



Council Meeting - Minutes
CITY COUNCIL CALENDAR
Chambers of the City Council Municipal Building
Thursday, September 12, 2013 - 7:14 p.m.

View Agenda

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

LATE: No One.

ABSENT: No One.

Council President Duarte called the meeting to order and presided.

Reverend Dalton Said, St. Luke's Hospital Religious Ministries, led the Assembly in Prayer.

James D. Oliveira, Councillor Ward One led the Assembly in the Pledge of Allegiance to the Flag.

The following resolution honoring Peace Day was presented by Councillor Gomes.

CITY OF NEW BEDFORD
IN CITY COUNCIL
SEPTEMBER 12, 2013

RESOLUTION HONORING PEACE DAY

WHEREAS, The International Day of Peace was established on November 30, 1981, by the United Nations, to coincide with the opening day of the General Assembly; and

WHEREAS, On the 20th Anniversary of The International Day of Peace in 2001, a U.N. Resolution officially established September 21st as the permanent date for the International Day of Peace; and

WHEREAS, Since its inception, Peace Day has grown to include millions of people in all parts of the world, including 1700 organizations and 175 nations, and each year events are organized to celebrate this day; and

WHEREAS, In keeping with the spirit of justice and non-violence, students from UMass Dartmouth are involved with a regional and worldwide effort to celebrate Peace Day as an expression of their dedication to a better world through cooperation and unity; and

WHEREAS, On Sunday, October 23, 1955, a group of school children planted a Ginkgo Tree at the corner of Kempton Street and Rockdale Avenue to celebrate "World Order Sunday" and the 10th Anniversary of the founding of the United Nations; and

WHEREAS, The Ginkgo Tree, which became known as a tree which marks sacred ground, was the only flora to survive the nuclear blast in Hiroshima, and since that time has been known as the Peace Tree, so named by the United Nations; and

WHEREAS, Fifty-eight years later, on Saturday, September 21, 2013, they have inspired UMass Dartmouth Students, Daniel Keith and Marven Rhode Hyppolite to follow in their footsteps by planting two more United Nations' Peace Trees; and

WHEREAS, With the assistance of the NB Beautiful Committee, on Saturday, September 21, 2013, UMass Dartmouth Students, Daniel Keith and Marven Rhode Hyppolite, will plant two "Peace Trees", one located in the City of New Bedford, in the area of Route 6 and Purchase Street, commonly referred to as the "Octopus" and another on the grounds of UMass Dartmouth campus, dedicated by the students of UMass Dartmouth in honor of the victims and first responders of the Boston Marathon bombing:

NOW, THEREFORE, BE IT RESOLVED, That the New Bedford City Council thanks **UMASS DARTMOUTH STUDENTS, DANIEL KEITH AND MARVEN RHODE HYPOLITE** for the Ceremonies in Celebration of the **32nd ANNIVERSARY OF PEACE DAY**, with wishes to make it a priority for everyone to promote peace each and every day and supports their celebration, affirming a belief in the goal of world peace.

TABLED.

Removed from the Table and Adopted. (#1468)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the APPROPRIATION of \$50,513.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS, to INSPECTIONAL SERVICES, SALARIES & WAGES.

Adopted – Yeas 11, Nays 0.

Councillor Gonsalves having voted on the prevailing side made a Motion to RECONSIDER.

RECONSIDERATION Adopted – Yeas 10, Nays 1. (Councillor Saunders OPPOSED.)

Referred to the Committee on Finance – Yeas 6, Nays 5. (Councillors Alves, Coelho, Council President Duarte, Councillors Lopes and Saunders OPPOSED.) (#1469)

ORDER,

Adopted – Yeas 11, Nays 0.

Councillor Gonsalves having voted on the prevailing side made a Motion to RECONSIDER.

RECONSIDERATION Adopted – Yeas 10, Nays 1. (Councillor Saunders OPPOSED.)

Referred to the Committee on Finance – Yeas 6, Nays 5. (Councillors Alves, Coelho, Council President Duarte, Councillors Lopes and Saunders OPPOSED.) (#1470)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the APPROPRIATION of \$42,650.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS, to HEALTH DEPARTMENT, SALARIES & WAGES.

Referred to the Committee on Finance. (#1471)

ORDER,

Referred to the Committee on Finance. (#1472)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for SIXTH BRISTOL SOCIAL CLUB, 736 Ashley Boulevard, New Bedford, MA, Account Number 029754A, in the amount of \$908.85.

Abatement Granted – Yeas 11, Nays 0.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1473)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for EDWARD CORREIA, 16 Sowle Street, New Bedford, MA, Account Number 017403A, in the amount of \$406.70.

Abatement Granted – Yeas 11, Nays 0.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1474)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for KIM PINA, 190 Merrimac Street, New Bedford, MA, Account Number 009880A, in the amount of \$348.60.

Abatement Granted – Yeas 11, Nays 0.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1475)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for MARY LOU EDVARDBSEN, 697 Shawmut Avenue, New Bedford, MA, Account Number 009824A, in the amount of \$112.05.

Abatement Granted – Yeas 11, Nays 0.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1476)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the Mayor to execute a contract with ABC Disposal Services, Inc. in substantially the same form as attached hereto, for a term beginning October 01, 2013 through June 30, 2023.

Received and Placed on File. (#1477)

CITY OF NEW BEDFORD
IN CITY COUNCIL
SEPTEMBER 12, 2013

ORDERED, that the Mayor be authorized to execute a contract with ABC Disposal Services, Inc., for the collection and handling of solid waste, recyclables, bulky items, yard waste and brush for the City of New Bedford for a term beginning October 01, 2013 through June 30, 2023; said contract shall require the contractor to acquire new automated collection vehicles powered by Compressed Natural Gas (CNG) and to convert to automated collection of solid

waste and recyclable materials with single stream recycling, on or about July 01, 2014; in addition, the contractor shall finance the purchase of all City owned solid waste and recycling carts necessary for the implementation and operation of the automated collection program.

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

Presented to the Mayor for approval September 16, 2013.

Approved September 18, 2013. (#1478)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the lease of office and storage space at the Quest Center, 1213 Purchase Street, New Bedford, MA 02740, to the Commonwealth acting by and through the Division of Capital Management and Maintenance for use of by the Massachusetts Division of Marine Fisheries for a term from June 01, 2013 through May 31, 2018.

Received and Placed on File. (#1479)

CITY OF NEW BEDFORD
IN CITY COUNCIL
SEPTEMBER 12, 2013

ORDERED, that the City of New Bedford hereby grants to the Commonwealth of Massachusetts acting by and through its Division of Capital Asset Management and Maintenance:

A lease of office and storage space in the Quest Center located at 1213 Purchase Street, New Bedford, Massachusetts from June 01, 2013 to May 31, 2018 to be occupied by the Massachusetts Division of Marine Fisheries, the terms and conditions of said lease as more particularly described on the attached form of lease document entitled “COMMONWEALTH OF MASSACHUSETTS OFFICE LEASE.”

Adopted and Rule 40 Waived – Yeas 10, Nays 1. (Councillor Saunders OPPOSED.)

Presented to the Mayor for approval September 16, 2013.

Approved September 18, 2013. (#1480)

COMMUNICATION, Mayor Mitchell, submitting TWO ORDERS, relative to the Airport, due to construction work at the Airport in which wetlands have been filled in and turtles have been displaced, it was necessary to obtain permitting from the Army Corps of Engineers, the permit requires the City to place a Conservation Easement on abutting property in Dartmouth and to place a Deed Restriction on two Wetlands Mitigation Sites at the Airport.

Referred to the Committee on Appointments and Briefings. (#1481)

ORDER, (Deed Restriction)

Referred to the Committee on Appointments and Briefings. (#1482)

ORDER, (Conservation Easement)

Referred to the Committee on Appointments and Briefings. (#1483)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Section 19-135.2 to establish EMS rates that are equal to the Medicare National Fee Schedule +125% rate for ambulance services.

Referred to the Committee on Ordinances and Passed to a Second Reading. (#1484)

ORDINANCE, Amending Chapter 19, Section 19-135.2 (d) EMERGENCY MEDICAL SERVICES, to establish EMS rates that are equal to the Medicare National Fee Schedule +125% rate for ambulance services.

Referred to the Committee on Ordinances and Passed to a Second Reading. (#1485)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 9, Zoning of the Code of Ordinances to adopt the revisions to Appendix B Table of Dimensional Regulations; this amendment is necessary to eliminate inconsistencies that currently exist between the text of the Zoning Ordinances and Appendix B.

Referred to the Committee on Ordinances and the Planning Board. (#1486)

ORDINANCE, Amending Chapter 9, Zoning of the Code of Ordinances, adopt the revisions to Appendix B Table of Dimensional Regulations; this amendment is necessary to eliminate inconsistencies that currently exist between the text of the Zoning Ordinances and Appendix B.

Referred to the Committee on Ordinances and the Planning Board. (#1487)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for MARK MCGRAW, Mattapoisett, MA, as EMERGENCY MEDICAL SERVICES DIRECTOR; Mr. McGraw's current waiver expired in August 2013.

One-Year Waiver of Residency GRANTED and Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval September 16, 2013.

Approved September 18, 2013. (#1488)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MARIA MOJICA-MOSQUEA, New Bedford, MA, to the HUMAN RELATIONS COMMISSION, replacing Joseph Cordeiro, whose term has expired; this term will expire April 2016.

Referred to the Committee on Appointments and Briefings. (#1489)

COMMUNICATION, Mayor Mitchell, to City Council, responding to a Written Motion on the August 13, 2013, City Council Agenda, requesting that the City appeal the Federal Emergency Agency's revised Flood Insurance Rate Map; I have directed Commissioner Labelle to explore whether there are grounds for appeal within the statutory process established by FEMA, if DPI identifies grounds for appeal, this information will be shared with the Council.

Received and Placed on File. (#1490)

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

Received and Placed on File. (#1491)

APPLICATION, BRANDON CABRAL, New Bedford, MA, for REAPPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed – All Ayes. (#1492)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of GEORGE H. LAFLEUR, Swansea, MA, as a SPECIAL POLICE OFFICER.

Received and Placed on File. (#1493)

APPLICATION, GEORGE H. LAFLEUR, Swansea, MA, for APPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment made and confirmed – Yeas 11, Nays 0. (#1494)

REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, amending Chapter 9, Section 1200 to insert a definition for “alternative motor vehicle fuels” and a revised Appendix A Table of Principal Use Regulations to insert “alternative motor vehicle fuels in D. Industrial #10.”

Recommendation Followed. (#1495)

ORDINANCE, Amending Chapter 9, Section 1200 to insert a definition for “alternative motor vehicle fuels” and a revised Appendix A Table of Principal Use Regulations to insert “alternative motor vehicle fuels in D. Industrial #10.”

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

Passed to a Second Reading. (#1129)

REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, Amending Chapter 19, Section 19-7 (c) PERSONNEL, by striking “Commissioner of Public Infrastructure M-14” and inserting in place thereof “Commissioner of Public Infrastructure M-17”, “Deputy Commissioner Public Infrastructure M-14”, “Director of Facilities and Fleet Management M-14”, “Director of Planning and Community Development M-16”, “Life Support Specialist M-C” at the end of the Section.

Recommendation Followed. (#1496)

ORDINANCE, Amending Chapter 19, Section 19-7 (c) PERSONNEL, by striking “Commissioner of Public Infrastructure M-14” and inserting in place thereof “Commissioner of Public Infrastructure M-17”, “Deputy

Commissioner Public Infrastructure M-14”, “Director of Facilities and Fleet Management M-14”, “Director of Planning and Community Development M-16”, “Life Support Specialist M-C” at the end of the Section.

Referred to the Committee on Ordinances – May 23, 2013.

Passed to a Second Reading. (#0895)

REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, Amending Chapter 22, Article I, Section 22 Streets, Sidewalks and Other Public Ways; Public Works by striking “Public Facilities” from the end of the first sentence and inserting in place thereof “Public Infrastructure.”

Recommendation Followed. (#1497)

ORDINANCE, Amending Chapter 22, Article I, Section 22 Streets, Sidewalks and Other Public Ways; Public Works by striking “Public Facilities” from the end of the first sentence and inserting in place thereof “Public Infrastructure.”

Referred to the Committee on Ordinances – May 23, 2013.

Passed to a Second Reading. (#0893)

REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, Amending Chapter 2, Article XXI, Department of Public Infrastructure, by striking the Article in its entirety and inserting in place thereof, Article XXI, Public Infrastructure Department.

Recommendation Followed. (#1498)

ORDINANCE, Amending Chapter 2, Article XXI, Department of Public Infrastructure, by striking the Article in its entirety and inserting in place thereof, Article XXI, Public Infrastructure Department.

Referred to the Committee on Ordinances – May 23, 2013.

Passed to a Second Reading. (#0891)

REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, Amending Chapter 2, Article XX, by striking Article XX in its entirety and inserting in place thereof, Article XX, Department of Facilities and Fleet Management.

Recommendation Followed. (#1499)

ORDINANCE, Amending Chapter 2, Article XX, by striking Article XX in its entirety and inserting in place thereof, Article XX, Department of Facilities and Fleet Management.

Referred to the Committee on Ordinances – May 23, 2013.

Passed to a Second Reading. (#0889)

REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE AS AMENDED, Amending Chapter 20, Planning and Development, by striking said Chapter in its entirety and inserting a new Chapter 20, Department of Planning and Community Development.

Recommendation Followed. (#1500)

ORDINANCE, Amending Chapter 20, Planning and Development, by striking said Chapter in its entirety and inserting a new Chapter 20, Department of Planning and Community Development.

Referred to the Committee on Ordinances – May 23, 2013.

Passed to a Second Reading as AMENDED. (#0887)

REPORT, Committee on Ordinances, recommending to the City Council to APPROVE the Zoning Changes of the parking lots for Whalers Place (Plot 100/Lots 29 and 47) and Cliftex Lofts (Plot 105/Lots 132, 169, 180, 213 and 216) being REZONED from MIXED-USE BUSINESS to RESIDENTIAL.

Recommendation Followed. (#1501)

ORDINANCE, Relative to Rezoning for Whalers Place, (Plot 100, Lots 29 and 47) along South side of Collette Street, West side of Riverside Avenue and North side of Phillips Avenue.

Passed to a Second Reading. (#1502)

ORDINANCE, Relative to Rezoning for Cliftex Lofts, (Plot 105, Lots 132, 169, 180, 213 and 216) along West side of Riverside Avenue, North side of Hathaway Street and Belleville Avenue.

Passed to a Second Reading. (#1503)

REPORT, Committee on Ordinances, recommending to the City Council APPROVAL of the request that 209 Theodore Rice Boulevard (Plot 136/Lot 322) be REZONED from INDUSTRIAL C to MIXED-USE BUSINESS.

Recommendation Followed. (#1504)

ORDINANCE, Relative to Rezoning of Plot 136, Lot 322 (209 Theodore Rice Boulevard) – along West side of Braley Road and North side of Theodore Rice Boulevard.

Passed to a Second Reading. (#1505)

REPORT, Committee on Memorials and Dedications, recommending to the City Council that the section of Bedford Street, between Purchase and Pleasant Streets be re-named “TOM LOPES MEMORIAL WAY”, and further, that this recommendation also be forwarded to the City’s Traffic Commission.

Recommendation Followed and Referred to the Traffic Commission. (#1506)

WRITTEN MOTION, Councillor Lopes, requesting that the New Bedford Contributory Retirement System

provide this Councillor with what the projected yearly cost would be to New Bedford, if the City were to provide 80 retirees with a \$10,000.00 and \$15,000.00 yearly pension.

Referred to the Committee on Finance. (#1507)

COMMUNICATION, Gerard Arnaudet, Executive Director, New Bedford Contributory Retirement System, to Councillor Lopes responding to a Written Motion on the July 18, 2013 meeting, regarding retirees currently receiving less than the ceiling amount of \$15,000.00 per year as a minimum pension.

Received and Placed on File and Referred to the Committee on Finance. (#1508)

WRITTEN MOTION, Councillor Martins, requesting, on behalf of new restaurants in our City, that the Board of Health look at the Plan Review Food Service Fees, as it should be amended to lower the current fees because the seating capacity is not taken into consideration when a Plan Review is processed; and further, that the fees are structured at \$180.00 for less than nineteen seats, then jumps to \$420.00 for twenty to seventy-five seats, in addition, the fee is \$600.00 for greater than seventy-five seats; and further, requesting, that when the Board of Health reviews the recommendation of this Councillor, that a written evaluation with their findings be submitted to the City Council.

Referred to the Board of Health.

Presented to the Mayor for approval September 16, 2013.

RETURNED UNSIGNED September 26, 2013. (#1509)

WRITTEN MOTION, Councillors Gonsalves, Lopes, Gomes and Bousquet, requesting that Uplifting Health & Wellness (UHW) and Coastal Compassion, Inc. meet with the Committee on Appointments and Briefings to discuss their plans for a medical marijuana dispensary in New Bedford.

Referred to the Committee on Appointments and Briefings. (#1510)

WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Lucio Family, the members of the Portuguese-American War Veterans Organization and World War II Veterans, that the City Council send a letter to the New Bedford School Committee and the representatives of the Alma Del Mar Charter School to express our concern and displeasure for the disrespectful and disgraceful decision to install a portable classroom unit which was allowed to be PLACED OVER A LONG STANDING WORLD WAR II VETERANS MONUMENT, on the corner of Earle Street and Madeira Avenue (the former Sarah D. Ottiwell School), with no regard for the hurt and disrespect it showed to the family members and those Veterans who served our Country and displays a poor example for the children who attend the school; and further, that the Special Committee on Memorials and Dedications meet with representatives of all parties noted to see what can be done to correct the horrendous demonstration of disrespect, *with a request that a representative from the Department of Inspectional Services be invited to the Special Committee on Memorials and Dedications.* (To be Referred to the School Committee, Alma Del Mar Charter School and the Special Committee on Memorials and Dedications.)

Referred to the School Committee, the Alma Del Mar Charter School and the Special Committee on Memorials and Dedications.

Presented to the Mayor for approval September 16, 2013.

RETURNED UNSIGNED September 26, 2013. (#1511)

COMMUNICATION, Dr. Pia Durkin, Superintendent, New Bedford Public Schools to City Council, submitting letter notifying of the School Committee's vote relative to the transfer of the Ottiwell School property located at 26 Madeira Avenue, to the New Bedford City Council for the purpose of a sale to the Alma Del Mar Charter School. (Copies provided to all Councillors 08/16/13.)

Received and Placed on File.

Communication SEVERED and Referred to the Committee on City Property. (#1512)

RELATED MOTION, Councillor Saunders, requesting, that the acceptance back from the New Bedford School Department of the Sarah D. Ottiwell School be heard in the Committee on City Property.

Referred to the Committee on City Property. (#1513)

RELATED MOTION, Councillor Saunders, requesting, that the matter of the sale of the Sarah D. Ottiwell School to the Alma Del Mar Charter School be referred to the Committee on City Property for further review; and further, that when this matter is scheduled to be heard, that members of the Club Madeirense S.S. Sacramento and Mr. Will Gardner and the Board of Directors of the Alma Del Mar Charter School be invited to attend said meeting.

Referred to the Committee on City Property. (#1514)

WRITTEN MOTION, Councillor Martins, requesting, that the New Bedford School Department reconsider it's decision to not enroll any students in the Bristol Community College's Middle College Program; and further, that this specific program benefits the high-risk student population, has had many successes and this Councillor has a background of working with this type of population of students and knows that these students depend on programs like this to further themselves, and this program has a proven track record of success.

Referred to the New Bedford School Department.

Presented to the Mayor for approval September 16, 2013.

RETURNED UNSIGNED September 26, 2013. (#1515)

WRITTEN MOTION, Councillor Lawrence, requesting that the Committee on Appointments and Briefings meet with the Cultural Art District Steering Committee to review and approve a Resolution in support of said district in the City of New Bedford; *and further, that a Public Hearing be advertised and called for on Tuesday, September 24, 2013 in relation to this item.* (To be Referred to the Committee on Appointments and Briefings.)

Motion Adopted as Amended and Referred to the Committee on Appointments and Briefings.

(#1516)

RESOLUTION, Copy of a DRAFT Resolution to create a State-authorized Cultural District in the Downtown area for at least (5) years. (To be Referred to the Committee on Appointments and Briefings.)

Referred to the Committee on Appointments and Briefings. (#1517)

RELATED MOTION, Councillor Lopes, requesting, that the Cultural Art District Steering Committee look at establishing cultural districts in the North End and South End of New Bedford, since both areas have cultural strengths that should be highlighted and celebrated along with the Downtown area.

Referred to the Committee on Appointments and Briefings. (#1518)

WRITTEN MOTION, Councillor Martins, requesting, that the Committee on Ordinances, create an Ordinance called the "Living Wage Law" that requires some employers to pay workers at rates above minimum wage; and further, that the law should target businesses with a certain amount square feet and earnings of \$1 billion in gross sales (for example), similar Ordinances have been created across the country in more than 140 municipalities and as Elected Officials, we must set the tone that any company with revenues more than \$1 billion can afford to pay New Bedford residents more than minimum wage. (To be Referred to the Committee on Ordinances.)

Referred to the Committee on Ordinances. (#1519)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Michael and Jessica Miller, 154 Carroll Street, New Bedford, MA 02740 d/b/a/ AT YOUR SERVICE, 154 Carroll Street, New Bedford, MA 02740**, 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 will expire September 27, 2013.**)

Renewal Granted.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1520)

WRITTEN MOTION, Councillor Lawrence, requesting that the Committee on Appointments and Briefings meet with Fire Chief Gomes and a Representative of the Mayor's office to explain the strategy in place, if any, to retain the SAFER Grant Firefighters; and if a plan is not in place, when will the Administration begin layoffs for the positions unfunded in the Fiscal 2014 Budget, as it is this Council's understanding that the money was to have run out mid-September 2013.

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

(#1521)

WRITTEN MOTION, Councillors Lopes, Gomes, Gonsalves, Oliveira, Martins, Saunders, Lawrence, Bousquet and Alves, *Coelho and Council President Duarte*, requesting that Mayor Mitchell and CFO Sky provide the City Council with an update as it relates to the acquisition timetable in which the City will be bonding for fire apparatus; said acquisition timeframe needs to include the cost of said apparatus, projected date in which said apparatus will be ordered and projected delivery date to the City of New Bedford. (To be Referred to Mayor Mitchell and CFO Sky.)

Referred to Mayor Mitchell and CFO Sky.

Presented to the Mayor for approval September 16, 2013.

RETURNED UNSIGNED September 26, 2013. (#1522)

WRITTEN MOTION, Councillor Gomes, requesting, that an emergency meeting be held with the Mayor, Fire Chief Gomes, IAFF Local 841 Union President William Cabral, *Finance Chair Gonsalves*, Chairman Gomes and Vice-Chairman Oliveira of the Committee on Public Safety and Neighborhoods, along with any members of said Committee who wish to attend, to address the issue of the deplorable condition of fire apparatus in the City and what emergency actions can be taken to ensure that there is proper equipment available to the Fire Department as the City Council and the Administration look for revenue to replace the antiquated fire apparatus in the City; and further, requesting that Rule 40 be Waived.

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

Presented to the Mayor for approval September 16, 2013.

RETURNED UNSIGNED September 26, 2013. (#1523)

WRITTEN MOTION, Councillor Gomes, requesting, that the Administration take advantage of any Community Development monies that may be available in order to repair and improve the conditions of all tennis courts across the City, whether that be by ~~seal crack~~ or resurfacing, and that Community Development report back to the City Council as to whether there are monies available to address this issue.

Referred to the Department of Planning and Community Development and the Mayor.

Presented to the Mayor for approval September 16, 2013.

RETURNED UNSIGNED September 26, 2013. (#1524)

WRITTEN MOTION, Councillors Gomes and Lopes, requesting, that the Committee on Appointments and Briefings meet with a representative from the Administration, along with Ward Six Councillor Joseph P. Lopes and the artist responsible for painting the City's electrical boxes to discuss why the Administration painted the boxes black after they were painted with artwork that so well identified the City of New Bedford, and which was a deterrent to graffiti; and further, that we ask Patrick Sullivan, Director of Planning and Community Development if there are any monies available to hire this artist on a part-time basis to paint all electrical boxes across the City, identifying the neighborhood, the culture and the flavor of each neighborhood and the City of New Bedford which we take pride in; *and further, that the City Council go on record and ask Artworks and the 3rd Eye to work with the Council to develop a program to provide space*

for public art to be done by the youth of our City and that Lt. Scott Carola be invited to cooperate with the Council in mentoring youth in New Bedford, sharing his artistic talent.

Referred to the Committee on Appointments and Briefings. (#1525)

WRITTEN MOTION, Councillor Gomes, requesting, that the School Committee, the Mayor and his Administration in conjunction with the City Council find the monies to reinstitute the four nurses who were cut from this year's school budget in order to provide proper nursing care across the City for the large amount of students that we have, more importantly, to address the issue of Hannah Walsh, who attends the Betsey B. Winslow School and at present time (due to the budget cuts) has been asked to attend another school, which this Councillor does not agree with; and further, that we Waive Rule 40 and take immediate action on reinstating the four school nurses in order to provide adequate nursing care for all students across the City.

Referred to the Mayor, the School Committee and Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval September 16, 2013.

RETURNED UNSIGNED September 26, 2013. (#1526)

WRITTEN MOTION, Council President Duarte, requesting that the Police Department, the Board of Health, the Department of Inspectional Services and the Mayor's Housing Task Force take immediate action relative to 89 South Sixth Street, it has been brought to this Councillor's attention that this property is not being kept up by the landlord and criminal activity continues to plague this property; and further, that a report be sent to the City Council as to what has been found and what actions the landlord intends to take to correct any and all violations; and further, requesting a written response within seven (7) days. (To be Referred to Police Department, the Board of Health, the Department of Inspectional Services and the Mayor's Housing Task Force.)

Referred to the Police Department, the Board of Health, the Department of Inspectional Services and the Mayor's Housing Task Force.

Presented to the Mayor for approval September 16, 2013.

RETURNED UNSIGNED September 26, 2013. (#1527)

RELATED MOTION, Councillor Coelho, requesting, that the Mayor's Housing Task Force provide the City Council with a list of problem properties, and their plan of action detailing what is being done to address these issues, so that we are better able to inform our constituents.

Referred to the Mayor's Housing Task Force.

Presented to the Mayor for approval September 16, 2013.

RETURNED UNSIGNED September 26, 2013. (#1528)

WRITTEN MOTION, Councillor Alves, requesting, that the Committee on Veterans Affairs, Elderly, Health, Housing and Disability Issues meet with those involved in the proposed transfer of the authority for the Veteran's Day Parade after over twenty years, from the Greater New Bedford Veteran's Council (which represents the area Veterans

Organizations) to the Mayor's Veteran's Advisory Board and determine who in the City authorized such a move, this is especially disrespectful to the Veterans Organizations involved, in that after all these years of managing the Veteran's Day Parade, the Greater New Bedford Veteran's Council was never invited to a meeting to discuss the matter, or were involved in any decision to allow the transfer; and further, that the Committee on Veterans Affairs, Elderly, Health, Housing and Disability Issues invite representatives of the Greater New Bedford Veteran's Council, the individual who represents the City who is to have been responsible for the decision, the Mayor's Veteran's Advisory Board and the City's Veteran's Agent Christopher Gomes to discuss the matter before such action is implemented. (To be Referred to the Committee on Veterans Affairs, Elderly, Health, Housing and Disability Issues, the Mayor, the Greater New Bedford Veteran's Council, the Mayor's Veteran's Advisory Board and Veteran's Agent Christopher Gomes.)

Adopted.

Presented to the Mayor for approval September 16, 2013.

RETURNED UNSIGNED September 26, 2013. (#1529)

COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting REQUEST TO TAKE LAND, for the **LAYOUT ALTERATION** of the **NORTHWEST CORNER OF SAWYER STREET AND ACUSHNET AVENUE** for easement or fee for highway purposes in land belonging to PJC Realty MA, Inc., in accordance with City Code, Section 22-35.

Received and Placed on File. (#1530)

COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting **METES AND BOUNDS** for the **LAYOUT ALTERATION** of **NORTHWEST CORNER OF SAWYER STREET AND ACUSHNET AVENUE**. (Map Included.)

Received and Placed on File. (#1531)

CITY OF NEW BEDFORD
IN CITY COUNCIL
SEPTEMBER 12, 2013

WHEREAS, this City Council has received a request from the City of New Bedford's Department of Public Infrastructure – Engineering Division for the taking of required land for the layout alteration of the **NORTHWEST CORNER OF SAWYER STREET AND ACUSHNET AVENUE**.

ORDERED, that due notice be given to PJC Realty MA, Inc., owner of land included in the taking, JEROME B. DEPINA, ANTONIO & MARIA OLIVEIRA, ANTONIO & MARIA OLIVEIRA, CITY OF NEW BEDFORD C/O REDEVELOPMENT AUTHORITY, ANNA D. SILVA, FERNANDO GIRALDO, PEDRO M. FERREIRA, WAYNE L. DUBREUIL, GILBERTO & MARIA FERREIRA, BARBARA NELSON & FREDERICK COHEN, and ARNALDO & MARIA OLIVEIRA, all other persons who may be interested, that the City Council will hold a public hearing on said layout and acceptance in City Council Chambers, on Second Floor of City Hall, on **THURSDAY, OCTOBER 10, 2013 at 7:00 P.M.**

Adopted.

(#1532)

CITY OF NEW BEDFORD
IN CITY COUNCIL
SEPTEMBER 12, 2013

ORDERED, that the City Solicitor be and is hereby requested to prepare an ORDER for the layout alteration of the **NORTHWEST CORNER OF SAWYER STREET AND ACUSHNET AVENUE.**

Hearing on said matter has been ordered for **THURSDAY, OCTOBER 10, 2013, at 7:00 p.m., in City Council Chambers, City Hall.**

Adopted.

(#1533)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **George Viveiros, d/b/a MED FIRST, INC., 102 Durfee Street, New Bedford, MA 02740**, 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 August 16, 2013.)**

Renewal Granted.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013.

(#1534)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Karen A. Maciulewicz, 128 Chipaway Road, East Freetown, MA 02717, d/b/a PROJECT INDEPENDENCE SERVICES, INC., 250 Elm Street, New Bedford, MA 02740**, 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 December 15, 2012.)**

Renewal Granted.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013.

(#1535)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Doug Furtado, 39 Perry Street, Dartmouth, MA 02748, d/b/a IDEAL LIMO, 439 Bolton Street, New Bedford, MA 02740**, 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 August 16, 2013.)**

Renewal Granted.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013.

(#1536)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Anthony Snow and Elizabeth Jones, 576 Maxfield Street, New Bedford, MA 02740 d/b/a/ CAB TRANSPORTATION LLC., P.O. Box 1003/ 576 Maxfield Street, New Bedford, MA 02740**, 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 February 23, 2013.)**

Renewal Granted.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013.

(#1537)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Maria Raposo, 47 Elaine Avenue, New Bedford, MA 02745 d/b/a/ T&R TRANSPORTATION, 47 Elaine Avenue, New Bedford, MA 02745**, 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 November 22, 2012.)**

Renewal Granted.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013.

(#1538)

COMMUNICATION, Councillor Lopes, submitting a Memorandum from James M. Cole, Deputy Attorney General, U.S. Department of Justice, to United States Attorneys regarding Marijuana Enforcement. (To be Referred to the Committee on Appointments and Briefings; Copy all Councillors via email 09/03/2013.)

Referred to the Committee on Appointments and Briefings.

(#1539)

COMMUNICATION, Councillor Gonsalves, submitting email from Robert Clark, Sales Development Consultant, Extend Health, a Towers Watson Company, requesting to meet with the Committee on Finance to discuss retiree medical for the City of New Bedford. (To be Referred to the Committee on Finance.)

Referred to the Committee on Finance.

(#1540)

COMMUNICATION, Laura M. Marlin, First Deputy Auditor, Commonwealth of Massachusetts, to City Clerk Arruda, submitting letter in response to the Written Motion, Council Meeting July 18, 2013, requesting that State Auditor Suzanne Bump conduct an audit of the City of New Bedford's finances. (Copies provided to all Councillors 08/23/13.)

Received and Placed on File.

(#1541)

COMMUNICATION, David J. Cotney, Commissioner of Banks, to City Clerk Arruda, notifying that the Division of Banks approved the pawnbrokers rules, regulations and interest rate proposed by the City in the form of Ordinance Relative to Pawnbrokers Interest Rates, Section 9-34.7, which sets a rate of 18% annual percentage rate for all loan amounts in excess of \$25.00. (Copy all Councillors 08/26/2013.)

Received and Placed on File. (#1542)

COMMUNICATION, Mary Joe Perry, District Highway Director, Massachusetts Department of Transportation, to City Clerk Arruda, submitting letter in response to the Written Motion, Council Meeting August 13, 2013, regarding to the maintenance and security of the Park and Ride on Mt. Pleasant Street. (Copy all Councillors 09/05/2013.)

Received and Placed on File. (#1543)

COMMUNICATION, Rachael Gruver, Customer Information, Whole Foods Market, responding to a letter from City Clerk Arruda relative to Whole Foods Market locating a store in the City of New Bedford. (Copy all Councillors 09/09/2013.)

Received and Placed on File. (#1544)

WRITTEN MOTION, Councillor Saunders, requesting that Plot 100, Lot 139 (N.S. Davis Street) be REZONED from MIXED USE BUSINESS to INDUSTRIAL B. (To be Referred to the Committee on Ordinances and the Planning Board.)

Referred to the Committee on Ordinances and the Planning Board. (#1545)

The following resolution honoring Janelle Guenette was presented by Councillor Gonsalves.

CITY OF NEW BEDFORD
IN CITY COUNCIL
SEPTEMBER 12, 2013

**RESOLUTION HONORING JANELLE GUENETTE
MISS NEW BEDFORD 2013**

WHEREAS, The Miss New Bedford Pageant is the official local preliminary to the Miss America Pageant, and is the largest single source of scholarships for young women in the world; and

WHEREAS, Since the New Bedford Jaycees began sponsoring the Miss New Bedford Pageant in 1954 and the young women who have competed for the crown of Miss New Bedford are intelligent, articulate, motivated to succeed, hardworking and talented, they choose their platform issues carefully and are contributors to public service; and

WHEREAS, Janelle Guenette was crowned the 60th Miss New Bedford, on Sunday, September 23, 2012, at Keith Middle School, in New Bedford, Massachusetts; and

WHEREAS, Miss New Bedford 2013, Janelle Guenette, is the daughter of Rene and Karen Guenette, she is a resident of Acushnet and a graduate of Bridgewater State University, having earned a Bachelor of Arts in Communications Studies and was a member of Phi Eta Sigma Sorority and of the Dean's List; and

WHEREAS, As Miss New Bedford 2013, Janelle Guenette has dedicated her year of service to promoting Big Brothers/Big Sisters, the largest and the oldest mentoring program in the United States, with the goal of encouraging others to become involved, highlighting the benefits of volunteerism and leaving a positive impact on their friends, families and communities; Janelle has been invited to participate on the National Speaker Bureau for Big Brothers/Big Sisters; and

WHEREAS, Janelle Guenette has been a “Big Sister” to a fifteen year old girl for the past three years and has also mentored Miss New Bedford’s Outstanding Teen; and

WHEREAS, As Miss Mew Bedford 2013, Janelle Guenette received a six thousand dollar scholarship, (in honor of the 60th year of the Pageant), plus an additional scholarship for winning the Swimsuit Preliminary Award at the Miss Massachusetts Pageant on Saturday, June 29, 2013; and

WHEREAS, During her year of service as Miss New Bedford 2013, Janelle Guenette has made over seventy-five appearances and has hosted her own Cable Television show entitled, “The Miss New Bedford Insider”; and

WHEREAS, Miss New Bedford 2013, Janelle Guenette has appeared throughout the Southcoast for such organizations as SOCO Magazine, Southcoast Hospitals Group, United Way of Greater New Bedford, The Schwartz Center for Children, the Middleboro Elks, the Children’s Miracle Network Hospitals, SMILES, Gifts to Give, Cape Verdean Association and many events for the City of New Bedford; and

WHEREAS, Janelle Guenette, Miss New Bedford 2013, is currently employed by Child and Family Services of New Bedford as a Development Officer, and often volunteers her time to Seniors and school age children:

NOW, THEREFORE, BE IT RESOLVED, That the New Bedford City Council hereby honors **JANELLE GUENETTE**, for her year of service as **MISS NEW BEDFORD 2013**, thanks her for representing our City so well, congratulates her on her many accomplishments during her year-long reign and wishes her much luck and success in the future.

Adopted, to be read at a later date. (1546)

WRITTEN MOTION, Council President Duarte, requesting, on behalf of Mr. David Melo, that the following street(s) be CLOSED: WILLIS STREET, between Shawmut Street and Chancery Street, ON SATURDAY, AUGUST 17, 2013, FROM 12:00 P.M. (NOON) TO 7:00 P.M., for the purpose of A Family Party.

GRANTED PROVISIONALLY BY THE CITY COUNCIL PRESIDENT BRUCE DUARTE, JR., ON WEDNESDAY, AUGUST 14, 2013, TO BE RATIFIED BY THE CITY COUNCIL ON THURSDAY, SEPTEMBER 12, 2013.

Received and Action of the City Council President Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (1547)

WRITTEN MOTION, Councillor Gomes, requesting, on behalf of Dawn M. Davidian, 350 Bream Street, that the Department of Public Infrastructure trim the dead branches from the tree in front of said address, which are overhanging the driveway. (To be Referred to the Department of Public Infrastructure.)

Referred to the Department of Public Infrastructure.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013.

(#1548)

WRITTEN MOTION, Councillor Gomes, requesting, on behalf of Mr. and Mrs. Fernandes, Lolly's Café, 220 Rockdale Avenue, that the crosswalk on Rockdale Avenue, which runs in a north and south direction be repainted, from the Café to the hairstylist business across the street; and further, that the crosswalk on Stackhouse Street, which runs in an east and west direction also be repainted. (To be Referred to the Department of Public Infrastructure.)

Referred to the Department of Public Infrastructure.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013.

(#1549)

MINUTES, Bristol Coalition, submitting MINUTES of a meeting held on July 16, 2013.

Received and Placed on File.

(#1550)

MINUTES, Bristol County Executive Board Meeting PHEP Coalition, submitting MINUTES of a meeting held on July 16, 2013.

Received and Placed on File.

(#1551)

MINUTES, Conservation Commission, submitting MINUTES of meetings held on April 23 and May 14, 2013.

Received and Placed on File.

(#1552)

MINUTES, Board of Assessors, submitting MINUTES of meetings held on June 25, August 15 and 29, 2013.

Received and Placed on File.

(#1553)

MINUTES, Licensing Board, submitting MINUTES of a meeting held on July 22, 2013.

Received and Placed on File.

(#1554)

MINUTES, Zoning Board of Appeals, submitting MINUTES of a meeting held on August 08, 2013.

Received and Placed on File.

(#1555)

MINUTES, Mayor's Board of Veterans' Affairs, submitting MINUTES of a meeting held on July 31, 2013.

Received and Placed on File.

(#1556)

MINUTES, Board of Health, submitting MINUTES of a meeting held on June 27, 2013.

Received and Placed on File.

(#1557)

MINUTES, Bristol Coalition Meeting, submitting MINUTES of a meeting held on August 20, 2013.

Received and Placed on File. (#1558)

MINUTES, Executive Board Meeting, Bristol County Public Health Emergency Preparedness Coalition, submitting MINUTES of a meeting held on August 20, 2013.

Received and Placed on File. (#1559)

APPLICATION, **PODS of New England LLC.**, for permission to maintain a STREET OBSTRUCTION at **384 Acushnet Avenue**, provisionally granted by the City Clerk on August 30, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1560)

APPLICATION, **CertaPro Painter**, for permission to maintain a STREET OBSTRUCTION at **700 Belleville Avenue, between Hatch Street and Covell Street**, provisionally granted by the City Clerk on September 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 September 16, 2013.

Approved September 26, 2013. (#1561)

APPLICATION, **PODS of New England LLC.**, for permission to maintain a STREET OBSTRUCTION at **471 Purchase Street, between Russell Street and Walnut Street**, provisionally granted by the City Clerk on September 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 September 16, 2013.

Approved September 26, 2013. (#1562)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **1047, 1051 May Street P136A/L118**, provisionally granted by the City Clerk on August 16, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1563)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **Sharon Street P137A/L3**, provisionally granted by the City Clerk on August 16, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1564)

APPLICATION, **Technical Drilling Services, Inc.**, for permission to maintain a STREET OBSTRUCTION at **1793 Acushnet Avenue (Hess Station)**, provisionally granted by the City Clerk on August 21, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1565)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **253 Coggeshall Street**, provisionally granted by the City Clerk on August 21, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1566)

APPLICATION, **Christopher Mendoza**, for permission to maintain a STREET OBSTRUCTION at **River Road (Lot 91-93, 100, 112, 330)**, provisionally granted by the City Clerk on August 27, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1567)

APPLICATION, **Able Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **85-87 Clara Street**, provisionally granted by the City Clerk on September 10, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1568)

APPLICATION, **Able Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **568 North Front Street**, provisionally granted by the City Clerk on September 10, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1569)

APPLICATION, **New England Geotech LLC.**, for permission to maintain a STREET OBSTRUCTION at **350 North Street, between Florence Street and Hunter Street**, provisionally granted by the City Clerk on September 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 September 16, 2013.
Approved September 26, 2013. (#1570)

APPLICATION, **J.M. Silva Builders, Inc.**, for permission to maintain a STREET OBSTRUCTION at **210R Riverside Avenue at Belleville Avenue (Cliftex North)**, provisionally granted by the City Clerk on September 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 September 16, 2013.
Approved September 26, 2013. (#1571)

APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **1047,1051 May Street P136A/L118**, provisionally granted by the City Clerk on August 16, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval September 16, 2013.
Approved September 26, 2013. (#1572)

APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **Sharon Street P137A/L3**, provisionally granted by the City Clerk on August 16, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval September 16, 2013.
Approved September 26, 2013. (#1573)

APPLICATION, **Technical Drilling Services, Inc.**, to DISTURB THE SURFACE, of **1793 Acushnet Avenue (Hess Station)**, provisionally granted by the City Clerk on August 21, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval September 16, 2013.
Approved September 26, 2013. (#1574)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **253 Coggeshall Street**, provisionally granted by the City Clerk on August 21, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1575)

APPLICATION, **Christopher Mendoza**, to DISTURB THE SURFACE, of **River Road (Lots 91-93, 100, 112, 330)**, provisionally granted by the City Clerk on August 27, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1576)

APPLICATION, **Able Asphalt Inc.**, to DISTURB THE SURFACE, of **85-87 Clara Street**, provisionally granted by the City Clerk on September 10, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1577)

APPLICATION, **Able Asphalt Inc.**, to DISTURB THE SURFACE, of **568 North Front Street**, provisionally granted by the City Clerk on September 10, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013. (#1578)

APPLICATION, **New England Geotech LLC.**, to DISTURB THE SURFACE, of **350 North Street, between Florence Street and Hunter Street**, provisionally granted by the City Clerk on September 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 September 16, 2013.

Approved September 26, 2013. (#1579)

APPLICATION, **J.M. Silva Builders Inc.**, to DISTURB THE SURFACE, of **210R Riverside Avenue at Belleville Avenue (Cliftex North)**, provisionally granted by the City Clerk on September 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 September 16, 2013.

Approved September 26, 2013. (#1580)

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on August 16, 2013, subject to ratification by the Mayor and City Council as follows:

29 Maywood Street	(#1581)
1177 Phillips Road	(#1582)
37 Ellen Street	(#1583)
29 Roosevelt Street	(#1584)
249 Pine Grove Street	(#1585)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013.

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on August 21, 2013, subject to ratification by the Mayor and City Council as follows:

264 Pleasant Street	(#1586)
300 Pleasant Street	(#1587)
312 and 318 Pleasant Street	(#1588)
324 Pleasant Street	(#1589)
1061 Pleasant Street	(#1590)
110 Central Avenue	(#1591)
134 Allord Street	(#1592)
1276 Rockdale Avenue	(#1593)
1169 East Rodney French Boulevard	(#1594)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013.

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on August 23, 2013, subject to ratification by the Mayor and City Council as follows:

87 Parker Street	(#1595)
106 Newton Street	(#1596)
16 Fielding Street	(#1597)
1017 Bowles Street	(#1598)
25 Heywood Street	(#1599)
89 Vine Street	(#1600)
Commonwealth Avenue/US Highway 6	(#1601)
Brownell Avenue/US Highway 6	(#1602)
Kempton Street and North Street/US Highway 6	(#1603)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013.

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on September 03, 2013, subject to ratification by the Mayor and City Council as follows:

170 Highland Street	(#1604)
65 Larch Street	(#1605)
883 Lucy Street	(#1606)
12 Roosevelt Street	(#1607)
27 Bullock Street	(#1608)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013.

APPLICATION, **NSTAR Electric Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on August 21, 2013, subject to ratification by the Mayor and City Council as follows:

Cottage Street, North of Bedford Street	(#1609)
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Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013.

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

MacArthur Drive, North of Homer's Wharf	(#1610)
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Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval September 16, 2013.

Approved September 26, 2013.

PETITION, **NSTAR Electric Company**, for the location of one (1) 2" Conduit in RUSSELL STREET, East of County Street.

RECEIVED AND HEARING ORDERED FOR THURSDAY, SEPTEMBER 26, 2013.

PETITION, **NSTAR Electric Company**, for the location of one (1) 4" Conduit and one (1) 22" W x 32" L x 15" D Handhole in COTTAGE STREET, North of Kempton Street.

RECEIVED AND HEARING ORDERED FOR THURSDAY, SEPTEMBER 26, 2013.

PETITION, NSTAR Electric Company, for the location of one (1) 4" Conduit in KEMPTON STREET, Corner of County Street.

RECEIVED AND HEARING ORDERED FOR THURSDAY, SEPTEMBER 26, 2013.

PETITION, NSTAR Electric Company, for the location of six (6) 5" Conduits in SAWYER STREET, West of Veteran's Memorial Way.

RECEIVED AND HEARING ORDERED FOR THURSDAY, SEPTEMBER 26, 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.

WRITTEN MOTION, Councillor Coelho, requesting, that due to the neighborhood shootings which occurred on September 09, 2013, resulting in the lockdown of the Sgt. William Carney Academy, that Police Chief Provencher and a representative from the Mayor's Office be invited to a Committee on Public Safety and Neighborhoods meeting to discuss when the Police Department is going to bring back Community Policing and to discuss the overall decline of New Bedford's neighborhoods, this Councillor has received many constituent calls, there is a sense of fear in the City about gang activity, juveniles with weapons, graffiti vandalism and the deterioration of our City's neighborhoods and people want something done about this. (To be Referred to the Committee on Public Safety and Neighborhoods.)

Rule 42 Waived – Yeas 11, Nays 0.

Referred to the Committee on Public Safety and Neighborhoods. (#1611)

WRITTEN MOTION, Councillor Martins, requesting, that a letter be sent to Governor Deval Patrick, Richard A. Davey, MassDOT Secretary and Chief Executive Officer and our State Legislative Delegation, asking the Administration to reconsider its decision to take back the \$100 million dollars that was originally allocated in the Transportation Finance Bill; and further, that the \$300 million dollars in funding that the Administration and Legislature approved earlier this year to municipalities for local road projects that are so desperately needed, will be in jeopardy if the Transportation Finance Bill amount is lowered; and further, that this Administration keep its commitment to the Citizens of New Bedford and release the additional monies that Cities like New Bedford deserve.

Rule 42 Waived – Yeas 11, Nays 0.

Adopted. (#1612)

REPORT, Committee on City Property, recommending, to the City Council that it ACCEPT the BID received from Green Corps., LLC, Joe Devine, Managing Member, on June 20, 2013, in the amount of \$75,000.00 for the purchase of 109 Hillman Street, the Civil Defense Building.

Rule 42 Waived – Yeas 11, Nays 0.

Recommendation Followed and Rule 40 Waived – Yeas 11, Nays 0.

Presented to the Mayor for approval September 16, 2013.

Approved September 18, 2013.

(#1613)

On a motion, the Council then adjourned at 9:40 p.m.

ATTEST:

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