



Council Meeting - Minutes

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, June 13, 2013 - 7:10 p.m.

View Agenda

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

LATE: Councillors Bousquet (7:30 p.m.) and Gomes (8:00 p.m.)

ABSENT: No One

Council President Duarte called the meeting to order and presided.

Reverend Pamela J. Cole, Greater New Bedford Chapter of Church Women United, led the Assembly in Prayer.

Joseph P. Lopes, Councillor Ward Six led the Assembly in the Pledge of Allegiance to the Flag.

The following resolution honoring Acushnet Company was presented by Councillor Lawrence.

CITY OF NEW BEDFORD

IN CITY COUNCIL

JUNE 13, 2013

RESOLUTION HONORING ACUSHNET COMPANY

WHEREAS, Philip E. Young founded the Acushnet Process Company in 1910, in Acushnet Massachusetts, and was the co-inventor of the Titleist ball, his original company however, focused on deresinating latex and supplying rubber to various businesses, but as time passed, they began to make their own rubber-based products, such as water bottles and bathing caps, eventually, Acushnet Process Company became a manufacturer of golf equipment, primarily, golf balls; and

WHEREAS, In 1932, the company sectioned into two divisions: Rubber and Golf, both of which became quite successful, and in 1935, the Golf division produced the Titleist golf ball, which has consistently been the company's most successful product, the Rubber division was eventually sold in 1985; and

WHEREAS, Titleist is the number one ball for more players and more champions across the worldwide professional tours, with Titleist golf ball players recording fifty-four victories around the world, compared to twelve for the nearest competitor and since its introduction in 2000, the Pro V1 golf ball franchise has been the golf ball of choice for more than 1,900 champions worldwide; and

WHEREAS, Titleist's mission is to serve the needs of both the serious and recreational golfer with value added products and services that have a competitive advantage worldwide and is committed to satisfy golfers with golf products of superior performance and quality; and

WHEREAS, Titleist employs roughly three thousand people in Massachusetts, making it one of the largest employers in the region and is headquartered in Fairhaven, Massachusetts, alongside its Packing and Distribution Center about three miles south of its original location, they also have two golf ball manufacturing plants and an Research and

Development Technology Center located in the New Bedford Industrial Park, as well as, a Custom Golf Ball plant, also in New Bedford; and

WHEREAS, Today, Acushnet Company's primary brands are Titleist, FootJoy, Scotty Cameron, and Pinnacle; and

WHEREAS, On Friday, May 10, 2013, Acushnet Company held a lunchtime raffle and barbecue for their employees to celebrate the billionth ball produced by Ball Plant 3, in the New Bedford Business Park; and

WHEREAS, Throughout the years Acushnet Company has been known as an excellent employer, offering their employees long term stability in an atmosphere where they have the opportunity to thrive, resulting in a high-performing workforce and much business success:

NOW, THEREFORE, BE IT RESOLVED, That the New Bedford City Council hereby honors **ACUSHNET COMPANY**, which after more that a century in business, has become a worldwide name, thanks them for their many years of participation in the community and wishes them continued future success.

Adopted.

(#0992)

The following resolution honoring Christopher J. Dumont was presented by Councillors Gonsalves and Gomes.

CITY OF NEW BEDFORD

IN CITY COUNCIL

JUNE 13, 2013

RESOLUTION HONORING CHRISTOPHER J. DUMONT, MASSACHUSETTS STATE TROOPER AND FORMER NEW BEDFORD POLICE OFFICER FOR HIS COURAGEOUS ACTIONS DURING THE AFTERMATH OF THE BOSTON MARATHON BOMBING

WHEREAS, Massachusetts State Trooper Christopher Dumont, was raised in New Bedford, Massachusetts, graduated from Bishop Stang High School in 1995 and received his Bachelor of Science Degree in Criminal Justice from Northeastern University in 2000, and was a New Bedford Police Officer for six years before joining the State Police in 2005, has been a Certified Emergency Medical Technician for eighteen years, (twelve years at the Advanced Paramedic Level) and is currently assigned as a Homicide Investigator in the State Police Detective Unit in the Bristol County District Attorney's Office, New Bedford, Massachusetts; and

WHEREAS, Massachusetts State Trooper Dumont played a major role in saving the life of MBTA Officer Richard H. Donohue, Jr., who was shot during the gun battle with the two Boston Marathon Bombing suspects in the early morning hours of Friday, April 19, 2013, in Watertown, Massachusetts; and

WHEREAS, On Thursday, April 18, 2013, Trooper Dumont was working a security detail at Logan Airport, assisting with security for President and Mrs. Obama, who had attended a prayer service for the Boston Marathon victims, during the course of the evening Trooper Dumont overheard a radio transmission reporting the shooting death of MIT Police Officer Sean Collier, and immediately responded to the area, assisting with the securing of the crime scene where Officer Collier had been killed while seated in his cruiser; and

WHEREAS, While Trooper Dumont searched Watertown in an unmarked cruiser for the suspects in the killing of Officer Sean Collier, he heard a radio transmission reporting "shots fired", responding immediately, Trooper Dumont met with a Watertown cruiser and both headed to the location where they heard gunfire, upon arrival at that location they immediately came under fire, forcing Trooper Dumont to exit his unmarked Police cruiser just as an explosion occurred, indicating that explosives were being thrown in his direction; and

WHEREAS, During the mayhem Trooper Dumont observed a stolen SUV driven by one of the suspects run over the injured body of the other suspect as he fled the scene, as Trooper Dumont took cover, the SUV increased in speed and headed in his direction while more bombs were being thrown, causing Trooper Dumont and other Officers to fire their weapons, by

this time, Trooper Dumont heard other Officers shouting for help, he saw an Officer lying in a driveway of a home and reported "Officer Down" to dispatch, requesting an ambulance; and

WHEREAS, Trooper Dumont, a trained Paramedic, took charge of the care of the wounded Officer, identified as Massachusetts Bay Transit Authority Officer, Richard H. Donohue, Jr., who was bleeding heavily from a gunshot wound to the leg, Trooper Dumont along with two Watertown EMTs, Patrick Menton and James Caruso performed CPR on Officer Donohue, who was not breathing; and

WHEREAS, With the second bombing suspect still at large and possibly close by, Trooper Dumont carefully moved to his cruiser to retrieve his trauma medical bag in order to assist Officer Donohue until the ambulance arrived, once the ambulance arrived Trooper Dumont took charge of Officer Donohue's care, as Officer Donohue was transported to Mt. Auburn Hospital, Trooper Dumont and the two Watertown EMTs continued CPR on the victim who was still not breathing, so Trooper Dumont and the two EMTs made the life-saving decision to leave the scene before the paramedic ambulance (advanced life support) arrived, they headed to the nearest hospital, Mt. Auburn Hospital, rather than a Boston trauma center, and while enroute they managed to control the victims bleeding; and

WHEREAS, Officer Richard H. Donohue, Jr., was quickly moved to emergency surgery where he received blood transfusions and his heartbeat was restored, he regained consciousness days after the shooting and is expected to make a full recovery and return to duty, Trooper Dumont remained at Mt. Auburn Hospital, securing evidence and assisting Massachusetts Bay Transit Authority Police; and

WHEREAS, On Sunday, May 19, 2013, Trooper Christopher Dumont was the Honorary Banner Captain at the Boston Bruins Game at the TD Gardens in Boston, Massachusetts against the New York Rangers and on Wednesday, June 05, 2013, MBTA Police Officer, Richard H. Donohue, Jr., was the Honorary Banner Captain at the Boston Bruins Game at the TD Gardens in Boston, Massachusetts against the Pittsburgh Peguins; and

WHEREAS, Downplaying his role in the events of the early morning hours of Friday, April 19, 2013, Trooper Dumont has stated it was a team effort that kept MBTA Officer Richard H. Donohue, Jr., alive until they reached Mt. Auburn Hospital, Officer Donahue's recovery is credited to the quick actions by Trooper Christopher Dumont and other first responders and their rapid arrival at the hospital and also led to the apprehension of the two suspects responsible for the Boston Marathon Bombings:

NOW, THEREFORE, BE IT RESOLVED, That the New Bedford City Council hereby honors **CHRISTOPHER J. DUMONT MASSACHUSETTS STATE TROOPER AND FORMER NEW BEDFORD POLICE OFFICER**, for his courageous actions during the aftermath of the Boston Marathon Bombing, acknowledges that his careful response along with those of Boston Police Officer, Ricky Moriarty, Watertown Fire Department EMTs, Patrick Menton and James Caruso together helped to keep MBTA Officer Richard H. Donohue, Jr. alive, thanks him for his dedication to his profession and wishes him continued future success.

Adopted.

(#0993)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the final FISCAL YEAR 2013 Action Plan and RESOLUTION authorizing the Mayor to apply for Federal Financial Assistance from the United States of America.

Received and Placed on File.

(#0994)

CITY OF NEW BEDFORD

IN CITY COUNCIL

JUNE 13, 2013

**RESOLUTION OF THE NEW BEDFORD CITY COUNCIL
AUTHORIZING THE MAYOR TO APPLY FOR
FEDERAL FINANCIAL ASSISTANCE FROM**

THE UNITED STATES OF AMERICA

WHEREAS, The City of New Bedford desires to continue its participation in Community Development Block Grant (CDBG) activities under the Housing and Community Development Act of 1974, as amended, the Emergency Solutions Grant (ESG) activities under the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), as amended, and Home Investment Partnership (HOME) activities under Title II of the Cranston Gonzalez National Affordable Housing of 1990, as amended, and;

WHEREAS, the Housing and Community Development, McKinney-Vento and National Affordable Housing Acts, as amended, and the regulations promulgated thereunder, require a Resolution of the local Governing Body authorizing the Mayor to apply for and execute the federal entitlement grant as a condition of eligibility for Federal financial assistance; and

WHEREAS, the Mayor of the City of New Bedford must be authorized to submit information to the United States Department of Housing and Urban Development for Federal financial assistance under said Acts;

NOW, THEREFORE, BE IT RESOLVED, by the New Bedford City Council, as follows:

SECTION 1. The Mayor of the City of New Bedford is authorized to do all things necessary, and to execute any and all documents required for the timely application for Federal financial assistance under these Acts, as amended, and to provide any and all necessary documents which are required for the acceptance and use of CDBG, ESG and HOME funds.

SECTION 2. The Mayor of the City of New Bedford, as Chief Executive Officer, is authorized and designated as an official representative for the City of New Bedford to act in all matters arising in connection with the application for funds, and in providing the United States of America or any of its subdivisions with any additional information as may be required.

SECTION 3. The Mayor of the City of New Bedford is authorized to assume the status of a responsible Federal Official under the National Environmental Policy Act of 1969, insofar as the provisions of that Act apply to Community Development Block Grants administered by the City of New Bedford, and receipt of Federal financial assistance from the United States of America under the Housing and Community Development Act, as amended, and the City of New Bedford hereby accepts the jurisdiction of the Federal Courts for the purpose of enforcement of the Mayor's responsibilities as such a responsible Federal Official under the provisions of the National Environmental Policy Act of 1969.

Adopted – Yeas 9, Nays 0. (Councillors Bousquet and Gomes not present for vote.)

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#0995)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER in the amount of \$2,400,000.00 to pay costs of furnishing and installing all materials, equipment, software and appurtenances to make the new Supervisory Control and Data Acquisition (SCADA) system fully operational.

Received and Placed on File. (#0996)

LOAN ORDER,

Passed to a Second Reading. (#0997)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$925.00 from HEALTH DEPARTMENT, SALARIES & WAGES, to AUDITORS, SALARIES & WAGES.

Received and Placed on File. (#0998)

CITY OF NEW BEDFORD

IN CITY COUNCIL

JUNE 13, 2013

ORDERED: that the sum of NINE HUNDRED TWENTY FIVE DOLLARS (\$925.00) now standing to the credit of the account from HEALTH, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

AUDITORS, SALARIES AND WAGES..... \$925.00

To be certified and approved by the Department Head.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#0999)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$200.00 from HEALTH DEPARTMENT, SALARIES & WAGES, to LICENSING, SALARIES & WAGES.

Received and Placed on File. (#1000)

CITY OF NEW BEDFORD

IN CITY COUNCIL

JUNE 13, 2013

ORDERED: that the sum of TWO HUNDRED DOLLARS (\$200.00) now standing to the credit of the account from HEALTH DEPARTMENT, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

LICENSING, SALARIES AND WAGES..... \$200.00

To be certified and approved by the Department Head.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1001)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$156.00 from HEALTH DEPARTMENT, SALARIES & WAGES, to LICENSING, CHARGES & SERVICES.

Received and Placed on File. (#1002)

CITY OF NEW BEDFORD

IN CITY COUNCIL

JUNE 13, 2013

ORDERED: that the sum of ONE HUNDRED AND FIFTY SIX DOLLARS (\$156.00) now standing to the credit of the account from HEALTH DEPARTMENT, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

LICENSING, CHARGES AND SERVICES..... \$156.00

To be certified and approved by the Department Head.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1003)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JANE A. STOTT, New Bedford, MA 02740, to the COUNCIL ON AGING; this term will expire November 2015.

Rule 38 Waived, Reappointment Confirmed and Rule 40 Waived – Yeas 10, Nays 0. (Councillor Gomes not present for vote.) (#1004)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for DAVIS SULLIVAN, Rochester, MA, who currently serves on the Harbor Development Commission; whose term expires December 2013.

One-Year Residency Waiver Granted and Rule 40 Waived – Yeas 9, Nays 0. (Councillors Gomes and Oliveira not present for vote.)

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1005)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for Howland Green Branch Manager/Librarian II, KATHLEEN PAROLINE VERNON, Barrington, RI; Ms. Vernon has served in this position with a waiver since June 20, 2011.

One-Year Waiver of Residency Granted and Rule 40 Waived – Yeas 9, Nays 0. (Councillors Gomes and Oliveira not present for vote.)

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1006)

COMMUNICATION, Mayor Mitchell, to City Council, requesting that the attached list of locations designated as polling precincts for the upcoming Special Election for U.S. Senator for Massachusetts being held on Tuesday, June 25, 2013; the polls will open at 7:00 a.m. and close at 8:00 p.m.

Received and Placed on File and Rule 40 Waived – Yeas 9, Nays 0. (Councillors Gomes and Oliveira not present for vote.) (#1007)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of GLORIA HILL, New Bedford, MA 02740, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire May 2016.

Rule 38 Waived, Reappointment Confirmed and Rule 40 Waived – Yeas 9, Nays 0. (Councillors Gomes and Oliveira not present for vote.) (#1008)

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

Rule 38 Waived, Reappointment Confirmed and Rule 40 Waived – Yeas 9, Nays 0. (Councillors Gomes and Oliveira not present for vote.) (#1009)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JESSICA LYNN RODERICK, New Bedford, MA, as a CONSTABLE.

Received and Placed on File. (#1010)

APPLICATION, JESSICA LYNN RODERICK, New Bedford, MA, for APPOINTMENT as a CONSTABLE.

Appointment Confirmed and Rule 40 Waived – Yeas 9, Nays 0. (Councillors Gomes and Oliveira not present for vote.) (#1011)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of PAMELA BOURGAULT, New Bedford, MA, as a CONSTABLE.

Received and Placed on File. (#1012)

APPLICATION, PAMELA BOURGAULT, New Bedford, MA, for REAPPOINTMENT as a CONSTABLE.

Confirmed and Rule 40 Waived – Yeas 9, Nays 0. (Councillors Gomes and Oliveira not present for vote.)

(#1013)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of PETER M. SULLIVAN, New Bedford, MA, as a CONSTABLE.

Received and Placed on File. (#1014)

APPLICATION, PETER M. SULLIVAN, New Bedford, MA, for REAPPOINTMENT as a CONSTABLE.

Confirmed and Rule 40 Waived – Yeas 9, Nays 0. (Councillors Gomes and Oliveira not present for vote.)

(#1015)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of DAVID N. ST. AUBIN, New Bedford, MA, as a SPECIAL POLICE OFFICER.

Received and Placed on File. (#1016)

APPLICATION, DAVID N. ST. AUBIN, New Bedford, MA, for REAPPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed and Rule 40 Waived – Yeas 9, Nays 0. (Councillors Gomes and Oliveira not present for vote.) (#1017)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JOHN RADCLIFFE,
New Bedford, MA 02740, to the CONSERVATION COMMISSION, this term will expire June 2016.

TABLED. (#1018)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$60,000.00
from TREASURER'S DEBT, CHARGES & SERVICES, to PUBLIC FACILITIES, SUPPLIES & MATERIALS.

Received and Placed on File. (#1019)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 13, 2013

ORDERED: that the sum of SIXTY THOUSAND DOLLARS (\$60,000.00) now standing to the credit of the account
from TREASURER'S DEBT, CHARGES AND SERVICES be and the same is hereby transferred and appropriated to as
follows:

PUBLIC FACILITIES, SUPPLIES AND MATERIALS..... \$60,000.00

To be certified and approved by the Department Head.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1020)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$35,000.00
from TREASURER'S DEBT, CHARGES & SERVICES, to PUBLIC FACILITIES, CHARGES & SERVICES.

Received and Placed on File. (#1021)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 13, 2013

ORDERED: that the sum of THIRTY FIVE THOUSAND DOLLARS (\$35,000.00) now standing to the credit of the
account from TREASURER'S DEBT, CHARGES AND SERVICES be and the same is hereby transferred and appropriated
to as follows:

PUBLIC FACILITIES, CHARGES AND SERVICES..... \$35,000.00

To be certified and approved by the Department Head.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1022)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$40,000.00 from PUBLIC FACILITIES, SALARIES & WAGES, to PUBLIC FACILITIES, CHARGES & SERVICES.

Received and Placed on File. (#1023)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 13, 2013

ORDERED: that the sum of FORTY THOUSAND DOLLARS (\$40,000.00) now standing to the credit of the account from PUBLIC FACILITIES, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

PUBLIC FACILITIES, CHARGES AND SERVICES..... \$40,000.00

To be certified and approved by the Department Head.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1024)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$75,000.00 from WATER, CAPITAL OUTLAY, to WATER, CHARGES & SERVICES.

Received and Placed on File. (#1025)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 13, 2013

ORDERED: that the sum of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00) now standing to the credit of the account from WATER, CAPITAL OUTLAY be and the same is hereby transferred and appropriated to as follows:

WATER, CHARGES AND SERVICES..... \$75,000.00

To be certified and approved by the Department Head.

Adopted.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1026)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$100,000.00 from FIRE, SALARIES & WAGES, to FIRE, OTHER CHARGES.

CHARTER RULED. (#1027)

ORDER,

Motion made by Councillor Lawrence to amend the amount to \$0.00 FAILED – Yeas 2, Nays 8. (Councillors Lawrence and Saunders IN FAVOR; and Councillor Gomes not present for vote.)

CHARTER RULED. (#1028)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$15,510.00 from FIRE, OTHER CHARGES, to FIRE, CAPITAL OUTLAY.

Received and Placed on File. (#1029)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 13, 2013

ORDERED: that the sum of FIFTEEN THOUSAND, FIVE HUNDRED AND TEN DOLLARS (\$15,510.00) now standing to the credit of the account from FIRE, OTHER CHARGES be and the same is hereby transferred and appropriated to as follows:

FIRE, CAPITAL OUTLAY.....\$15,510.00

To be certified and approved by the Department Head.

Adopted.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1030)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$50,000.00 from EMS, CAPITAL OUTLAY, to EMS, CHARGES & SERVICES.

Received and Placed on File. (#1031)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 13, 2013

ORDERED: that the sum of FIFTY THOUSAND DOLLARS (\$50,000.00) now standing to the credit of the account from EMS, CAPITAL OUTLAY be and the same is hereby transferred and appropriated to as follows:

EMS, CHARGES AND SERVICES.....\$50,000.00

To be certified and approved by the Department Head.

Adopted.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1032)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$20,000.00 from TOURISM, SALARIES & WAGES, to TOURISM, CHARGES & SERVICES.

Received and Placed on File. (#1033)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 13, 2013

ORDERED: that the sum of TWENTY THOUSAND DOLLARS (\$20,000.00) now standing to the credit of the account from TOURISM, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

TOURISM, CHARGES AND SERVICES.....\$20,000.00

To be certified and approved by the Department Head.

Adopted.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1034)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$9,000.00 from AIRPORT, SALARIES & WAGES, to AIRPORT, SUPPLIES & MATERIALS.

Received and Placed on File. (#1035)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 13, 2013

ORDERED: that the sum of NINE THOUSAND DOLLARS (\$9,000.00) now standing to the credit of the account from AIRPORT, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

AIRPORT, SUPPLIES AND MATERIALS.....\$9,000.00

To be certified and approved by the Department Head.

Adopted.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1036)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$9,000.00 from AIRPORT, SALARIES & WAGES, to AIRPORT, CHARGES & SERVICES.

Received and Placed on File. (#1037)

CITY OF NEW BEDFORD

IN CITY COUNCIL

JUNE 13, 2013

ORDERED: that the sum of NINE THOUSAND DOLLARS (\$9,000.00) now standing to the credit of the account from AIRPORT, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

AIRPORT, CHARGES AND SERVICES.....\$9,000.00

To be certified and approved by the Department Head.

Adopted.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1038)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$7,000.00 from AIRPORT, OTHER CHARGES, to AIRPORT, SUPPLIES & MATERIALS.

Received and Placed on File. (#1039)

CITY OF NEW BEDFORD

IN CITY COUNCIL

JUNE 13, 2013

ORDERED: that the sum of SEVEN THOUSAND DOLLARS (\$7,000.00) now standing to the credit of the account from AIRPORT, OTHER CHARGES be and the same is hereby transferred and appropriated to as follows:

AIRPORT, SUPPLIES AND MATERIALS.....\$7,000.00

To be certified and approved by the Department Head.

Adopted.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1040)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$8,750.00 from COMMISSION FOR CITIZENS WITH DISABILITIES, SALARIES & WAGES, to COMMISSION FOR CITIZENS WITH DISABILITIES, CAPITAL OUTLAY.

Received and Placed on File. (#1041)

CITY OF NEW BEDFORD

IN CITY COUNCIL

JUNE 13, 2013

ORDERED: that the sum of EIGHT THOUSAND, SEVEN HUNDRED FIFTY DOLLARS (\$8,750.00) now standing to the credit of the account from COMMISSION FOR CITIZENS WITH DISABILITIES, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

COMMISSION FOR CITIZENS WITH DISABILITIES,
CAPITAL OUTLAY \$8,750.00

To be certified and approved by the Department Head.

Adopted.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1042)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$1,250.00 from COMMISSION FOR CITIZENS WITH DISABILITIES, SALARIES & WAGES, to COMMISSION FOR CITIZENS WITH DISABILITIES, SUPPLIES & MATERIALS.

Received and Placed on File. (#1043)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 13, 2013

ORDERED: that the sum of ONE THOUSAND, TWO HUNDRED FIFTY DOLLARS (\$1,250.00) now standing to the credit of the account from COMMISSION FOR CITIZENS WITH DISABILITIES, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

COMMISSION FOR CITIZENS WITH DISABILITIES,
SUPPLIES AND MATERIALS..... \$1,250.00

To be certified and approved by the Department Head.

Adopted.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1044)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$4,500.00 from HEALTH DEPARTMENT, SALARIES & WAGES, to HEALTH DEPARTMENT, CHARGES & SERVICES.

Received and Placed on File. (#1045)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 13, 2013

ORDERED: that the sum of FOUR THOUSAND, FIVE HUNDRED DOLLARS (\$4,500.00) now standing to the credit of the account from HEALTH DEPARTMENT, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

HEALTH DEPARTMENT, CHARGES AND SERVICES.....\$4,500.00

To be certified and approved by the Department Head.

Adopted.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1046)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$2,000.00 from PLANNING, SALARIES & WAGES, to PLANNING, CAPITAL OUTLAY.

Received and Placed on File. (#1047)

CITY OF NEW BEDFORD

IN CITY COUNCIL

JUNE 13, 2013

ORDERED: that the sum of TWO THOUSAND DOLLARS (\$2,000.00) now standing to the credit of the account from PLANNING, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

PLANNING, CAPITAL OUTLAY..... \$2,000.00

To be certified and approved by the Department Head.

Adopted.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1048)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$700.00 from MAYORS, SALARIES & WAGES, to MAYORS, SUPPLIES & MATERIALS.

Received and Placed on File. (#1049)

CITY OF NEW BEDFORD

IN CITY COUNCIL

JUNE 13, 2013

ORDERED: that the sum of SEVEN HUNDRED DOLLARS (\$700.00) now standing to the credit of the account from MAYORS, SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:

MAYORS, SUPPLIES AND MATERIALS..... \$700.00

To be certified and approved by the Department Head.

Adopted.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1050)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$300.00 from VETERANS, CHARGES & SERVICES, to VETERANS, SALARIES & WAGES.

Received and Placed on File. (#1051)

CITY OF NEW BEDFORD

IN CITY COUNCIL

JUNE 13, 2013

ORDERED: that the sum of THREE HUNDRED DOLLARS (\$300.00) 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, SALARIES AND WAGES..... \$300.00

To be certified and approved by the Department Head.

Adopted.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1052)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$25.00 from CITY CLERK, CHARGES & SERVICES, to CITY CLERK, SALARIES & WAGES.

Received and Placed on File. (#1053)

CITY OF NEW BEDFORD

IN CITY COUNCIL

JUNE 13, 2013

ORDERED: that the sum of TWENTY FIVE DOLLARS (\$25.00) now standing to the credit of the account from CITY CLERK, CHARGES AND SERVICES be and the same is hereby transferred and appropriated to as follows:

CITY CLERK, SALARIES AND WAGES..... \$25.00

To be certified and approved by the Department Head.

Adopted.

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

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1054)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for approval of a SEWER USE ABATEMENT for P&J Services, pursuant to Article II, Chapter 16, Section 92 of the City Code, recommending that P&J Services' wastewater consumption value, in ccf, be 3.17% less than the corresponding value for water consumption during any same billing period.

Received and Placed on File.

(#1055)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 13, 2013

ORDERED: that a Sewer Use Abatement be approved for P&J Services, located at 1066 County Street, New Bedford, making their wastewater consumption value, in ccf, 3.17% less than the corresponding value for water consumption during the same billing period with the provision that P&J Services be required to forward a report proving their 3.17% ccf reduction to replace water, to the considered and submitted to the New Bedford City Council for their approval on an annual basis.

Adopted.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013.

(#1056)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$3,500,000.00 from FREE CASH to SCHOOL, SALARIES & WAGES. (This ORDER replaces the Order submitted on 3/27/13 in the amount of \$2,000, 000.00., and addresses the School Department's projected FY 2013 deficit in its entirety. TABLED 4/25/13.)

TABLED – Yeas 9, Nays 2. (Councillors Gonsalves and Bousquet OPPOSED.) – May 23, 2013.

Removed from the Tabled Agenda – Yeas 8, Nays 3. (Councillors Lawrence, Martins and Saunders OPPOSED.)

Referred to the Committee on Finance – Yeas 7, Nays 4. (Councillors Alves, Bousquet, Lopes and Oliveira OPPOSED.)

(#0864)

ORDER,

TABLED – Yeas 9, Nays 2. (Councillors Gonsalves and Bousquet OPPOSED.) – May 23, 2013.

Removed from the Tabled Agenda – Yeas 8, Nays 3. (Councillors Lawrence, Martins and Saunders OPPOSED.)

Referred to the Committee on Finance – Yeas 7, Nays 4. (Councillors Alves, Bousquet, Lopes and Oliveira OPPOSED.)

(#0865)

ORDINANCE, Amending Chapter 23, by striking in its' entirety, Section 23-25 and inserting in place thereof, new Section 23-25 – RELATIVE TO MOTORIZED SCOOTERS.

Rule 42 Waived – Yeas 11, Nays 0.

Passed to a Second Reading – May 23, 2013.

Passed, to be Ordained – Yeas 11, Nays 0.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#0853)

REPORT, Committee on Finance, recommending to the City Council ADOPTION of the 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.

Recommendation Followed. (#1057)

CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 09, 2013

NEW BEDFORD REFUNDING BOND

ORDERED, 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 of 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.

FURTHER ORDERED, that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under M.G.L. c44A any or all of the bonds authorized by this Order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

Passed to a Second Reading and Referred to the Committee on Finance, in its Second Reading Stage – May 09, 2013.

Adopted – Yeas 11, Nays 0.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#0742)

REPORT, Committee on Finance, recommending to the City Council ADOPTION of the 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.

Recommendation Followed. (#1058)

CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 09, 2013

ORDERED, that the City appropriate the amount of One Million Dollars (\$1,000,000.00) for the purpose of paying costs of undertaking soil remediation and the construction of a solar park at the area known as HS-8 at New Bedford High School, located at 230 Hathaway Boulevard in New Bedford, including the payment of all costs incidental or related thereto (the "Project"), and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Committee. To meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said sum of money, pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City and that the amount of borrowing authorized pursuant to this Order shall be reduced by any grant amount set forth in any Project Funding Agreement or other similar agreement that may be executed by the City and the MSBA with respect to this project.

FURTHER ORDERED, that the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City is authorized by this Order and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

Passed, to a Second Reading and Referred to the Committee on Finance, in its Second Reading Stage – May 09, 2013.

Adopted – Yeas 11, Nays 0.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#0744)

WRITTEN MOTION, Councillor Bousquet, requesting, that BONNEAU COURT, BE CLOSED on SATURDAY, JUNE 22, 2013, FROM 1:00 P.M. TO 10:00 P.M. for the purpose of A Birthday Celebration. (Rain Date: Sunday, June 23, 2013.)

Permission Granted.

Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1059)

WRITTEN MOTION, Council President Duarte, requesting, on behalf of SouthCoast Equality Pride, that the following street(s) be CLOSED: PURCHASE STREET, from Union Street to William Street, ON SATURDAY, JUNE 22, 2013, FROM 9:00 A.M. TO 8:00 P.M., for the purpose of the Fifth Annual SouthCoast Equality Pride Day Block Party. *(Resubmitted Due to Location Change.)*

Permission Granted.

Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013.

(#1060)

WRITTEN MOTION, Council President Duarte, requesting, on behalf of Rebecca Fernandez, that the following street(s) be CLOSED: KEENE STREET, from Park Street to Liberty Street, ON SATURDAY, JULY 20, 2013, FROM 2:00 P.M. TO 9:00 P.M., NOTE: ALTERNATE RAIN DATE SCHEDULED FOR SATURDAY, JULY 27, 2013, for the purpose of A Neighborhood Block Party.

Permission Granted.

Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013.

(#1061)

WRITTEN MOTION, Councillor Alves, requesting, on behalf of the SENHOR DA PEDRA CLUB AND FEAST COMMITTEE, that the following street(s) be CLOSED: TINKHAM STREET, from Madeira Avenue to Funchal Place (Hope Street); WEBSTER COURT, from Madeira Avenue to Funchal Place (Hope Street); on FRIDAY, AUGUST 16, 2013, FROM 6:00 P.M. TO 11:45 P.M.; SATURDAY, AUGUST, 17, 2013, FROM 6:00 P.M. TO 11:45 P.M. AND SUNDAY, AUGUST 18, 2013, FROM 10:00 A.M. TO 11:45 P.M., for the ANNUAL SENHOR DA PEDRA FEAST, PROCESSION and STREET DECORATING for the PROCESSION; further requesting, that the street be CLOSED as follows; SATURDAY, AUGUST 17, 2013, FROM 9:00 A.M. TO 6:00 P.M. – EUGENIA STREET, between North Front Street and Madeira Avenue; SUNDAY, AUGUST 18, 2013, from 8:00 A.M. TO 4:00 P.M. (in order to decorate the streets for the Procession) – NORTH FRONT STREET, between Earle Street and Hathaway Street; EUGENIA STREET, between North Front Street and Funchal Place (Hope Street); SUNDAY, AUGUST 18, 2013, FROM 8:00 A.M. TO 6:00 P.M. (also for decorating the streets for the Procession and the Procession held in conjunction with the FEAST) – NORTH FRONT STREET, between Earle Street and Tinkham Street; FUNCHAL PLACE (HOPE STREET), between Whitman Street and Eugenia Street (with parking on both sides.)

Permission Granted.

Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013.

(#1062)

WRITTEN MOTION, Councillor Alves, requesting, on behalf of Irmandade do Divino Espirito Santo Do Pico, (Brotherhood of the Holy Spirit of Pico) that ACUSHNET AVENUE, between Duncan Street and Wood Street be CLOSED: ON SUNDAY, JULY 14, 2013, FROM 10:00 A.M. TO 11:00 A.M., AND AGAIN, FROM 12:00 (NOON) TO 12:30 P.M., for the purpose of the Organization's Annual Procession from their Cultural Center to St. Joseph/St. Therese Church on Acushnet Avenue (for Mass), and return to the Cultural Center for their Annual Feast.

Permission Granted.

Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1063)

WRITTEN MOTION, Councillor Alves, requesting, on behalf of Irmandade do Divino Espirito Santo Do Pico, that the following street(s) be CLOSED: BRIGHTMAN STREET, from Wood Street to Sylvia Street, ON FRIDAY, JULY 12, 2013, AT 6:00 P.M., THROUGH SUNDAY, JULY 14, 2013, AT 10:00 P.M. (AS NEEDED), for the purpose of their Annual Religious Feast.

Permission Granted.

Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1064)

WRITTEN MOTION, Council President Duarte, requesting, on behalf of the New Bedford Whaling Museum, that the following street(s) be CLOSED: JOHNNY CAKE HILL, from Union Street to William Street, ON SUNDAY, JULY 14, 2013, from 7:00 A.M. to 2:00 P.M., for the purpose of An Antique Car Show at the Whaling Museum.

Permission Granted.

Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1065)

WRITTEN MOTION, Councillor Oliveira, requesting, that CHICOPEE STREET, from Conduit Street to Caswell Street, BE CLOSED on THURSDAY, JULY 04, 2013, FROM 12:00 P.M. TO 9:00 P.M. for the purpose of A Neighborhood Block Party. (Rain Date: Saturday, July 06, 2013.)

Permission Granted.

Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1066)

WRITTEN MOTION, Councillor Saunders, requesting, that the following street(s) be CLOSED: NINA STREET, from East Rodney French Boulevard to Seaview Terrace, to the West End of the intersection so traffic may not enter Seaview Terrace, ON THURSDAY, JULY 04, 2013, FROM 12:00 (NOON) TO 12:00 MIDNIGHT, for the purpose of A Neighborhood Block Party.

Permission Granted.

Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1067)

WRITTEN MOTION, Councillor Martins, requesting, on behalf of Mr. Joseph Magliori, Jr., that the following street(s) be CLOSED: TALLMAN STREET, from North Front Street to Belleville Avenue, ON SUNDAY, JUNE 16, 2013, FROM 11:00 A.M. TO 4:00 P.M., for the purpose of A Block Party.

Permission Granted.

Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1068)

WRITTEN MOTION, Council President Duarte, requesting, on behalf of Joe Jesus, that the following street(s) be CLOSED: PURCHASE STREET, from William Street to Spring Street; UNION STREET, from Pleasant Street to Johnny Cake Hill/Bethel Street, and ACUSHNET AVENUE, from Barker’s Lane to Spring Street, FROM 3:00 P.M. TO 9:00 P.M., ON THURSDAY, JULY 18, 2013, for the purpose of Fifties Night Downtown. (NOTE: ALTERNATE RAIN DATE SCHEDULED FOR THURSDAY, AUGUST 15, 2013.)

Permission Granted.

Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval June 14, 2013.

Approve June 14, 2013. (#1069)

WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Sun Multisport Events, that the following street(s) be CLOSED: The East Side lane of East Rodney French Boulevard (i.e. the lane closest to the water) from Fort Taber Park to David Street; we will place cones down the yellow line of East Rodney French Boulevard in this section and then divide this lane with a second row of cones so we can have cyclists travel in both directions on the East Side lane of East Rodney French Boulevard; the West Side lane of East Rodney French Boulevard would remain open to traffic; Close one lane on sections of David Street, Cleveland Street and Mott Street; cyclists will go left on David Street from East Rodney French Boulevard, then left on Cleveland Street, then left on Mott Street and then right back onto East Rodney French Boulevard; they will be traveling on David, Cleveland and Mott Streets against the normal flow of traffic; Close South Rodney French Boulevard in both directions between East and West Rodney French Boulevards; Close the West Side lane of West Rodney French Boulevard (i.e. the lane closest to the water) from Fort Taber Park, to just past Woodlawn Street, where a turnaround point would be established; we will place cones down the yellow line of West Rodney French Boulevard in this section and then divide this lane with a second row of cones so we can have cyclists travel in both directions on the West Side of West Rodney French Boulevard; the East Side lane of West Rodney French Boulevard would remain open to traffic; Race crews would be setting out cones down the yellow line of East Rodney French Boulevard, David, Cleveland and Mott Streets and West Rodney French Boulevard, from 5:30 A.M., until 7:00 A.M., and during this time traffic will be able to travel in both directions on the above mentioned roads. Starting at 7:00 A.M. race crews will start to divide the lanes of East and West Rodney French Boulevards in order to be ready for the race to start at 8:00 A.M., and concluding with all roads open to

traffic in all directions at 10:30 A.M., ON SUNDAY, JULY 07, 2013, FROM 7:00 A.M. TO 10:30 A.M., for the purpose of The Whaling City Triathlon.

Permission Granted.

Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1070)

WRITTEN MOTION, Councillor Alves, requesting, on behalf of the St. Michael Social Club, that the following street(s) be CLOSED: MADEIRA AVENUE, between Eugenia Street and Whitman Street, FROM 4:00 P.M. TO MIDNIGHT ON THURSDAY, JULY 25, 2013 (TO ALLOW FOR SET-UP), **AND** FROM 2:00 P.M. TO MIDNIGHT ON FRIDAY, JULY 26, 2013, **AND** FROM 2:00 P.M. TO MIDNIGHT ON SATURDAY, JULY 27, 2013, for the purpose of The Annual St. Michael Social Club Festival-Festa Do Chicharro.

Permission Granted.

Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval June 14, 2013.

Approved June 14, 2013. (#1071)

WRITTEN MOTION, Councillors Coelho and Martins, requesting, that the Parks and Recreation Department immediately address the hockey rink located at Riverside Park, in which the boards that surround said rink are in poor condition and need to be removed and/or replaced, for the safety of constituents and children who visit said Park.

Referred to the Parks and Recreation Department.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#1072)

WRITTEN MOTION, Councillors Lopes, Martins, Alves, Gonsalves, Oliveira, Lawrence, Bousquet and Council President Duarte, requesting that the Committee on Appointments and Briefings, meet with a Representative of the Mayor's Office and the Director of Parks and Recreations, Mary Rapoza, to discuss the feasibility of establishing a "Crowd funding" campaign as a means of soliciting private funds to maintain the level of year round programs across our City. (To be Referred to the Committee on Appointments and Briefings.)

Adopted. (#1073)

WRITTEN MOTION, Councillor Lopes, requesting that Department of Public Infrastructure Commissioner Ronald Labelle and Mayor Mitchell apply for funds from the newly established \$21 Million Dollar State of Massachusetts Dam and Seawall Repair or Removal Fund; and further, requesting that said funds be used to repair the deteriorating seawall along West Rodney French Boulevard. (To be Referred to DPI Commissioner Ronald Labelle, Mayor Mitchell, and the Committee on Appointments and Briefings.)

Adopted.

Presented to the Mayor for approval June 17, 2013.

RETURNED UNSIGNED June 28, 2013.

(#1074)

WRITTEN MOTION, Councillors Lopes, Martins, Alves, Gonsalves, Oliveira, Lawrence, Bousquet, Council President Duarte *and Councillor Gomes*, requesting that the New Bedford City Council go on the record and support House Bill (H. 2952) filed by State Representative Stephen Kulik, which would allow Cities and Towns to enforce the provision of Massachusetts State Law Chapter 164, that requires all utility companies to remove double utility poles within 90 days, or be subject to a fine of not more than \$1,000 per occurrence.

Adopted.

(#1075)

WRITTEN MOTION, Councillors Gomes *and Lopes*, requesting, that Department of Public Infrastructure Commissioner Ronald Labelle and Acting Department of Public Facilities Commissioner Kenneth Blanchard, seal crack and paint white lines on all three parking lots located at East Beach due to the fact that cracking has begun in these parking lots and some seal crack will actually preserve these parking lots for five to ten years if done now. (To be Referred to Department of Public Infrastructure Commissioner Ronald Labelle and Acting Department of Public Facilities Commissioner Kenneth Blanchard and the Mayor's Office.)

Adopted.

Presented to the Mayor for approval June 17, 2013.

RETURNED UNSIGNED June 28, 2013.

(#1076)

WRITTEN MOTION, Councillor Gomes *and Council President Duarte*, requesting, that the Department of Public Infrastructure look at the Cape Verdean Recognition Committee Parade Route before the Saturday, July 06, 2013, Parade to ensure that the route is safe and clean and that all pot holes are filled and the road conditions are the best they can possibly be, said route is from Union Street, east to Acushnet Avenue; Acushnet Avenue, south to Grinnell Street; Grinnell Street to Purchase Street, north on Purchase Street to School Street. (To be Referred to the Department of Public Infrastructure.)

Adopted.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013.

(#1077)

WRITTEN MOTION, Councillor Gomes and Council President Duarte, requesting, that pending a Police investigation of the accident that occurred at the intersection of Purchase and Russell Streets, on Sunday, May 26, 2013, that the Traffic Commission consider doing whatever they can to make this intersection safer due to the numerous accidents that have been reported by the residents; and further, these Councillors feel that the best way to make this intersection safe is to place a "STOP SIGN" at the corner of Purchase Street in a northerly direction at the southeast corner of Purchase Street. (To be Referred to the Traffic Commission.)

Adopted.

(#1078)

COMMUNICATION, Buzzards Bay Coalition, to Regional Freedom of Information Officer, U.S. EPA New England, Region 1 and Regional Freedom of Information Officer, U.S. Army Engineer District, New England, regarding a Freedom of Information Act Request, for copies of all the documents related to the New Bedford Harbor Superfund Clean Up. (Copy all Councillors 05/28/2013.)

Received and Placed on File.

(#1079)

WRITTEN MOTION, Council President Duarte, requesting, on behalf of Carleen Cordwell, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Madison Street to Grinnell Street, ON SATURDAY, JUNE 01, 2013, FROM 10:00 A.M. TO 5:00 P.M., for the purpose of The Flower Power Festival.

GRANTED PROVISIONALLY BY THE CITY COUNCIL PRESIDENT BRUCE DUARTE, JR., ON TUESDAY, MAY 28, 2013, TO BE RATIFIED BY THE CITY COUNCIL ON THURSDAY, JUNE 13, 2013.

Received and Action of the City Council President Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013.

(#1080)

WRITTEN MOTION, Council President Duarte, requesting, on behalf of Our Lady's Chapel, that the following street(s) be CLOSED: PLEASANT STREET, from Union Street to William Street, and MARKET STREET, from Pleasant Street to North Sixth Street, ON SUNDAY, JUNE 02, 2013, FROM 11:00 A.M. TO 3:00 P.M., for the purpose of A Religious Procession.

GRANTED PROVISIONALLY BY THE CITY COUNCIL PRESIDENT BRUCE DUARTE, JR., ON WEDNESDAY, MAY 29, 2013, TO BE RATIFIED BY THE CITY COUNCIL ON THURSDAY, JUNE 13, 2013.

Received and Action of the City Council President Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 19, 2013.

(#1081)

WRITTEN MOTION, Councillor Gomes, requesting, on behalf of Ms. Patricia M. Souza, 46 Park Street, that the Department of Public Infrastructure replace two sidewalk squares in front of said address, due to the fact that a tree was removed some time ago breaking up the sidewalk, causing a very hazardous situation for pedestrian traffic in the area. (To be Referred to the Department of Public Infrastructure.)

Referred to the Department of Public Infrastructure.

Presented to the Mayor for approval June 17, 2013.

RETURNED UNSIGNED June 28, 2013.

(#1082)

MINUTES, Zoning Board of Appeals, submitting MINUTES of meetings held on February 28 and April 04, 2013.

Received and Placed on File.

(#1083)

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

Received and Placed on File. (#1084)

MINUTES Bristol Coalition Meeting, submitting MINUTES of meetings held on December 04, 2012 and May 20, 2013.

Received and Placed on File. (#1085)

MINUTES, Conservation Commission, submitting MINUTES of a meeting held on March 12 and April 09, 2013.

Received and Placed on File. (#1086)

MINUTES, Board of Assessors, submitting MINUTES of meetings held on May 16 and 31, and June 06, 2013.

Received and Placed on File. (#1087)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **Terry Lane, from house 885 easterly 140'**, provisionally granted by the City Clerk on May 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 June 17, 2013.

Approved June 18, 2013. (#1088)

APPLICATION, **Mirra Company Inc.**, for permission to maintain a STREET OBSTRUCTION at **Blackmer Street**, provisionally granted by the City Clerk on June 03, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#1089)

APPLICATION, **Cardoso Contracting Inc.**, for permission to maintain a STREET OBSTRUCTION at **468 Rivet Street P28/L206**, provisionally granted by the City Clerk on June 03, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#1090)

APPLICATION, **Cardoso Contracting Inc.**, for permission to maintain a STREET OBSTRUCTION at **54 Tremont Street P45/L407**, provisionally granted by the City Clerk on June 03, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013.

(#1091)

APPLICATION, **W.C. Smith and Son Inc.**, for permission to maintain a STREET OBSTRUCTION at **787 Hathaway Road**, provisionally granted by the City Clerk on June 06, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013.

(#1092)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **277 Lawrence Street**, provisionally granted by the City Clerk on June 11, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013.

(#1093)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **7 Crapo Street**, provisionally granted by the City Clerk on June 11, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013.

(#1094)

APPLICATION, **Farland Corp Inc.**, for permission to maintain a STREET OBSTRUCTION at **212 Summer Street**, provisionally granted by the City Clerk on June 12, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013.

(#1095)

APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **Terry Lane, from house 885 Easterly 140'**, provisionally granted by the City Clerk on May 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 June 17, 2013.

Approved June 18, 2013.

(#1096)

APPLICATION, **Mirra Company Inc.** to DISTURB THE SURFACE, of **Blackmer Street**, provisionally granted by the City Clerk on June 03, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#1096a)

APPLICATION, **Cardoso Contracting Inc.**, to DISTURB THE SURFACE, of **468 Rivet Street P28/L206**, provisionally granted by the City Clerk on June 03, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#1097)

APPLICATION, **Cardoso Contracting Inc.**, to DISTURB THE SURFACE, of **54 Tremont Street P45/L407**, provisionally granted by the City Clerk on June 03, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#1098)

APPLICATION, **W.C. Smith and Son Inc.**, to DISTURB THE SURFACE, of **787 Hathaway Road**, provisionally granted by the City Clerk on June 06, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#1099)

APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **277 Lawrence Street**, provisionally granted by the City Clerk on June 11, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#1100)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **7 Crapo Street**, provisionally granted by the City Clerk on June 11, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#1101)

APPLICATION, **Farland Corp Inc.**, to DISTURB THE SURFACE, of **212 Summer Street**, provisionally granted by the City Clerk on June 12, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#1102)

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on May 28, 2013, subject to ratification by the Mayor and City Council as follows:

202 Clinton Street (#1103)

189 James Street (#1104)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013.

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on June 04, 2013, subject to ratification by the Mayor and City Council as follows:

33 Emery Street (#1105)

318 Purchase Street (#1106)

150 Bedford Street (#1107)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013.

APPLICATIONS, **NSTAR Electric Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on June 12, 2013, subject to ratification by the Mayor and City Council as follows:

State Street, South of Maxfield Street (#1108)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013.

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

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, accepting the donation of two (2) bollards that will be used to restrict vehicular traffic onto the newly constructed bluestone plaza on the east side of Front Street between Hamilton Street and Rose Alley.

Rule 42 Waived – Yeas 11, Nays 0.

Received and Placed on File. (#1109)

IN CITY COUNCIL

JUNE 13, 2013

ORDERED, that the City of New Bedford accept two bollards donated to the City by Jack Silva that will be used to restrict vehicular traffic onto the newly constructed bluestone plaza on the east side of Front Street between Hamilton Street and Rose Alley.

The acceptance of these bollards is authorized under the Massachusetts General Laws Chapter 44, Section 53A ½.

Rule 42 Waived – Yeas 11, Nays 0.

Adopted.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#1110)

WRITTEN MOTION, Councillor Martins, on behalf of WINN Development, requesting that the parking lots for Whaler's Place (Plot 100/Lots 29 and 47) and Cliftex Lofts (Plot 105/Lots 132, 169, 180, 213 and 216) be Rezoned from Mixed-Use Business to RESIDENTIAL. (To be Referred to the Committee on Ordinances and the Planning Board.)

Rule 42 Waived – Yeas 11, Nays 0.

Referred to the Committee on Ordinances and the Planning Board. (#1111)

WRITTEN MOTION, Councillors Lawrence, Lopes, Bousquet, Martins *and Gonsalves*, requesting that Mayor Mitchell and City Solicitor Markey immediately place a Cease and Desist Order on the selling of Butler's Flat Lighthouse until the ownership of said Lighthouse can be proven.

Rule 42 Waived – Yeas 11, Nays 0.

Referred to the Committee on Appointments and Briefings. (#1112)

COMMUNICATION, Councillor Lawrence, submitting copies of AN ORDER and REVOCABLE LICENSE, dated August 17, 1978, allowing the City to maintain Butler's Flat Lighthouse (Copy all Councillors 06/12/2013.)

Rule 42 Waived – Yeas 11, Nays 0.

Received and Placed on File. (#1113)

WRITTEN MOTION, Councillor Bousquet, requesting that the Traffic Commission, look at the intersection of Rockdale Avenue and Hathaway Road for a plan to slow the traffic and to make this area safer; and further requesting, that Police Chief Provencher set up a speed trap detail in said area. (To be Referred to the Traffic Commission and Chief of Police.)

Rule 42 Waived – Yeas 11, Nays 0.

Adopted.

Presented to the Mayor for approval June 17, 2013.

RETURNED UNSIGNED June 28, 2013. (#1114)

ORDINANCE, Amending Chapter 9, Section 4670A, Relative to Pawnbrokers.

Referred to the Committee on Ordinances and the Planning Board – March 27, 2013.

Passed, to a Second Reading – May 23, 2013.

Rule 42 Waived – Yeas 11, Nays 0.

Passed, to be Ordained – Yeas 11, Nays 0.

Presented to the Mayor for approval June 17, 2013.

Approved June 18, 2013. (#0451)

COMMUNICATION, Acting City Planner, Jill Maclean, to City Council, informing that the Planning Board held a Public Hearing on June 12, 2013 on the proposed Ordinance amending Chapter 9, Section 4670A, Relative to Pawnbrokers, and the Board voted a favorable recommendation of the amendment to Chapter 9, Section 4670A.

Rule 42 Waived – Yeas 11, Nays 0.

Received and Placed on File. (#1115)

WRITTEN MOTION, Councillors Lawrence and Gomes, requesting, that the Committee on Ordinances explore the possibility of creating an Ordinance that mandates that all Medicaid funding coming into the School Department be directed into and stay within the School Department and be used within the said Department.

Rule 42 Waived – Yeas 11, Nays 0.

Referred to the Committee on Ordinances. (#1116)

On a motion, the Council then adjourned at 9:45 p.m.

ATTEST:

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