



Council Meeting - Minutes

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, October 10, 2013 - 7:15 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 Pamela J. Cole, President, Greater New Bedford Chapter of Church Women United, led the Assembly in Prayer.

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

The following resolution honoring Peter Schmidt was presented by Councillors Lawrence and Gonsalves.

CITY OF NEW BEDFORD

IN CITY COUNCIL

OCTOBER 10, 2013

RESOLUTION HONORING PETER SCHMIDT, FORMER AUDITOR OF THE CITY OF NEW BEDFORD FOR HIS TWENTY-ONE YEARS OF SERVICE

WHEREAS, Peter Schmidt graduated from Bryant University in Smithfield, Rhode Island in 1988, with a Bachelor of Science Degree in Business Administration and Accounting; and

WHEREAS, Peter Schmidt earned a Certified Public Accountant (CPA) certificate in June 1991, from the State of Rhode Island; and

WHEREAS, Peter Schmidt settled in the West End of New Bedford and began his career with the City in May 1992, and immediately began completion of a three year past due audit with a focus on internal and external audit; and

WHEREAS, In June 1999, Peter Schmidt became the Auditor for the City of New Bedford at a time when the average lifespan in that position was five years, dating back to the 1970's; and

WHEREAS, During his tenure as Auditor, New Bedford's Bond rating improved and the time to complete an audit was reduced along with the cost of the audit; and

WHEREAS, Peter Schmidt remained Auditor for fourteen years and was named Acting CFO for five of those years, while earning his Certified Government Accountant Degree from the Massachusetts Municipal Auditors and Accountants Association; and

WHEREAS, From 2000 to 2007, Peter Schmidt volunteered much of his time to our City's youth, including Jordan Todman and many others who went on to qualify for the New Bedford High School Track and Field Team, reigniting the Youth and Track Program originally founded by Barry Munier in 1998; and

WHEREAS, Peter Schmidt served the City of New Bedford for twenty-one years under four Mayors, Rosemary S. Tierney, Frederick M. Kalisz, Jr., Scott W. Lang and Jonathan F. Mitchell; and

WHEREAS, Known as a dedicated and committed person who logged in many overtime hours at City Hall, Peter Schmidt served New Bedford well:

NOW, THEREFORE, BE IT RESOLVED, That the New Bedford City Council hereby honors **PETER SCHMIDT, FORMER AUDITOR OF THE CITY OF NEW BEDFORD FOR HIS TWENTY-ONE YEARS OF SERVICE**, commends him for his many years of hard work and dedication to his profession and extends their best wishes for a long, healthy and well-earned retirement.

Adopted.

(#1694)

The following resolution honoring The Women's Center, Inc., was presented by Councillors Coelho and Gonsalves.

CITY OF NEW BEDFORD

IN CITY COUNCIL

OCTOBER 10, 2013

**RESOLUTION HONORING THE WOMEN'S CENTER, INC., ON
THE OCCASION OF THEIR 40TH ANNIVERSARY**

WHEREAS, In 1973, there were no women's health clinics, birth control was available only to married women and women were marching in the streets for equal rights, equal pay and an opportunity to be heard in politics; and

WHEREAS, The First Unitarian Church offered an office and a phone line in their Church basement to community organizers and volunteers who began the task of organizing a Women's Health Clinic; and

WHEREAS, Originally founded as a Women's Health Clinic, the Clinic was restructured and renamed New Bedford Women's Center and was incorporated on October 11, 1973; and

WHEREAS, In February, 1974, the Women's Center, Inc., opened in New Bedford, Massachusetts, with trained volunteers who would later that year begin a twenty-four hour Hotline for victims of domestic violence and the Battered Women's Project was started; and

WHEREAS, During their first year in operation, more than eight hundred people were helped by the Women's Center, Inc., and later, the Coalition Against Sexist Violence was formed, with more than six thousand people marching by candlelight to focus attention on the continuing acts of violence against women: and

WHEREAS, The Women's Center, Inc., established the Rape Crisis Project and received financial support for the staffing of an additional twenty-four hour Hotline, legal and medical assistance, counseling and educational programs; and

WHEREAS, In 1983, the Battered Women's Project received funding from the United Way of Greater New Bedford for the first time and in 1983, the Rape Crisis Project was also the recipient of first-time funding from many area Towns, many of whom still support the Center today; and

WHEREAS, In 1994, a new twenty-four hour Hotline was established, merging the domestic and sexual violence Hotlines into one, in 1997, the Child and Adolescent Trauma Program was formed to provide services to youth who have been traumatized by physical or sexual violence and in 2000, volunteers visited local jails after a Women’s Center Counselor assisted a woman who killed her husband in self defense in a domestic violence case and the Incarcerated Battered Women’s Program was established; and

WHEREAS, Over the next four decades, the Women’s Health Center, Inc., would continue to change to meet the needs of the fourteen Southcoast Communities they serve and has touched the lives of over one hundred thousand victims of domestic violence, abuse and trauma, providing individual and group counseling, child and adolescent trauma services, therapy, safety, support, secure shelter and transitional housing, access to legal help, medical and educational assistance and have partnered with public and private agencies that offer support and services to women, such as the Massachusetts Bar Association, Bristol County Sheriff, local Police Departments, YWCA, Southcoast Hospitals Group, Project Reach and the Child Advocacy Center for Bristol County; and

WHEREAS, The Women’s Center, Inc., continues to add programs and services to meet the evolving needs of the community with the assistance of businesses, Churches and community volunteers and on Thursday, October 17, 2013, the Women’s Center, Inc., will hold their 40th Anniversary Gala at the Hawthorne Country Club, in Dartmouth, Massachusetts, to celebrate their many past accomplishments and their plans for a future free from violence:

NOW, THEREFORE, BE IT RESOLVED, That the New Bedford City Council hereby honors **THE WOMEN’S CENTER, INC., ON THE OCCASION OF THEIR 40TH ANNIVERSARY,** thanks this community based organization for their commitment to their life saving work, commends their dedicated hard working staff who assist survivors of domestic abuse and sexual violence and applauds the organization on its unwavering mission to provide victims with a violence free future.

Adopted.

(#1695)

The following resolution honoring Matthew Morrissey was presented by Councillor Martins.

CITY OF NEW BEDFORD

IN CITY COUNCIL

OCTOBER 10, 2013

RESOLUTION HONORING MATTHEW MORRISSEY, DIRECTOR OF THE ECONOMIC DEVELOPMENT COUNCIL IN RECOGNITION OF HIS PROMOTION TO DIRECTOR OF THE NEW WIND ENERGY CENTER

WHEREAS, Matthew Morrissey has served as Executive Director of the New Bedford Economic Development Council for nearly eight years; and

WHEREAS, Under Matthew Morrissey’s leadership, the New Bedford Economic Development Council’s Lending Program made more than one hundred and forty loans to New Bedford businesses totaling 9.5 million dollars, helping to retain or create more than four hundred jobs for the City; and

WHEREAS, Some examples of the Economic Development Council’s projects include; Mill redevelopment in the Hicks-Logan and Upper Harbor districts that have preserved five historically significant structures with a value of more than ninety-eight million dollars while creating more than three hundred eighty construction jobs, the development of the first hotel in New Bedford in more than forty years, the eleven million dollar Fairfield Inn and Suites by Marriott International, which includes the preservation of the historic Baker Robinson Whale Oil Refinery and is one of more than fifty Downtown businesses that have either opened or expanded since 2007; and

WHEREAS, Under Matthew Morrissey’s guidance, New Bedford underwent more planning than at any other time in the City’s history, planning was completed for seven Citywide initiatives and twelve targeted development districts, resulting in the first City Master Plan since 1964, titled “New Bedford 2020”; and

WHEREAS, The development of Riverside Landing, a thirty-four million dollar investment in mixed-use commercial development including Market Basket, LLC, provided more than six hundred new jobs to area residents; and

WHEREAS, Mayor Jonathan F. Mitchell asked Matthew Morrissey to direct the City's effort over the next year to develop the offshore wind energy industry and lead the New Bedford Wind Energy Center which was established earlier this year within the Economic Development Council, raising funds, hiring staff and solidifying relationships with the offshore wind energy industry, land use planning, education and outreach; and

WHEREAS, The Wind Energy Center has raised \$380,000 in funding with a goal of \$750,000 from corporate sources for uses specific to land-use assembly and planning for locations near the New Bedford Marine Commerce Terminal; and

WHEREAS, In 2013, Matthew Morrissey organized the City's trade mission to Europe, accompanying Mayor Jonathan F. Mitchell, City Council President Bruce Duarte, Jr., and other officials in an effort to learn firsthand about the wind turbine industry and how to make New Bedford a hub for the offshore wind industry; and

WHEREAS, Matthew Morrissey will provide the leadership necessary to develop the growing offshore wind industry in New England:

NOW, THEREFORE, BE IT RESOLVED, That the New Bedford City Council hereby commends and honors **MATTHEW MORRISSEY, DIRECTOR OF THE ECONOMIC DEVELOPMENT COUNCIL IN RECOGNITION OF HIS PROMOTION TO DIRECTOR OF THE NEW WIND ENERGY CENTER,** thanks him for his service to the City of New Bedford and looks forward to many years of successful growth and expansion.

Adopted. (#1696)

HEARING, on petition of NSTAR Electric Company, for location of one (1) 2" Conduit in CEDAR STREET at Mill 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. (#1697)

ORDER,

Adopted and ordered recorded in Book of Location Order Records – Yeas 11, Nays 0.

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013. (#1698)

COMMUNICATION, Department of Public Infrastructure Commissioner Ronald Labelle, to NSTAR Electric Company Right of Way Representative Donna Rosa, granting advance authorization in an effort to install this utility prior to final paving scheduled for the Mill Street Roadway Improvement Project.

Received and Placed on File. (#1699)

COMMUNICATION, First Assistant City Solicitor Jane Medeiros Friedman, to City Council, submitting AN ORDER for the LAYOUT ALTERATION of the Northwest corner of Sawyer Street and Acushnet Avenue for purpose of improving the turn radius at the subject intersection.

Received and Placed on File. (#1700)

ORDER,

Hearing Open and Continued until Thursday, October 24, 2013 at 7:00 p.m. (#1701)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the APPROPRIATION of \$106,775.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS, to PLANNING AND COMMUNITY DEVELOPMENT'S, SALARIES & WAGES ACCOUNT, in the amount of \$21,775.00 and CHARGES & SERVICES ACCOUNT, in the amount of \$85,000.00.

Referred to the Committee on Finance. (#1702)

ORDER,

Referred to the Committee on Finance. (#1703)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$10,000.00 from FIRE CODE ENFORCEMENT, RESERVE FOR APPROPRIATION, to FIRE'S, CHARGES & SERVICES ACCOUNT, in the amount of \$7,500.00 and SUPPLIES & MATERIALS ACCOUNT, in the amount of \$2,500.00.

Received and Placed on File. (#1704)

CITY OF NEW BEDFORD
IN CITY COUNCIL
OCTOBER 10, 2013

ORDERED: that the sum of TEN THOUSAND DOLLARS (\$10,000.00) now standing to the credit of the account from FIRE CODE ENFORCEMENT, RESERVE FOR APPROPRIATION be and the same is hereby transferred and appropriated to as follows:

FIRE, CHARGES AND SERVICES..... \$7,500.00
FIRE, SUPPLIES AND MATERIALS.....\$2,500.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval October 15, 2013.

Approved October 15, 2013. (#1705)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a renewal of a ONE-YEAR WAIVER OF RESIDENCY for SHANNON C. SHREVE, Sandwich, MA, as Counsel II with the Office of the City Solicitor; Mr. Shreve has been a Solicitor's Office employee since November 2007.

One-Year Waiver of Residency GRANTED.

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013.

(#1706)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a renewal of a ONE-YEAR WAIVER OF RESIDENCY for JAMES HOUGHTON, Franklin, MA 02038, as Director of Grants and Finance with the New Bedford Police Department; Mr. Houghton has been a member of the New Bedford Police Department since January 2005.

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

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013.

(#1707)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a renewal of a ONE-YEAR WAIVER OF RESIDENCY for KERI A. LEBEAU, Tiverton, RI 02878, as NIBRS Administrator with the New Bedford Police Department, Ms. Lebeau has worked for the New Bedford Police Department since December 2006.

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

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013.

(#1708)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a renewal of a ONE-YEAR WAIVER OF RESIDENCY for MARK BLACKBURN, Acushnet, MA 02743, as a Paramedic with the Emergency Medical Services Department; Mr. Blackburn has been a full-time New Bedford Paramedic since December 2012.

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

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013.

(#1709)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of PATRICK WALSH, 114 Palmer Street, New Bedford, MA, to the GREATER NEW BEDFORD REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL DISTRICT COMMITTEE, replacing Norman Bergeron who has resigned; this term will expire May 2014.

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

(#1710)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JOSEPH LATIMER, Westport, MA, as a CONSTABLE.

Received and Placed on File.

(#1711)

APPLICATION, JOSEPH LATIMER, Westport, MA, for REAPPOINTMENT as a CONSTABLE.

Confirmed.

(#1712)

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

Received and Placed on File. (#1713)

APPLICATION, JEFFREY KING, New Bedford, MA, for REAPPOINTMENT as a CONSTABLE.

Confirmed. (#1714)

WRITTEN MOTION, Councillor Saunders, requesting, on behalf of the New Bedford High School Class of 2014/Gridiron Club, that the following street(s) be CLOSED: LT. WALTER E. FULLER MEMORIAL PARKWAY, from Rockdale Avenue to the Monument in Veteran's Memorial Buttonwood Park, on WEDNESDAY, NOVEMBER 27, 2013, FROM 6:00 P.M. TO 9:00 P.M., for the purpose of the New Bedford High School Thanksgiving Rally and Bonfire; also requesting that the Traffic Commission post "No Parking" Signs because fire engines and floats will be parked on this section of Fuller Memorial Parkway. (Please Note: Parade Route from New Bedford High School to Buttonwood Park via Hathaway Boulevard, to Rockdale Avenue, to Buttonwood Park.)

Permission Granted.

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013. (#1715)

WRITTEN MOTION, Councillor Alves, requesting, on behalf of Veteran's Day participants, that the following street(s) be CLOSED: PLEASANT STREET, from Union Street to William Street and WILLIAM STREET, from North Sixth Street to Pleasant Street, ON MONDAY, NOVEMBER 11, 2013, FROM 8:00 A.M. TO 2:00 P.M., for the purpose of The Annual Veterans Day Parade Ceremonies in front of the Downtown Main Library.

Permission Granted.

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013. (#1716)

WRITTEN MOTION, Councillor Bousquet, requesting, on behalf of the residents of Taber Mill Apartments and the Coffin Avenue and Brook Street neighborhood, that Police Chief Provencher establish daily patrols and aggressively begin ticketing the busses, cars and trucks that run the Stop Sign on Brook Street and Coffin Avenue routinely; and further, that the Traffic Commission review the area for the possibility of a Stop Sign or pedestrian crossing aid of some kind before one of the neighborhood residents gets killed by oncoming traffic.

Adopted.

Presented to the Mayor for approval October 15, 2013.

RETURNED UNSIGNED October 29, 2013. (#1717)

WRITTEN MOTION, Councillor Lopes, requesting that the Morgan Celebration Committee meet with the Committee on Appointments and Briefings to provide the Committee with an overview of the celebratory plans for her return visit to New Bedford. (To be Referred to the Committee on Appointments and Briefings.)

Referred to the Committee on Appointments and Briefings. (#1718)

WRITTEN MOTION, Councillor Gonsalves, requesting that the Committee on Appointments and Briefings meet with Tourism Director Dagny Ashley and other community partners in the Arts Inc, New Bedford Symphony Orchestra and the Zeiterion Theatre to discuss the installation of public pianos in New Bedford, following the example of the City of Boston; *and further that Mary Rapoza, Director of Parks, Recreation and Beaches and the Members of the Beautification Committee be invited to said meeting.*

Adopted. (#1719)

WRITTEN MOTION, Councillors Bousquet and Oliveira, requesting, that an update be provided to the City Council from Sarah Porter, Conservation Agent regarding the status of the grant to repair the water shed at Sassaquin Pond. (To be Referred to the Special Committee on Environmental Affairs.)

Adopted. (#1720)

WRITTEN MOTION, Councillors Gomes *and Lopes*, requesting, on behalf of the residents on Rodney Street abutting the Roosevelt Middle School Athletic Field, that the School Department take immediate action to stop any activity on the Athletic Field at the School by persons or organizations who are not permitted to use the field by the School Department, due to the fact that the field is being used by adults who have no regard for the neighborhood, the abutting neighbors are reporting inappropriate behavior and language by adults and those using the Athletic Field which is in violation of the sign posted that reads “NO TRESPASSING – FIELD IS FOR SCHOOL ACTIVITIES ONLY POLICE TAKE NOTICE”; and further, requesting, that the Police take appropriate action when called by the neighbors to remove those who are not permitted on the field or who are in violation of said sign; and further, that the gate be locked once the school day is over and that the School Department and the Police Department take immediate action on this matter.

Adopted.

Presented to the Mayor for approval October 15, 2013.

RETURNED UNSIGNED October 29, 2013. (#1721)

WRITTEN MOTION, Councillor Gomes, requesting, that the Superintendent of Schools, Dr. Pia Durkin or a member of her staff meet with the Committee on Appointments and Briefings for the purpose of discussing the shortage of books throughout the school system after the City Council awarded the School Department one million dollars for book replacement; and further, to provide the City Council with an explanation as to why there is still a shortage of books and materials for classroom teaching.

Referred to the Committee on Appointments and Briefings. (#1722)

WRITTEN MOTION, Councillors Alves, *Bousquet and Saunders*, requesting the Department of Inspectional Services, investigate and address the unauthorized JUNK yard which has been allowed to be established in the lot at the east end of Phillips Avenue (end of the street), which is now filled with damaged or junk cars, trailers, and other metal items, in violation of current zoning codes, and that they also seek access to the second floor of the building which has been reported to being used as living space in violation of the building code and which usage has been denied by the Department of Inspectional Services in the past, and that Commissioner Romanowicz and Health Department report back to the Council as to the action taken within (30) thirty days; *and further requesting that the Department of Inspectional Services and the Health Department inspect 66 Penniman Street and 19 Tisbury Street for violations.*

Adopted.

Presented to the Mayor for approval October 15, 2013.

RETURNED UNSIGNED October 29, 2013. (#1723)

COMMUNICATION, City Clerk/Clerk of the City Council Rita D. Arruda, to City Council, requesting that the City Council set the Annual Bond for 2013-2014, for the City Clerk at \$35,000.00, and enclosing Renewal Certificate.

Received and Placed on File. (#1724)

CITY OF NEW BEDFORD
IN CITY COUNCIL
OCTOBER 10, 2013

ORDERED, that the amount of the Annual Bond of the City Clerk of the City of New Bedford be and the same is hereby established at THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00), said sum being the amount which the Commissioner of Revenue has established for the tax year 2013/2014, and said Bond to be in the form established by the Commissioner of Revenue and approved by the Commissioner as required by law.

Adopted – Yeas 11, Nays 0.

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013. (#1725)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Gabriel N. DaRosa, 56 Westwood Drive, North Dartmouth, MA 02747 d/b/a/ BLUEBIRD TRANSPORTATION LLC., 1551 Purchase Street, New Bedford, MA 02740**, 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.

Livery License GRANTED – Yeas 11, Nays 0.

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013. (#1726)

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 2 HICKS STREET, CIRCA 1830 ONE-STORY BRICK UTILITY WAREHOUSE STRUCTURE, advising that “the structure is not located in a National Register Historic District and the structure is of no notable historic significance either recorded or found with the existing condition of the structure” and therefore, “the NBHC has determined that the building is NOT historically significant building and not preferably preserved.”

Demolition Granted – Yeas 11, Nays 0.

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013. (#1727)

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 4080 ACUSHNET AVENUE, CIRCA 1922 ONE-STORY CINDER-BLOCK CONSTRUCTED GARAGE STRUCTURE, advising that “the structure is not located in a National Register Historic District and the structure is of no notable historic significance either recorded or found with the existing condition of the structure” and therefore, “the NBHC has determined that the building is NOT historically significant building and not preferably preserved.”

Demolition Granted – Yeas 11, Nays 0.

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013. (#1728)

COMMUNICATION, Jean C. Fox, Project Manager, South Coast Rail, MassDOT, submitting correction of South Coast Rail Open Houses on the Final Environmental Impact Statement/Report, scheduled for Tuesday, October 08 and Thursday, October 17, 2013. (Copy all Councillors 10/07/2013.)

Received and Placed on File. (#1729)

COMMUNICATION, City Clerk Arruda, submitting letter from Richard Verville, Chief, Hazard Mitigation Assistance Branch, FEMA Region I, to Mayor Mitchell, relative to the Preliminary Flood Insurance Rate Maps (FIRMs) for Bristol County. (Copy all Councillors 10/01/2013.)

Received and Placed on File. (#1730)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a HOME RULE PETITION, relating to the Harbormaster in the City of New Bedford, the proposed Act authorizes the Mayor with the approval of the City Council to appoint a Harbormaster, who may, but need not, be a resident or registered voter of the City for a term of not more than five years, the Act also authorizes the Mayor with the approval of the City Council to reappoint an existing Harbormaster for a term of not more than five years.

TABLED – June 27, 2013.

Removed from the Table and Received and Placed on File. (#1124)

AN ACT, relating to the Harbormaster in the City of New Bedford, the proposed Act authorizes the Mayor with the approval of the City Council to appoint a Harbormaster, ~~who may, but need not, be a resident or registered voter of the City~~ *who must be a resident and registered voter of the City*, for a term of not more than five years, the Act also authorizes the Mayor with the approval of the City Council to reappoint an existing Harbormaster for a term of not more than five years.

TABLED – June 27, 2013.

Removed from the Table and amended by Councillor Saunders to strike “who may, but need not, be a resident or registered voter of the City” and insert “who must be a resident and registered voter of the City” – Yeas 11, Nays 0.

Adopted as Amended – Yeas 11, Nays 0.

Presented to the Mayor for approval October 15, 2013.

VETOED by Mayor Mitchell October 25, 2013 at 2:51 p.m. (#1125)

WRITTEN MOTION, Councillor Alves, requesting, that the Department of Public Infrastructure take immediate action to mark and address the sidewalk in front of 1942 Acushnet Avenue, which is broken and raised and the site of recent injury to pedestrians who use this primary access on one of the City's main roadways for those students using the North End Library and for the elderly attending Church services at St. Anthony of Padua Church daily; and further, this Councilor was informed that the homeowner has even fallen due to the poor and dangerous conditions, and that the Council be informed as to the action taken or to be taken in (30) thirty days. (To be Referred to the Department of Public Infrastructure.)

Referred to the Department of Public Infrastructure.

Presented to the Mayor for approval October 15, 2013.

RETURNED UNSIGNED October 29, 2013. (#1731)

WRITTEN MOTION, Councillor Gomes, requesting, that the Department of Inspectional Services and the Board of Health take immediate action at 65 Fern Street, due to the fact that the owner/resident is keeping the property in deplorable condition, with garbage and debris all over the yard and piled along side of the garage, this poses a health hazard and also affects the quality of life for the neighborhood.

Referred to the Department of Inspectional Services and the Board of Health.

Presented to the Mayor for approval October 15, 2013.

RETURNED UNSIGNED October 29, 2013. (#1732)

PETITION/INDEMNITY AGREEMENT, Tracey Correia d/b/a IT’S ALL ABOUT ME, for Permission to Erect and Maintain a Projecting Illuminated Awning at 186 Nash Road, New Bedford, MA 02746. Provisionally Granted, subject to approval of the Building Commissioner and subject to Ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013. (#1733)

MINUTES, Board of Assessors, submitting MINUTES of a meeting held on September 25, 2013.
Received and Placed on File. (#1734)

MINUTES, Conservation Commission, submitting MINUTES of a meeting held on June 11, 2013.
Received and Placed on File. (#1735)

APPLICATION, **Ace Asphalt Inc.**, for permission to maintain a STREET OBSTRUCTION at **3806 Acushnet Avenue**, provisionally granted by the City Clerk on September 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 October 15, 2013.

Approved October 17, 2013. (#1736)

APPLICATION, **Michael Andrade Excavating Contractor**, for permission to maintain a STREET OBSTRUCTION at **48 Nashua Street**, provisionally granted by the City Clerk on September 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 October 15, 2013.

Approved October 17, 2013. (#1737)

APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **SS Jarry Street P127C/L173**, provisionally granted by the City Clerk on September 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 October 15, 2013.

Approved October 17, 2013. (#1738)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **16 Morton Court**, provisionally granted by the City Clerk on October 09, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013. (#1739)

APPLICATION, **Ace Asphalt Inc.**, to DISTURB THE SURFACE, of **3806 Acushnet Avenue**, provisionally granted by the City Clerk on September 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 October 15, 2013.

Approved October 17, 2013. (#1740)

APPLICATION, **Michael Andrade Excavating Contractor**, to DISTURB THE SURFACE, of **48 Nashua Street**, provisionally granted by the City Clerk on September 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 October 15, 2013.

Approved October 17, 2013. (#1741)

APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **SS Jarry Street P127C/L173**, provisionally granted by the City Clerk on September 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 October 15, 2013.

Approved October 17, 2013. (#1742)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **16 Morton Court**, provisionally granted by the City Clerk on October 09, 2013, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013. (#1743)

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

188 Washington Street (#1744)

878 County Street (#1745)

106 Tinkham Street (#1746)

304 Tremont Street (#1747)

322 Ashley Boulevard (#1748)

Acushnet Avenue @ Ethel Street (#1749)

Union Street @ Orchard Street (#1750)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013.

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on October 09, 2013, subject to ratification by the Mayor and City Council as follows:

- 588 Cottage Street (#1751)
- 434 Cottage Street (#1752)
- 374 Brook Street (#1753)

Received and Action of the City Clerk Ratified.
 Presented to the Mayor for approval October 15, 2013.
 Approved October 17, 2013.

APPLICATION, **NSTAR Electric Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on October 07, 2013, subject to ratification by the Mayor and City Council as follows:

- Sawyer Street, West of Veteran’s Memorial Way
- Received and Action of the City Clerk Ratified.
- Presented to the Mayor for approval October 15, 2013.
- Approved October 17, 2013. (#1754)

APPLICATIONS, **ABC Disposal Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on September 30, 2013, subject to ratification by the Mayor and City Council as follows:

- 60 Covell Street (#1755)
- 187 Davis Street (#1756)
- 101 Apponagansett Street (#1757)
- 287 Palmer Street (#1758)
- 157 Reynolds Street (#1759)
- 54 Ocean Street (#1760)
- 33 Emma Street (#1761)
- 25 Belleville Avenue (#1762)
- 190 Chestnut Street (#1763)
- 494 Union Street (#1764)
- 494 Brock Avenue (#1765)

Received and Action of the City Clerk Ratified.
 Presented to the Mayor for approval October 15, 2013.
 Approved October 17, 2013.

PETITION, **NSTAR Electric Company, Inc. and Verizon New England, Inc.**, for relocation of three (3) Poles and three (3) Poles to be removed in **BROWNELL AVENUE**, South of **Kempton Street**.

- Received and Placed on File. (#1766)

ORDER,

Adopted and ordered recorded in Book of Location Order Records.

Presented to the Mayor for approval October 15, 2013.

Approved October 17, 2013.

(#1767)

PETITION, NSTAR Electric Company, Inc. and Verizon New England, Inc., for location of one (1) Pole in BRANTWOOD STREET, Corner of Upland Street.

RECEIVED AND HEARING ORDERED FOR THURSDAY, OCTOBER 24, 2013.

On a motion, the Council then adjourned at 8:41 p.m.

ATTEST:

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