



Council Meeting - Minutes

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, May 08, 2014 – 7:03 p.m.

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

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

ABSENT: Councillor Oliveira.

Council President Lopes called the meeting to order and presided.

Prayer Led By: Rabbi Raphael Kanter, from Tifereth Israel Congregation.

Councillor at Large Naomi R.A. Carney led the Assembly in the Pledge of Allegiance to the Flag.

COMMUNICATION; Councillor Oliveira, to Members of the City Council, informing that he will be unable to attend the City Council Meeting on Thursday, May 08, 2014, due to a previously scheduled work commitment.

Received and Placed on File.

(#0606)

CITATION, Councillor Martins and Council President Lopes, honoring CARL ALVES, Executive Director, Positive Action Against Chemical Addiction (PAACA) in recognition of his receiving the Sister Rose Award for his dedication and compassion for people in need.

Adopted.

(#0607)

CITATIONS, Councillors Carney and Gomes, honoring, Our Lady of Mt. Carmel Church Boys A Basketball Team Members, ADRIEL PACHECO, BRENDAN MONIZ, BARON HILTON, BRYCEN GOODINE, EMANIZAIA ALVES, MARCUS RITA, KYLE CABRAL, ALEX POLANCO, ANTHONY SOARES, ANDREW VINAGRE, COLIN DACOSTA and BOYS HEAD COACH, MANNY DEBRITO, BOYS ASSISTANT COACHES, MATT RODRIGUES AND TIFFANY RODRIGUES, in recognition of their Winning the New Bedford CYO and Diocesan Championships.

Tabled.

Removed from the Table and Adopted.

(#0608)

CITATIONS, Councillors Carney and Gomes, honoring, Our Lady of Mt. Carmel Church, Girls A Basketball Team Members, JAYDA FORTIN, EMMA FERLAND, KYARA SYLVIA, MONICA EIRES, KATE FRAZEE, MCKAYA RODRIGUEZ, KYLIE MORIN, LEIGHANN PIRES and GIRLS HEAD COACH, JAY FORTIN, in recognition of their Winning the New Bedford CYO and Diocesan Championships.

Tabled.

Removed from the Table and Adopted.

(#0609)

CITATIONS, Councillors Martins and Morad, honoring ABBEY SPARGO AEVALELIZ, NICK FRANCIS, CHRISTIAN FARLAND, NATHAN ARAUJO and KERRY BALDWIN, in recognition of being honored as a SOUTHCOAST 5 EMERGING LEADER.

Adopted.

(#0610)

CITATION, Councillor Bousquet, honoring MACKENZEE BORGES, Greater New Bedford Regional Vocational Technical High School, in recognition of her winning the Walter J. Markham Award.

Adopted.

(#0611)

The following resolution was presented for National Foster Care Awareness Month by Council President Lopes.

CITY OF NEW BEDFORD
IN CITY COUNCIL
MAY 08, 2014

RESOLUTION HONORING NATIONAL FOSTER CARE AWARENESS MONTH

WHEREAS, National Foster Care Awareness Month is a time to acknowledge Foster Parents, family members, volunteers, mentors, child welfare professionals and members of the community who help children and youth in foster care find permanent homes and connections; and

WHEREAS, Organizations like the New Bedford Children’s Program are working to ensure that children in the foster care system have the opportunity for safe, quality homes with the prospect of a bright future; and

WHEREAS, Each May, National Foster Care Month provides an opportunity to shine a light on the experiences of more than 550,000 children and youth in the foster care system, raising awareness about the urgent needs of these young people and encourages all Citizens to get involved and with the help of dedicated people, many formerly abuse or neglected children and teens will either reunite safely with their parents, be cared for by relatives or be adopted by loving families; and

WHEREAS, Thanks to the many advocates, child welfare professionals, elected officials and support groups around the Country, the total number of children in foster care has decreased over recent years; and

WHEREAS, Every year, more than thirty thousand young people leave the foster care system without lifelong families – most at age eighteen, they are on their own without vital services, such as housing, or caring adults; and

WHEREAS, Child welfare issues arise in families of every race, ethnicity, culture and age group, research shows that young people who age out of foster care are far more likely than their peers in the general population to endure homelessness, poverty, unemployment, incarceration and early parenthood; and

WHEREAS, Throughout the Nation, everyday people serve as foster parents, relative caregivers, mentors and social workers, all Americans are urged to join and help to change the life of a child or youth in foster care:

NOW, THEREFORE, BE IT RESOLVED, That the New Bedford City Council hereby honors **NATIONAL FOSTER CARE AWARENESS MONTH**, recognizes that the work they do has a lasting effect on the children they mentor, thanks these unsung heroes for their dedication and commitment to youth and to the future.

Adopted.

(# 0612)

The following resolution was presented to Neil Weiss by Councillors Morad and Martins

CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 08, 2014

**RESOLUTION HONORING NEAL WEISS THE FIRST RECIPIENT OF
THE IRWIN M. AND JOAN K. JACOBS LEADERSHIP AWARD**

WHEREAS, The Irwin M. and Joan K. Jacobs Leadership Award was established last year by the SouthCoast Media Group to celebrate the entrepreneurial, innovative and philanthropic virtues that have been the hallmark of Irwin and Joan Jacobs remarkable business and personal success; and

WHEREAS, Several prominent business leaders from throughout the community were nominated for the Award, making the selection of the Award recipient a challenging process for the committee of representatives from the Irwin M. and Joan K. Jacobs Fund, the SouthCoast Media Group and the Community Foundation of Southeastern Massachusetts; and

WHEREAS, For his contributions to the City, his support of the arts and music communities, his commitment to education and the example he has set for other business leaders Neal Weiss, owner of Fiber Optics Center, was chosen as the recipient of the 2014 Irwin M. and Joan K. Jacobs Leadership Award; and

WHEREAS, The story of this self-made business man is a true American success story that began back in 1980, when life's hard lesson left him with uncertainty after the untimely death of his wife and the reality of having to support and raise two young sons;

WHEREAS, Faced with the prospects of losing his job and needing employment that allowed him to care for the needs of his sons, Neal Weiss worked out a complex deal with his employer to buy the fiber optics piece of the business; relocated that piece of the business operation to New Bedford and opened the Fiber Optics Center; and

WHEREAS, Neal Weiss continually expanded the company's product line and business operation, which now employs a team of thirty, often hiring local area men and women without technical experience

providing jobs and successfully growing his company into a major player in the high tech market, ironically counting among his many customers, Qualcomm, the company founded by Irwin M. Jacobs; and

WHEREAS, In 1999, Neal Weiss satisfied his creative side and his passion for jazz music, by founding his own successful record label, Whaling City Sound, recording and producing music for local jazz musicians, and this past winter the record label had a CD top the jazz playlist with the most airtime for six straight weeks for a nationwide group of sixty to eighty jazz stations; and

WHEREAS, Neal Weiss, a successful businessman, community leader, local philanthropist has donated much of his time and resources to projects and causes he feels will make a difference; is an active member, supporter and volunteer of many area non-profit organizations, and has also worked as volunteer coach with wrestling athletes, ages four to fourteen for the past forty years, the last ten years through the New Bedford Public Schools:

NOW, THEREFORE, BE IT RESOLVED, That the New Bedford City Council hereby honors **NEAL WEISS THE FIRST RECIPIENT OF THE IRWIN M. AND JOAN K. JACOBS LEADERSHIP AWARD**, commends him for his many years of business entrepreneurship and community service, thanks him for his commitment and hard work for the benefit of the City of New Bedford and wishes him many years of continued success.

Adopted.

(#0613)

COMMUNICATION, Pursuant to City Council Order dated April 10, 2014, First Assistant City Solicitor Jane Medeiros Friedman, to City Council, submitting AN ORDER, pursuant to City Council Order dated April 10, 2014, for the ACCEPTANCE of TORI LYNN DRIVE, Variable Width, from Chaffee Street, 399.34 feet south to cul-de-sac (terminus.)

Received and Placed on File.

(#0614)

CITY OF NEW BEDFORD
IN CITY COUNCIL
MAY 8, 2014

ORDER, Resolved that the common necessity and convenience of the inhabitants of the City of New Bedford require that **TORI LYNN DRIVE**, variable width, from Chaffee Street 399.34 feet south to cul-de-sac (terminus) be laid out and accepted.

The area taken for this layout of **TORI LYNN DRIVE**, variable width, from Chaffee Street 399.34 feet south to cul-de-sac (terminus) is bounded and described as follows:

Beginning at a concrete bound point in the southern sideline of Chaffee Street that is 1,541.56 feet from the eastern sideline of Acushnet Avenue and on a bearing of N 89°-48'-22" E;

Thence, continuing easterly in the southern sideline of Chaffee Street on the same bearing of N 89°-48'-22" E for a distance of 27.15 feet to a concrete bound point;

Thence, on a curve to the left having a radius of 83.95 feet for a length of 57.09 feet to a concrete bound point on the curve;

Thence, on a bearing of S 12°-58'-56" W a distance of 94.69 feet to a point with an iron rod;

Thence, on a curve to the left with a radius of 130.00 feet for a distance of 18.21 feet to a concrete bound point;

Thence, on a bearing of S 04°-57'-23" W for distance of 217.45 feet to a concrete bound point;

Thence, on a curve to the left having a radius of 20.00 feet for a length of 16.82 feet to a concrete bound point;

Thence, on a curve to the right having a radius of 40.00 feet for a length of 192.95 feet to a concrete bound point;

Thence, on a curve to the left having a radius of 20.00 feet for a length of 16.82 feet to a concrete bound point;

Thence, on a bearing of N 04°-57'-23" E for a distance of 217.45 feet to a concrete bound point;

Thence, on a curve to the right having a radius of 170.00 feet for a length of 12.94 feet to a point;

Thence, on a bearing of S 89°-48'-22" W for a distance of 3.0 feet to a concrete bound point;

Thence, continuing on the same line with a bearing of S 89°-48'-22" W for a distance of 6.61 feet to a concrete bound point;

Thence, on a bearing of N 12°-58'-56" E for a distance of 51.80 feet to a concrete bound point;

Thence, on a curve to the left having a radius of 20.00 feet for a length of 36.02 feet to a concrete bound point and point of beginning.

Said road being the same right-of-way for Tori Lynn Drive as shown on the definitive subdivision plans of Tori Lynn Estates.

The above-described road contains an area of approximately 18,794 square feet and is more particularly shown on a plan entitled: "PLAN AND PROFILE OF THE LAYOUT OF TORI LYNN DRIVE (VARIABLE WIDTH) FROM CHAFFEE STREET 399.34' SOUTH TO CUL-DE-SAC (TERMINUS)" at a scale of 1"=40' Horizontal and 1"=4' Vertical," dated February 27, 2014, prepared by Kenneth R. Ferreira, P.L.S. and approved by David J. Fredette, City Engineer.

No trees on the land taken and no structures affixed thereto are included in the taking, and the owners of property are allowed sixty (60) days from and after the recording of this instrument in the Registry of Deeds by the City in which to remove and take away from the land any trees or structures.

The damages sustained by the owners of property aforesaid is hereby estimated and awarded as compensation in full to them as follows: To all persons: No damages.

IT IS FURTHER EXPRESSED AND STIPULATED that the order of taking and the award of damages does not relieve the owners of land taken from liability for taxes now uncollected for the fiscal year 2014 or any prior year.

WHEREAS, due notice has been given of the intention of the City to take said parcel of land for highway purposes, it is therefore

ORDERED, that the parcels of land heretofore described be and hereby are taken, interest being an easement in said land for highway purposes, under the provisions of General Laws Chapter 79, and accepted under the provisions of General Laws Chapter 82 as a public street or way of the City of New Bedford, said street to be known as **TORI LYNN DRIVE**, and the grade therefor is established according to a plan heretofore referred to in this order, on file in the office of the City Clerk.

AND BE IT FURTHER ORDERED, that the City Clerk cause a copy of this order, certified by her, to be recorded on behalf of the City of New Bedford in the Registry of Deeds for the Southern District of Bristol County, and to give such other notices as are required by General Laws.

Adopted- Yeas 10, Nays 0.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0615)

COMMUNICATION, Mayor Mitchell, to City Council, submitting VETO of a Written Motion submitted by Council President Lopes and Councillor Martins at the April 10, 2014 City Council Meeting, regarding that the City accept M.G.L. Chapter 32, Section 90D ½, which would increase certain pension allowance.

Rule 42 Waived – Yeas 10, Nays 1, (Councillor Morad OPPOSED).

VETO RECEIVED AND ORDERED SPREAD ON THE RECORD APRIL 24, 2014.

Referred to Legislative Counsel Gerwatowski, to review for submittal. (#0605)

WRITTEN MOTION, Council President Lopes and Councillor Martins, asking, that the City accept the request from the New Bedford Contributory Retirement System under the provisions of M.G.L., Chapter 32, Section 90D1/2, Retirement Systems and Pensions, to increase the allowance of members retired on superannuation accidental disability or ordinary disability with at least twenty-five years of creditable service. (VETOED by Mayor Mitchell 04/24/2014.)

Referred to Mayor Mitchell - April 10, 2014.

Presented to the Mayor for approval April 14, 2014.

Vetoed by Mayor Mitchell on April 24, 2014.

Rule 42 Waived – Yeas 10, Nays 1. (Councillor Morad Opposed.)

VETO RECEIVED AND ORDERED SPREAD ON THE RECORD.

Referred to Legislative Counsel Gerwatowski to review for resubmittal. (#0492)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER granting NSTAR ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC., an Easement to locate Poles at 132B Herman Melville Boulevard (Atlantic Red Crab Company), to upgrade transmission in this industrial area in accordance with the diagram attached to the proposed Grant of Easement.

Received and Placed on File. (#0616)

CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 08, 2014

ORDERED, that the City of New Bedford hereby grants to NSTAR Electric Company and Verizon New England, Inc. with Quitclaim Covenants: The right and easement for utility poles, primary wire, underground lines for distribution of electricity, and lines for control, relay and communication purposes over, across, upon and under a certain parcel of land owned by the City of New Bedford located at 132B Herman Melville Blvd., New Bedford, Massachusetts, as more particularly described on the attached document entitled "EASEMENT" and the plan entitled "EXHIBIT A" attached thereto.

Adopted.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014. (#0617)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the RESOLUTION, authorizing the Mayor to apply for Federal Financial Assistance from the United States of America and also submitting the Final Fiscal Year 2015 Office of Housing and Community Development Action Plan, for the period of July 01, 2014 through June 30, 2015.

Received and Placed on File. (#0618)

CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 08, 2014

RESOLUTION OF THE NEW BEDFORD CITY COUNCIL AUTHORIZING THE MAYOR TO APPLY FOR FEDERAL FINANCIAL ASSISTANCE FROM THE UNITED STATES OF AMERICA.

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

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

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

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

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

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

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

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0619)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$233,305.00 from VETERANS CHARGES AND SERVICES, to SNOW REMOVAL.

Referred to the Committee on Finance. (#0620)

ORDER,
Referred to the Committee on Finance. (#0621)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$200,000.00 from POLICE SALARIES AND WAGES, to DFFM CHARGES AND SERVICES in the amount of \$100,000.00 and DFFM SUPPLIES AND MATERIALS in the amount of \$100,000.00.

Received and Placed on File. (#0622)

CITY OF NEW BEDFORD
IN CITY COUNCIL
MAY 08, 2014

ORDERED, that the sum of **TWO HUNDRED THOUSAND DOLLARS (\$200,000.00)** now standing to the credit of the account from **POLICE SALARIES AND WAGES** be and the same is hereby transferred and appropriated to as follows:

DFFM CHARGES AND SERVICES.....\$100,000.00
DFFM SUPPLIES AND MATERIALS.....\$100,000.00

To be certified and approved by the Department Head.

This transfer addresses anticipated deficits resulting from increased utility and vehicle repair costs.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval May 12, 2014.

Approved May 15, 2014. (#0623)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$73,869.00 from POLICE SALARIES AND WAGES, to ZOO CHARGES AND SERVICES in the amount of \$19,719.00 and ZOO SUPPLIES AND MATERIALS in the amount of \$54,150.00.

Received and Placed on File. (#0624)

CITY OF NEW BEDFORD
IN CITY COUNCIL
MAY 08, 2014

ORDERED, That the sum of **SEVENTY THREE THOUSAND, EIGHT HUNDRED AND SIXTY NINE DOLLARS (\$73,869.00)** now standing to the credit of the account from **POLICE SALARIES AND WAGES** be the same is hereby transferred and appropriated to as follows:

ZOO CHARGES AND SERVICES.....\$19,719.00

ZOO SUPPLIES AND MATERIALS.....\$54,150.00

To be certified and approved by the Department Head.

This transfer addresses deficits in the above mentioned accounts resulting from long- term medical treatments of some animals at the zoo and increased supply costs as a result of multiple winter weather events.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval May 12, 2014.

Approved May 15, 2014. (#0625)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$50,000.00 from DPI/HIGHWAYS, SALARIES AND WAGES, to DPI CHARGES AND SERVICES.

Received and Placed on File. (#0626)

CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 08, 2014

ORDERED, That the sum of **FIFTY THOUSAND DOLLARS (\$50,000.00)** now standing to the credit of the account from **DPI/HIGHWAYS SALARIES AND WAGES** be and the same is hereby transferred and appropriated to as follows:

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

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval May 12, 2014.

Approved May 15, 2014. (#0627)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$50,000.00 from WATER, SALARIES AND WAGES, to WATER SUPPLIES AND MATERIALS.

Received and Placed on File. (#0628)

CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 08, 2014

ORDERED, That the sum of **FIFTY THOUSAND DOLLARS (\$50,000.00)** now standing to the credit of the account from **WATER SALARIES AND WAGES** be the same is hereby transferred and appropriated to as follows:

WATER SUPPLIES AND MATERIALS.....\$50,000.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval May 12, 2014.

Approved May 15, 2014. (#0629)

CITY OF NEW BEDFORD
IN CITY COUNCIL
MAY 08, 2014

ORDERED, That the sum of **FIFTY THOUSAND DOLLARS (\$50,000.00)** now standing to the credit of the account from **DPI/HIGHWAYS SALARIES AND WAGES** be and the same is hereby transferred and appropriated to as follows:

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

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval May 12, 2014.

Approved May 15, 2014. (#0627)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$50,000.00 from WATER, SALARIES AND WAGES, to WATER SUPPLIES AND MATERIALS.

Received and Placed on File. (#0628)

CITY OF NEW BEDFORD
IN CITY COUNCIL
MAY 08, 2014

ORDERED, That the sum of **FIFTY THOUSAND DOLLARS (\$50,000.00)** now standing to the credit of the account from **WATER SALARIES AND WAGES** be the same is hereby transferred and appropriated to as follows:

WATER SUPPLIES AND MATERIALS.....\$50,000.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval May 12, 2014.

Approved May 15, 2014.

(#0629)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$3,420.00 from ASSESSORS SALARIES AND WAGES, to ASSESSORS CHARGES AND SERVICES in the amount of \$2,100.00 and ASSESSORS SUPPLIES AND MATERIALS in the amount of \$1,320.00.

Received and Placed on File.

(#0630)

CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 08, 2014

ORDERED, That the sum of **THREE THOUSAND, FOUR HUNDRED AND TWENTY DOLLARS (\$3,420.00)** now standing to the credit of the account from **ASSESSORS SALARIES AND WAGES** be and the same is hereby transferred and appropriated to as follows:

ASSESSORS CHARGES AND SERVICES.....\$2,100.00

ASSESSORS SUPPLIES AND MATERIALS.....\$1,320.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval May 12, 2014.

Approved May 15, 2014.

(#0631)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$1,950.00 from SOLICITORS CHARGES AND SERVICES, to SOLICITORS SALARIES AND WAGES.

Received and Placed on File.

(#0632)

CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 08, 2014

ORDERED, That the sum of **ONE THOUSAND, NINE HUNDRED AND FIFTY DOLLARS (\$1,950.00)** now standing to the credit of the account from **SOLICITORS CHARGES AND SERVICES** and the same is hereby transferred and appropriated to as follows:

SOLICITORS SALARIES AND WAGES.....\$1,950.00

To be certified and appropriated by the Department Head.

Adopted.

Presented to the Mayor for Approval May 12, 2014.

Approved May 15, 2014.

(#0633)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a request from Director of Zoological Services, Keith Lovett for a Waiver of Residency for Ms. Caroline Hawthorne of Fairhaven, MA 02719; and further, requesting that Ms. Hawthorne's salary be set at Grade M4, Step 7, \$51,290 for the Education Curator.

One - Year Waiver of Residency Granted- Yeas 10, Nays 0.

Presented to Mayor for approval May 12, 2014.

Approved May 15, 2014. (#0634)

COMMUNICATION, Mayor Mitchell to City Council, requesting a SIX-MONTH WAIVER OF RESIDENCY for MARK CHAMPAGNE, for the position of CLERK OF THE WORKS/CAPITAL PROJECTS MANAGER, in the Department of Facilities and Fleet Management; this will allow time for him and his family to relocate to the City.

Six- Month Waiver of Residency Granted – Yeas 10, Nays 0.

Presented to the Mayor for approval May 12, 2014.

Approved May 15, 2014. (#0635)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, Amending Chapter 15, Licenses and Permits, Business Regulations, by amending Section 15-103 "Exceptions" pertaining to wetlands protection.

Referred to the Committee on Ordinances. (#0636)

ORDINANCE,

Referred to the Committee on Ordinances. (#0637)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for DONALD DESROCHES, 1042 Phillips Road, New Bedford, MA 02745, Account No. 025175A, in the amount of \$174.30.

Abatement Granted – Yeas 10, Nays 0.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014. (#0638)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for ARTHUR MOTTA/NOMINEE TRUST, 4045 Acushnet Avenue, New Bedford, MA 02745, Account No. 022820A, in the amount of \$261.45.

Abatement Granted - Yeas 10, Nays 0.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014. (#0639)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of HERVE WILLIAM VANDAL, JR., New Bedford, MA, 02740, as a CONSTABLE.

Received and Placed on File. (#0640)

APPLICATION, HERVE WILLIAM VANDALL JR., New Bedford, MA 02740, for APPOINTMENT as a CONSTABLE.

Appointment made and confirmed. (#0641)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of JOSEPH M. GOULART, North Dartmouth, MA, 02747, as a CONSTABLE.

Received and Placed on File. (#0642)

APPLICATION, JOSEPH M. GOULART, North Dartmouth, MA 02747, for APPOINTMENT as a CONSTABLE.

Appointment made and confirmed. (#0643)

COMMUNICATION Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of JUSTIN DION, East Taunton, MA, as a SPECIAL POLICE OFFICER.

Received and Places on File. (#0644)

APPLICATION, JUSTIN DION, East Taunton, MA 02718, for APPOINTMENT as a CONSTABLE.

Appointment made and confirmed. (#0645)

COMMUNICATION Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of LIONEL DUARTE, East Freetown, MA, as a SPECIAL POLICE OFFICER.

Received and Placed on File. (#0646)

APPLICATION, LIONEL DUARTE, East Freetown, MA 02717, for APPOINTMENT as a CONSTABLE.

Appointment made and confirmed. (#0647)

REPORT, Committee on Ordinances, recommending that the City Council grant permission for George Almeida to WITHDRAW his request to Rezone his property at 232 Dartmouth Street, Plot 28, Lot 50, from RESIDENCE “B” TO MIXED-USE BUSINESS.

Recommendation Followed and request Withdrawn. (#0648)

REPORT, Committee on Ordinances, referring to the City Council the ORDINANCE, Amending Chapter 9, Section 4400, Flood Hazard Overlay District (FHOD) without a recommendation from the Committee on Ordinances.

Recommendation Followed. (#0649)

AN ORDINANCE,
Referred to the Committee on Ordinances and the Planning Board February 27, 2014.
Passed to a Second Reading – Yeas 9, Nays 1. (Councillor Martins OPPOSED.) (#0244)

WRITTEN MOTION, Councillor Carney, on behalf of Arnold Oliveira and Antonio Almeida, requesting that 175-177 Ash Street, Plot 45, Lot 85, be REZONED, from Residence “B” to MIXED-USE BUSINESS. (To be Referred to the Committee on Ordinances and the Planning Board; resubmitted due to time lapse.)

Referred to the Committee on Ordinances and the Planning Board. (#0650)

WRITTEN MOTION, Councillors Winterson and Morad, requesting, that the following street(s) be CLOSED: FULLER MEMORIAL PARKWAY, from Rockdale Avenue, westerly through Buttonwood Park, to Brownell Avenue, FROM: 8:00 A.M. THURSDAY, JULY 10, 2014, THROUGH: 9:00 P.M., MONDAY, JULY 14, 2014, for the purpose of THE ANNUAL WHALING CITY FESTIVAL.

Permission Granted.
Presented to the Mayor for approval May 12, 2014.
Approved May 21, 2014. (#0651)

WRITTEN MOTION, Councillor Alves, requesting, on behalf of the St. Michael Social Club, that the following street(s) be CLOSED: MADEIRA AVENUE, between Eugenia Street and Whitman Street, FROM 5:00 P.M. TO MIDNIGHT ON THURSDAY, JULY 24, 2014 (TO ALLOW FOR SET-UP), **AND** FROM 5:00 P.M. TO MIDNIGHT ON FRIDAY, JULY 25, 2014, **AND** FROM 2:00 P.M. TO MIDNIGHT ON SATURDAY, JULY 26, 2014, for the purpose of The Annual St. Michael Social Club Festival - Festa Do Chicharro.

Permission Granted.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0652)

WRITTEN MOTION, Council President Lopes, requesting, on behalf of the Whaling Museum, that the following street(s) be CLOSED: NORTH WATER STREET, from Rose Alley to Union Street, ON MONDAY, MAY 19, 2014, FROM 1:00 P.M. TO 6:00 P.M., for the purpose a Groundbreaking Ceremony for the new Education Center and Research Library.

Permission Granted.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0653)

WRITTEN MOTION, Councillor Rebeiro, requesting, that the following street(s) be CLOSED: PURCHASE STREET, from Spring Street to School Street, (In Front of the Zeiterion Theatre) ON SATURDAY, MAY 24, 2014, FROM 8:00 A.M. TO 3:00 P.M., for the purpose of The New Bedford Market.

Permission Granted.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0654)

WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Dagny Ashley, Director of Tourism and Marketing, that the following street(s) be CLOSED: UNION STREET, from North Water Street to Front Street (with no access from Route 18), FROM 4:00 P.M. TO 9:00 P.M., ON SATURDAY, JUNE 21, 2014, for the purpose of A Summer Block Party for the Summer Sound Series.

Permission Granted.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0655)

WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Day of Portugal Committee, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Beetle Street to Coffin Avenue; SAWYER STREET, from North Front Street to Ashley Boulevard; HOLLY STREET, from North Front Street to Ashley Boulevard; TALLMAN STREET, from North Front Street to Ashley Boulevard; NYE STREET, from North Front Street to Ashley Boulevard; BULLARD STREET, from North Front Street to Ashley Boulevard; DEANE STREET, from Ashley Boulevard to Acushnet Avenue, **FROM 6:00 A.M., THURSDAY, JUNE 05, 2014, THROUGH 10:00 A.M., MONDAY, JUNE 09, 2014;** and further, that the following streets or intersections be designated NO PARKING AND ENFORCED AS A TOW ZONE: ACUSHNET AVENUE, from Beetle Street to Coffin Avenue (both sides); THE NORTH SIDE OF SAWYER STREET, EASTERLY APPROXIMATELY

150 feet, ending at a line parallel to the eastern most property line of the Howard Street Parking Lot (both sides); HOLLY STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); TALLMAN STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); NYE STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); BULLARD STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); DEANE STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); for the purpose of THE 17TH ANNUAL DAY OF PORTUGAL CELEBRATION. (PLEASE NOTE: OPENING DATE HAS BEEN REVISED.)

Permission Granted.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014. (#0656)

WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Bus Riders United, that the following street(s) be CLOSED: WILLIAM STREET, from North Sixth Street to Pleasant Street, FROM 2:00 P.M. TO 4:00 P.M., ON TUESDAY, MAY 20, 2014, for the purpose of A Rally to Show Public Support to Continued Evening Bus Service.

Permission Granted.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014. (#0657)

WRITTEN MOTION, Councillors Coelho, Morad and Alves, requesting, that the City remind, educate and enforce Chapter 23, Sections 10 and 11, relative to bicycle riding laws due to constituent complaints of people riding their bicycles on sidewalks, especially in commercial areas, making it difficult for elderly pedestrians.

Referred to the Police Department and Mayor’s Office.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014. (#0658)

WRITTEN MOTION, Councillor Alves, requesting, that the Committee on Ordinances meet with Michael Patenaude to discuss the potential benefits of allowing bee keepers to operate in the City of New Bedford.

Referred to the Committee on Ordinances.

(#0659)

WRITTEN MOTION, Councillor Alves, requesting, on behalf of the elderly parishioners of Our Lady of Perpetual Help Parish, 235 North Front Street, that the Department of Public Infrastructure repaint the crosswalk to allow the elderly to cross the street safely.

Referred to the Department of Public Infrastructure.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0660)

COMMUNICATION, Council President Lopes, submitting a copy of the Citistat/Performance Measurement Update from CFO Sky, dated April 18, 2014. (To be Referred to the Committee on Finance.)

Referred to the Committee on Finance.

(#0661)

COMMUNICATION, Councillor Morad, submitting letter from DPI Commissioner Ronald Labelle, relative to work done by NSTAR at Mill Road and the current underground utility authorization.

Received and Placed on File.

(#0662)

COMMUNICATION, City Planner Jill Maclean, to City Council, regarding a Zoning Request Changes, associated with fees and Abutter Notification. (To be Referred to the Committee on Ordinances; Copy all Councillors via email 05/06/2014.)

Referred to the Committee on Ordinances.

(#0663)

COMMUNICATION, City Clerk Arruda to City Council, submitting letter from Mary-Jo Perry, Highway District Director, Mass DOT, responding to a Written Motion from the City Council Meeting of March 27, 2014, submitted by Councillors Winterson, Rebeiro and Bousquet, relative to the Trial Court Community Service Program assisting with roadside maintenance. (Copy all Councillors 04/29/14.)

Received and Placed on File.

(#0664)

WRITTEN MOTION, Councillor Gomes, requesting, on behalf of Antonio N. Pontes and David H. Brunelle, that a HANDICAP PARKING spot be installed at 286 Wood Street, on the Edna Street side, from the "NO PARKING" Sign to the Driveway of said property on the Edna street side on behalf of Mr. James M. Haworth. (Copy of Handicap Placard enclosed.)

Referred to the Traffic Commission.

(#0665)

COMMUNICATION, Council President Lopes, submitting Monthly report for a School Committee Meeting held on May 05, 2014.

Received and Placed on File.

(#0666)

MINUTES, Zoning Board of Appeals, submitting MINUTES of a meeting held on March 27, 2014.

Received and Placed on File.

(#0667)

MINUTES, Board of Assessors, submitting MINUTES of a meeting held on April 16, 2014.

Received and Placed on File.

(#0668)

APPLICATION, **Reis Asphalt, Inc.** for permission to maintain a STREET OBSTRUCTION at **44 Mosher Street**, provisionally granted by the City Clerk on May 01, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0669)

APPLICATION, **Reis Asphalt, Inc.** for permission to maintain a STREET OBSTRUCTION at **986 Kensington Street**, provisionally granted by the City Clerk on May 01, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0670)

APPLICATION, **Reis Asphalt, Inc.** for permission to maintain a STREET OBSTRUCTION at **38 Bream Street**, provisionally granted by the City Clerk on May 01, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0671)

APPLICATION, **W. C. Smith and Son, Inc.** for permission to maintain a STREET OBSTRUCTION at **114 West Rodney French Boulevard**, provisionally granted by the City Clerk on May 01, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0672)

APPLICATION, **Cardoso Contracting, Inc.** for permission to maintain a STREET OBSTRUCTION at **231 Pope Street**, provisionally granted by the City Clerk on May 05, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0673)

APPLICATION, **Able Asphalt, Inc.** for permission to maintain a STREET OBSTRUCTION at **25 Stackhouse Street**, provisionally granted by the City Clerk on May 07, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0674)

APPLICATION, **Able Asphalt, Inc.** for permission to maintain a STREET OBSTRUCTION at **150 Bismark Street**, provisionally granted by the City Clerk on May 07, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0675)

APPLICATION, **Mirra Company, Inc.** for permission to maintain a STREET OBSTRUCTION at **MacArthur Drive by Union Street**, provisionally granted by the City Clerk on May 06, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0676)

APPLICATION, **Reis Asphalt, Inc.** to DISTURB THE SURFACE, of **44 Mosher Street**, provisionally granted by the City Clerk on May 01, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0677)

APPLICATION, **Reis Asphalt, Inc.** to DISTURB THE SURFACE, of **986 Kensington Street**, provisionally granted by the City Clerk on May 01, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0678)

APPLICATION, **Reis Asphalt, Inc.** to DISTURB THE SURFACE, of **38 Bream Street**, provisionally granted by the City Clerk on May 01, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0679)

APPLICATION, **W.C. Smith & Son, Inc.** to DISTURB THE SURFACE, of **114 West Rodney French Boulevard**, provisionally granted by the City Clerk on May 01, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0680)

APPLICATION, **Cardoso Contracting, Inc.** to DISTURB THE SURFACE, of **231 Pope Street**, provisionally granted by the City Clerk on May 05, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0681)

APPLICATION, **Abel Asphalt, Inc.** to DISTURB THE SURFACE, of **25 Stackhouse Street**, provisionally granted by the City Clerk on May 07, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0682)

APPLICATION, **Abel Asphalt, Inc.** to DISTURB THE SURFACE, of **150 Bismark Street**, provisionally granted by the City Clerk on May 07, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0683)

APPLICATION, **Mirra Company, Inc.** to DISTURB THE SURFACE, of **MacArthur Drive by Union Street**, provisionally granted by the City Clerk on May 06, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0684)

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on May 02, 2014, subject to ratification by the Mayor and City Council as follows:

- 966-970 Kempton Street (#0685)
- 55 Bank Street (#0686)
- 973 Oakley Street (#0687)
- 19 Anthony Terrace (#0688)
- 943 Shawmut Avenue (#0689)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on May 07, 2014, subject to ratification by the Mayor and City Council as follows:

- 744 Belleville Avenue (#0690)
- 30 Adams Street (#0691)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

APPLICATION, **NSTAR Electric Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on April 25, 2014, subject to ratification by the Mayor and City Council as follows:

Sycamore Street, West of Walden Street

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014. (#0692)

APPLICATION, **NSTAR Electric Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on April 28, 2014, subject to ratification by the Mayor and City Council as follows:

Shawmut Avenue, West of Bessette Memorial Highway

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014. (#0693)

APPLICATION, **NSTAR Electric Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on May 08, 2014, subject to ratification by the Mayor and City Council as follows:

Emma Street, West of Brock Avenue

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0694)

APPLICATIONS, **Frade's Disposal Inc**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on April 29, 2014, subject to ratification by the Mayor and City Council as follows:

43 Heritage Drive

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 12, 2014.

Approved May 21, 2014.

(#0695)

REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, Amending Chapter 15, Article III, Section 15-71.8 RELATIVE TO FOOD TRUCKS.

Rule 42 Waived – Yeas 9, Nays 0. (Councillor Gomes not present for vote.)

Recommendation Followed.

(#0696)

AN ORDINANCE,

Rule 42 Waived – Yeas 9, Nays 0. (Councillor Gomes not present for vote.)

Passed to a Second Reading.

(#0697)

On a motion, the Council then adjourned at 8:55pm.

ATTEST:

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