



# *Council Meeting* – Minutes

## *CITY COUNCIL CALENDAR*

Chambers of the City Council Municipal Building

*Thursday, December 18, 2014 – 7:04 p.m.*

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PRESENT: Council President 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: Rabbi Raphael Kanter of Tifereth Israel Congregation

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Moment of Silence for the Victims of the Volcano Eruption in Fogo, Cape Verde on November 23, 2014.

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Boy Scout Troop 333 led the Assembly in the Pledge of Allegiance to the flag.

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CITATIONS, Councillor Winterson, honoring BRUCE J. OLIVEIRA, New Bedford School Committee, PAULA J. DEMERS BAILEY, Principal, Betsey B. Winslow School, WAYNE NEWTON, Co-Owner, True Bounce, Inc., AL OLIVEIRA, Director, Facilities Operations, New Bedford Public Schools, EUZEBIO ARRUDA, Deputy Commissioner, Department of Public Infrastructure, and RALPH GILMOUR, Working Foreman, Department of Public Infrastructure, in recognition of their contributions to the Betsey B. Winslow School Basketball Court project.

Adopted.

(#2034)

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CITATIONS, Councillor Martins, Council President Lopes, Councillors Morad, Bousquet and Gomes, honoring the NEW BEDFORD HIGH SCHOOL WHALER MARCHING BAND, in recognition of their 3<sup>rd</sup> place finish in the New England Scholastic Band Association Championships 2014.

Adopted.

(#2035)

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CITATIONS, Council President Lopes, Councillors Winterson and Gomes, honoring the New Bedford Police Youth Baseball Team Players, GIOVANNI ARZUAGA, JONAH CASTELO, AUSTIN DEFREITAS, C.J. DUNSTON, BEN FRIAS, DAISEAN HENSLEY, ZACHARY MEDEIROS, ANGEL QUINONES, BEN SAUNDERS, TYLER SANTOS and RYDEL VELASQUEZ, for their successful, undefeated 2014 Championship season, winning both the SEYAA and the New Bedford City Championships in September 2014.

Tabled.

(#2036)

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CITATIONS, Council President Lopes, Councillors Winterson and Gomes, honoring the New Bedford Police Youth Baseball Team Manager BOB ROSE, Coaches MIKE FRIAS, JOSE CASTELO, MANNY SANTOS and ROSS GRACE, for their dedication and commitment to the boys of the New Bedford Police Youth Baseball Team and their successful, undefeated 2014 Championship season, winning both the SEYAA and the New Bedford City Championships in September 2014.

Tabled. (#2037)

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HEARING on NSTAR Electric Company, for location of one (1) 45"x45"x36" Handhole in CHANCERY STREET, North of Arnold Street.

Donna Rosa-Gonsalves, Right of Way Representative of NSTAR Electric was present and in favor and answered questions.

No One Opposed; Hearing closed.

Petition Placed on File. (#2038)

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ORDER,

Adopted and ordered recorded in Book of Location Order Records.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014. (#2039)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER, appropriating \$950,000 for Phase I of the Ashley Park/Sagamore Street Improvement Project.

CHARTER RULED. (#2040)

LOAN ORDER,

CHARTER RULED. (#2041)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the Mayor and the Chairman of the Airport Commission to execute an Amendment to a Lease between the City and Nor East Aviation Services, Inc. relative to a land lease for Lessee's Aircraft Maintenance and Storage Operations at the New Bedford Regional Airport which reduces the square footage leased by Lessee with an appropriate reduction in rent.

Received and Placed on File. (#2042)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
DECEMBER 18, 2014

ORDERED, that the Chairman of the Airport Commission and the Mayor are hereby authorized on behalf of the City to execute an Amendment to a Lease between the City of New Bedford and Nor East Aviation Services, Inc. relative to a land lease for Lessee's Aircraft Maintenance and Storage Operations at the New Bedford Regional Airport which

reduces the square footage leased by Lessee from 124,684 square feet to 103,105 square feet with an appropriate reduction in rent. A copy of the Lease Amendment is attached hereto and made a part hereof.

Adopted – Yeas 11, Nays 0.

Presented to the Mayor for approval December 22, 2014.

Approved December 22, 2014. (#2043)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting an amendment to Appendix A Table of Principal Use Regulations of Chapter 9 of the Code of Ordinances, to exclude a Contractor’s Yard from Mixed Use Business and Planned Business Districts, said change has been requested by the Planning Department because this use in a Mixed Use Business or Planned Business District is inconsistent with the City’s planning objectives and is not compatible with the other allowed uses in those zones.

Referred to the Committee on Ordinances and the Planning Board. (#2044)

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APPENDIX A TABLE OF PRINCIPAL USE REGULATIONS, Amendment is to exclude a Contractor’s Yard from Mixed Use Business and Planned Business District; said change has been requested by the Planning Department because this is a Mixed Use Business or Planned Business District is inconsistent with the City’s planning objectives and is not compatible with the other allowed uses in those zones.

Referred to the Committee on Ordinances and the Planning Board. (#2045)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE amending Chapter 23, Section 25.1, said amendment is designed to update the language which requires motorized vehicles to be equipped with reflective devices for safety purposes.

Referred to the Committee on Ordinances. (#2046)

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AN ORDINANCE,

Passed to Second Reading and Referred to the Committee on Ordinances in its second Reading Stage.

(#2047)

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COMMUNICATION, Mayor Mitchell to City Council, submitting AN ORDER amending the Order adopted by the City Council on June 26, 2014, and signed by the Mayor on July 01, 2014, which in accordance with Massachusetts General Law Chapter 44, Section 53 E ½, authorized the Revolving Fund under the control of the Inspectional Services Department known as the **VACANT BUILDING REVOLVING FUND** whose purpose is to provide salary expense for one full time Building Inspector, two part time clerks, office supplies, survey expenses, tipping fees, purchase materials and reimburse labor costs for emergency board-up vacant buildings and monitor vacant buildings, whose revenues and amount limited at \$200,000.00 is hereby authorized to provide salary expense for one full time Building Inspector and either one full time Administrative Specialist and one part time clerk or two part time clerks, office supplies, survey expenses, tipping fees, purchase materials and reimburse labor costs for emergency board-up vacant buildings and monitor vacant buildings, in the amount of \$221,989.00 for **FISCAL YEAR 2015**.

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
DECEMBER 18, 2014

ORDERED, amending the order adopted by the City Council on June 26, 2014, and signed by the Mayor on July 1, 2014, which in accordance with Massachusetts General Law Chapter 44, Section 53E1/2, authorized the revolving fund under the control of the Inspectional Services Department known as the **VACANT BUILDING REVOLVING FUND** whose purpose is to provide salary expense for one full time building inspector and two part time clerks, office supplies, survey expenses, tipping fees, purchase materials and reimburse labor costs for emergency board up of vacant buildings, and monitor vacant buildings, whose revenues and amount limited at **\$200,000.00** is hereby authorized to provide salary expense for one full time building inspector and either one full time administrative specialist and one part time clerk or two part clerks, office supplies, survey expenses, tipping fees, purchase materials and reimburse labor costs for emergency board up vacant buildings, and monitor vacant buildings, in the amount of **\$221,989.00** for **FISCAL YEAR 2015.**

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

Presented to the Mayor for approval December 19, 2014.

Approved December 22, 2014.

(#2049)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$614,039.00 from WATER, FREE CASH, to WATER, CHARGES & SERVICES in the amount of \$50,000.00; WATER, SUPPLIES & MATERIALS in the amount of \$64,039.00; WATER CAPITAL OUTLAY in the amount of \$382,298.00 and WATER, OTHER CHARGES in the amount of \$117,702.00.

Referred to the Committee on Finance.

(#2050)

AN ORDER,

Referred to the Committee on Finance.

(#2051)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MS. CARLA MOURAO, as Administrative Assistant for the New Bedford Fire Department; also requesting permission to place her on Step 8 of the Unit C Salary Schedule, Grade M-5, \$56,620.00.

Appointment and Salary Approved and Rule 40 Waived – Yeas 11, Nays 0.

(#2052)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE YEAR WAIVER OF RESIDENCY for LYNNE LABERGE, who will be temporarily relocating to Fall River, MA on January 01, 2015; Ms. LaBerge is the Human Services Coordinator with the Department of Community Services.

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

Presented to the Mayor for approval December 19, 2014.

Approved December 22, 2014.

(#2053)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE YEAR WAIVER OF RESIDENCY for Associate Solicitor, ATTORNEY JOHN E. FLOR, South Easton, MA; Attorney Flor has worked for the City of New Bedford and to this day he maintains a private law practice and office in New Bedford.

One Year Waiver of Residency GRANTED – Yeas 10, Nays 1. (Councillor Morad OPPOSED.)

Presented to the Mayor for approval December 22, 2014.

Approved December 22, 2014.

(#2054)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the following individuals for confirmation by the City Council as New Bedford Police Officers: KYLE J. CABRAL, NATHAN AVELAR, JEAN M. LOPEZ, SEAN A. NICHOLS, ERIC A. CARDOSO, JORDAN Z. DASILVA and BRUCE E. SZYNDLAR, JR.

TABLED.

(#2055)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CALIB TIMOTHY LARUE, Wareham, MA 02571, as a SPECIAL POLICE OFFICER.

Received and Placed on File.

(#2056)

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APPLICATION, CALIB TIMOTHY LARUE, WAREHAM, MA 02571, for REAPPOINTMENT as a CONSTABLE.

Appointment made and confirmed.

(#2057)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of RICHARD J. COLETTI, East Wareham, MA 02538, as a CONSTABLE.

Received and Placed on File.

(#2058)

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APPLICATION, RICHARD J. COLETTI, EAST WAREHAM, MA 02538, for REAPPOINTMENT as a CONSTABLE.

Confirmed.

(#2059)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JAMES REUL, JR., Acushnet, MA 02743, as a CONSTABLE.

Received and Placed on File.

(#2060)

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APPLICATION, JAMES REUL, JR., ACUSHNET, MA 02743, for REAPPOINTMENT as a CONSTABLE.

Confirmed.

(#2061)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL

DECEMBER 18, 2014

LOAN ORDER, appropriating \$764,000.00 to pay the costs of Airport Improvement Projects, consisting of environmental assessment, planning, design and/or permitting of projects included the New Bedford Regional Airport's CIP, including but not limited to the reconstruction of Taxiway A, the reconstruction of the Terminal Parking Apron Phases I and II, the reconstruction of Runway 14-32 and approach tree clearing and the relocation of Taxiway B North, and for payment of all costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor and the Committee on Finance is authorized to borrow \$764,000 under Chapter 44 of the General Laws or any other enabling authority; that the Mayor is authorized to take any other action necessary to carry out this project; and further, that the amount authorized to be borrowed for this project by this order shall be reduced to the extent of any grants received by the City on account of this project from the United States of America or the Commonwealth of Massachusetts.

FURTHER ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

Passed to a Second Reading – November 25, 2014.

Adopted – Yeas 11, Nays 0.

Presented to the Mayor for approval December 22, 2014.

Approved December 22, 2014. (#1948)

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REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the Ordinance relative to Family Day Care Facilities.

Recommendation Followed. (#2062)

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AN ORDINANCE, Amending Chapter 9, RELATIVE TO FAMILY DAY CARE FACILITIES.

Rule 42 Waived – Yeas 11, Nays 0.

Referred to the Committee on Ordinances and the Planning Department October 23, 2014.

Passed to a Second Reading. (#1812)

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REPORT, Committee on Finance, Recommending to the City Council ADOPTION of the TIF application and Resolution approved by the Tax Increment Financing Board for a five (5) year STA Agreement for **AMT BioProducts Corp & Shop Realty LLC**, 39 Cape Street, New Bedford, MA 02740.

Recommendation Followed. (#2063)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

DECEMBER 18, 2014

RESOLUTION, Approving Certified Project Application and Special Tax Assessment Agreement with AMT  
BioProducts Corp & Shop Realty LLC.

**Whereas**, AMT BioProducts Corp. and Shop realty LLC have 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, 2020 pursuant to the authority grandy by and meeting the requirements of 402 C.M.R. 2.10(3).

**Whereas**, AMT BioProducts Corp. and Shop Realty LLC meet 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 Areas and the South Terminal Zone II EOA and shall be expected to benefit significantly from inclusion in said EOA.

**Whereas**, the proposed Certified Project is located at Parcel 37 332 on 39 Cape Street, New Bedford, Ma. And shown on the City of New Bedford’s real property assessment database on September 15, 2014 in the EOA known as Zone II: South Terminal;

**Whereas**, the project, together with all 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 AMT BioProducts Corp, and Shop Realty LLC a Special Tax Assessment Agreement, for the project described in the application proposal that will have a reasonable chance of increasing employment opportunities for residents of the expansion project area, ETA. Said Agreement is hereby approved by the City Council and the Special Tax Agreement Plan is incorporated by reference herein;

**Whereas**, AMT BioProducts Corp. and Shop Realty LLC is going to invest at least \$685,000 in the leasing of the facility, improvements, operating expenses and equipment, and will retain 11 permanent full time jobs and create 5 new permanent full time jobs over a period of five years;

**Now Therefore be it Resolved** that the City Council of the City of New Bedford approves the Certified Project application of AMT BioProducts Corp. and Shop Realty LLC and forwards said application for certification to the Massachusetts Economic Assistance Coordinating Council for its approval and endorsement.

**Further**, the City Council of the City of New Bedford authorizes the Mayor to enter into a Special tax Assessment Agreement between the City of New Bedford and AMT Bio Products Corp. and Shop realty LLC. Said Agreement will provide for an exemption on property taxes on the Full Assessed valuation of the property at 100% for year one, 75 % for year two, 50% for year three, 25% for year four 0% for year five of a five year Agreement according to the requirements and regulations established which govern the implementation of such Special Tax Assessment Agreements. The Agreement will be in effect as of FY2016 through June 30, 2020.

Referred to the Committee on Finance November 25, 2014.

Adopted – Yeas 11, Nays 0.

Presented to the Mayor for approval December 22, 2014.

Approved December 22, 2014.

(#1971)

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RELATED MOTION, Councillor Morad, requesting that the Economic Development Council director, Derek Santos, Provide the Committee on Finance a listing of the City’s current TIF and /or STA Agreements to include information detailing when the agreement was approved; when said agreements will expire; the number of jobs originally projected for each said agreement; the number of jobs which have been created and the date each TIF and/or STA Agreements were audited by the Economic Development Council.

Referred to the Committee on Finance.

(#2064)

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REPORT, Committee on Finance, Recommending to the City Council ADOPTION of AN ORDER for the TRANSFER of \$75,231.00 from CEMETERY, SALE OF LOTS, to DEPARTMENT OF PUBLIC INFRASTRUCTURE, CHARGES and SERVICES in the amount of \$42,000.00; and DEPARTMENT OF PUBLIC INFRASTRUCTURE, CAPITAL OUTLAY in the amount of \$33,231.00.

Recommendation Followed.

(#2065)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
DECEMBER 18, 2014

ORDERED, that the sum of **SEVENTY FIVE THOUSAND, TWO HUNDRED THIRTY ONE DOLLARS (\$75,231.00)** now standing to the credit of the account from **CEMETERY SALE OF LOTS** be and the same is hereby transferred and appropriated to as follows:

**DEPARTMENT OF PUBLIC INFRASTRUCTURE CHARGE AND SERVICES..... \$42,000.00**  
**DEPARTMENT OF PUBLIC INFRASTRUCTURE CAPITAL OUTLAY..... \$33,231.00**

Referred to the Committee on Finance-November 25, 2014.

Adopted – Yeas 11, Nays 0.

Presented to the Mayor for approval December 22, 2014.

Approved December 22, 2014.

(#1952)

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REPORT, Committee on Finance, recommending to the City Council ADOPTION of the AMENDED LOAN ORDER, appropriating \$4,970,000.00 for the purpose of making critically-needed repairs to City-owned buildings, including, but not limited to, projects for the repair and renovation of public safety facilities, school buildings, recreational facilities and general office space.

Recommendation Followed.

(#2066)

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LOAN ORDER,

Referred to the Committee on Finance-November 13, 2014.

Passed to a Second Reading as Amended – Yeas 9, Nays 2. (Councilors Carney and Morad OPPOSED.)

(#1825)



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RELATED MOTION, Councillor Alves requesting that CFO Sky report back to the City Council quarterly starting in March, June, September and December 2015, on Capital Improvement Project, as to how much money has been spent to date, what the funds were used for, and what is the remaining amount on said bond.

Adopted.

Presented to the Mayor for approval December 22, 2014.

Approved December 30, 2014. (#2066a)

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REPORT, Committee on Finance, Recommending to the City Council ADOPTION of AN ORDER authorizing the City to enter into an eight (8) year lease for the purchase of a replacement Ladder Truck for the City's Fire Department.

Recommendation Followed. (#2067)

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WRITTEN MOTION, Councillor Alves, requesting, that the Committee on Appointments and Briefings, seek to work with the Communities of Fall River, Taunton and surrounding Towns who would potentially benefit from the South Coast Rail Service to see if we could get our State's Legislative Delegation and the Massachusetts Lottery Commission to authorize, develop and market a "Temporary Issue Lottery Ticket" specifically to raise monies that would be used to fund in the development of the South Coast Rail; and further, that the sales or distribution could be limited to the South Coast area so that primarily the residents of the area would be the ones supporting the sales and funding for the rail service. (To be Referred to Legal Counsel to the City Council, David Gerwatowski and the Committee on Appointments and Briefings.)

Referred to the Committee on Appointments and Briefings and the State's Legislative Delegation.

(#2068)

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WRITTEN MOTION, Councillors Martins and Oliveira, requesting, that the City Council send a letter to the Airport Commission for their opinion regarding civilian drones and if an Ordinance is needed in the City of New Bedford to regulate such devices; and further, the FAA has reported 193 drone encounters between February 22 and November 11, in Massachusetts there have been 5 close encounters with drones, including one at Logan Airport in August; and further, upon receiving the Airport Commission's review and recommendations, this Council is ready to create an Ordinance that will be helpful to the safety of all at the New Bedford Airport.

Adopted.

(#2069)

WRITTEN MOTION, Councillor Alves, requesting, that the Department of Public Infrastructure look at the possibility of developing a Dog Park on the vacant, empty, flat land between the North and South Route 18 roadways, the location seems like an ideal location for such a facility in that it is not near any homes (to eliminate the issue of smell and noise), it is in a central location (easily accessible from both the north or the south end of the City), there is plenty of parking at the newly expanded Coggeshall Street parking lot and would finally give the City the long awaited Dog Park the community wants; and further, requesting, that the Department of Public Infrastructure contact the MassDOT District 5 Highway Director if necessary. (To be Referred to the Department of Public Infrastructure.)

Adopted.

Presented to the Mayor for approval December 22, 2014.

RETURNED UNSIGNED January 06, 2015.

(#2070)

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WRITTEN MOTION, Councillors Rebeiro and Carney, requesting, that as of January 2015, the City Council add a Citizens Input component to the regularly scheduled City Council meetings allowing public participation at the start of each City Council meeting, the first half hour of each meeting will allow for Citizens to address the Council and/or Mayor on either an item on the Agenda or a separate issue of concern, each Citizen will be given 3 minutes to speak with a request to wrap up after 2 minutes, signups for the Citizens input will happen 15 minutes prior to the start of each meetings. (To be Referred to the Committee on Appointments and Briefings and to be placed on the next scheduled meeting.)

ADOPTED – FAILED –Yeas 2, Nays 7. (Councillors Carney and Rebeiro IN FAVOR; Councillors Alves and Gomes not present for vote.)

(#2071)

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WRITTEN MOTION, Council President Lopes, Councillors Winterson, Bousquet, Morad, Martins, Gomes, Rebeiro, and Oliveira requesting, that Philip Carr from SRPEDD attend a Committee on Appointments and Briefing meeting to discuss the Community Aggregation Plan for Residential electric customers, the concept is to provide relief to residential customers by creating a large purchasing pool for electricity, SRPEDD has recently selected Good Energy to manage its aggregation program, and it is important to note that this program requires no obligation on the part of the City, other than to ensure that City residents are receiving favorable pricing. (To be Referred to the Committee on Appointments & Briefing.)

Adopted.

(#2072)

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WRITTEN MOTION, Councillors Winterson and Gomes, requesting, that the Cemetery Board consider allowing Mr. David Vermette, Vermette Development and Real Estate Corp., to powerwash graves of Veterans and other severely weathered headstones at cemeteries across the City; and further, this is being offered on a volunteer basis by Mr. Vermette who is being a good Citizen. (To be Referred to the Cemetery Board.)

Adopted.

Presented to the Mayor for approval December 22, 2014.

RETURNED UNSIGNED January 06, 2015.

(#2073)

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WRITTEN MOTION, Councillors Bousquet and Winterson, requesting information on why the Special Services Department at the School Department are not complying with all the needed care and accommodations of the Children in the district are entitled to under Massachusetts General Laws and Federal Special Education Guidelines; and further requesting, information on why the School Department is ignoring I.E.P. accommodations and 504 mandates, it is unlawful and neglectful creating a very real liability for anyone directly involved with Special Education Students in the districts care, as well as, the City and the taxpayers.

Referred to the School Department.

Presented to the Mayor for approval December 22, 2014.

RETURNED UNSIGNED January 06, 2015.

(#2074)

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WRITTEN MOTION, Councillors Alves, Gomes, Council President Lopes, Councillors Martins, Rebeiro, Winterson, requesting that Legal Counsel Gerwatowski draft an Ordinance that would recognize and confirm the City Seal that has been used for over the past 50-100 years, recognizing and illustrating in detail the proud legacy and the history of our City, as the acknowledged world leader in Whale Oil that lit up the world for years, and that also recognizes our City as the hub of the textile industry and that the City Council acknowledges and declares that it should be recognized and acknowledged as the "Official Seal of the City of New Bedford" and is to be used on all official stationary and publications of the City.

Adopted.

(#2075)

WRITTEN MOTION, Councillor Martins and Council President Lopes, requesting, once again, that our Legislative Delegation pass An ACT, Authorizing the Use of Traffic Control Signal Violation Monitoring System Devices as a means of promoting traffic safety in the City of New Bedford; and further, that a copy of said ACT be Referred to Representative Antonio F.D. Cabral.

Adopted.

Presented to the Mayor for approval December 22, 2014.

RETURNED UNSIGNED January 06, 2015.

(#2076)

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AN ACT, Authorizing the Use of Traffic Control Signal Violation Monitoring System Devices as a means of promoting traffic safety in the City of New Bedford.

Rule 17 Waived – Yeas 11, Nays 0.

Adopted.

Presented to the Mayor for approval December 22, 2014.

Approved December 24, 2014.

(#2077)

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WRITTEN MOTION, Councillor Winterson, requesting, on behalf of Mr. Thomas Melanson, owner, 204 Court Street, Plot 51/Lot 273, that said property be REZONED, from Residential "B" to MIXED-USE BUSINESS, all three corners of intersection are already zoned Mixed-Use Business. (To be Referred to the Planning Board and the Committee on Ordinances.)

Referred to the Committee on Ordinances and the Planning Board.

(#2078)

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WRITTEN MOTION, Councillors Martins, Winterson and Alves, in regards to Andrew Stern's article in the Standard-Times on December 14, 2014, requesting that ONCE AGAIN Mayor Mitchell be honest and have a fair open process regarding the Casino negotiations and work with KG Urban like Mayor Lang did to bring a \$500 million redevelopment proposal that would create roughly 12,000 jobs, and further, that Mayor Mitchell has not been honest with the City residents about his trip to Bethlehem, PA and saying businesses were "suffering" only to learn after the Standard-Times reported that the opposite occurred, further that the Mayor's negative comments and dishonesty are hurting any

future potential operators that want to work with the City; and furthermore, that under the Lang Administration the Council worked together for almost a decade for the betterment of our City's future and the Mayor Mitchell needs to begin negotiations before the Southcoast loses this project under his leadership.

Adopted.

Presented to the Mayor for approval December 22, 2014.

RETURNED UNSIGNED December 06, 2015. (#2079)

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WRITTEN MOTION, Councillor Gomes, requesting for the SECOND YEAR that the City replace the bows on the Christmas wreaths that have been put up in the south end, the bows are old, discolored and don't present a good image for New Bedford; and further, requesting that the City order banners for Rt. 18 north and south that express Holiday Season Greetings may it be Happy Holidays, Merry Christmas, Happy Hanukkah, Happy New Year etc. again this is addressing our image and how we should put it forth.

Referred to the Mayor and Tourism and Marketing.

Presented to the Mayor for approval December 22, 2014.

RETURNED UNSIGNED January 06, 2015 (#2080)

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COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Walter J. Callahan, P.O. Box 657, Mattapoisett, MA 02739 d/b/a TRANSIT SERVICES, INC., 987 Pleasant Street, New Bedford, MA 02740**, hereby submits a copy of the Application requesting a **RENEWAL of a PRIVATE LIVERY LICENSE**, under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation to carry passengers for hire over the streets of New Bedford. (**Current License expires December 19, 2014.**)

Renewal Granted.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014. (#2081)

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COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Abel Raposo, 109 Oakland Street, New Bedford, MA 02740 d/b/a RAPOSO BUS COMPANY, 109 Oakland Street, New Bedford, MA 02740**, hereby submits a copy of the Application requesting a **NEW PRIVATE LIVERY LICENSE**, under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation to carry passengers for hire over the streets of New Bedford.

Referred to the Committee on Appointments and Briefings.

(#2082)

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COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, submitting a WAIVER OF RESIDENCY for a Secondhand Dealer License for **Laura Moss, La Jolla, CA on behalf of ECO ATM, INC, 10121 Barnes Canyon Road, San Diego, CA 92121** to place an ECO ATM machine inside the Stop & Shop located at 1001 King's Highway.

Referred to the Committee on Appointments and Briefings. (#2083)

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COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, submitting a WAIVER OF RESIDENCY for a Secondhand Dealer License for **Laura Moss, La Jolla, CA on behalf of ECO ATM, INC, 10121 Barnes Canyon Road, San Diego, CA 92121** to place an ECO ATM machine inside the Stop & Shop located at 438 Dartmouth Street.

Referred to the Committee on Appointments and Briefings. (#2084)

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COMMUNICATION, Dennis D. Galvam, Manager Community Relations, NSTAR Electric Company, responding to a letter dated November 18, 2014, from Dennis W. Farias, City Clerk/Clerk of the City Council, regarding the City Council's opposition to the 29% increase proposed by NSTAR Electric Company. (Copy all Councillors via email 12/02/2014.)

Received and Placed on File. (#2085)

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COMMUNICATION, City Clerk/Clerk of the City Council Dennis W. Farias, submitting letter from Alison M. Bouchard, City Clerk, Fall River, MA, relative to letter from New Bedford City Council requesting support in banning the sale of synthetic drugs in this region. (Copy all Councillors 11/12/2014.)

Received and Placed on File. (#2086)

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COMMUNICATION, City Clerk/Clerk of the City Council Dennis W. Farias, submitting letter from Michael W. McCue, Town Administrator, Rochester, MA, relative to letter from New Bedford City Council requesting support in banning the sale of the synthetic drug "Cloud 9". (Copy all Councillors 12/11/14.)

Received and Placed on File. (#2087)

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COMMUNICATION, Joseph Grivers, Vice President, Mass Development, to City Council, notifying that on November 20, 2014 the Massachusetts Development Finance Agency gave preliminary approval to issue a revenue bond on behalf of Young Men's Christian Association Southcoast, Inc. (Copy all Councillors 12/15/2014.)

Received and Placed on File. (#2088)

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COMMUNICATION, Joseph E. Connarton, Executive Director, Public Employee Retirement Administration Commission to New Bedford Retirement Board, regarding the required Fiscal Year 2016 Appropriation of \$29,758,906.00 which commences on July 01, 2015. (Copy all Councillors 12/08/2014.)

Referred to the Committee on Finance. (#2089)

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CITATION, Councillor Gomes, honoring STEPHEN BETTENCOURT, Surgical Technician, Southcoast Hospitals Group, in recognition of his twenty-one years of dedicated and committed healthcare service to the Greater New Bedford community.

Adopted, to be presented at a later date. (#2090)

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CITATION, Councillor Gomes, honoring ARMSTED R. CHRISTIAN, in recognition of the celebration of the release of his eleven track Christmas CD "My Favorite Jazzy Things" with warm wishes for continued success.

Adopted. (#2091)

WRITTEN MOTION, City Council President, requesting, on behalf of Mr. Roger R. Blanchard, owner of 33 Willard Street, that the Traffic Commission install a "NO PARKING EXCEPT HANDICAP VEHICLE", Sign in front of said address. (Copy of Handicap Placard enclosed.) (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission. (#2092)

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CONSTABLE BOND, GREGORY S. KAMON, Fairhaven, MA 02719 in the amount of \$5,000.00, Massachusetts Bay Insurance Company.

Approved.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014. (#2093)

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PETITION/INDEMNITY AGREEMENT, SOUTHERN LIGHT SOLAR, LLC, for permission to Erect and Maintain an Illuminated Projecting Sign at 1128 Acushnet Avenue, New Bedford, MA 02746. Provisionally Granted, subject to approval of the Building Commissioner and subject to ratification by Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014. (#2094)

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MINUTES, Board of Assessors, submitting MINUTES of meetings held on November 20, 26 and December 05, 2014.

Received and Placed on File. (#2095)

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MINUTES, Greater New Bedford Regional Vocational Technical High School, submitting MINUTES of a meeting held on December 09, 2014.

Received and Placed on File. (#2096)

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MINUTES, Council on Aging, submitting MINUTES of a meeting held on November 13, 2014.

Received and Placed on File. (#2097)

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APPLICATION, **POD'S of New England**, for permission to maintain a STREET OBSTRUCTION at **374 Chancery Street**, provisionally granted by the City Clerk on December 02, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014.

(#2098)

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APPLICATION, **JB Lanagan & Co., Inc.** for permission to maintain a STREET OBSTRUCTION at **177 Cove Street**, provisionally granted by the City Clerk on November 26, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014.

(#2099)

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APPLICATION, **W.C. Smith & Son, Inc.** for permission to maintain a STREET OBSTRUCTION at **384 Acushnet Avenue**, provisionally granted by the City Clerk on December 02, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014.

(#2100)

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APPLICATION, **JLC Construction** for permission to maintain a STREET OBSTRUCTION at **70 North Street**, provisionally granted by the City Clerk on December 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 December 22, 2014.

Approved December 23, 2014.

(#2101)

APPLICATION, **JLC Construction** for permission to maintain a STREET OBSTRUCTION at **42 Swift Street**, provisionally granted by the City Clerk on December 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 December 22, 2014.

Approved December 23, 2014.

(#2102)

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APPLICATION, **Reis Asphalt, Inc.** for permission to maintain a STREET OBSTRUCTION at **1389 Phillips Road**, provisionally granted by the City Clerk on December 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 December 22, 2014.

Approved December 23, 2014.

(#2103)

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APPLICATION, **A. Medeiros Contractor, Inc.** for permission to maintain a STREET OBSTRUCTION at **19 Jenney Street**, provisionally granted by the City Clerk on December 12, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014. (#2104)

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APPLICATION, **A. Medeiros Contractor, Inc.** for permission to maintain a STREET OBSTRUCTION at **1041 Sassaquin Avenue** , provisionally granted by the City Clerk on December 16, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014. (#2105)

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APPLICATION, **JB Lanagan & Co., Inc.** to DISTURB THE SURFACE, of **177 Cove Street**, provisionally granted by the City Clerk on November 26, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014. (#2106)

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APPLICATION, **W.C. Smith & Son, Inc.** to DISTURB THE SURFACE, of **384 Acushnet Avenue**, provisionally granted by the City Clerk on December 02, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014. (#2107)

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APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **70 North Street**, provisionally granted by the City Clerk on December 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 December 22, 2014.

Approved December 23, 2014. (#2108)

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APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **42 Swift Street**, provisionally granted by the City Clerk on December 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 December 22, 2014.

Approved December 23, 2014. (#2109)

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APPLICATION, **Reis Asphalt, Inc.**, to DISTURB THE SURFACE, of **1389 Phillips Road**, provisionally granted by the City Clerk on December 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 December 22, 2014.



Approved December 23, 2014. (#2110)

APPLICATION, **A. Medeiros Contractor, Inc.**, to DISTURB THE SURFACE, of **19 Jenney Street**, provisionally granted by the City Clerk on December 12, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014. (#2111)

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APPLICATION, **A. Medeiros Contractor, Inc.**, to DISTURB THE SURFACE, of **1041 Sassaquin Avenue**, provisionally granted by the City Clerk on December 16, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014. (#2112)

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APPLICATION, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on November 26, 2014, subject to ratification by the Mayor and City Council as follows:

1085 Joyce Street

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014. (#2113)

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APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on December 16, 2014, subject to ratification by the Mayor and City Council as follows:

State Street/Penniman Street (#2114)

Plymouth Street/Rockdale Avenue (#2115)

244-246 Davis Street (#2116)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014.

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APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on December 17, 2014, subject to ratification by the Mayor and City Council as follows:

237 Bates Street (#2117)

389 Cottage Street (#2118)

307 Collette Street (#2119)

122 David Street (#2120)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval December 22, 2014.

Approved December 23, 2014.

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APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on November 26, 2014, subject to ratification by the Mayor and City Council as follows:

- Sagamore Street and Hemlock Street/Bolton Street and Sagamore Street (#2121)
  - Bank Street and Kraseman Street/Matthew Street and Stephen Street (#2122)
  - McGurk Street, between Welcome Street and Social Street/Oaklawn Street off of Rodney French Blvd. (#2123)
  - Freeman Street and Emery Street/Dolphin Street off of Rodney French Boulevard(#2124)
  - Grape Street and Short Street/Rockland Street and County Street Backyard (#2125)
  - Rockdale Avenue and Brier Street (#2126)
  - Field Street and Hollyhock Street/Ward Street and Bay Street (#2127)
  - Bass Street off Brock Avenue/Brock Avenue at the Entrance of Hazelwood Park (#2128)
  - Rodney French Boulevard, between Coral and Bonito Streets/Backyard Poles (#2129)
- Received and Action of the City Clerk Ratified.  
Presented to the Mayor for approval December 22, 2014.  
Approved December 23, 2014.

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APPLICATION, **NSTAR Electric Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on December 05, 2014, subject to ratification by the Mayor and City Council as follows:

- Acushnet Avenue, North of Monmouth Street (#2130)
- Received and Action of the City Clerk Ratified.  
Presented to the Mayor for approval December 22, 2014.  
Approved December 23, 2014.

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APPLICATION, **Frade's Disposal Inc.**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on December 10, 2014, subject to ratification by the Mayor and City Council as follows:

- 211 County Street
- Received and Action of the City Clerk Ratified.  
Presented to the Mayor for approval December 22, 2014.  
Approved December 23, 2014. (#2131)

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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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WRITTEN MOTION, Council President Lopes, requesting that the Massachusetts State Legislators exempt the City of New Bedford from the Dover Amendment; said exemption would remove the City of New Bedford from the State law that exempts religious and educational corporations from certain zoning restrictions, said exemption was granted to the Cities of Boston and Cambridge.

- Rule 42 Waived – Yeas 10, Nays 0. (Councillor Rebeiro not present for vote.)
- Rule 17 Waived – Yeas 11, Nays 0.

Adopted.

(#2132)

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On a motion, the Council then adjourned at 10:19pm.  
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ATTEST:

DENNIS W. FARIAS, CITY CLERK/  
CLERK OF THE CITY COUNCIL