



Council Meeting – Minutes

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, February 13, 2014 – 7:05 p.m.

View Agenda

PRESENT: Council President Joseph P. Lopes, Councillors Alves, Bousquet, Carney, Coelho, Martins, Morad, Oliveira, Rebeiro, and Winterson.

LATE: Councillor Gomes 7:07pm

ABSENT: No One.

Council President Lopes called the meeting to order and presided.

Reverend Jason B. Lucas, from Grace Episcopal Church led the Assembly in Prayer.

Councillor Henry Bousquet of Ward Three led the Assembly in the Pledge of Allegiance to the Flag.

The following resolution celebrates Black History Month and was presented by Councillors Gomes, Carney, and Rebeiro.

CITY OF NEW BEDFORD
IN CITY COUNCIL
FEBRUARY 13, 2014

RESOLUTION IN HONOR AND CELEBRATION OF BLACK HISTORY MONTH - FEBRUARY 2014

WHEREAS, Dr. Carter G. Woodson, a high school teacher, was sad to discover that schools did not teach the history of Black Americans, and in 1926, he set out to change that when he established the Association of the Study of Afro-American Life and History (ASALH) and “Negro History Week” during the second week of February, which was chosen because it also marked the birthdays of famed abolitionists Abraham Lincoln and Frederick Douglass; and

WHEREAS, The Celebration of Black History Week was then expanded to encompass the month of February, but not without some controversy and debate regarding designating a month to the history of one race rather than overall history; therefore, the importance of providing a Theme to focus the attention of the public occurred, to show that the intention was never to dictate or limit the exploration of the Black experience, but to bring to the public’s attention important developments that merit emphasis; and

WHEREAS, The ongoing mission of the Association for the Study of African American Life and History, now holding its 99th Annual ASALH Convention, is to promote, research, preserve, interpret and disseminate information about Black life, history and culture and to be the premier Black Heritage learned society with a strong network of National and International Branches whose diverse and inclusive membership will continue the Woodson Legacy, and one of the most successful means to achieve this goal has been, and still is, BLACK HISTORY MONTH and its powerful Themes; and

WHEREAS, The THEME for 2014 is CIVIL RIGHTS IN AMERICA, in honor of the Fiftieth Anniversary of the 1964 Civil Rights Act, the history of Civil Rights in the United States is largely the story of free people of color and then African-Americans, who defined and enumerated what rights pertain to Citizens in civil society, it has been the history of enlisting political parties to recognize the need for our governments, State and Federal, to codify and protect those rights and through the years, people of African descent have formed organizations and movements to promote equal rights, the resulting struggles over Civil Rights have remade our Nation for more than two centuries; the Association for the Study of African American Life and History has selected this theme to mark the Fiftieth Anniversary of the 1964 Civil Rights Act, and have invited all Americans and the global community to explore the history of equal rights for all; and

WHEREAS, We cannot allow Black History Month to pass without recognizing our many local people of color who have accomplished great things against great odds as Frederick Douglass, who began his new, free life in our great City; Medal of Honor Sgt. William Carney, who led his Civil War Regiment to victory; Westport's Paul Cuffe, son of an African slave and Wampanoag Indian, born in Cuttyhunk, who, in the years after the American Revolution, built an American shipbuilding fortune on the Westport River, founded the first elementary school in Westport, MA; New Bedford Whaling Era's Lewis Temple, inventor of the toggle harpoon; Deval Patrick, who is the first African-American Governor of Massachusetts; former Illinois Senator Barack Obama, who became the first African-American elected to the Office of President of the United States; as well as many, many other individuals whose accomplishments have not yet been fully recognized; and

WHEREAS, Black History Month continues to pay tribute to the African-American history makers of the past and present, and the sacrifices made to ensure equality among all men and women of this great Nation, and serves as an occasion to examine the collective creativity, cultural and political experience of the masses of Africans and people of African descent, through lectures, exhibitions, banquets and cultural activities held throughout the United States in schools, communities, churches and political arenas:

NOW, THEREFORE, BE IT RESOLVED, that the New Bedford City Council takes note and celebrates the **MONTH OF FEBRUARY 2014,** as **BLACK HISTORY MONTH,** urges Citizens to honor and remember the Black Heroes of the past and present and encourages everyone to take part in activities held Citywide in recognition of our community's rich heritage of diversity; and, **BE IT FURTHER RESOLVED,** That this Resolution be posted outside of the City Council Chamber for the entire month of February 2014, in recognition of **BLACK HISTORY MONTH.**

Adopted.

(#0136)

COMMUNICATION/EMAIL, Chief Gomes, Nbfd, to Council President Lopes, stating that he is unable to attend the meeting.

Received and Placed on File.

(#0137)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of CARLOS AMADO, New Bedford, MA as ADMINISTRATIVE ASSISTANT to the Board of Assessors.

Rule 38 Waived and Appointment Confirmed and

Rule 40 Waived – Yeas 11, Nays 0.

(#0138)

IT WAS VOTED, on a motion made and duly seconded, Yeas 11, Nays 0, to waive Rule 42 in order of business to take up the following items at this time.

WRITTEN MOTION, Councillor Morad, requesting, that the Committee on Finance be discharged from further consideration of the Tax Increment Financing Board (TIF) five-year agreement for Dickinson Development Corp-Steward-St. Anne's Ambulatory Care Center, Coggeshall Street, New Bedford, MA, presented to the City Council on December 19, 2013, and Referred to the Committee on Finance.

Rule 42 Waived – Yeas 11, Nays 0.

Motion made to DISCHARGE Committee on Finance from further consideration of the matter – Passed- Yeas 10, Nays 0. (Councillor Gomes not present for vote.)

ADOPTED – Yeas 9, Nays 1. (Councillor Bousquet OPPOSED; Councillor Gomes not present for vote.)

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

Presented to the Mayor for approval February 14, 2014.

Approved February 14, 2014.

(#0139)

COMMUNICATION, Derek Santos, Acting Executive Director, New Bedford Economic Development Council, to Council President Duarte and Members of the City Council, resubmitting the TIF application and Resolution approved by the Tax Increment Financing Board for a five (5) year TIF Agreement for **DICKINSON DEVELOPMENT CORP-STEWARD-ST. ANNE'S AMBULATORY CARE CENTER**, Coggeshall Street, New Bedford, MA 02746 (Copies provided and distributed to all Councillors on 12/16/2013.)

Referred to the Committee on Finance December 19, 2013.

Rule 42 Waived – Yeas 11, Nays 0.

Motion made to DISCHARGE Committee on Finance from further consideration of the matter Passed – Yeas 10, Nays 0. (Councillor Gomes not present for vote.)

ADOPTED – Yeas 9, Nays 1 (Councillor Bousquet OPPOSED; Councillor Gomes not present for vote.)

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

(#2138)

CITY OF NEW BEDFORD
IN THE CITY COUNCIL
FEBRUARY 13, 2014

**RESOLUTION APPROVING CERTIFIED LOCAL INCENTIVE PROJECT APPLICATION
AND AUTHORIZING THE TAX INCREMENT FINANCING AGREEMENT WITH
COGGESHALL NEW BEDFORD, LLC.**

WHEREAS, Coggeshall New Bedford, LLC has applied for designation as a certified project under the Massachusetts Economic Development incentive program created by Chapter 23A of Massachusetts General Laws: within an Economic Opportunity Area (“EOA”) within the New Bedford Economic Target Area (“ETA”) for a period of 5 years, ending June 30, 2019 pursuant to the authority granted by and meeting the requirements of 402 C.M.R. 2.10(3);

WHEREAS, the Coggeshall New Bedford, LLC project meets the minimum standards and is consistent with the Economic Development Incentive Program and the local economic development goals and criteria established as part of the documents creating the Greater New Bedford Economic Target Area and the Belleville Avenue North (Zone 8) EOA and shall be expected to benefit significantly from inclusion in said EOA;

WHEREAS, the proposed Certified Project is located at Parcel ID Lot 93 261 on Coggeshall Street, New Bedford, Ma and shown on the City’s of New Bedford’s real property assessment database on April 30, 2013;

WHEREAS, the project, together with all the other projects previously certified and located in the same expansion project EOA, will not overburden the City’s infrastructure and utilities servicing the EOA;

WHEREAS, the city of New Bedford has agreed to offer Coggeshall New Bedford, LLC a Tax Increment Financing Agreement for the project described in the application proposal that will have a reasonable chance of increasing employment opportunities fro residents of the expansion project area, ETA. Said Agreement is hereby approved by the City Council and the Tax Increment Financing Plan is incorporated by reference herein;

WHEREAS, Coggeshall New Bedford, LLC is going to make capital investments to construct the 10,000 square foot facility and invest up to \$2.1 million in construction costs and \$4 million in overall investment that will result in the creation of 34 new permanent full time jobs over a period of two years;

NOW THEREFORE TO BE RESOLVED that the City Council of the City of New Bedford approves the Certified Project application of Coggeshall, New Bedford LLC and forward said application for the certification to the Massachusetts Economic Assistance Coordinating Council for its approval and endorsement.

FURTHER, the City Council if the City of New Bedford authorizes the Mayor to enter into a Tax Increment Financing Agreement between the City of New Bedford and Coggeshall New Bedford, LLC. Said Agreement will provide for an exemption on property taxes based on the growth portion in assessed valuation of the property at 90% for one year, 80% for year two, 70% for year three, 60% for year four, 50% for year five of a five year agreement according to the requirements and regulations established which govern the implementation of such Tax increment Financing agreements. The agreement will be in effect as of FY15 through June 30, 2019.

Referred to the Committee on Finance December 19, 2013.

Rule 42 Waived – Yeas 11, Nays 0.

Motion made to DISCHARGE Committee on Finance from further consideration of the matter Passed - Yeas 10, Nays 1. (Councillor Gomes not present for vote.)

ADOPTED – Yeas 9, Nays 1 (Councillor Bousquet OPPOSED; Councillor Gomes not present for vote.)

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

(#2139)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$75,000.00 from OVERLAY RESERVE, to GENERAL GOVERNMENT UNCLASSIFIED, CHARGES & SERVICES.

Referred to Committee on Finance.

(#0140)

ORDER,

Referred to the Committee on Finance.

(#0141)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$25,000.00 from CFO, SALARIES & WAGES, to CFO, CHARGES & SERVICES.

Received and Placed on File.

(#0142)

CITY OF NEW BEDFORD

IN CITY COUNCIL

FEBRUARY 13, 2014

ORDERED: That the sum of **TWENTY FIVE THOUSAND DOLLARS (25,000.00)** now standing to the credit of the account from **CFO SALARIES AND WAGES** be and the same is hereby transferred and appropriated to as follows:

CFO CHARGES AND SERVICES.....\$25,000.00

Adopted.

Presented to the Mayor for approval February 18, 2014.

Approved February 18, 2014.

(#0143)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$20,861.00 from POLICE, CHARGES & SERVICES, to POLICE, SUPPLIES & MATERIALS.

Received and Placed on File.

(#0144)

CITY OF NEW BEDFORD

IN CITY COUNCIL

FEBRUARY 13, 2014

ORDERED, That the sum of **TWENTY THOUSAND EIGHT HUNDRED SIXTY ONE DOLLARS (\$20,861.00)** now standing to the credit of the account from **POLICE CHARGES AND SERVICES** be and the same is hereby transferred and appropriated to as follows:

POLICE SUPPLIES AND MATERIALS.....\$20,861.00

Adopted.

Presented to the Mayor for approval February 18, 2014.

Approved February 18, 2014. (#0145)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$4,400.00 from CITY COUNCIL, SALARIES & WAGES, to CITY COUNCIL, CAPITAL OUTLAY.

Received and Placed on File. (#0146)

CITY OF NEW BEDFORD
IN CITY COUNCIL
FEBRUARY 13, 2014

ORDERED, That the sum of **FOUR THOUSAND AND FOUR HUNDRED DOLLARS (\$4,400.00)** now standing to the credit of the account from **CITY COUNCIL SALARIES AND WAGES** be the same is hereby transferred and appropriated to as follows:

CITY COUNCIL CAPITAL OUTLAWS.....\$4,400.00

Adopted.

Presented to the Mayor for approval February 18, 2014.

Approved February 18, 2014. (#0147)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$1,500.00 from RECREATION AND PARKS, OTHER CHARGES, to RECREATION AND PARKS, SUPPLIES & MATERIALS.

Received and Placed on File. (#0148)

CITY OF NEW BEDFORD
IN CITY COUNCIL
FEBRUARY 13, 2014

ORDERED, That the sum of **ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)** Now standing to the credit of the account from **RECREATION AND PARKS AND OTHER CHARGES** be and the same is hereby transferred and appropriated to as follows:

RECREATION AND PARKS SUPPLIES AND MATERIALS.....\$1,500.00

Adopted.

Presented to the Mayor for approval February 18, 2014.

Approved February 18, 2014. (#0149)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$300.00 from RECREATION AND PARKS, OTHER CHARGES, to RECREATION AND PARKS, CHARGES & SERVICES.

Received and Placed on File. (#0150)

CITY OF NEW BEDFORD
IN CITY COUNCIL
FEBRUARY 13, 2014

ORDERED, That the sum of **THREE HUNDRED DOLLARS (\$300.00)** now standing to the credit of the account from **RECREATION AND PARK OTHER CHARGES** be and the same is hereby transferred and appropriated to as follows:

RECREATION AND PARKS CHARGES AND SERVICES.....\$300.00

Adopted.

Presented to the Mayor for approval February 18, 2014.

Approved February 18, 2014. (#0151)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the Mayor to execute a Release of Easement with the First Church of the Nazarene, on behalf of the City of New Bedford and also enclosed a second ORDER to accept an Easement from the First Church of the Nazarene, the purpose of the Release of Easement and Easement is to relocate the existing drainage easement due to the church's new school.

Received and Placed on File. (#0152)

CITY OF NEW BEDFORD
IN CITY COUNCIL
FEBRUARY 13, 2014

ORDERED, That the Mayor is hereby authorized on behalf of the City of New Bedford to execute a Release of easement with the First Church of Nazarene. The portion of the easement to be discontinued is shown on a plan entitled, "RE-LOCATION OF DRAINAGE EASEMENT ON LAND OF THE FIRST CHURCH OF THE NAZARENE 764 HATHAWAY ROAD NEW BEDFORD, MASSACHUSETTS

PREPARED FOR THE CITY OF NEW BEDFORD” dated June 14, 2013, prepared by Kenneth R. Ferreira Engineering, Inc. A copy of said Release of Easement is attached hereto and made a part thereof.

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

Presented to the Mayor for approval February 14, 2014.

Approved. (#0153)

CITY OF NEW BEDFORD
IN CITY COUNCIL
FEBRUARY 14, 2014

ORDERED, that the City of New Bedford accept an Easement from the First Church of the Nazarene, for the purpose of the drainage easement shown on a plan entitled, “RE-LOCATION OF DRAINAGE EASEMENT ON LAND OF THE FIRST CHURCH OF NAZARENE 764 HATHAWAY ROAD NEW BEDFORD, MASSACHUSETTS PREPARED FOR THE CITY OF NEW BEDFORD” dated June 14, 2013, prepared by Kenneth R. Ferreira Engineering, Inc. a copy of said easement is attached hereto and made a part thereof.

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

Presented to the Mayor for approval February 14, 2014.

Approved. February 14, 2014. (#0154)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JASON OLIVEIRA, New Bedford, MA 02740, to the AIRPORT COMMISSION; replacing Peter Kortright who has resigned; this term will expire December 2016.

Rule 38 waived and Appointment Confirmed. (#0155)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MATT CAMARA, New Bedford, MA 02745, to the CONSERVATION COMMISSION, replacing Robert G. Morris whose term has expired; this term will expire June 2015.

Referred to the Committee on Appointments and Briefings. (#0156)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of IRMA PEREZ, New Bedford, MA 02746, to the HUMAN RELATIONS COMMISSION, replacing Ine Ogagan whose term has expired; this term will expire April 2016.

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

Rule 40 Waived – Yeas 11, Nays 0. (#0157)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ROBERT J. SCHILLING, New Bedford, MA 02740, to the ZONING BOARD OF APPEALS, replacing Jennifer Smith who has resigned; this term will expire December 2018.

Referred to the Committee on Appointments and Briefings. (#0158)

WRITTEN MOTION, Council President Lopes, Councillors Martins, Bousquet, Winterson, Rebeiro, Morad, Gomes, Coelho and Carney, requesting that Mr. Joseph Mulvey, Real Estate Specialist with the United States Postal Service, meet with the Committee on Appointments and Briefings, to discuss the future of the Downtown New Bedford Post Office.

Referred to the Committee on Appointments and Briefings. (#0159)

COMMUNICATION, Mr. Joseph Mulvey, Real Estate Specialist to the United States Post Office, to and from Mayor Mitchell, regarding the future of the Downtown New Bedford Post Office.

Referred to the Committee on Appointments and Briefings. (#0160)

WRITTEN MOTION, Councillors Coelho, Alves, Gomes, Carney and Martins, requesting, that a representative of the Gang Unit appear before a Committee on Public Safety and Neighborhoods meeting to brief Committee members on the status of gang activity in the City, given the recent shooting of a New Bedford Police Officer, the location of the shooting has seen a recent increase in gang related graffiti; and further, to discuss the increasing number of criminals that are relocating to New Bedford, the reasons for that and the risk they pose to the City.

Referred to the Committee on Public Safety and Neighborhoods. (#0161)

WRITTEN MOTION, Councillor Alves, at the request of the Trustees of the Bethel AME Church and on behalf of our Pastor, Reverend Irma Thibodeaux, officers and members of this historic Church, that the City Council look into what action or assistance the City can provide to ensure the Church is not forced to close, and that the Council follow up on many of the promises that have been made to the Church Trustees and Pastor by former Administrations for assistance; and further, that the Committee on Appointments and Briefings invite Department of Public Infrastructure Commissioner, Ronald Labelle, Tax Title Attorney Blair Bailey, as well as representatives of Bethel AME Church to discuss the matter.

Referred to the Committee on Appointments and Briefings. (#0162)

COMMUNICATION/EMAIL, Councillor Alves, submitting, request from Toni Pires, Trustee, Bethel AME Church, requesting assistance with issues and concerns at Church.

Referred to the Committee on Appointments and Briefings. (#0163)

WRITTEN MOTION, Councillor Gomes, requesting, that the City enforce ticketing for those individuals that throw snow back into the City streets that have already been plowed and cleared; and further, that an aggressive role in notifying residents of the City's position on said matter be taken, this notification should include information on parking bans, ticketing for violators of parking bans and under what conditions would a parking ban be lifted.

Referred to Mayor Mitchell, Police Chief Provencher and DPI Commissioner Labelle.

Presented to the Mayor for approval February 18, 2014.

RETURNED UNSIGNED February 28, 2014. (#0164)

WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and Police Chief increase the Police patrols in the area of Serenity Gardens on Bedford and Sixth Streets, due to the criminal activity and inappropriate actions occurring within the neighborhood; and further, that the Narcotics Division take a look at this area for drug dealing, along with the Gang Unit for criminal activity.

Referred to the Mayor and the Police Chief.

Presented to the Mayor for approval February 18, 2014.

RETURNED UNSIGNED February 28, 2014. (#0165)

WRITTEN MOTION, Councillor Gomes, requesting, that Carl Cruz and the Library Board of Trustees take immediate action to set a date for the unveiling of former Ward Four Councillor Mary Barros portrait at the Main Library.

Referred to the Library Board of Trustees.

Presented to the Mayor for approval February 18, 2014.

RETURNED UNSIGNED February 28, 2014. (#0166)

WRITTEN MOTION, Council President Lopes and Councillor Gomes, requesting that Mayor Mitchell provide this body with copies of the appeal that the City of New Bedford filed with the Department of Homeland Security's Federal Emergency Management (FEMA) as it relates to proposed modified Flood Hazard Determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) Report for the City of New Bedford.

Adopted and Referred to Mayor Mitchell.

Presented to the Mayor for approval February 18, 2014.

RETURNED UNSIGNED. February 28, 2014. (#0167)

WRITTEN MOTION, Councillor Winterson, on behalf of complaints from property owners, requesting that the Commissioner of the Department of Public Infrastructure Ronald Labelle, notify this Councillor if the City has any plans for the rerouting of sewer pipes that are currently going through private property and causing damage when the pipe cracks, burst or gets clogged; and further, requesting that the City Council send a letter to our State Delegation asking if there is any State or Federal monies for the rerouting of sewer pipes from private property to City-owned property or streets.

Adopted and referred to DPI Commissioner Labelle.

Presented to the Mayor for approval February 18, 2014.

RETURNED UNSIGNED February 28, 2014. (#0168)

WRITTEN MOTION, Councillor Alves, requesting, that the Committee on Appointments and Briefings meet with representatives of Community Choice Aggregation to discuss implementing a municipal aggregation program in the City of New Bedford similar to the program being considered by the City of Brockton; and further, that members of the Brockton City Council be invited to share their input and outline the beneficial opportunity for our residents and businesses in the City.

Referred to the Committee on appointments and Briefings. (#0169)

WRITTEN MOTION, Council President Lopes, requesting that the necessary departments across the City have the ice at Victory Pond prepared for winter sports including skating and ice hockey.

Referred to Mayor Mitchell, DPI Commissioner Labelle and Parks, Recreation and Beaches Director, Mary Rapoza.

Presented to the Mayor for approval February 18, 2014.

RETURNED UNSIGNED February 28, 2014. (#0170)

WRITTEN MOTION, Councillor Gomes, requesting, that The Massachusetts Department of Transportation take immediate action to inspect and make repairs to the Downtown Route 18 Exit off 195 West, this exit has significant damage to the right side of the curbing and foundation, this exit has been damaged in several places exposing cracks and damage done to the concrete; and further, requesting that this exit be cleaned and resurfaced due to the conditions which ultimately may cause serious structural damage to this exit; and further, that Route 18 Exit Off 195 East be inspected for the similar structural damage; and that the City Council send a letter to State Representative Christopher Markey and Senator Mark Montigny requesting their assistance

in getting this work done as soon as possible, as these exit ramps are the first impression that visitors see coming into the City.

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

Presented to the Mayor for approval February 14, 2014.

Approved February 14, 2014.

(#0171)

WRITTEN MOTION, Councillors Gomes and Martins, requesting, that the Committee on Public Safety and Neighborhoods meet with any teachers from New Bedford High School, or the three Middle Schools in the City for the purposes of discussing exactly what is going on in our schools, exactly how significant is the disruptive behavior and violence against students and teachers; and further, that the Committee also set up a meeting with the students for the purposes of getting their input on exactly what is their perspective on what is going on in our schools; and further, that Lou St. John, President, New Bedford Educator's Association, also be invited to attend said meeting.

Motion Adopted as Amended – All Ayes.

Referred to the Committee on Public Safety and Neighborhoods -Yeas 10, Nays 1. (Councillor Rebeiro Opposed.)

(#0172)

WRITTEN MOTION, Councillors Bousquet and Martins, requesting, an increased Police presence in Wards Two and Three, these are densely populated and impoverished areas of the City; and further, asking that directed patrols take place around the Acushnet Avenue business corridor as well as North Front Street, Davis Street, Belleville Avenue and Taber Mills Neighborhood, as it has been brought to our attention at Neighborhood Meetings that violence and petty theft have been on the rise in these areas.

Adopted and Referred to the Police Chief.

Presented to the Mayor for approval February 18, 2014.

RETURNED UNSIGNED February 28, 2014.

(#0173)

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW OF 2161 ACUSHNET AVENUE, CIRCA 1890 TWO-STORY WOOD FRAMED STRUCTURE – advising that “the structure is not located in a National Register Historic District, the structure is of no notable historic significance, either recorded or found with the existing condition of the structure, therefore, “the NBHC has determined that 2161 Acushnet Avenue is NOT a historically significant building or structure and not preferably preserved”.

Demolition Granted.

Presented to the Mayor February 18, 2014.

Approved February 26, 2014.

(#0174)

COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting REQUEST TO TAKE LAND, for the **LAYOUT ALTERATION OF A PORTION OF TARKILN PLACE AT THE**

SOUTHERN TERMINUS for easement or fee for highway purposes in land belonging to Triple Horn, LLC, in accordance with City Code, Section 22-35.

Received and Placed on File. (#0175)

COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting **METES AND BOUNDS** for the **LAYOUT ALTERATION OF A PORTION OF TARKILN PLACE AT THE SOUTHERN TERMINUS**.

Received and Placed on File. (#0176)

CITY OF NEW BEDFORD
IN CITY COUNCIL
FEBRUARY 13, 2014

ORDER, for Hearing on THURSDAY, MARCH 13, 2014 AT 7:00 P.M. in City Council Chambers, City Hall, for the **LAYOUT ALTERATION OF A PORTION OF TARKILN PLACE AT THE SOUTHERN TERMINUS**.

Adopted. (#0177)

CITY OF NEW BEDFORD
IN CITY COUNCIL
FEBRUARY 13, 2014

ORDER, requesting the City Solicitor to prepare AN ORDER for the **LAYOUT ALTERATION of a PORTION OF TARKILN PLACE AT THE SOUTHERN TERMINUS**.(Hearing on said matter has been ordered for Thursday, March 13, 2014, at 7:00 p.m., in City Council Chambers, City Hall.)

Adopted. (#0178)

COMMUNICATION, City Clerk Arruda, submitting copy of letter to Mayor Mitchell, from Luis Rodriguez, P.E. Chief, Engineering Management Branch, Federal Emergency Management Agency (FEMA), relative to the proposed modified hazard determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) for the City of New Bedford. (Copy all Councillors 01/31/2014.)

Received and Placed on File. (#0179)

COMMUNICATION, Korrin Petersen, Esq., Senior Attorney, Buzzards Bay Coalition, to John T. Hoey, Assistant Chancellor for Public Affairs, UMass Dartmouth, regarding Status of Apponagansett Bay Nutrient Threshold Technical Report and Final Payment for Slocum River Report.

Received and Placed on File. (#0180)

WRITTEN MOTION, Councillor Gomes, requesting, on behalf of Gary DeMello, 892 Wildwood Road, that the dead tree in front of said location be removed as soon as possible due to the branches falling from the tree; and further, that if the tree cannot be removed by the City due to present conditions, that the petitioning begin for a Tree Hearing to have the tree removed.

Referred to the Department of Public Infrastructure.

Presented to the Mayor for approval February 18, 2014.

RETURNED UNSIGNED February 28, 2014. (#0181)

WRITTEN MOTION, Councillor Rebeiro, requesting, that the Traffic Commission amend the current "NO PARKING" Signs on the west side of Sixth Street, in front of Our Lady of the Assumption Church, to include the language "excluding Sundays", so the Parishioners can attend Sunday services and not be ticketed.

Referred to the Traffic Commission. (#0182)

CONSTABLE BOND, GONZALO MORALES, New Bedford, MA, 02740, with Massachusetts Bay Insurance Company in the amount of \$5,000.00.

Approved.

Presented to the Mayor for approval February 18, 2014.

Approved February 26, 2014. (#0183)

MINUTES, Council on Aging, submitting MINUTES of a meeting held on November 14, 2013.

Received and Placed on File. (#0184)

MINUTES, Board of Assessors, submitting MINUTES of meetings held on January 17 and 31, 2014.

Received and Placed on File. (#0185)

MINUTES, Licensing Board, submitting MINUTES of meetings held on November 18 and December 16, 2013.

Received and Placed on File. (#0186)

MINUTES, Conservation Commission, submitting MINUTES of meetings held on September 10 and November 26, 2013.

Received and Placed on File. (#0187)

MINUTES, Greater New Bedford Regional Vocational Technical High School, submitting MINUTES of a meeting held on December 10, 2013, and Agenda of a meeting held on February 11, 2014.
Received and Placed on File. (#0188)

APPLICATION, **Somerset Glass Company, Inc.** for permission to maintain a STREET OBSTRUCTION at **227 Union Street/Pleasant Street**, provisionally granted by the City Clerk on February 10, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval February 18, 2014.
Approved February 26, 2014. (#0189)

APPLICATION, **D.W. White Construction** ,for permission to maintain a STREET OBSTRUCTION at **85 Coggeshall Street**, provisionally granted by the City Clerk on January 30, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval February 18, 2014.
Approved February 26, 2014. (#0190)

APPLICATION, **Mirra Company, Inc.** for permission to maintain a STREET OBSTRUCTION at, of **North Sixth Street between Elm and William Streets**, provisionally granted by the City Clerk on January 31, 2014 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval February 18, 2014.
Approved February 26, 2014. (#0191)

APPLICATION, **New Hampshire Boring, Inc.** for permission to maintain a STREET OBSTRUCTION at, **Mt. Pleasant street and Downey Street**, provisionally granted by the City Clerk on February 11, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval February 18, 2014.
Approved February 26, 2014. (#0192)

APPLICATION, **JLC Construction Inc.** for permission to maintain a STREET OBSTRUCTION at, **104-106 Co-op Wharf** provisionally granted by the City Clerk on February 11, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 18, 2014.

Approved February 26, 2014. (#0193)

APPLICATION, **D.W. White Construction** to DISTURB THE SURFACE, of **85 Coggeshall Street** provisionally granted by the City Clerk on January 30, 2014 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 18, 2014.

Approved February 26, 2014. (#0194)

APPLICATION, **Mirra Company, Inc.** to DISTURB THE SURFACE, of **North Sixth Street between Elm and William Streets** provisionally granted by the City Clerk on January 31, 2014 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 18, 2014.

Approved February 26, 2014. (#0195)

APPLICATION, **New Hampshire Boring, Inc.** to DISTURB THE SURFACE, of **Mt. Pleasant Street and Downey Street**, provisionally granted by the City Clerk on February 11, 2014 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 18, 2014.

Approved February 26, 2014. (#0196)

APPLICATION, **JLC Construction Inc.** to DISTURB THE SURFACE, of **104-106 Co-op Wharf**, provisionally granted by the City Clerk on February 11, 2014 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 18, 2014.

Approved February 26, 2014. (#0197)

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on February 4, 2014 subject to ratification by the Mayor and City Council as follows:

Herman Melville Boulevard, corner of Antonio L. Costa Avenue (#0198)

Bedford Street, West of Greene Street (#0199)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 18, 2014.

Approved February 26, 2014.

APPLICATIONS, **ABC Disposal Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on January 27, 2014, subject to ratification by the Mayor and City Council as follows:

88 Florence Street (#0200)

273 Mill Street (#0201)

1072 Sheffield Street (#0202)

132 Tallman Street (#0203)

140 Query Street (#0204)

26 Bullock Street (#0205)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 18, 2014.

Approved February 26, 2014.

APPLICATION, **Frade's Disposal, Inc.** for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on February 3, 2014 subject to ratification by the Mayor and City Council as follows:

67 Rounds Street (#0206)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval February 18, 2014.

Approved February 26, 2014.

PETITION/NSTAR Electric Company, Inc., for location of two (2) 6" Conduits, four (4) 6" Conduits and two (2) 6' x 10' x 6' Manholes in BRALEY ROAD, North of Theodore Rice Boulevard.

RECEIVED AND HEARING ORDERED FOR THURSDAY, FEBRUARY 27, 2014.

PETITION/NSTAR Electric Company, Inc., for location of two (2) 6" Conduits, four (4) 6" Conduits and two (2) 6' x 10' x 6' Manholes in BRALEY ROAD, North of Theodore Rice Boulevard.

RECEIVED AND HEARING ORDERED FOR THURSDAY, FEBRUARY 27, 2014.

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW, 177 Cove Street, MAP 20, PARCEL 346, advising that “built in 1915, the structure is a two story and one-half story hipped roof building originally covered with clapboards, the most visually important aspect of the building is the full height columned entry which originally had a first and second story porch with balustrades; constructed as the Charron Maternity Hospital in the Neo-Classical style, the building was designed by the well-known local Architect Louis E. Destremps and constructed by local builder Napoleon Lapointe, both members of the French Canadian Community; currently rented and occupied as a half-way house, the building is structurally sound and until a few years ago operated as a funeral parlor, the first and second story porches have been removed and all the original windows have been replaced; the original garage has been removed and all the original windows have been replaced; the original garage has been extensively altered, but retains its original shape and massing; the subject structure is found to be historically significant for its connections to the French Canadian Community and as a local example of Neo-Classical style architecture as designed by local Architect Louis E. Destremps”; and therefore, “the NBHC has determined that 177 Cove Street is a historically significant structure and preferably preserved.”

Rule 42 Waived – Yeas 11, Nays 0.

Referred to the Committee on Appointments and Briefings. (#0207)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$990,000.00 from FREE CASH, to FIRE DEPARTMENT, SALARIES & WAGES.

Rule 42 Waived – Yeas 11, Nays 0.

Received and Placed on File. (#0208)

ORDERED, That the sum of **NINE HUNDRED AND NINETY THOUSAND DOLLARS (\$990,000.00)** now standing to the credit of the account from **FREE CASH** be and the same is hereby transferred and appropriated to as follows:

FIRE SALARIES AND WAGES.....\$990,00.00

Rule 42 Waived- Yeas 11, Nays 0.

Referred to the Committee on Finance – FAILED – Yeas 2, Nays 8. (Councillors Carney and Morad IN FAVOR; Councillor Gomes not present for vote.)

ADOPTED.

Presented to the Mayor for approval February 18, 2014

Approved February 14, 2014. (#0209)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$795,000.00 from FREE CASH, to POLICE DEPARTMENT, SALARIES & WAGES.

Rule 42 Waived – Yeas 11, Nays 0.

Received and Placed on File.

(#0210)

CITY OF NEW BEDFORD
IN THE CITY COUNCIL
FEBRUARY 13, 2014

ORDERED: That the sum of **SEVEN HUNDRED AND NINETY-FIVE THOUSAND DOLLARS (\$795,000.00)** now standing to the credit of the account from **FREE CASH** be and the same is hereby transferred and appropriated to as follows:

POLICE SALARIES AND WAGES.....\$795,000.00

Rule 42 Waived – Yeas 11, Nays 0.

Referred to the Committee on Finance- **FAILED** – Yeas 1, Nays 9. (Councillor Carney **IN FAVOR**; Councillor Alves not present for vote.)

Adopted- All Ayes.

Presented to the Mayor for approval February 18, 2014.

Approved February 18, 2014.

(#0211)

WRITTEN MOTION, Councillors Alves, Bousquet, Carney, Coelho, Gomes, Council President Lopes, Councillors Martins, Morad, Oliveira, Rebeiro and Winterson, requesting, based on the Mayor's recent statement that the "City continues to be fiscally strapped", that the Committee on Finance meet with a representative of the Administration to discuss the status of contract negotiations with all City and School Department employees to determine the financial implications of said negotiations on Fiscal Years 2014 and 2015, to determine the status of the AFSCME lawsuit and implications of the order to compensate employees for lost wages during the furlough period, to determine the financial implications of the pending layoffs projected in the current School Department turn around proposal; and any remaining settlements or judgments that are currently pending against the City of New Bedford.

Rule 42 Waived – Yeas 11, Nays 0.

Referred to the Committee on Finance.

(#0212)

COMMUNICATION, Mayor Mitchell to City Council, submitting a Resolution authorizing Superintendent Dr. Pia Durkin to submit a Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA) to replace one cast iron sectional boiler at the John B. DeValles Elementary School, the attached Resolution is in the required MSBA format. A hard copy of the Statement of Interest must be submitted to the MSBA by February 14, 2014.

Rule 42 Waived – Yeas 11, Nays 0.

CITY OF NEW BEDFORD
 IN CITY COUNCIL
 FEBRUARY 13, 2014

RESOLVED: Having convened in an open meeting on February 13, 2014, prior to the closing date, the City Council of New Bedford, Massachusetts, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 1, 2014 for the John B. DaValles School located at 120 Katherine Street, New Bedford Massachusetts, which describes and explains the following deficiencies and the priority category for which an application may be submitted to the Massachusetts School Building Authority in the future:

- Priority 5: Replacement, renovation or modernization of school facility systems, such as roof, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in the schools facility.
- Deficiencies: The cast iron sectional boiler requires replacement as it has exceeded its useful life at approximately 20 years old with compromised and cracked cast iron selections.

and hereby further specifically acknowledges that by submitting this Statement of Interest Form, which will be submitted to the Massachusetts School Building Authority by no later than February 14, 2014 for the consideration in FY 2014, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City to filing an application for funding with the Massachusetts School Building Authority.

Rule 42 Waived – Yeas 11, Nays 0.

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

Presented to the Mayor for approval February 14, 2014

Approved February 14, 2014.

WRITTEN MOTION, Councillors Alves, Coelho, Gomes, Oliveira, Morad, Martins and Council President Lopes, requesting, that the City Council approve Adoption of a Home Rule Petition – AN ACT authorizing the City of New Bedford to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises pursuant to Section 12, Chapter 138 of Massachusetts General Laws, to the establishment located at 2056 Acushnet Avenue in the City of New Bedford, known as the Irmandade do Divino Espirito Santo do Pico, Inc., the licensing authority shall not approve the transfer of the license to any other locations; and further, that this matter also be referred to Representative Antonio Cabral for processing.

Rule 42 Waived – Yeas 11, Nays 0.

Adopted.

Presented to the Mayor for approval February 18, 2014.

Approved February 26, 2014.

(#0215)

ACT, Authorizing the City of New Bedford to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises located at 2056 Acushnet Avenue, in the City of New Bedford known as Irmandade do Divino Do Spirtito Santo do Pico, Inc.

Rule 42 Waived – Yeas 11, Nays 0.

Adopted.

Presented to the Mayor for approval February 18, 2014.

(#0216)

Approved February 26, 2014.

On a motion, the Council then adjourned at 9:12 pm.

ATTEST:

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