



# ***Council Meeting*** - Minutes

## **CITY COUNCIL CALENDAR**

Chambers of the City Council Municipal Building

*Thursday, May 22, 2014 – 7:02 p.m.*

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

LATE: No One.

ABSENT: No One.

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Council President Lopes called the meeting to order and presided.

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Prayer Led By: Reverend Leona Fisher, Pastor In the Name of Jesus Church.

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Moment of Silence for Fernando Garcia was led by Councillor at Large David Alves.

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Councillor at Large Debora Coelho led the Assembly in the Pledge of Allegiance to the Flag.

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CITATION, Councillor Gomes, honoring PATRICIA GOMES, Poet Laureate of the City of New Bedford.

Adopted. (#0705)

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CITATION, Councillors Morad and Winterson, honoring CLEM BLAIS, Owner of CITYSTYLE HAIR SALON in recognition of the 30<sup>th</sup> Year Anniversary Celebration.

Adopted. (#0706)

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CITATIONS, Councillors Morad and Oliveira, honoring DELANA BALDWIN, VICTORIA DUVERGE and KYLEIGH LOBO, in recognition of their commitment and dedication to their Skills USA Project, providing many homeless families in New Bedford with their basic everyday needs.

Adopted. (#0707)

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CITATIONS, Councillor Bousquet, Council President Lopes, Councillors Morad, Oliveira and Carney, honoring the Greater New Bedford Regional Vocational Technical High School winners of the 2014 MASSACHUSETTS SKILLS USA COMPETITION.

Adopted.

(#0708)

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CITATIONS, Councillors Winterson, Martins and Morad, honoring EMMA YORK, KELSEY DEGOUVEIA, SKYLAH REIS, ASHLEY SOUZA, RACHEL NEVES, HIMALI PATEL, ALANNA GRACIA, JACINDA MCCARTNEY, CHENYU CHEN, GEORGIA KYRIAKIDIS, KAYLIA CLARK, ARIANNA BEDOYA, SERENA MARQUES, KELSEY SANTOS, ALLIE SIMOES AND SHANYAH CUNHA, New Bedford High School Girls Varsity Tennis Team, in recognition of their outstanding academic achievements and impressive athletic skills.

Adopted.

(#0709)

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CITATION, Councillors Winterson, Martins and Morad, honoring CHRIS SANTOS, Coach, New Bedford High School Girls Varsity Tennis Team, in recognition of his Dedication and Commitment to his Students at New Bedford High School.

Adopted.

(#0710)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JOHN WALSH, New Bedford, MA 02740, to the ZONING BOARD OF APPEALS, as an ASSOCIATE MEMBER replacing Michael Amaral, whose term has expired; this term will expire in December 2016.

Referred to the Committee on Appointments and Briefings.

(#0711)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CRAIG DIXON, New Bedford, MA 02740, to the CONSERVATION COMMISSION; this term will expire June 2017.

Reappointment Granted and Rule 40 Waived – Yeas 11, Nays 0.

(#0712)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of PAUL PACHECO, New Bedford, MA 02740, to the CONSERVATION COMMISSION; this term will expire June 2017.

Reappointment Granted and Rule 40 Waived – Yeas 11, Nays 0.

(#0713)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CYNTHIA WALLQUIST, New Bedford, MA 02745, as the EXECUTIVE DIRECTOR of the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire April 2015.

Reappointment Granted and Rule 40 Waived Yeas 11, Nays 0.

(#0714)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of KIMBERLI BETTENCOURT, New Bedford, MA 02745, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire May 2017.

Reappointment Granted and Rule 40, Waived - Yeas 11, Nays 0. (#0715)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of MARSHA F. FERNANDES, New Bedford, MA 02744, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire May 2017.

Reappointment Granted and Rule 40 Waived – Yeas 11, Nays 0. (Sworn In) (#0716)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of REVEREND PAMELA J. COLE, New Bedford, MA 02740, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire May 2017.

Reappointment Granted and Rule 40 Waived – Yeas 11, Nays 0. (#0717)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of VINCENT RODRIGUES, New Bedford, MA 02745, as SPECIAL POLICE OFFICER.

Received and Placed on File. (#0718)

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APPLICATION, VINCENT RODRIGUES, New Bedford, MA 02745, for APPOINTMENT as a SPECIAL POLICE OFFICER.

Appointment Made and Confirmed.

Rule 40 Waived – Yeas 11, Nays 0. (#0719)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of NELSON MACEDO, New Bedford, MA 02740, as a CONSTABLE.

Received and Placed on File. (#0720)

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APPLICATION, NELSON MACEDO, New Bedford, MA 02740, for APPOINTMENT as a CONSTABLE.

Confirmed, and Rule 40 Waived – Yeas 11, Nays 0. (#0721)

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REPORT, Committee on Finance, recommending to the City Council, ADOPTION of the ORDER, authorizing the Mayor to execute a lease amendment and lease extension between the City and the Commonwealth (on behalf of Bridgewater State University) the purpose being to extend the current lease (which expired last summer) an additional (5) five years and provide a rent reduction, Bridgewater Flight Academy pays the highest rate of any tenant at the Airport and also services and fuels its fleets of aircraft at the Airport creating additional revenue.

RECOMMENDATION FOLLOWED. (#0722)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 22, 2014

ORDERED, that the Mayor is authorized to execute on behalf of the City of New Bedford a first Amendment to Lease and Lease Extension between the City of New Bedford, acting through its Airport Commission and the Commonwealth of Massachusetts acting by and through the Commissioner of its Division of Capital Asset Management and Maintenance on behalf of Bridgewater State University. A copy of the First Amendment and Lease Extension is attached hereto and made a part hereof.

Referred to the Committee on Finance-April 24, 2014.

Adopted – Yeas 8, Nays 3 (Councillors Alves, Morad and Carney OPPOSED.)

Presented to the Mayor for approval May 27, 2014.

Approved May 30, 2014. (#0538)

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REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER for the TRANSFER of \$207,000.00 from FREE CASH to ELECTIONS, CAPITAL OUTLAY.

Recommendation Followed. (#0723)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 22, 2014

ORDERED, that the sum of **TWO HUNDRED SEVEN THOUSAND DOLLARS (\$207,000.00)** now standing to the credit of the account from **FREE CASH** be and the same is hereby transferred and appropriated to as follows:

**ELECTIONS CAPITAL OUTLAY.....\$207,000.00**

To be certified and approved by the Department Head.

Referred to the Committee on Finance-February 27, 2014.

Adopted.

Presented to the Mayor for approval May 27, 2014.

Approved May 30, 2014. (#0226)

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REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER for the TRANSFER of \$235,000.00 from FREE CASH to GENERAL GOVERNMENT UNCLASSIFIED.

Recommendation Followed. (#0724)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 22, 2014

ORDERED, that the sum of **TWO HUNDRED THIRTY FIVE THOUSAND DOLLARS (\$235,000.00)** now standing to the credit of the account from **FREE CASH** be and the same is hereby transferred and appropriated to as follows:

**GENERAL GOVERNMENT UNCLASSIFIED CHARGES AND SERVICE....\$235,000.00**

To be certified and approved by the Department Head.

Referred to the Committee on Finance February 27, 2014.

Adopted.

Presented to the Mayor for approval May 27, 2014.

Approved May 30, 2014. (0723)

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REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER for the TRANSFER of \$133,000.00 from FREE CASH to GENERAL GOVERNMENT UNCLASSIFIED, contingent on a Member of the City Council sitting on the Steering Committee.

Recommendation Followed. (0725)

CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 22, 2014

ORDERED, that the sum of **ONE HUNDRED THIRTY THREE THOUSAND (\$133,000.00)** now standing to the credit of the account from **FREE CASH** be and the same is hereby transferred and appropriated to as follows:

**GENERAL GOVERNMENT UNCLASSIFIED OTHER FINANCING USES ...\$133,000.00**

To be certified and approved by the Department Head.

Referred to the Committee on Finance February 27, 2014.

Adopted.

Presented to the Mayor for approval May 27, 2014.

Approved May 30, 2014. (0724)

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REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER for the TRANSFER of \$500,000.00 from FREE CASH to STABILIZATION FUND.

Recommendation Followed. (0726)

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ORDERED, that the sum of **FIVE HUNDRED THOUSAND (\$500,000.00)** now standing to the credit of the account from **FREE CASH** be and the same is hereby transferred and appropriated to as follows:

**STABILIZATION FUND.....\$500,000.00**

To be certified and approved by the Department Head.

Referred to the Committee on Finance-February 27, 2014.

Adopted.

Presented to the Mayor for approval May 27, 2014.

Approved May 30, 2014. ( #0236)

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WRITTEN MOTION, Council President Lopes, requesting that the City Council WAIVE RULE 27, in order to hold Budget Interview Sessions on TUESDAY, JUNE 03, 2014 and THURSDAY, JUNE 05, 2014.

Adopted.

Presented to the Mayor for approval May 27, 2014.

Approved May 30, 2014. ( #0727)

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WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Ms. Payton Riley, that the following street(s) be CLOSED: PLEASANT STREET, from Grinnell Street to Wing Street, FROM 12:00 P.M. (NOON) TO 5:00 P.M., ON MONDAY, JUNE 30, 2014, for the purpose of A Block Party.

Permission Granted.

Presented to the Mayor for Approval May 27, 2014.

Approved May 30, 2014. ( #0728)

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WRITTEN MOTION, Council President Lopes, requesting, on behalf of Sun Multisport Events, that the following street(s) be CLOSED: the East Side lane of East Rodney French Boulevard (i.e. the lane closest to the water) from Fort Taber Park to David Street; we will place cones down the yellow line of East Rodney French Boulevard in this section and then divide this lane with a second row of cones so we can have cyclists travel in both directions on the East Side lane of East Rodney French Boulevard; the West Side lane of East Rodney French Boulevard would remain open to traffic; Close one lane on sections of David Street, Cleveland Street and Mott Street; cyclists will go left on David Street from East Rodney French Boulevard, then left on Cleveland Street, then left on Mott Street and then right back onto East Rodney French Boulevard; they will be traveling on David, Cleveland and Mott Streets against the normal flow of traffic; Close South Rodney French Boulevard in both directions between East and West Rodney French Boulevards; Close the West Side lane of West Rodney French Boulevard (i.e. the lane closest to the water) from Fort Taber Park, to just past Woodlawn Street, where a turnaround point would be established; we will place cones down the yellow line of West Rodney French Boulevard in this section and then divide this lane with a second row of cones so we can have

cyclists travel in both directions on the West Side of West Rodney French Boulevard; the East Side lane of West Rodney French Boulevard would remain open to traffic; Race crews would be setting out cones down the yellow line of East Rodney French Boulevard, David, Cleveland and Mott Streets and West Rodney French Boulevard, from 5:30 A.M, until 7:00 A.M., and during this time traffic will be able to travel in both directions on the above mentioned roads. Starting at 7:00 A.M. race crews will start to divide the lanes of East and West Rodney French Boulevards in order to be ready for the race to start at 8:00 A.M., and concluding with all roads open to traffic in all directions at 10:30 A.M., ON SUNDAY, JULY 06, 2014, FROM 7:00 A.M. TO 10:30 A.M., for the purpose of The Whaling City Triathlon.

Permission Granted.

Presented to the Mayor for approval May 27, 2014.

Approved May 30, 2014.

(#0729)

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WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Mayor Mitchell and the New Bedford Folk Festival 2014, that the following street(s) be CLOSED: NORTH WATER STREET, from Centre Street to Elm Street; JOHNNY CAKE HILL AND BETHEL STREET, from Union Street to Elm Street; SECOND STREET, from Union Street to Elm Street; ACUSHNET AVENUE, from Spring Street to Elm Street; WILLIAM STREET, from Purchase Street to North Water Street and SPRING STREET, from Acushnet Avenue to Purchase Street, ON FRIDAY, JULY 04, 2014, FROM 6:00 P.M. THROUGH 11:00 P.M., ON SUNDAY, JULY 06, 2014. **PLEASE NOTE: CLOSINGS ARE “AS NEEDED” AND INCLUDE AREAS FOR CRAFT BOOTHS.**

Permission Granted.

Presented to the Mayor for approval May 27, 2014.

Approved May 30, 2014.

(#0730)

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WRITTEN MOTION, Councillor Gomes requesting, that the following street(s) be CLOSED: PLEASANT STREET, from Wing Street to Bedford Street and WING STREET, from Pleasant Street to South Sixth Street, ON SUNDAY, JULY 06, 2014, FROM 9:00 A.M. TO 9:30 P.M., for the purpose of Cape Verdean Recognition Day Carnival.

Tabled.

(#0731)

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WRITTEN MOTION, Councillor Gomes, requesting, on behalf of the Cape Verdean Recognition Committee, that the following street(s) be CLOSED: PURCHASE STREET, between Madison Street and Walnut Street (In Front of Cape Verdean-American Veterans Hall – 561 Purchase Street) ON: SATURDAY, JULY 05, 2014, FROM: 11:00 A.M. TO 11:00 P.M., for the purpose of the Cape Verdean Recognition Day Festival.

Tabled.

(#0732)

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WRITTEN MOTION, Councillor Gomes, requesting, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Union Street to Grinnell Street, PURCHASE STREET, from Grinnell Street to Walnut Street and WING STREET, at South Sixth Street, ON SATURDAY, JULY 05, 2014, FROM 9:00 A.M. TO 9:30 P.M., for the purpose of the Cape Verdean Day Parade.

Tabled.

(#0733)

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WRITTEN MOTION, Councillor Gomes, requesting, on behalf of the Cape Verdean Parade Committee, that the following street(s) be CLOSED: JOLI GONSALVES WAY (formerly Cherry Street), from Sixth Street to Seventh Street, ON SATURDAY, JULY 05, 2014, FROM 8:00 A.M. TO 5:00 P.M. FURTHER NOTE: THAT NO PARKING BE ALLOWED ON BOTH SIDES OF THE STREET DURING THE SAME, and ACUSHNET AVENUE, between Wing Street and Grinnell Street, and WING STREET, between Purchase Street and Acushnet Avenue, ON SATURDAY, JULY 05, 2014, FROM 10:00 A.M. TO 9:30 P.M., for the purpose of Cape Verdean Recognition Week Activities.

Tabled.

(#0734)

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WRITTEN MOTION, Councillor Gomes, requesting, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Madison Street to Grinnell Street, at Monte's Park, ON FRIDAY, JULY 04, 2014, FROM 8:00 A.M. TO 8:00 P.M., for the purpose of the ATA (Albina Tavares Association) Celebration of an Independence Day Festival.

Tabled.

(#0735)

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WRITTEN MOTION, Councillor Gomes, requesting, on behalf of Mr. John Silva, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Russell Street South to Bedford Street, ON SATURDAY, JULY 05, 2014, FROM 11:00 A.M. TO 8:00 P.M.; and further, that this area be closed as soon as the Cape Verdean Recognition Parade Passes said area and remain closed until 8:00 P.M., for the purpose of the Cape Verdean Independence Day Basketball Tournament.

Tabled.

(#0736)

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WRITTEN MOTION, Council President Lopes, requesting that the Committee on Appointments and Briefing invite a local representative from Viridian Power to discuss their municipal green energy program. (To be Referred to the Committee on Appointments and Briefings.)

Referred to the Committee on Appointments and Briefings.

(#0737)

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WRITTEN MOTION, Councillor Bousquet and Council President Lopes, requesting, that the Committee on Ordinances draft an Ordinance encouraging food services, supermarkets, and other users of expanded polystyrene foam to discontinue their use of the product and move to recyclable or recycled paper based materials, expanded polystyrene foam is a tremendous threat to our oceans and its ecosystems, and as a community who makes its living from the ocean we should be concerned for its health. (To be Referred to the Committee on Ordinances, the Chamber of Commerce and our State Legislative Delegation.)

Referred to the Committee on Ordinances, the Chamber of Commerce and State Legislative Delegation.  
(#0738)

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WRITTEN MOTION, Councillors Rebeiro and Alves, asking, that the City Council request that the City Solicitor review the April 14, 2014, letter from Karen G. Courtney, Director of the Foundation for Fair Contracting of Massachusetts to Debra Travers, the Purchasing Agent for the City of New Bedford and review the circumstances related to the contents of the letter, to determine if the City may properly consider or award the bid of P.A. Landers, Inc., with respect to the Bituminous Concrete/Sidewalk Renovation Project referenced in the letter, pursuant to the bidding laws and regulations of the Commonwealth and any applicable local Ordinances.

Referred to the City Solicitor, Purchasing Agent Debra Travers and the Affirmative Action Officer.  
Presented to the Mayor for approval May 27, 2014.

RETURNED UNSIGNED June 16, 2014. (#0739)

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WRITTEN MOTION, Councillors Rebeiro and Alves, asking, that the City Council request that the City Solicitor review the April 14, 2014, letter from Karen G. Courtney, Director of the Foundation for Fair Contracting of Massachusetts to Debra Travers, the Purchasing Agent for the City of New Bedford and review the circumstances related to the contents of the letter, to determine if the City may properly consider or award the bid of P.A. Landers, Inc., with respect to the Bituminous Concrete/Sidewalk Renovation Project referenced in the letter, pursuant to the bidding laws and regulations of the Commonwealth and any applicable local Ordinances.

Received and Placed on File. (#0740)

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WRITTEN MOTION, Councillor Gomes, requesting, that Legal Counsel Gerwatowski draft an Ordinance requiring confirmation by the City Council of any person employed by the City Council Office or Clerk of Committees Office; and further, that the City Council President, or his or her designee participate in the interviewing process of any candidates. (To be Referred to the Committee on Ordinances.)

Referred to the Committee on Ordinances. (#0741)

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW, 2992 ACUSHNET AVENUE, Map 132, Parcel 510, advising that “the structure was built circa 1830 and retains some of its original exterior architectural features including setting and massing; the structure is associated with members of the Spooner family who were descendants of William Spooner, one of the fifty-six original proprietors of Dartmouth; the subject structure is found to be historically significant because of its historical integrity as the homestead of one of the area’s earliest settlers and as a representative of New Bedford’s early rural character” and therefore, “the NBHC has determined that 2992 Acushnet Avenue is a historically significant structure and preferably preserved.”

Referred to the Committee on Appointments and Briefings. (#0742)

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COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW, 4026 ACUSHNET AVENUE, Map 136, Parcel 252, advising that “the structure was built circa 1800 and retains some of its original exterior architectural features including setting and massing; the structure is associated with members of the Tobey family who were early settlers of Old Dartmouth; the subject structure is reminiscent of a “Big House, Little House, Back House, Barn” farm complex found in many colonial American communities; the structure is found to be historically significant because of its historical representative of New Bedford’s early rural character and therefore, “the NBHC has determined that 4026 Acushnet Avenue is a historically significant structure and preferably preserved.”

Referred to the Committee on Appointments and Briefings, June 17, 2014 meeting.

(#0743)

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COMMUNICATION, BOARD OF ASSESSORS’ MOTION, Board of Assessors, to City Council, submitting MOTION passed 3-0, at its open meeting on MAY 01, 2014, and requesting that the City Council ADOPT, and the Mayor APPROVE the THREE ORDERS relating to the Consumer Price Index, as determined by the Commissioner of Revenue, of a 1.37% increase for Clause 17’s, for the amount of exemption to be increased to \$294.08; to accept under Chapter 59, Section 5, Clause 17E to increase the amount of assets to \$59,961.00, to qualifying individuals; and under Chapter 59, Section 5, Clauses 41, 41B & 41C, raising the base limit of income for single taxpayers to \$19,486.00 and married taxpayers to \$22,487 and to raise the assets limits to \$41,972.00 for single taxpayers and \$44,971.00 for married taxpayers.

Received and Placed on File. (#0744)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
MAY 22, 2014

ORDERED, That, pursuant to M.G.L. Chapter 59, Section 5, Clause 17E, the total value of assets, as set forth in M.G.L. Chapter 59, Section 5, Clause 17, 17C, 17C½ and 17D is hereby increased by 1.37% for Fiscal Year 2015; said increase is equal to the Consumer Price Index.)

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

Presented to the Mayor for approval May 23, 2014.

Approved May 30, 2014.

(#0745)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
MAY 22, 2014

ORDERED, That, the exemption granted to persons qualifying under M.G.L. Chapter 59, Section 5, Clause 17, 17C, 17C½ and 17D is hereby increased by 1.37% for Fiscal Year 2015; said increase is equal to the Consumer Price Index.)

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

Presented to the Mayor for approval May 23, 2014.

Approved May 30, 2014.

(#0746)

CITY OF NEW BEDFORD  
IN CITY COUNCIL  
MAY 22, 2014

ORDERED, That the base limit of income and the total value of assets of persons, qualifying under M.G.L. Chapter 59, Section 5, Clause 41, 41B, and 41C is hereby increased by 1.37% for Fiscal Year 2015; said increase is equal to the Consumer Price Index.)

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

Presented to the Mayor for approval May 23, 2014.

Approved May 30, 2014.

(#0747)

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COMMUNICATION/EMAIL, Councillor Morad, submitting Email from Ms. Margaret Burke, Plymouth, MA, regarding industrial wind turbines and the power purchase agreement with New Generation Wind of Plymouth, MA.

Received and Placed on File

(#0748)

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COMMUNICATION/EMAIL, Councillor Morad, submitting Email from A. Brito, regarding tax increases to fund education in the City of New Bedford. (Copy all Councillors 05/16/14.)

Received and Placed on File and Referred to Superintendent of Schools Dr. Pia Durkin and the

School Committee.

Presented to the Mayor for approval May 27, 2014.

RETURNED UNSIGNED June 16, 2014.

(#0749)

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WRITTEN MOTION, Council President Lopes, requesting, that the Traffic Commission remove the HANDICAP PARKING Signs at 19 Valentine Street. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission.

(#0750)

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WRITTEN MOTION, Councillor Martins, requesting, on behalf of Mr. Roger L. Paradise, 28 Concord Street, that the Traffic Commission install a "NO PARKING EXCEPT HANDICAP VEHICLE" Sign in front of said address. (Copy of Handicap Placard and letter from owner of building allowing installation of sign enclosed.) (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission.

(#0751)

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CONSTABLE BOND, HERVE WILLIAM VANDAL, 82 Reed Street, New Bedford, MA 02740, with Massachusetts Bay Insurance Company in the amount of \$5,000.00.

Approved.

Presented to the Mayor for approval May 27, 2014.

Approved May 30, 2014.

(#0752)

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MINUTES, Conservation Commission, submitting MINUTES of meetings held on January 07, January 28, February 04 and February 19, 2014 and March 04, 2014.

Received and Placed on File.

(#0753)

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MINUTES, Greater New Bedford Regional Vocational Technical High School, submitting MINUTES of a meeting held on May 13, 2014.

Received and Placed on File.

(#0754)

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MINUTES, Board of Assessors, submitting MINUTES of a meeting held on May 01, 2014.

Received and Placed on File.

(#0755)

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MINUTES, Bristol County Public Health Emergency Preparedness Coalition, submitting MINUTES of a meeting held on April 15, 2014.

Received and Placed on File.

(#0756)

APPLICATION, **Folan Waterproofing and Construction, Co.**, for permission to maintain a STREET OBSTRUCTION at **684 Purchase Street**, provisionally granted by the City Clerk on May 13, 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 27, 2014.

Approved May 30, 2014. (#0757)

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APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **217 Cottage Street**, provisionally granted by the City Clerk on May 09, 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 27, 2014.

Approved May 30, 2014. (#0758)

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APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **3531 Acushnet Avenue**, provisionally granted by the City Clerk on May 09, 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 27, 2014.

Approved May 30, 2014. (#0759)

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APPLICATION, **Cardoso Construction, Inc.**, for permission to maintain a STREET OBSTRUCTION at **52 Valentine Street**, provisionally granted by the City Clerk on May 14, 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 27, 2014.

Approved May 30, 2014. (#0760)

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APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **398 Loftus Street**, provisionally granted by the City Clerk on May 19, 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 27, 2014.

Approved May 30, 2014. (#0761)

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APPLICATION, **R.J. Canessa Excavating** , to DISTURB THE SURFACE, of **217 Cottage Street**, provisionally granted by the City Clerk on May 09, 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 27, 2014.

Approved May 30, 2014. (#0762)

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APPLICATION, **R.J. Canessa Excavating** , to DISTURB THE SURFACE, of **3531 Acushnet Avenue**, provisionally granted by the City Clerk on May 09, 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 27, 2014.

Approved May 30, 2014. (#0763)

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APPLICATION, **Cardoso Construction Inc.**, to DISTURB THE SURFACE, of **52 Valentine Street**, provisionally granted by the City Clerk on May 14, 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 27, 2014.

Approved May 30, 2014. (#0764)

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APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **398 Loftus Street**, provisionally granted by the City Clerk on May 19, 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 27, 2014.

Approved May 30, 2014. (#0765)

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APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on May 13, 2014, subject to ratification by the Mayor and City Council as follows:

217 Cottage Street (#0766)

7 Brigham Street (#0767)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 27, 2014.

Approved May 30, 2014.  
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APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on May 20, 2014, subject to ratification by the Mayor and City Council as follows:

- 223 Hawthorn Street (#0768)
- 248 Hawthorn Street (#0769)
- 318 Hawthorn Street (#0770)
- 384 Hawthorn Street (#0771)

Received and Action of the City Clerk Ratified.  
Presented to the Mayor for approval May 27, 2014.  
Approved May 30, 2014.

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APPLICATIONS, **NSTAR Electric Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on May 20, 2014, subject to ratification by the Mayor and City Council as follows:

- Phillips Road, South of Braley Road (#0772)
- Braley Road, North of Theodore Rice Blvd (#0773)
- Shawmut Avenue (#0774)

Received and Action of the City Clerk Ratified.  
Presented to the Mayor for approval May 27, 2014.  
Approved May 30, 2014.

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APPLICATIONS, **ABC Disposal Service, Inc.** for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on May 14, 2014, subject to ratification by the Mayor and City Council as follows:

- 128 Cottage Street (#0775)
- 24 Dudley Street (#0776)
- 24 Dudley Street (#0777)
- 70 North Second Street (#0778)
- 82 Durfee Street (#0779)

Received and Action of the City Clerk Ratified.  
Presented to the Mayor for approval May 27, 2014.  
Approved May 30, 2014.

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APPLICATIONS, **ABC Disposal Service, Inc.** for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on May 14, 2014, subject to ratification by the Mayor and City Council as follows:

- 5 Spruce Street (#0780)

541 John Street

(#0781)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval May 27, 2014.

Approved May 30, 2014.

PETITION/NSTAR Electric Company, Inc., for the location of one (1) 45” x 45” x 36” Handhole in WOOD STREET, East of Vernon Street.

RECEIVED AND HEARING ORDERED FOR THURSDAY, JUNE 12, 2014.

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IT WAS VOTED, on a motion made and duly seconded, Yeas 11, Nays 0, to waive Rule 42 in order to take up the late file items.

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AN ORDINANCE, amending Chapter 19, Section 19-7 (c) PERSONNEL by reclassifying pay grades of the CITY AUDITOR, ASSISTANT CITY AUDITOR and LIBRARY DIRECTOR. (Resubmitted by Councillor Martins.)

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

Referred to the Committee on Ordinances. (#0782)

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COMMUNICATION, Councillor Martins, submitting information on salaries of City Auditor and Library Director from Massachusetts’ Gateway Cities.

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

Referred to the Committee on Ordinances. (#0783)

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REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of AN ORDINANCE, Amending Chapter 16, Article IV SOLID WASTE COLLECTION AND DISPOSAL, and AN ORDINANCE, Amending Chapter 17, Section 17-18, Noncriminal Disposition of Violations of Certain Ordinances, Rules and Regulations.

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

Recommendation Followed. (#0784)

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AN ORDINANCE, Chapter 16, Article IV Solid Waste Collection and Disposal. (To be Passed to a Second Reading.)

Referred to the Committee on Ordinances April 24, 2014.

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

Passed to a Second Reading. (#0535)

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AN ORDINANCE, Chapter 17, Section 17-18 Noncriminal Disposition of Violations of Certain Ordinances, Rules and Regulations. (To be Passed to a Second Reading.)

Referred to the Committee on Ordinances April 24, 2014.

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

Passed to a Second Reading. (#0536)

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REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDER, awarding to BWC Origination 1, LLC, the attached Solar (PV) Generation Net Metering Power Sales Agreement for the purpose of procuring the solar electricity credits generated by a photovoltaic system in the New Bedford Industrial Park.

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

Recommendation Followed. (#0785)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

MAY 22, 2014

ORDERED, that the City of New Bedford hereby enter into the Solar (PV) Generation Net Metering Agreement New Bedford Industrial Park Locus with BWC Origination 1, LLC, a Delaware limited liability company, with a principal place of business at 12500 Baltimore Avenue, Beltsville, MD 20705, to purchase Net Metered, solar photo voltaic generated, electricity and that the Mayor of the City of New Bedford be, and is hereby authorized to execute said contract, this contract is before the City Council since its term is in excess of 5 years.

Referred to the Committee on Ordinances April 24, 2014.

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

Adopted – Yeas 11, Nays 0.

Presented to the Mayor for approval May 27, 2014.

Approved May 30, 2014. (#0541)

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On a motion, the Council then adjourned at 8:27 p.m.

ATTEST:

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