



Council Meeting – Minutes

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, January 8, 2015 – 7:06 p.m.

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

LATE: Councillor Rebeiro (7:42 p.m.)

ABSENT: Councillor Coelho

Council President Gomes called the meeting to order and presided.

Prayer Led By: Reverend David Lima, Pastor at New Season's Worship Center.

Councillor Lopes led the Assembly in the Pledge of Allegiance to the flag.

COMMUNICATION, Councillor Coelho, to Members of the City Council, informing that she will be unable to attend the City Council Meeting on Thursday, January 08, 2015, due to illness.

Received and Placed on File.

(#0008)

COMMUNICATION, Councillor Rebeiro, to Members of the City Council, informing that she will be late to the City Council Meeting on Thursday, January 08, 2015, due to her attendance at a Parker Street Neighborhood Association Meeting.

Received and Placed on File.

(#0009)

CITATION, Councillors Lopes and Rebeiro, honoring ERMELINDA BOTELHO MADEIRA, Alfred J. Gomes Elementary School, in recognition of her using what she had learned in the New Bedford Fire Department's Fire Safety Program which saved the lives of her family and neighbors.

Adopted.

(#0010)

CITATIONS, Council President Gomes and Councillor Lopes, honoring KYLE J. CABRAL, NATHAN AVELAR, JEAN M. LOPEZ, SEAN A. NICHOLS, ERIC A. CARDOSO, JORDAN Z. DASILVA and BRUCE E. SZYNDLAR, JR., in recognition of their appointments as New Bedford Police Officers.

Adopted.

(#0011)

CITATIONS, Councillors Martins and Lopes, honoring JOHN V. NICASTRO, SHANNON NICASTRO, OLIVIA NICASTRO and ROMAN NICASTRO, in recognition of their tribute to the men and women of the New Bedford Police Department by providing them with flowers and thank you cards acknowledging their hard work and dedicated public service.

Adopted.

(#0012)

WRITTEN MOTION, Council President Gomes, requesting, that the City Council and the Mayor go on record in complete support of New Bedford Police Department and the men and women of the department who do a very dangerous job protecting the City and its Citizens each and every day; and further, that the Citizens of the City join us in showing support for Police Department by placing a blue light on your front porch, or in your windows as a sign of support, for the remaining days of the month of January; and further, asking our School Department and students from every middle school and elementary school to draw posters of support, and post them in the windows of every school across the City and that every school be recognized for its efforts and award three students from every school with Citations for the best post of support, which will be awarded by the Councillor from each Ward and at large Councillors; and further, that the Committee on Public Safety and Neighborhoods meet with Police Chief Provencher, Police Union President Hank Turgeon, Vice-President Jimmy Estrella and Sgt. Josh Fernandes, to discuss measures that can be implemented to make a better relationship between the Citizens and young people across the City; and further, that the Police Department consider creating a Young Police Cadet Program, these initiatives will improve relationships across the City.

Referred to the Committee on Public Safety and Neighborhoods – Yeas 10, Nays 0.

(#0113)

CITATIONS, Council President Gomes, honoring the 2014 Game Changers, MARCO DEBRITO, New Bedford High School Football Coach, BONZIE COLSON, New Bedford High School Boys Basketball Coach, JORDAN PINA, New Bedford High School Girls Basketball Coach, ISAIAH HOUTMAN, New Bedford High School Track Coach, RICHARD GOMES, Greater New Bedford Regional Vocational Technical High School Volleyball Coach and RUDY BULGER, Fairhaven High School Football Coach, THOMAS TARPEY, New Bedford High School Athletic Director, DANIEL CONCEICIO, New Bedford Bears/Pop Warner Football Team Coach, and BENEVIDO “BUTCH” SILVA, Our Lady of the Assumption Church Boys and Girls Basketball Coach, in recognition of their many years of success in the field of high school athletics and their continuing dedication to their community.

Adopted.

(#0014)

CITATION, Council President Gomes, honoring 2014 Game Changer MARQUES HOUTMAN, University of Massachusetts Dartmouth Athletic Hall of Fame Inductee, in recognition of his many years of success in the field of athletics and his continuing dedication to his community.

Adopted.

(#0015)

CITATION, Council President Gomes, honoring JAMIE DIAS, in recognition of his longtime commitment and dedication to the Cape Verdean Community with thanks and appreciation.

Adopted.

(#0016)

CITATION, Council President Gomes, Councillors Carney and Rebeiro, honoring HELENA ALMEIDA, Commander of the Cape Verdean-American Veterans Association, in recognition of her being the first woman selected as Commander of the Cape Verdean-American Veterans Association, New Bedford, Massachusetts.

Adopted. (0117)

CITATIONS, Council President Gomes, Councillors Carney and Rebeiro, honoring WILLIAM TILDEN, TONI M. BAILEY, DOLORES W. O'NEALE, PATRICK S. O'NEALE, RONALD ROCK, RAYMOND ROSE and KIM CORAZZINI, in recognition of their commitment and dedication to the 2014 Santa Sightings 5K Fun Run Holiday event.

Adopted. (0018)

CITATION, Council President Gomes, Councillors Carney and Rebeiro, honoring GEOFFREY SMITH, in recognition of his commitment and dedication to the 2014 Santa Sightings 5K Fun Run Holiday event and his Holiday Spirit.

Adopted. (0019)

CITATIONS, Council President Gomes and Councillor Bousquet, honoring New Bedford Fire Department Ladder 1 Firefighters, CAPTAIN BRIAN ARRUDA, CARLOS COSTA, TRAVIS REBELLO and ERIC BRITTO, in recognition of their heroic rooftop rescue of a man and his dog on December 29, 2014.

Adopted. (0020)

The following resolution honoring The New Bedford Cultural Council was presented by Councillors Coelho, Alves, Carney, Council President Gomes, Councillors Bousquet, Morad, Oliveira, Martins, Rebeiro, Lopes and Winterson

CITY OF NEW BEDFORD
IN CITY COUNCIL
JANUARY 08, 2015

**RESOLUTION HONORING THE NEW BEDFORD CULTURAL COUNCIL FOR
“DECK THE WINDOWS”**

WHEREAS, The New Bedford Cultural Council sponsored a new event in 2014, to bring art and holiday cheer to the Downtown area while creating a family-friendly atmosphere to brighten streets and attract additional shoppers and visitors; and

WHEREAS, The purpose of “Deck the Windows” is to adopt a window or door in Downtown New Bedford and decorate it for the holidays, with the public later being invited to vote for their favorite in a number of categories, such as Kids’ Choice, Best New Bedford Theme, Best Holiday Spirit and Best Overall; and

WHEREAS, “Deck the Windows” features Downtown retail, restaurant and vacant storefront windows for local artists, organizations, schools and volunteers to display their holiday decorating ideas and skills, the display begins during

the annual Downtown New Bedford Holiday Stroll and Christmas Tree Lighting, held on the first weekend in December and officially kicks off the City’s seasonal activities; and

WHEREAS, This event is another example of the benefit of public art to our City, showcasing local talent and encouraging participation by residents, it raises awareness of our new Seaport Cultural District and creates a visitor destination for the benefit of all our Downtown businesses; and

WHEREAS, “Deck the Windows” partners include AHA!, Destination New Bedford, Downtown New Bedford, Inc., New Bedford Beautiful, the Southcoast Media Group and the New Bedford Economic Development Council:

NOW, THEREFORE, BE IT RESOLVED, That the New Bedford City Council hereby honors, **THE NEW BEDFORD CULTURAL COUNCIL FOR “DECK THE WINDOWS”**, commends them for a creative endeavor designed to enliven the Downtown New Bedford area, making the City more attractive to potential businesses and residents and wishes them continued future success.

Adopted. (#0021)

HEARING, on NSTAR ELECTRIC COMPANY for location of one (1) 4” Conduit in GIFFORD 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. (#0022)

AN ORDER,

Adopted and ordered recorded in Book of Locations order Records – Yeas 9, Nays 1. (Councillor Martins Opposed.)

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015. (#0023)

HEARING, on NSTAR ELECTRIC COMPANY & VERIZON NEW ENGLAND, INC., for joint location of one (1) Pole in GIFFORD 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. (#0024)

AN ORDER,

Adopted and ordered recorded in Book of Locations order Records – Yeas 9, Nays 1. (Councillor Martins Opposed.)

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015. (#0025)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for MCDONALD'S, 141 Coggeshall Street, New Bedford, MA 02740, Account No. 032194A, in the amount of \$2730.70.

Abatement Granted – Yeas 8, Nays 2. (Councillors Rebeiro and Winterson OPPOSED.)

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015. (#0026)

RELATED MOTION, Councillor Rebeiro requesting that the City Council send a letter to Mayor Mitchell and the Water Board asking how sewer abatements are addressed and is there any priority given to abatement requests, i.e. dates the sewer abatements are received by DPI: dollar amount of said abatement of the number of requests received in each area of the City.

Adopted. (#0027)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER, appropriating \$950,000.00 for Phase I of the Ashley Park/Sagamore Street Improvement Project. (Charter Ruled 12/18/2014.)

CHARTER RULED – December 18, 2014.

Referred to the Committee on Finance. (#2040)

LOAN ORDER,

CHARTER RULED – December 18, 2014.

Referred to the Committee on Finance. (#2041)

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. (Passed to a Second Reading AS AMENDED 12/18/2014.)

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

Passed to a Second Reading as Amended – Yeas 9, Nays 2.

(Councillors Carney and Morad OPPOSED) - December 18, 2014.

Motion was made by Councillor Morad to amend the amount of LOAN ORDER to \$3,970,000.00 FAILED – Yeas 5, Nays 5. (Councillors Bousquet, Martins, Oliveira, Rebeiro and Winterson OPPOSED.)

Amount of \$4,970,000.00 Loan Order ADOPTED – Yeas 8, Nays 2. (Councillors Carney and Morad OPPOSED.)

Presented to the Mayor for approval January 12, 2015.

Approved January 12, 2015. (#1825)

RELATED MOTION, Councillor Morad requesting that CFO Ari sky provide the Council, a monthly detailed listing of expenditures under the \$4,970,000.00 CIP Bond; and further that no expenditures or encumbrance be authorized by the Administration for any of the \$4,970,000.00 be appropriated to the School Department without prior review of the Council via the monthly reports and that the Administration be on notice from the Council that should the above requested information not be provided on a monthly basis that the council will take legal action via the Council's right of subpoena.

Adopted – Yeas 9, Nays 0. (Councillor Oliveira not present for vote.)

Presented to the Mayor for approval January 12, 2015.

RETURNED UNSIGNED January 26, 2015.

(#0028)

AN ORDINANCE, amending Chapter 9 RELATIVE TO FAMILY DAY CARE FACILITIES. (Passed to a Second Reading 12/18/2014.

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 – December 18, 2014.

Passed, to be Ordained – Yeas 8, Nays 1. (Councillor Bousquet OPPOSED.)

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015.

(#1812)

WRITTEN MOTION, Councillor Martins, requesting, Buddy Andrade, Derek Santos, and any other member of the Economic Development Council be invited to the next Special Committee on Employment Opportunities Meeting to discuss updates on the offshore wind industry and to discuss jobs in the City of New Bedford.

Adopted.

(#0029)

WRITTEN MOTION, Councillors Oliveira, Alves, Bousquet, Lopes, Winterson, Martins, Morad, Council President Gomes, Coelho, Rebeiro and Carney, requesting, that Pat O'Connor, owner of the New Bedford Bay Sox be invited to a Committee on Appointments and Briefings meeting to inform the Council of the New Bedford Bay Sox challenges and opportunities in the upcoming 2015 season, and to support the team and keep them in the City of New Bedford in future years to come.

Adopted.

(#0030)

WRITTEN MOTION, Council President Gomes, requesting, that the Committee on Appointments and Briefings meet with all parties responsible for the New Year's Eve celebration in Downtown New Bedford, for the purpose of bringing back the First Night concept to Downtown New Bedford on New Year's Eve; and further, to discuss bringing back many activities after 9:00 p.m. to the Downtown and Historical area which will benefit businesses and bring back the festive concept that Downtown New Bedford once had on New Year's Eve.

Referred to the Committee on Appointments and Briefings.

(#0031)

WRITTEN MOTION, Councillor Winterson, requesting, that a representative from NSTAR Gas Company, Inc., contact this Councillor regarding the possibility of installing gas lines in Tanglewood Drive, so that the homeowners on that street may heat their homes with gas, as residents on nearby streets do, oil heat is the only method at the present time that the residents of Tanglewood Drive have available to them and the cost is prohibitive.

Referred to NSTAR Gas Company and Referred to the Committee on Appointments and Briefings.

(#0032)

WRITTEN MOTION, Councillors Lopes, Winterson, Martins, Rebeiro, Carney, Oliviera, requesting, that the New Bedford City Council go on the record in opposition to the proposed NSTAR Gas Company 8.6% increase, which would go into effect in 2016. (To be Referred to the Massachusetts Department of Public Utilities and NSTAR Gas Company.)

Adopted. (Councillor Morad OPPOSED.)

(#0033)

WRITTEN MOTION, Councillors Coelho and Lopes, requesting, that the Department of Parks, Recreation and Beaches address the Ashley Park Warming House and remove the graffiti which is on the back side of the building, and that the litter and debris also be removed from that location.

Adopted.

Presented to the Mayor for approval January 12, 2015.

RETURNED UNSIGNED January 26, 2015.

(#0034)

WRITTEN MOTION, Councillors Carney and Rebeiro, requesting, on behalf of Reverend Irma Thibodeaux and Parishioners of the Bethel African Methodist Episcopal Church, 532 County Street, that two (2) handicap parking spaces be installed on Mill Street, adjacent to said Church; and further, enclosed is letter from Reverend Thibodeaux requesting said handicap spaces. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission.

(#0035)

COMMUNICATION, Attorney Donald R. Perry, representing Irmandade do Espirito Santo das Nove Ilhas Dos Acores, Inc, to City Council, requesting a ONE YEAR EXTENSION of a Special Permit granted on December 19, 2013, to locate a non-profit Organization at 199 Bonney Street, due to a closing that did not take place because of the inability to complete construction work required by Inspectional Services. (Letter date stamped December 18, 2014; Copy all Councillors via email December 19, 2014.)

One-Year Extension Granted – Yeas 10, Nays 0.

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015.

(#0036)

COMMUNICATION, City Clerk/Clerk of the City Council Dennis W. Farias, submitting letter from Daniel P. Collins, Chief of Staff, Department of Public Utilities, responding to a letter concerning a Motion on the City Council Agenda of November 13, 2014, about the proposed increase by NSTAR Electric and the Council's opposition to said increase. (Copy all Councillors 12/29/14.)

Received and Placed on File.

(#0037)

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 – December 18, 2014.

Removed from the Table and Appointments Approved.

(#2055)

WRITTEN MOTION , Council President Lopes, requesting, on behalf of The Zeiterion Theatre, that the following street(s) be CLOSED: SPRING STREET, between Purchase Street and Acushnet Avenue, ON SATURDAY, JANUARY 17, 2015, FROM 5:00 P.M. TO MONDAY, JANUARY 19, 2015, AT 3:00 A.M., for the purpose of three trucks unloading equipment for the performance of "Sister Act".

GRANTED PROVISIONALLY BY THE CITY COUNCIL PRESIDENT BRIAN K. GOMES ON THURSDAY, JANUARY 08, 2015, TO BE RATIFIED BY THE CITY COUNCIL ON THURSDAY, JANUARY 08, 2015.

Received and Action of the City Council President Ratified.

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015.

(#0038)

COMMUNICATION/EMAIL, Councillor Alves, submitting a copy of an email to Scott Downing, Executive Secretary, Traffic Commission, requesting removal of a Handicap Parking Sign from the corner of Hathaway Street and Acushnet Avenue, due to the party having moved to a new address.

Received and Placed on File.

(#0039)

COMMUNICATION, Councillor Morad, submitting email from Bonny Beauvais, Danvers, MA, dated December 26, 2014, regarding moving Emily and Ruth to the Elephant Sanctuary in Tennessee.

Received and Placed on File.

(#0040)

COMMUNICATION, Councillor Morad, submitting email from Elise Margulis, Livingston, NJ, dated December 26, 2014, regarding moving Emily and Ruth to the Elephant Sanctuary in Tennessee.

Received and Placed on File.

(#0041)

MINUTES, Historical Commission, submitting MINUTES of a meeting held on November 03, 2014.

Received and Placed on File.

(#0042)

MINUTES, Bristol Coalition, submitting MINUTES of a meeting held on December 16, 2014.

Received and Placed on File.

(#0043)

MINUTES, Board of Assessors, submitting MINUTES of a meeting held on December 18, 2014.

Received and Placed on File.

(#0044)

APPLICATION, **South Shore Disposal**, for permission to maintain a STREET OBSTRUCTION at **277 Pleasant Street**, provisionally granted by the City Clerk on December 18, 2014, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015.

(#0045)

APPLICATION, **W.C. Smith & Son, Inc.**, for permission to maintain a STREET OBSTRUCTION at **270 North Street**, provisionally granted by the City Clerk on December 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 January 12, 2015.

Approved January 20, 2015.

(#0046)

APPLICATION, **Cardoso Contracting**, for permission to maintain a STREET OBSTRUCTION at **332 Ashley Boulevard** , provisionally granted by the City Clerk on January 02, 2015, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015.

(#0047)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **81 Walden Street**, provisionally granted by the City Clerk on January 05, 2015, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015.

(#0048)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **35 Durfee Street**, provisionally granted by the City Clerk on January 05, 2015, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015.

(#0049)

APPLICATION, **W.C. Smith & Son, Inc.**, to DISTURB THE SURFACE, of **270 North Street**, provisionally granted by the City Clerk on December 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 January 12, 2015.

Approved January 20, 2015.

(#0050)

APPLICATION, **Cardoso Contracting**, to DISTURB THE SURFACE, of **332 Ashley Boulevard**, provisionally granted by the City Clerk on January 02, 2015, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015.

(#0051)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **81 Walden Street**, provisionally granted by the City Clerk on January 05, 2015, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015.

(#0052)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **35 Durfee Street**, provisionally granted by the City Clerk on January 05, 2015, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015.

(#0053)

APPLICATION, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on December 22, 2014, subject to ratification by the Mayor and City Council as follows:

161 Portland Street

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015.

(#0054)

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on January 07, 2015, subject to ratification by the Mayor and City Council as follows:

Cedar Grove Street (North Front Street/Belleville Avenue)

(#0055)

209-234 Coggeshall Street

(#0056)

Cotter Street (Cedar Grove Street/Coggeshall Street)

(#0057)

Granfield Street (Coggeshall Street)

(#0058)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015.

APPLICATIONS, **NSTAR Gas Company**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on January 08, 2015, subject to ratification by the Mayor and City Council as follows:

28 Bourne Street

(#0059)

32 Bourne Street

(#0060)

170 Buchanan Street

(#0061)

30 Calumet Street

(#0062)

Chancery Street, North of Arnold Street (#0063)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015.

APPLICATIONS, **ABC Disposal Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on December 29, 2014, subject to ratification by the Mayor and City Council as follows:

520 Farm Street (#0064)

64 Holden Street (#0065)

289 Coffin Avenue (#0066)

188 Merrimac Street (#0067)

339 Mill Street (#0068)

202 Rounds Street (#0069)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval January 12, 2015.

Approved January 20, 2015.

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.

WRITTEN MOTION, Council President Gomes, and Councillor Lopes, requesting, that the City Council go on record against any possible decision or consideration by the Administration or the Chief of the Fire Department to close Firehouse 11, located on Brock Avenue in the City's South End; and further, before any decision or consideration is made by the Administration or the Chief of the Fire Department, that they meet with the Committee on Public Safety and Neighborhoods for purposes of alternative action.

Rule 42 Waived – Yeas 10, Nays 0.

Adopted. (#0070)

On a motion, the Council then adjourned at 9:33pm.

ATTEST:

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