



# **Council Meeting** – Minutes

## **CITY COUNCIL CALENDAR**

Chambers of the City Council Municipal Building

*Tuesday, November 22, 2016 – 7:03p.m.*

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

LATE: Councillor Gomes 7:05 p.m.

ABSENT: No One

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Council President Morad called the meeting to order and presided.

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Prayer Led By: Reverend Conrad Salach, Our Lady of Perpetual Help Parish.

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Councilor Winterson led the Assembly in the Pledge of Allegiance to the flag.

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HEARING, on NSTAR ELECTRIC COMPANY d/b/a Eversource Energy for location of one (1) 45”x45”x36” Handhole in UNION STREET, East of Water Street.

Hearing Held.

Petition Placed on File. (#2112)

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AN ORDER,

Adopted and ordered recorded in Book of Location Order Records.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2113)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that the Order adopted by the Council on October 13, 2016, which authorized the City to enter into an eight (8) year lease for the purchase of two pumpers is hereby RESCINDED and be it further ordered that the City enter into an eight (8) year lease with PNC Equipment Finance LLC, for the purchase of two (2) Pierce Arrow XT Pumpers from Pierce Manufacturing, Inc.

Received and Placed on File. (#2114)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

NOVEMBER 22, 2016

**ORDERED**, that the Order adopted by the City Council on October 13, 2016, and signed by the Mayor on October 18, 2016, which authorized the City to enter into an eight year lease for the purchase of two pumpers is hereby **RESCINDED**; and

**BE IT FURTHER ORDERED**, that the City of New Bedford is hereby authorized to enter into eight (8) year lease with PNC Equipment Finance, LLC, for the purchase of two (2) Pierce Arrow XT pumpers from Pierce Manufacturing, Inc. Submitted for City Council approval in accordance with M.G.L. c.30B, Section 12 (b) for contracts in excess of three years' duration.

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

Presented to the Mayor for approval November 23, 2016.

Approved November 23, 2016. (#2115)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER appropriating \$8,336,514.00 for a repair project at the John Avery Parker Elementary School and amending the Orders passed September 1, 2015 and March 22, 2016 to provide that a portion of each such Order be allocated to the John Avery Parker Elementary School Repair Project.

Received and Placed on File. (#2116)

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LOAN ORDER,

Passed to a Second Reading. (#2117)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER authorizing the Mayor to accept an easement for drainage purposes across the following properties owned by 1) Ida T. Guilbert, 2) Sheila E. Morris and 3) Sheila E. Morris formerly Sheila Leconte for properties located off Stratford Street.

Received and Placed on File. (#2118)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

NOVEMBER 22, 2016

**ORDERED**, that the City of New Bedford hereby accepts and authorizes the Mayor to execute on behalf of the City of New Bedford, a drainage Easement from 1) Ida Guilbert, 2) Shelia E. Morris and 3) Shelia E. Morris formally Shelia Leconte for properties located off Stratford and shown as Lots 201, 209 and 452 on City of New Bedford Assessor's Map 130. A copy of said Easements is attached hereto.

Adopted.

Presented to the Mayor for approval November 28, 2016.

Adopted November 30, 2016. (#2119)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that the City Council and Mayor hereby approve the policy entitled “Other Post Employment Benefits Trust Fund” for the purpose of establishing guidelines for the management of the City’s OPEB liability.

Received and Placed on File. (#2120)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
NOVEMBER 22, 2016

ORDERED, that the City Council and Mayor hereby approve the policy entitled “Other Post Employment Benefits Trust Fund” for the purpose of establishing guidelines for the management of the City’s OPEB liability, as presented to the City Council on November 22, 2016.

Adopted.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2121)

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COMMUNICATION, Mayor Mitchell to City Council, submitting a SEWER ABATEMENT REQUEST for Arlindo Spencer, 389 Cedar Street, New Bedford, MA, Account Number 1005089 in the amount of \$156.80.

Abatement Granted.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2122)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MARK DASILVA, Acushnet, MA 02743, as a CONSTABLE.

Received and Placed on File. (#2123)

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APPLICATION, MARK DASILVA, Acushnet, MA 02743, for APPOINTMENT as a CONSTABLE.

Appointment Confirmed. (#2124)

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REPORT, Committee on Appointments and Briefings, recommending to the City Council approval of the APPLICATION on behalf of **Jason Lobo d/b/a GOOD TIMES LIMO, 400 Union Street, New Bedford, MA 02745**, 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.

Recommendation Followed. (#2125)

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COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Jason Lobo d/b/a GOOD TIMES LIMO, 400 Union Street, New Bedford, MA 02745**, hereby submitting 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. **(Please note Mr. Lobo had a Livery License from 2008-2010.)**

Referred to the Committee on Appointments and Briefings – September 22, 2016.

Livery License Granted.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016.

(#1732)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
NOVEMBER 22, 2016

A BOND ORDER TO AUTHORIZE A BORROWING TO PAY THE COSTS OF CONSTRUCTION OF WATER DISTRIBUTION AND TREATMENT SYSTEMS IMPROVEMENTS INCLUDING QUITTACAS WATER TREATMENT PLANT UPGRADES, HIGH HILL RESERVOIR UPGRADES, A LEAD SERVICE ABATEMENT PROGRAM, A WATER METER REPLACEMENT AND ADVANCED METERING INFRASTRUCTURE (AMI) UPGRADE PROGRAM, AND GENERAL SYSTEM IMPROVEMENTS

BE IT ORDERED, BY THE CITY COUNCIL OF THE CITY OF NEW BEDFORD AS FOLLOWS:

That ~~\$65,000,000~~ \$63,000,000 is appropriated for the purpose of financing the construction of water distribution and treatment systems improvements including Quittacas Water Treatment Plant Upgrades consisting of repairs and replacement of the electrical system, High Hill Reservoir Upgrades including structural repairs to the reservoir and its roof and other upgrades, a Lead Service Abatement Program to replace lead service lines in the City for public health purposes, a water meter replacement and fixed-network AMI program including testing, repair and replacement of meter reading and other equipment, and general system improvements, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor and the Committee on Finance is authorized to borrow ~~\$65,000,00~~ \$63,000,000 issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor and the Committee on Finance determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor and the Committee on Finance is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust (the "Trust") established pursuant to Chapter 29C of the General Laws; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the projects.

FURTHER ORDERED: That any premium received by the City upon the sale of any bonds or notes approved by this order, less the cost of preparing issuing and marketing them, and any accrued interest received upon the delivery of such bonds or notes, shall be applied to the payment of project costs approved by this order, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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.

Referred to the Committee on Finance – October 13, 2016.

Passed to A Second Reading as Amended – October 27, 2016.

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

Presented to the Mayor for approval November 23, 2016.

Approved November 23, 2016.

(#1798)

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CITY OF NEW BEDFORD

IN CITY COUNCIL

NOVEMBER 22, 2016

A BOND ORDER TO AUTHORIZE A BORROWING TO PAY THE COSTS OF PROJECTS OUTLINED IN THE CITY'S LONG TERM CSO CONTROL AND INTEGRATED CAPITAL IMPROVEMENTS PLAN INCLUDING SUPPLEMENTAL INTEGRATED CAPITAL PLANNING, WASTEWATER COLLECTION SYSTEM IMPROVEMENTS, PUMPING STATION IMPROVEMENTS, A WASTEWATER COLLECTION SYSTEM INVESTIGATION PROGRAM AND MS4 PERMIT COMPLIANCE AND REPORTING, AND GENERAL SYSTEM IMPROVEMENTS

BE IT ORDERED, BY THE CITY COUNCIL OF THE CITY OF NEW BEDFORD AS FOLLOWS:

That \$25,000,000 is appropriated for the purpose of financing the costs of projects outlined in the City's Long Term CSO Control and Integrated Capital Improvements Plan including Supplemental Integrated Capital Planning, Wastewater Collection System Improvements consisting of improvements to interceptor and collector sewers and improvements to the Shawmut Avenue and MacArthur Drive Sewers, Pumping Station Improvements consisting of improvements at the Front Street and Merrimac Street Pumping Stations, a Wastewater Collection System Investigation Program including field investigations and design recommendations for outlining conveyance system improvements for the next 20- years, MS4 Permit Compliance and Reporting including field mapping and preparation of planning documents, and general system improvements, including without limitation all costs thereof as defined in Section I of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor and the Committee on Finance is authorized to borrow \$25,000,000 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor and the Committee on Finance determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor and the Committee on Finance is

authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust (the "Trust") established pursuant to Chapter 29C of the General Laws; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

FURTHER ORDERED: That any premium received by the City upon the sale of any bonds or notes approved by this order, less the cost of preparing issuing and marketing them, and any accrued interest received upon the delivery of such bonds or notes, shall be applied to the payment of project costs approved by this order, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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.

Referred to the Committee on Finance – October 13, 2016.

Passed to a Second Reading – October 27, 2016.

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

Presented to the Mayor for approval November 23, 2016.

Approved November 23, 2016.

(#1800)

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WRITTEN MOTION, Councillor Lopes, on behalf of concerned citizens, requesting that the Traffic Commission consider changing existing "NO PARKING" signs, on the eastern most side of East Rodney French Boulevard, starting at Ricketson Street, north to Nina Street to "BEACH PARKING ONLY" signs during the summer months. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission.

(#2126)

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WRITTEN MOTION, Councillor Coelho, requesting, that the City install Warning Signs along with Fines along the Harborwalk, relative to people not picking up after their dogs, there are dispensaries at the Harborwalk which are supposed to be stocked with supplies for cleaning up after pets; and further, bicycles are ridden over the piles of dog excrement not picked up, spreading it further and creating an additional mess; and further, this is in violation of City Ordinance Chapter 4, Section 28, which also carries a fine of fifty dollars, each incident for failure to remove/dispose of animal feces.

Referred to the Department of Public Infrastructure.

Presented to the Mayor for approval November 28, 2016.

RETURNED UNSIGNED December 13, 2016.

(#2127)

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WRITTEN MOTION, Councillor Carney, requesting that control of the Lots shown on City of New Bedford Assessors maps as Map 69, Lots 31, 53, 55, 61, 63, and 65 be placed under the control of the Park Board to be used for the purpose of a dog park, so called, for use by the public as an area for exercising dogs according to rules and regulations promulgated by the Park Board.

Adopted – Yeas 11, Nays 0.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. ( #2128)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
NOVEMBER 22, 2016

AN ORDER, Ordered, that the care, custody, management, and control of six (6) parcels of land shown on City of New Bedford Assessor’s Maps as Map 69, Lots 31, 53, 55, 61, 63, and 65 be, and hereby are, transferred to the City of New Bedford Park Board for recreational purposes, specifically to be used for the purpose of a dog recreation area, for use by the public as an area for exercising dogs according to rules and regulations promulgated by the Park Board and in accordance with a certain MOU between the City of New Bedford and the Stanton Foundation, and specifically not for park purposes; intending to withhold said property from the operation of Article 97 of the Massachusetts Constitution or having the property characterized as a park or park property so as to be subject to the operation of Article 97 of the Massachusetts Constitution under any circumstances without further Order of the New Bedford City Council.

Adopted – Yeas 11, nays 0.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. ( #2129)

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WRITTEN MOTION, Councillor Carney, requesting that the City accept the capital gift of \$225,000.00 from the Stanton Foundation for the capital construction of a dog recreational space in the area of Greenwood Street and Hathaway Boulevard, as shown on City of New Bedford Assessor’s Maps as Map 69, Lots 31, 53, 55, 61, 63, and 65.

Adopted – Yeas 10, Nays 1. (Council President Morad OPPOSED.)

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. ( #2130)

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CITY OF NEW BEDFORD  
IN CITY COUNCIL  
NOVEMBER 22, 2016

AN ORDER, ORDERED, that pursuant to Massachusetts General Laws Chapter 44, section 53A, the City of New Bedford accept the monetary grant of two hundred twenty-five thousand (\$225,000.00) Dollars from the Stanton Foundation for construction of a dog park in the area of Greenwood Street and Hathaway Boulevard in New Bedford on land more particularly described as the lots shown on City of New Bedford Assessor’s Maps as Map 69, Lots 31, 53, 55, 61, 63, and 65. Said grant is accepted and is to be applied upon and in accordance with the terms and conditions of the

MOU between the Stanton Foundation and the City of New Bedford attached hereto.” The Mayor of the City of New Bedford hereby is authorized to sign said MOU on behalf of the City of New Bedford, his signature to signify his acceptance and the acceptance of the City Council of the aforementioned grant.

Adopted – Yeas 10, Nays 1. (Council President Morad OPPOSED.)

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2131)

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WRITTEN MOTION, Councillors Coelho, Oliveria and Rebeiro, requesting, that our State Legislative Delegation join us and other communities across the Country and not deport masses of illegal’s in order to insure harmony and safety in our community and to not discriminate against a group of people.

Referred to the Committee on Appointments and Briefings – FAILED – Yeas 2, Nays 9.

(Councillors Coelho and Rebeiro IN FAVOR.) (#2132)

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COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Jenny Mejia d/b/a Jenny’s Transportation, 88 Sagamore Street, New Bedford, MA 02740**, hereby submitting 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 on December 17, 2016.)**

Livery License Renewal Granted.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2133)

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COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Maria Raposo, d/b/a T&R Transportation, 47 Elaine Avenue, New Bedford, MA 02745**, hereby submitting 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 on November 24, 2016.)**

Livery License Renewal Granted.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2134)

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COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Joseph Vargas, 60 Highland Drive, Centerville, MA 02672 & Dean Murphy 50 Son Hill Road, Centerville, MA 02668 d/b/a AIRPORT TAXI LLP, P.O. Box 36 Centerville, MA 02632**, hereby submitting 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. (#2135)

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COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Imad Saker, 25 Donald Street, Dartmouth, MA 02748 d/b/a I DRIVE, 384 Dartmouth Street, New Bedford, MA 02740**, hereby submitting 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. (#2136)

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COMMUNICATION, Council President Morad, submitting a letter of support, dated November 14, 2016, to the Members of the Planning Board, regarding petitions for the Southeastern Massachusetts Veterans Housing Program, Inc. and the Women's Development Corporation. (To be Received and Placed on File.)

Received and Placed on File. (#2137)

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COMMUNICATION/EMAIL, Councillor Winterson, submitting a copy of an email relative to a Proposed Parking Regulation regarding expired inspectional stickers on vehicles parked on City streets, whether these vehicles be operable or inoperable.

Received and Placed on File. (#2138)

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COMMUNICATION, Michael Heffernan, Commissioner of Local Services for Massachusetts Department of Revenue to New Bedford City Council President Linda Morad, sharing DOR's Local Services Excess and Deficiency Report for public schools within the Greater New Bedford area. (To be Received and Placed on File.)

Received and Placed on File. (#2139)

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WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Downtown New Bedford Inc., that the following street(s) be CLOSED: PLEASANT STREET, from Union Street to Elm Street; MARKET STREET, from North Sixth Street to Pleasant Street; WILLIAM STREET, from North Sixth Street to Water Street and WATER

STREET, from Union Street to Elm Street, ON SATURDAY, DECEMBER 03, 2016, FROM 4:00 P.M. TO 6:00 P.M., for the purpose of The Downtown Christmas Tree Lighting.

Permission Granted.

Presented to Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2140)

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WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of AHA! New Bedford, that the following street(s) be CLOSED: PURCHASE STREET, between Union Street and Spring Street, FROM 10:00 A.M. TO 4:00 P.M., ON SATURDAY, DECEMBER 03, 2016, for the purpose of A Holiday Mural and Associated Activities.

Permission Granted.

Presented to Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2141)

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WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the Department of Tourism and Marketing, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Elm Street to Union Street; PURCHASE STREET, from Spring Street to Union Street; SECOND STREET, from Elm Street to Union Street; WILLIAM STREET, from Purchase Street to Johnny Cake Hill and UNION STREET, from Rt. 18 to Water Street (for fireworks viewing area), ON SATURDAY, DECEMBER 31, 2016, FROM 5:00 P.M. THROUGH 9:00 P.M., for the purpose of A CITY CELEBRATES! NEW YEAR'S EVE.

Permission Granted.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2142)

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WRITTEN MOTION, Councillor Gomes, on behalf of Maria Costa, 114 West Rodney French Boulevard, and the abutting neighbors, requesting that the Department of Public Infrastructure install a cement or tar sidewalk on the west side of West Rodney French Boulevard, from Warren Street, south to David Street, this area has never had a sidewalk and this would be an improvement, which goes along the walking path that many City residents are utilizing, the lack of sidewalk is very detrimental to the neighborhood and would be an improvement to the visual effects of the area and a sidewalk installation would stop the overgrown grass and litter in the area. (To be Referred to the Department of Public Infrastructure.)

Referred to the Department of Public Infrastructure.

Presented to the Mayor for approval November 28, 2016.

RETURNED UNSIGNED December 13, 2016. (#2143)

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PETITION/INDEMNITY AGREEMENT, KYLE DUARTE d/b/a EXPO'S LIQUORS, for Permission to Erect and Maintain a Projecting Illuminated Sign to overhang City property at 281 County Street. Provisionally Granted, subject to approval of the Building Commissioner and subject to Ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016.

(#2144)

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PETITION/INDEMNITY AGREEMENT, ERICA CHEVALIER, d/b/a GLITZ AND GLAMOUR, for Permission to Erect and Maintain a Projecting Sign to overhang City property at 2803 Acushnet Avenue. Provisionally Granted, subject to approval of the Building Commissioner and subject to Ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016.

(#2145)

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PETITION/INDEMNITY AGREEMENT, ROGER CHOUINARD, d/b/a PURCHASE STREET RECORDS, for Permission to Erect and Maintain a Projecting Sign to overhang City property at 767 Purchase Street. Provisionally Granted, subject to approval of the Building Commissioner and subject to Ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016.

(#2146)

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PETITION/INDEMNITY AGREEMENT, VICTOR AND DENISE DESOUSA, for Permission to Erect and Maintain a Projecting Sign to overhang City property at 241 – 243 Ashley Boulevard. Provisionally Granted, subject to approval of the Building Commissioner and subject to Ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016.

(#2147)

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COMMUNICATION, Council President Morad submitting a copy of a letter to Luso-American Financial, 128 Union Street, thanking them for the invitation to the grand opening and holiday party at the new Downtown New Bedford location.

Received and Placed on File.

(#2148)

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MINUTES, Commission for Citizens with Disabilities, submitting Minutes of a meeting held on September 21, 2016.

Received and Placed on File.

(#2149)

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MINUTES, Board of Assessors, submitting Minutes of a meeting held on October 27, 2016.

Received and Placed on File.

(#2150)

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MINUTES, Board of Park Commissioners, submitting Minutes of a meeting held on October 19, 2016.

Received and Placed on File. (#2151)

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APPLICATION, **Geosearch, Inc.**, for permission to maintain a STREET OBSTRUCTION at **2 – 70 Barrett Street and Barrett Street, Southside**, provisionally granted by the City Clerk on November 10, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2152)

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APPLICATION, **Geosearch, Inc.**, for permission to maintain a STREET OBSTRUCTION at **11 Mt. Pleasant Street to Shawmut Avenue**, provisionally granted by the City Clerk on November 10, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2153)

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APPLICATION, **Geosearch, Inc.**, for permission to maintain a STREET OBSTRUCTION at **167 – 169 Jefferson Street**, provisionally granted by the City Clerk on November 10, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2154)

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APPLICATION, **Geosearch Inc.**, for permission to maintain a STREET OBSTRUCTION at **705 – 999 Nash Road**, provisionally granted by the City Clerk on November 10, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2155)

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APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **830 Tradewind Street**, provisionally granted by the City Clerk on November 14, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2156)

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APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **29 – 31 Branscomb Street**, provisionally granted by the City Clerk on November 14, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2157)

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APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **31 Richmond Street**, provisionally granted by the City Clerk on November 14, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2158)

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APPLICATION, **R.J. Canessa Excavating**, for permission to maintain a STREET OBSTRUCTION at **1477 Old Plainville Road**, provisionally granted by the City Clerk on November 15, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2159)

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APPLICATION, **Cardoso Contracting**, for permission to maintain a STREET OBSTRUCTION at **183 – 185 Adams Street**, provisionally granted by the City Clerk on November 21, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2160)

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APPLICATION, **Geosearch, Inc**, to DISTURB THE SURFACE, of **2 – 70 Barrett Street and Barrett Street, Southside**, provisionally granted by the City Clerk on November 10, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2161)

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APPLICATION, **Geosearch, Inc,** to DISTURB THE SURFACE, of **11 Mt. Pleasant Street to Shawmut Avenue**, provisionally granted by the City Clerk on November 10, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2162)

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APPLICATION, **Geosearch, Inc,** to DISTURB THE SURFACE, of **167 – 169 Jefferson Street**, provisionally granted by the City Clerk on November 10, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2163)

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APPLICATION, **Geosearch, Inc,** to DISTURB THE SURFACE, of **705 – 999 Nash Road**, provisionally granted by the City Clerk on November 10, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2164)

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APPLICATION, **R.J. Canessa Excavating,** to DISTURB THE SURFACE, of **830 Tradewind Street**, provisionally granted by the City Clerk on November 14, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2165)

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APPLICATION, **JLC Construction,** to DISTURB THE SURFACE, of **29 – 31 Branscomb Street**, provisionally granted by the City Clerk on November 14, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2166)

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APPLICATION, **JLC Construction,** to DISTURB THE SURFACE, of **31 Richmond Street**, provisionally granted by the City Clerk on November 14, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2167)

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APPLICATION, **R.J. Canessa Excavating**, to DISTURB THE SURFACE, of **1477 Old Plainville Road**, provisionally granted by the City Clerk on November 15, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2168)

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APPLICATION, **Cardoso Contracting**, to DISTURB THE SURFACE, of **183 – 185 Adams Street**, provisionally granted by the City Clerk on November 21, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016. (#2169)

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APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on November 16, 2016, subject to ratification by the Mayor and City Council as follows:

511 Bedford Street (#2170)

Ryan Street/John Street (#2171)

Park Avenue/Mary Street (#2172)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016.

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APPLICATIONS, **Eversource Gas**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on November 21, 2016, subject to ratification by the Mayor and City Council as follows:

327 Bolton Street (#2173)

Davis Street/Ashley Boulevard (#2174)

14 Sagamore Street (#2175)

12 Gosnold Street (#2176)

54 Greenbrier Drive (#2177)

60 Merrimac Street (#2178)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016.

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APPLICATIONS, **NSTAR Electric Company d/b/a Eversource Energy**, to DISTURB THE SURFACE, provisionally granted by the City Clerk on November 18, 2016, subject to ratification by the Mayor and City Council as follows:

Social Street, off McGurk Street (#2179)

Point Street, South of Bayview Street (#2180)

Matthew Street, opposite Stephen Street (#2181)

Jouvette Street, off County Street (#2182)

McGurk Street, between Welcome & Social Street, Oaklawn Street, off Rodney French Boulevard (#2183)

Fern Street, off Apponagansett Street, Annette Street, off Brock Avenue (#2184)

Rodney Street, off Cleveland Street (#2185)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016.

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APPLICATIONS, **S & L Roll-Off Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on November 18, 2016, subject to ratification by the Mayor and City Council as follows:

137 Rochambeau Street (#2186)

791 Purchase Street (#2187)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval November 28, 2016.

Approved November 30, 2016.

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IT WAS VOTED, on a motion made and duly seconded, Yeas 8, Nays 0, to waive Rule 42 in order to take up the late file items. (Councillors Carney, Gomes and Oliviera not present for vote.)

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WRITTEN MOTION, Councillors Rebeiro, Abreu, Martins and Lopes, requesting that Dr. Sam Tsemberis, Founder of the “Pathways Housing First Program,” Cecil Hickman, Director of the Dog Tags Program, a Representative of the Mayor’s Office, Health Director Dr. Brenda Weis, and Inspectional Services Commissioner Danny Romanowicz, meet with the Committee on Public Safety and Neighborhoods to discuss the City adopting the “Pathway Housing First



Program” in which the City would immediately place every individual identified as homeless, in foreclosed properties that meet the City Ordinances on quality of living with the goal of immediately ending the homeless problem.

Rule 42 Waived – Yeas 8, Nays 0. (Councillors Carney, Gomes and Oliviera not present for vote.)  
Referred to the Committee on Public Safety and Neighborhoods. (#2188)

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WRITTEN MOTION, Councillor Rebeiro, requesting that the land donated to the City by the Historical Society across the street from the Nathan and Mary “Polly” Johnson House located at 21 Seventh Street be turned into a park honoring the Abolitionists in New Bedford for their important work. (To be Referred to the Special Committee on Memorials and Dedications.)

Rule 42 Waived – Yeas 8, Nays 0. (Councillors Carney, Gomes and Oliviera not present for vote.)  
Referred to the Special Committee on Memorials and Dedications. (#2189)

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WRITTEN MOTION, Councillor Rebeiro, requesting that a representative from DPI come before the Committee on Appointments and Briefings, to explain the dissemination of salt throughout the City for the upcoming winter.

Rule 42 Waived – Yeas 8, Nays 0. (Councillors Carney, Gomes and Oliviera not present for vote.)  
Referred to the Committee on Appointments and Briefings. (Council President Morad OPPOSED.)  
(#2190)

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WRITTEN MOTION, Councillors Rebeiro and Abreu, requesting that a Representative from DPI come before the Committee on Appointments and Briefings to discuss the city garbage cans and where they are located throughout the City and how often does DPI examine whether some should be moved based on neighborhoods growth pattern.

Rule 42 Waived – Yeas 8, Nays 0. ( Councillors Carney, Gomes, and Oliviera not present for vote.)  
Referred to the Committee on Appointments and Briefings. (#2191)

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WRITTEN MOTION, Councillor Gomes, requesting, once again, that the Administration and the Department of Public Infrastructure immediately replace the Christmas bows on the wreaths in the South End Business District along Brock Avenue and Rodney French Boulevard, this request was made during the last holiday season only to be ignored, image is everything when conducting business in the City and every business district deserves the same attention, the holiday season be observed with pride in a great City.

Rule 42 Waived – Yeas 8, Nays 0. (Councillors Carney, Gomes and Oliviera not present for vote.)  
Referred to the Administration and the Department of Public Infrastructure.  
Presented to the Mayor for approval November 28, 2016.  
RETURNED UNSIGNED December 13, 2016. (#2192)

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REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, amending Chapter 6 of the City Code by the addition of Article IX adopting the Stretch Code, 780 CMR Appendix 115.AA, to the 9<sup>th</sup> Edition Massachusetts Building Code.

Rule 42 Waived – Yeas 8, Nays 0. (Councillors Carney, Gomes, and Oliviera not present for vote.)

Recommendation Followed. (#2193)

AN ORDINANCE,

Referred to the Committee on Ordinances – September 22, 2016.

Rule 42 Waived – Yeas 8, Nays 0. (Councillors Carney, Gomes and Oliveira not present for vote.)

Passed to a Second Reading. (#1714)

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REPORT, Committee on Ordinances, recommending to the City Council ADOPT AS AMENDED, the Ordinance, RELATIVE TO RECREATIONAL VEHICLES.

Rule 42 Waived – Yeas 8, Nays 0. (Councillors Carney, Gomes and Oliveira not present for vote.)

Recommendation Followed. (#2194)

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ORDINANCE,

Rule 42 Waived – Yeas 8, Nays 0. (Councillors Carney, Gomes and Oliveira not present for vote.)

Passed to a Second Reading. (#2195)

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REPORT, Committee on Ordinances, recommending to the City Council, that a letter be sent to the State Legislature asking that they consider amending the State Law prohibiting 4-wheeled quads and off-road recreational vehicles (that are registered) to allow them access to public state parks and trails appropriate for use in safe manner.

Rule 42 Waived – Yeas 8, Nays 0. (Councillors Carney, Gomes and Oliveira not present for vote.)

Recommendation Followed and Referred to the State Legislative Delegation. (#2196)

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REPORT, Committee on Ordinances, recommending to the City Council referral of the PROPOSED PARKING REGULATIONS related to uninspected motor vehicles to the Traffic Commission.

Rule 42 Waived – Yeas 8, Nays 0. (Councillors Carney, Gomes and Oliveira not present for vote.)

Referred to the Traffic Commission. (#2197)

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On a motion, the Council then adjourned at 7:45 p.m.

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ATTEST:

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