



Council Meeting - Minutes
CITY COUNCIL CALENDAR
Chambers of the City Council Municipal Building
Tuesday, August 13, 2013 - 7:05 p.m.

View Agenda

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

LATE: Councillor Gonsalves (7:30 p.m.)

ABSENT: No One.

Council President Duarte called the meeting to order and presided.

Reverend Leona Fisher, Pastor in the Name of Jesus Church, led the Assembly in Prayer.

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

CITATION, Councillors Bousquet and Lopes, honoring PAULINE C. HAMEL, Ed.D. PT, Project Coordinator, Mass in Motion, in recognition of her successful efforts in nutrition education, establishing the New Bedford Bicycle Committee and in combating childhood obesity in New Bedford.

Adopted. (1359)

CITATION, Councillor Gomes, honoring NICOLE MATTHEWS, YOUNG IMAGINATIONS DAY CARE CENTER, in recognition of her providing quality care to the Children of the City of New Bedford.

Adopted. (1360)

HEARING, on petition of NSTAR ELECTRIC COMPANY, for location of two (2) 4" Conduits and one (1) 45"x45"x36" Handhole in COTTAGE STREET, North of Bedford Street.

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

No One Opposed; Hearing closed.

Petition Placed on File. (1361)

ORDER,

Adopted and ordered recorded in Book of Location Order Records – Yeas 9, Nays 0. (Councillors Gomes and Gonsalves not present for vote.)

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

(#1362)

COMMUNICATION, Mayor Mitchell, to City Council, submitting ORDERS for the APPROPRIATION of \$83,000.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to the HEALTH DEPARTMENT, Charges & Services and Capital Outlay Accounts.

Received and Placed on File.

(#1363)

CITY OF NEW BEDFORD
IN CITY COUNCIL
AUGUST 13, 2013

ORDERED: that the sum of SEVENTY-EIGHT THOUSAND DOLLARS (\$78,000.00) now standing to the credit of the account from ORDINARY REVENUE AND MUNICIPAL RECEIPTS be and the same is hereby transferred and appropriated to as follows:

HEALTH DEPARTMENT, CHARGES AND SERVICES..... \$78,000.00

To be certified and approved by the Department Head.

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

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

Presented to the Mayor for approval August 14, 2013.

Approved August 14, 2013.

(#1364)

CITY OF NEW BEDFORD
IN CITY COUNCIL
AUGUST 13, 2013

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

HEALTH DEPARTMENT, CAPITAL OUTLAY..... \$5,000.00

To be certified and approved by the Department Head.

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

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

Presented to the Mayor for approval August 14, 2013.

Approved August 14, 2013.

(#1365)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 6, Article VII, Prevention and Abatement of Nuisances, by adding Section 6-125, CHRONIC PROBLEM PROPERTIES, which is designed to hold accountable the small number of irresponsible landlords who flagrantly neglect their responsibilities to their tenants, neighborhoods and the City.

Referred to the Committee on Ordinances. (#1366)

ORDINANCE, Amending Chapter 6, Article VII, Prevention and Abatement of Nuisances, by adding Section 6-125 CHRONIC PROBLEM PROPERTIES.

Referred to the Committee on Ordinances. (#1367)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 15, Licenses and Permits; Business Regulations by adding Article VIII, RENTAL HOUSING LICENSING, which assist law abiding landlords by certifying the condition of their rental units while at the same time holding the scofflaw absentee landlords accountable.

Referred to the Committee on Ordinances. (#1368)

ORDINANCE, Amending Chapter 15, Licenses and Permits; Business Regulations, by adding Article VIII, RENTAL HOUSING LICENSING.

Referred to the Committee on Ordinances. (#1369)

RELATED MOTION, Councillor Gomes, requesting that the Administration report back to the City Council, once again, on what impact has the Mayor's Housing Task Force had in the City of New Bedford since its implementation; and further, requesting that the Administration respond within 14 Days with specific statistics relative to the impact of the Mayor's Housing Task Force in New Bedford.

Adopted.

Presented to the Mayor for approval August 15, 2013.

RETURNED UNSIGNED August 29, 2013. (#1370)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for an Easement, between the City of New Bedford, NSTAR Electric Company and Verizon New England, Inc., for property located on MacArthur Drive/Steamship Wharf, the Easement is needed for the electrification of Steamship Wharf and Coal Pocket Wharf.

Received and Placed on File. (#1371)

CITY OF NEW BEDFORD

IN CITY COUNCIL

AUGUST 13, 2013

ORDERED, that in consideration of the mutual covenants set forth in a Grant of Easement, attached hereto, between the City of New Bedford, NSTAR Electric Company and Verizon New England, Inc., the Mayor is hereby authorized to execute an easement for electric and communication services on City owned property located at MacArthur Drive/Steamship Wharf and shown as a portion of Lot 179 on City of New Bedford Assessor's Map 47.

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

Presented to the Mayor for approval August 14, 2013.

Approved August 15, 2013.

(#1372)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for an Easement, between the City of New Bedford and NSTAR Electric Company, for property located at Quittacas in Rochester, the Easement is to facilitate development of the City's solar power initiative.

Received and Placed on File.

(#1373)

CITY OF NEW BEDFORD

IN CITY COUNCIL

AUGUST 13, 2013

ORDERED, that the City of New Bedford hereby grants to NSTAR Electric Company with Quitclaim Covenants:

The right and easement for utility pole 362/2, underground lines for distribution of electricity, and lines for control, relay and communication purposes over, across, upon and under a certain parcel of land owned by the City of New Bedford located at North Avenue, Rochester, Massachusetts, as more particularly described on the attached document entitled "EASEMENT" and the plan entitled "Exhibit A" attached hereto.

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

Presented to the Mayor for approval August 14, 2013.

Approved August 15, 2013.

(#1374)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for an Easement, between the City of New Bedford, Verizon New England, Inc. and NSTAR Electric Company, for property located at Quittacas in Rochester, the Easement is to facilitate development of the City's solar power initiative.

Received and Placed on File.

(#1375)

CITY OF NEW BEDFORD

IN CITY COUNCIL

AUGUST 13, 2013

ORDERED, that the City of New Bedford hereby grants to NSTAR Electric Company and Verizon New England, Inc. with Quitclaim Covenants:

The right and easement for utility pole 362/1 and 362/3, primary wire, underground lines for distribution of electricity, and lines for control, relay and communication purposes over, across, upon and under a certain parcel of land owned by the City of New Bedford located at North Avenue, Rochester, Massachusetts, as more particularly described on the attached document entitled "EASEMENT" and the plan entitled "Exhibit A" attached thereto.

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

Presented to the Mayor for approval August 14, 2013.

Approved August 15, 2013.

(#1376)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, awarding BWC Origination 4, LLC the attached Solar (PV) Generation Net Metering Power Sales Agreement for the purpose of procuring the solar electricity credits generated by a photovoltaic system in Plymouth, MA.

Received and Placed on File. (#1377)

CITY OF NEW BEDFORD
IN CITY COUNCIL
AUGUST 13, 2013

ORDERED, that the City of New Bedford grant to BWC Origination 4, LLC the attached Solar (PV) Generation Net Metering Power Sales Agreement to procure the solar electricity and the associated net metering credits generated by the photovoltaic system in Plymouth, MA in accordance with the economic analysis attached thereto.

This Agreement has to come before the City Council for approval because its term is in excess of five (5) years.

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

Presented to the Mayor for approval August 14, 2013.

Approved August 15, 2013. (#1378)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, awarding BWC Origination 4, LLC the attached Solar (PV) Generation Net Metering Power Sales Agreement for the purpose of procuring the solar electricity credits generated by a photovoltaic system at Sullivan’s Ledge.

Received and Placed on File. (#1379)

CITY OF NEW BEDFORD
IN CITY COUNCIL
AUGUST 13, 2013

ORDERED, that the City of New Bedford hereby approves the within Solar (PV) Generation Net Metering Power Sales Agreement with BWC Origination 4, LLC along with the site license to install a photovoltaic system on the grounds of Sullivan’s Ledge in accordance with the diagrams attached.

This Agreement is before the City Council for approval because its term is twenty (20) years with two five-year extension options.

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

Presented to the Mayor for approval August 14, 2013.

Approved August 15, 2013. (#1380)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of

MARIA PINA-ROCHA, New Bedford, MA 02740, as DIRECTOR OF MANAGEMENT INFORMATION SERVICES, Ms. Pina-Rocha will begin her service at the base salary for the MIS Director Classification of \$69,182.00, Grade M-13, Step 1.

Rule 38 Waived, Appointment Confirmed and Rule 40 Waived – Yeas 11, Nays 0.

(#1381)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of PATRICK DAY, Providence, RI, as STAFF PLANNER, in the Department of Planning and Community Development, and requesting a six-month WAIVER OF RESIDENCY to allow time for him and his family to relocate to the City.

Rule 38 Waived, Appointment Confirmed, Rule 40 Waived and six month Waiver of Residency Granted – Yeas 11, Nays 0.

Presented to the Mayor for approval August 14, 2013.

Approved August 15, 2013.

(#1382)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for ANA POEIRA, North Dartmouth, MA, as LEGAL SECRETARY in the Office of the City Solicitor; current waiver will expire August 2013.

One-Year Waiver of Residency Granted – Yeas 11, Nays 0.

Presented to the Mayor for approval August 15, 2013.

Approved August 15, 2013.

(#1383)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for DR. MICHELE SIMS, Wareham, MA, as STAFF VETERINARIAN; Dr. Sims has been employed by the Buttonwood Park Zoo since October 2008.

One-Year Waiver of Residency Granted – Yeas 11, Nays 0.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

(#1384)

COMMUNICATION, Mayor Mitchell, to City Council, submitting legal constraints faced by the City under the current Home Day-Care Facilities Ordinance and the Special Permit requirements.

Referred to the Committee on Ordinances.

(#1385)

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

Received and Placed on File.

(#1386)

APPLICATION, RICHARD PIMENTAL, New Bedford, MA, for REAPPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed. (#1387)

WRITTEN MOTION, Councillor Oliveira, requesting, on behalf of Paul Dupont, Scout Master, Troop 24, that the following street(s) be CLOSED: CHEROKEE STREET, between Acushnet Avenue and Morton Avenue, on SATURDAY, SEPTEMBER 28, 2013, FROM 7:00 A.M. THROUGH 3:00 P.M., for the purpose of The Annual Soap Box Derby Race Event; and further, requesting that DPI provide street closure barrels and that Cherokee Street be swept before said event. (Rain Date: Sunday, September 29, 2013.)

Permission Granted.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1388)

WRITTEN MOTION, Council President Duarte, requesting, that the following street(s) be CLOSED: STATE STREET, from Hazard Street to Austin Street, ON THURSDAY, AUGUST 22, 2013, FROM 9:00 A.M. TO 4:00 P.M., for the purpose of The Wamsutta Apartments Health Fair.

Permission Granted.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1389)

WRITTEN MOTION, Councillors Gonsalves and Lopes, requesting, on behalf of the Beckwith-Wiedemann Children's Foundation, that the following street(s) be CLOSED: EAST RODNEY FRENCH BOULEVARD, from Fort Taber Community Center to Frederick Street; FREDERICK STREET, from East Rodney French Boulevard to Brock Avenue; BROCK AVENUE, from Frederick Street to Dudley Street; DUDLEY STREET, from Brock Avenue to West Rodney French Boulevard; WEST RODNEY FRENCH BOULEVARD, from Dudley Street to South Rodney French Boulevard and SOUTH RODNEY FRENCH BOULEVARD, from West Rodney French Boulevard to Fort Taber Community Center, on SUNDAY, OCTOBER 06, 2013, FROM 7:00 A.M. TO 2:00 P.M., for the purpose of their 6TH Annual 5K Walk/Run.

Permission Granted.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1390)

WRITTEN MOTION, Councillor Bousquet, requesting, that the following street(s) be CLOSED: VINE STREET, from Mt. Vernon Street to Mt. Pleasant Lane, ON SATURDAY, AUGUST 24, 2013, FROM 12:00 P.M. (NOON) TO 10:00 P.M. for the purpose of the Vine Street Block Party. ALTERNATE RAIN DATE: SUNDAY, AUGUST 25, 2013, FROM 12:00 (NOON) TO 10:00 P.M. PLEASE NOTE: FURTHER REQUESTING THAT DPI PROVIDE STREET CLOSURE BARRELS.

Permission Granted.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

(#1391)

WRITTEN MOTION, Councillor Bousquet, requesting, that the following street(s) be CLOSED:

BEETLE STREET, from Acushnet Avenue to Ashley Boulevard, ON SATURDAY, AUGUST 24, 2013, FROM 3:00 P.M. TO 10:00 P.M., for the purpose of A Block Party.

Permission Granted.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

(#1392)

WRITTEN MOTION, Councillors Coelho, Oliveira and Martins, requesting that the Committee on Ordinances and the Commissioner of Buildings and Inspectional Services, review zoning laws, specifically Chapter 9 §2300 through §2325 regarding accessory uses, as such Sections that relate to the operation of Day Care Facilities, and determine the purpose of said Ordinance and whether the purpose is being served by the enforcement of the Ordinance on the various Day Care Facilities throughout the City; and further, that the review also include an analysis of any public impact that repealing the requirement for Day Care Operators to acquire a Special Permit through the Zoning Board of Appeals would have on City residents and neighborhoods, or if any other adverse effects would result from such a repeal.

Referred to the Committee on Ordinances.

(#1393)

RELATED MOTION, Councillor Lopes, that a letter be sent to the Zoning Board of Appeals, requesting that the Board allow a 45-day grace period for any existing licensed Day Care Facility, to allow the Facility owner to apply for the permit and waive the fees during the 45-day grace period.

Adopted.

(#1394)

WRITTEN MOTION, Councillor Gomes, requesting, that a meeting be held with Library Director Stephen Fulchino, the Board of Library Trustees, the Committee on City Property and a representative from the Administration to discuss an inventory of art work that is being stored in the City and how much that art is worth; and further, that the Library Trustees and Director Fulchino provide the City Council with an exact value of the art being stored in the City; and further, if an abundance of art is being stored in the City, it should be under the right temperatures and conditions that would not cause further damage to the millions of dollars of art that belongs to the City. (To be Referred to the Committee on City Property.)

Referred to the Committee on City Property.

(#1395)

WRITTEN MOTION, Councillors Coelho and Oliveira, requesting, due to constituent complaints, that a letter be sent to the Massachusetts Highway District 5, asking that the maintenance and security of the Park and Ride located on Mt. Pleasant Street, be re-evaluated and the following problems be addressed; asking for the installation of two (2)

garbage barrels, that the garbage that is continually dumped at that location be removed, the immediate removal of graffiti covering the Bus Stop shelter, that the overgrown bushes and vegetation that line Mt. Pleasant Street directly in front of the Park and Ride be trimmed down to allow visibility from the street; and further, that said location be monitored on a regular basis, to prevent the vandalism, trash buildup and overgrowth from re-occurring; and further, we are requesting a response within fifteen (15) days as to what action has been taken.

Adopted. (1396)

WRITTEN MOTION, Councillor Martins, asking, that Committee on Ordinances amend the Ordinance titled “Committee on Veterans Affairs, Elderly, Health, Housing and Disability Issues”, pursuant to Chapter 2, Section 2-56, to read the “Committee on Veterans Affairs, Elderly, **Youth**, Health, Housing and Disability Issues”, for the purpose of giving youth a seat at the table and giving them a voice on issues; and further, this would give all City youth an opportunity to present their ideas, concerns and questions to each of us and be invited to the Committee Meetings to present their views; and further, as a member of the Committee and a member of many youth programs and a strong advocate for City’s youth, I believe we should welcome all our young adults into our Council Chambers and establish a better partnership with them and our City government.

Adopted. (1397)

WRITTEN MOTION, Councillors Martins and Oliveira, requesting, that the City Council send a letter of support to Trader Joe’s Supermarket and Whole Foods Markets, expressing our interest in having them locate a store in our area, they would be a great fit for New Bedford and property at 500 Kings Highway is available and would be an excellent location for them.

Adopted. (1398)

WRITTEN MOTION, Councillors Martins, Lopes, Alves, Gonsalves and Bousquet, requesting that the Committee on Appointments and Briefings meet with the Administration, Tourism Director Ashley, New Bedford Economic Development Council and Downtown New Bedford, Inc., to follow up on a discussion designating New Bedford as a Cultural District.

Referred to the Committee on Appointments and Briefings. (1399)

WRITTEN MOTION, Councillor Oliveira, requesting, that 950 King’s Highway (Plot 123/Lot 43), 966 King’s Highway (Plot 123/Lot 109) and 1080 King’s Highway (Plot 125/Lot 29), be changed from ~~PLANNED BUSINESS~~ INDUSTRIAL “B” to INDUSTRIAL “A” in their entirety. (To be Referred to the Committee on Ordinances and the Planning Board.)

Referred to the Committee on Ordinances and the Planning Board. (1400)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Lisa F. DeFrias, 875 Old Plainville Road, Unit C, New Bedford, MA 02745 d/b/a/ BLUE MOON LIMOUSINE, 875 Old Plainville Road,**

Unit C, New Bedford, MA 02745, hereby submit a copy of the Application requesting a **NEW** 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. (License previously granted in 12/2011.)

Referred to the Committee on Appointments and Briefings. (#1401)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Edward M. Pacheco, 32 St. John Street, South Dartmouth, MA 02748, d/b/a PLACES TO GO, LLC, 651 Orchard Street, New Bedford, MA 02744**, 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 June 14, 2013.)

License Granted.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1402)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **David J. Martinez, d/b/a 3-D TRANSPORTATION, 112 Hathaway Road, 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. (License expired April 26, 2013.)

License Granted.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1403)

COMMUNICATION, Councillor Alves, submitting a DRAFT of an Ordinance, Waterfront Economic Development and Revitalization Overlay District (WEDROD), as it relates to Gaming and Casinos. (To be Referred to the Committee on Ordinances and the Planning Board.)

Referred to the Committee on Ordinances and the Planning Board. (#1404)

COMMUNICATION, City Councillors to Mr. Gregory Bialecki, Secretary, Executive Office of Housing and Economic Development, submitting a letter of support relative to the City of New Bedford's application to the MassWorks Infrastructure Program for the Acushnet Avenue International Marketplace.

Received and Placed on File. (#1405)

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, 929-937 Brock Avenue, Plot

15/Lot 179, Area of 3,869 sq. ft. (Former Owner: Estate Hughes Desautels); Total Amount due on the parcel as of the date of the transfer is \$12,387.06.

Received and Placed on File. (#1406)

COMMUNICATION, Peter W. Teitelbaum, Esq., Chairman, Wareham Board of Selectmen, to City Council, regarding House Bill 1115, An Act relative to the definition of low and moderate income housing, said bill seeks to amend Massachusetts General Laws Chapter 40B, §20. (Copy all Councillors 07/16/2013.)

Received and Placed on File. (#1407)

COMMUNICATION, Federal Emergency Management Agency (FEMA) submitting Preliminary copies of the revised Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Bristol County, Massachusetts. (Copy all Councillors 08/09/2013.)

Received and Placed on File. (#1408)

WRITTEN MOTION, Council President Duarte, requesting, on behalf of AHA!, that the following street(s) be CLOSED: ACUSHNET AVENUE, from William Street to Elm Street, MARKET STREET, from Pleasant Street to North Sixth Street AND PURCHASE STREET, from Union Street to Spring Street (for the House of Music only) ON THURSDAY, AUGUST 08, 2013, FROM 5:00 A.M. TO 9:00 P.M., for the purpose of AHA! Night, Dancing in the Streets.

GRANTED PROVISIONALLY BY THE CITY COUNCIL PRESIDENT BRUCE DUARTE, JR., ON FRIDAY, JULY 19, 2013, TO BE RATIFIED BY THE CITY COUNCIL ON TUESDAY, AUGUST 13, 2013.

Received and Action of the City Council President Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1409)

WRITTEN MOTION, Councillor Bousquet, requesting, on behalf of Ms. Eileen Vincent, that the following street(s) be CLOSED: THE CORNER OF HIGHLAND STREET and SAWYER STREET, (the sidewalk only) ON SUNDAY, AUGUST 04, 2013, FROM 3:00 P.M. TO 3:30 P.M., for the purpose of A Memorial Service.

GRANTED PROVISIONALLY BY THE CITY COUNCIL PRESIDENT BRUCE DUARTE, JR., ON TUESDAY, JULY 30, 2013, TO BE RATIFIED BY THE CITY COUNCIL ON TUESDAY, AUGUST 13, 2013.

Received and Action of the City Council President Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1410)

WRITTEN MOTION, Councillors Alves and Gomes, requesting, that the Department of Public Infrastructure fill and repair the potholes on North Street, by Ash Street, they present a hazard to vehicles and a liability to the City, and residents are disturbed by the loud vibrations caused by this frequently used commercial route.

Referred to the Department of Public Infrastructure.
Presented to the Mayor for approval August 15, 2013.
RETURNED UNSIGNED August 29, 2013.

(#1411)

WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Mr. Herbert H. Rowe, that the Traffic Commission, install a "NO PARKING EXCEPT HANDICAP VEHICLE" Sign in front of 45 Smith Street, New Bedford, MA. (Copy of Handicap Placard and letter from owner of building allowing installation of sign enclosed.) (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission.

(#1412)

WRITTEN MOTION, Councillor Alves, requesting the Regional Airport cut or trim the overgrown grass and weeds that have spread onto the road on the north side of their property along Old Fall River Road, this overgrowth is forcing vehicles to veer into the driving lane of traffic heading south on the roadway, presenting a potential danger to oncoming traffic. (To be Referred to the Regional Airport and the Department of Public Infrastructure.)

Referred to the Regional Airport and the Department of Public Infrastructure.

Presented to the Mayor for approval August 15, 2013.

RETURNED UNSIGNED August 29, 2013.

(#1413)

WRITTEN MOTION, Councillors Alves and Martins, requesting, that the Department of Public Infrastructure as both a safety issue and in order to maintain our City streets and sewer system, address the following issues: that in order to ensure the Parade route for the upcoming Sunday, August 18, 2013, Senhor Da Pedra Feast is both safe for the participants, the elderly and for out of town visitors, that the Department clean and fill all the holes on the Parade route to be walked because the Parade will be televised on local cable and the International RTP Channel; and further, in a effort to insure our City sewer system is not clogged and to assist the neighborhood residents that work to sweep and clean the streets after the event, that the Department provide a street sweeper to assist in maintaining said route. (To be Referred to the Department of Public Infrastructure.)

Referred to the Department of Public Infrastructure.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

(#1414)

PETITION/INDEMNITY AGREEMENT, JOSE S. & MARIA A. CARDOSO d/b/a CARDOSO INSURANCE AGENCY, INC., for Permission to Erect and Maintain a Projecting, Illuminated Sign at 374 Dartmouth Street, New Bedford, MA 02740. Provisionally Granted, subject to approval of the Building Commissioner and subject to Ratification by Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

(#1415)

PETITION/INDEMNITY AGREEMENT, J.A.C. FINE WINE & SPIRITS, INC., d/b/a FRIENDLY LIQUORS, for Permission to Erect and Maintain a Projecting, Illuminated Sign at 1567 Acushnet Avenue, New Bedford, MA 02746. Provisionally Granted, subject to approval of the Building Commissioner and subject to Ratification by Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1416)

PETITION/INDEMNITY AGREEMENT, OM STUDIOS, for Permission to Erect and Maintain a Projecting Sign at 752 Purchase Street, New Bedford, MA 02740. Provisionally Granted, subject to approval of the Building Commissioner and subject to Ratification by Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1417)

MINUTES, Board of Health, submitting MINUTES of a meeting held on April 22, 2013.

Received and Placed on File. (#1418)

MINUTES, Licensing Board, submitting MINUTES of meetings held on April 22, May 20 and June 26, 2013.

Received and Placed on File. (#1419)

MINUTES, Board of Assessors, submitting MINUTES of a meeting held on July 12, 2013.

Received and Placed on File. (#1420)

MINUTES, Historical Commission, submitting MINUTES of meetings held on June 03 and 18, 2013.

Received and Placed on File. (#1421)

MINUTES, Zoning Board of Appeals, submitting MINUTES of a meeting held on May 30, 2013.

Received and Placed on File. (#1422)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **171 Weld Street, on State Street side**, provisionally granted by the City Clerk on July 25, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1423)

APPLICATION, **Franklin Corp. Environmental**, for permission to maintain a STREET OBSTRUCTION at **25 Rounds Street**, provisionally granted by the City Clerk on July 18, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1424)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **192 Park Street**, provisionally granted by the City Clerk on July 22, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1425)

APPLICATION, **Century Paving and Construction Corp.**, for permission to maintain a STREET OBSTRUCTION at **63-65 Conway Street**, provisionally granted by the City Clerk on July 22, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1426)

APPLICATION, **Christopher Mendoza**, for permission to maintain a STREET OBSTRUCTION at **827 Church Street P130F/L32**, provisionally granted by the City Clerk on August 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 August 15, 2013.

Approved August 16, 2013. (#1427)

APPLICATION, **D.W. White Construction**, for permission to maintain a STREET OBSTRUCTION at **62 Wood Street**, provisionally granted by the City Clerk on August 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 August 15, 2013.

Approved August 16, 2013. (#1428)

APPLICATION, **W.C. Smith and Son Inc.**, for permission to maintain a STREET OBSTRUCTION at **26 Grove Street**, provisionally granted by the City Clerk on August 13, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1429)

APPLICATION, **Franklin Corp. Environmental**, to DISTURB THE SURFACE, of **25 Rounds Street**, provisionally granted by the City Clerk on July 18, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1430)

APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **192 Park Street**, provisionally granted by the City Clerk on July 22, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1431)

APPLICATION, **Century Paving and Construction Corp.**, to DISTURB THE SURFACE, of **63-65 Conway Street**, provisionally granted by the City Clerk on July 22, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013. (#1432)

APPLICATION, **Christopher Mendoza**, to DISTURB THE SURFACE, of **827 Church Street P130F/L32**, provisionally granted by the City Clerk on August 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 August 15, 2013.

Approved August 16, 2013. (#1433)

APPLICATION, **D.W. White Construction**, to DISTURB THE SURFACE, of **62 Wood Street**, provisionally granted by the City Clerk on August 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 August 15, 2013.

Approved August 16, 2013. (#1434)

APPLICATION, **W.C. Smith and Son Inc.**, to DISTURB THE SURFACE, of **26 Grove Street**, provisionally granted by the City Clerk on August 13, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

(#1435)

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on July 22, 2013, subject to ratification by the Mayor and City Council as follows:

292 Maple Street

(#1436)

142 Bullard Street

(#1437)

31 Nash Road

(#1438)

94 Clark Street

(#1439)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

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

14 Sagamore Street

(#1440)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

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

167 Summer Street

(#1441)

310 Summer Street

(#1442)

38 Russell Street

(#1443)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

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

50 Bedford Street

(#1444)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on August 01, 2013, subject to ratification by the Mayor and City Council as follows:

21 Cottage Street	(#1445)
154 Davis Street	(#1446)
203 Weld Street	(#1447)
929-933, 927H Brock Avenue (One Building)	(#1448)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

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

556 Purchase Street	(#1449)
98 Parker Street	(#1450)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

APPLICATION, **NSTAR Electric Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on August 08, 2013, subject to ratification by the Mayor and City Council as follows:

Corner of Conway Street and Cape Street	(#1451)
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Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

APPLICATION, **S&L Roll-off Services Inc.**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on July 19, 2013, subject to ratification by the Mayor and City Council as follows:

10 Florence Street	(#1452)
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Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

APPLICATION, **S&L Roll-off Services Inc.**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on July 25, 2013, subject to ratification by the Mayor and City Council as follows:

31 Margin Street	(#1453)
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Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

APPLICATION, **S&L Roll-off Services Inc.**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on August 09, 2013, subject to ratification by the Mayor and City Council as follows:

31 Margin Street (#1454)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

APPLICATIONS, **ABC Disposal Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on August 13, 2013, subject to ratification by the Mayor and City Council as follows:

494 Union Street (#1455)

494 Brock Avenue (#1456)

129 Princeton Street (#1457)

60 Merrimac Street (#1458)

903 Tradewind Street (#1459)

135 County Street (#1460)

213 Ryan Street (#1461)

56 Mt. Vernon Street (#1462)

442 Court Street (#1463)

138 Holly Street (#1464)

427 West Clinton Street (#1465)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval August 15, 2013.

Approved August 16, 2013.

IT WAS VOTED, on a motion made and duly seconded, Yeas 10, Nays 0, to waive Rule 42 in order to take up the late file items. (Councillor Gonsalves not present for vote.)

WRITTEN MOTION, Councillors Lopes and *Gomes* , requesting that Mayor Mitchell and the City of New Bedford file an appeal with the Department of Homeland Security's Federal Emergency Management Agency (FEMA) within ninety (90) days; said appeal would be in opposition to the newly revised Flood Insurance Rate Map (FIRM) and the Flood Insurance Study (FIS), the Preliminary FIRM and FIS report including the proposed Flood Hazard Determination, flood hazard maps, as well as any modifications to the Special Flood Hazard Areas across the City of New Bedford. (To be Referred to Mayor Jon Mitchell.)

Rule 42 Waived – Yeas 10, Nays 0. (Councillor Gonsalves not present for vote.)

Referred to Mayor Mitchell.

Presented to the Mayor for approval August 15, 2013.

RETURNED UNSIGNED August 29, 2013.

(#1466)

WRITTEN MOTION, Councillor Saunders, requesting that Item 11 of Part D (Industrial) in Appendix A/Table of Principal Use Regulations of Chapter 9 of the Code of Ordinances is hereby amended by striking the word “N” as it corresponds to Column IB, and insert in place thereof, the word “Y”.

Rule 42 Waived – Yeas 10, Nays 0. (Councillor Gonsalves not present for vote.)

Referred to the Committee on Ordinances and the Planning Board.

(#1467)

On a motion, the Council then adjourned at 9:10 p.m.

ATTEST:

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