07, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0815)

APPLICATION, **Farland Corp Inc.**, to DISTURB THE SURFACE, of **E.S. Riverside Avenue (Cliftex North Building) P105/L170**, provisionally granted by the City Clerk on May 07, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0816)

APPLICATION, **Able Asphalt Inc.**, to DISTURB THE SURFACE, of **214 Bellevue Street**, provisionally granted by the City Clerk on May 08, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0817)

APPLICATION, **Able Asphalt Inc.**, to DISTURB THE SURFACE, of **64 Lark Street P138/L215**, provisionally granted by the City Clerk on May 08, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0818)

APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **Rowe Street (E.S.) 120' N x Potter Street**, provisionally granted by the City Clerk on May 09, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013. (#0819)

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on April 30, 2013, subject to ratification by the Mayor and City Council as follows:

10 Winsor Street	(#0820)
153 Crapo Street	(#0821)
32 Salisbury Street	(#0822)
245 State Street	(#0823)
308 Purchase Street	(#0824)
26 Oak Street	(#0825)
119-121 Perry Street	(#0826)
171 Weld Street	(#0827)
1149 Dutton Street	(#0828)
5 Byron Street	(#0829)
691 Cottage Street	(#0830)
336 Nash Road	(#0831)
241 Shaw Street	(#0832)
Westbrook Street @ Lot 128, which is between 22 and 33 Westbrook Street	(#0833)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013.

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

279-281 Summer Street	(#0834)
350 Hersom Street	(#0835)
82 Forest Street	(#0836)
158 Auburn Street	(#0837)
152 Butler Street	(#0838)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 13, 2013.

Approved May 20, 2013.

PETITION, NSTAR Electric Company, Inc., for the location of two (2) 4" Conduits and one (1) 45" x 45" x 36" Handhole in COTTAGE STREET, North of Court Street.

RECEIVED AND HEARING ORDERED FOR THURSDAY, MAY 23, 2013.

PETITION, NSTAR Electric Company, Inc., for the location of one (1) 45" x 45" x 36" Handhole in STATE STREET, South of Maxfield Street.

RECEIVED AND HEARING ORDERED FOR THURSDAY, MAY 23, 2013.

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

WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and the Police Chief authorize the Gang Unit to patrol the Pleasant Street and Grinnell Street area and the Ashley Park area, including Rivet Street and Bolton Street due to the increasing amount of groups hanging around and possible drug dealing which has been reported to this Councillor; and further, that the Gang Unit and Narcotics Unit take every effort to make an impact on these areas before the summer season arrives, keeping the quality of life respectable for the residents of said areas.

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

Referred to the Mayor and Police Chief.

Presented to the Mayor for approval May 13, 2013.

RETURNED UNSIGNED May 28, 2013. (#0839)

WRITTEN MOTION, Councillor Gomes, requesting, that the Department of Inspectional Services Commissioner Romanowicz and City Solicitor Markey take immediate action on the property located at 161 Sycamore Street, this property had a fire some time ago and to this date nothing has been done to repair the building or alleviate the boarded up appearance of the structure that presently brings down the value of the entire neighborhood, the neighbors have requested that something be done due to the overwhelming smell of garbage, litter and fire damage at this property; and further, asking that the bank be contacted, Deutsche Bank National Trust C, 3 Ada Street, Irvine, CA 92618, with the request to improve this property or take it down, due to the fact that it is detrimental to the rest of the neighborhood, whose residents pay taxes and deserve better.

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

Adopted.

Presented to the Mayor for approval May 13, 2013.

RETURNED UNSIGNED May 28, 2013. (#0840)

WRITTEN MOTION, Councillor Lopes, requesting that New Bedford establish a fee for all Medical Marijuana Dispensaries located within the City and said fee be assessed yearly in the amount of \$250,000.00. (To be Referred to the Committee on Ordinances.)

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

Referred to the Committee on Ordinances. (#0841)

WRITTEN MOTION, Councillor Lopes, requesting that any Medical Marijuana Dispensaries located in the City of New Bedford would be willing to negotiate a PILOT (Payment in lieu of taxes) Program with the City of New Bedford. (To be Referred to the Committee on Ordinances.)

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

Referred to the Committee on Ordinances.

(#0842)

Council President Duarte delivered a briefing to the City Council regarding his recent trip to Germany and Denmark relative to the South Terminal Project.

On a motion, the Council then adjourned at 8:45 p.m.

ATTEST:

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