

**CITY COUNCIL CALENDAR
THURSDAY, JANUARY 10, 2019
7 P.M. CITY COUNCIL CHAMBERS – ROOM 214
CITY HALL, 133 WILLIAM STREET, NEW BEDFORD, MA**

OPENING OF SESSION BY: CITY COUNCIL PRESIDENT LINDA M. MORAD

**PRAYER LED BY: REVEREND DAVID LIMA, EXECUTIVE MINISTER,
INTER-CHURCH COUNCIL OF GREATER NEW BEDFORD**

PLEDGE OF ALLEGIANCE

HEARINGS

1. HEARING, CELLCO PARTNERSHIP d/b/a Verizon Wireless for location of a Cloud Radio Access Network for wireless communication adjacent to 1121 ASHLEY BOULEVARD.

1a. AN ORDER,

2. HEARING, CELLCO PARTNERSHIP d/b/a Verizon Wireless for location of a Cloud Radio Access Network for wireless communication adjacent to 33 PLYMPTON STREET.

2a. AN ORDER,

3. HEARING, CELLCO PARTNERSHIP d/b/a Verizon Wireless for location of a Cloud Radio Access Network for wireless communication adjacent to SS HATHAWAY ROAD, Map 120/Lot 2.

3a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a VETO on November 21, 2018 at 8:50 a.m., to an Ordinance, amending Chapter 18, Section 18-1 of Code of Ordinances, Relative to the Board of Park Commissioners. (Veto Received and Ordered Spread on the Records – December 13, 2018.)

M1a. AN ORDINANCE, (Passed to be Ordained - November 8, 2018; VETOED by Mayor Mitchell - November 21, 2018; Veto Received and Ordered Spread on the Records – December 13, 2018.)

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER, appropriating \$69,643.00 to pay the costs of improving River's End Park for recreational purposes through the completion of Phase 2 of the Master Plan for River's End, the amount authorized for this project by this Order shall be contingent upon the award of PARC19 grant from the Commonwealth of Massachusetts and the identification of additional grants, including but not limited to Community Preservation Act funding to support the required local match.

M2a. LOAN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting SEWER ABATEMENT for May Kamel, 660West Rodney French Boulevard, New Bedford, MA in the amount of \$440.44.

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of GEORGE N. SMITH, New Bedford, MA, to the PLANNING BOARD as an Alternate Member, this term will expire September 2021.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting a request to rescind Mr. Barry Trahan's appointment to serve on the Library Board of Trustees replacing Jill Horton Simms; and further submitting the APPOINTMENT of ANN R. O'LEARY, New Bedford, MA to the LIBRARY BOARD OF TRUSTEES, replacing Jill Horton Simms who has resigned, this term will expire APRIL 2020.

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MARTIN BENTZ, New Bedford, MA, to the HUMAN RELATIONS COMMISSION, replacing Kevin Thomas, whose term has expired; this term will expire FEBRUARY 2021.

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JOSHUA AMARAL, New Bedford, MA to the GREATER NEW BEDFORD REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL DISTRICT COMMITTEE, replacing Joaquim Nobrega, this term will expire MAY 2019.

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of PATRICK RICHARD DUDDY, Swansea, MA 02777 as a CONSTABLE.

M8a. APPLICATION,

NEW BUSINESS

4. REPORT, Committee on Licensing and Zoning for Cannabis, recommending to the City Council that the Host Agreement Committee, appointed by the Administration, review the current Cannabis Zoning Ordinance to see if they are able to identify any zoning and/or other issues that may affect the marijuana business application process and that they report their findings to the Committee on Ordinances. (To be Referred to the Committee on Ordinances.)

5. REPORT, Committee on Finance, recommending to the City Council to take "**NO FURTHER ACTION**" on the RELATED MOTION, Councillor Carney, requesting that the Committee on Finance, Chairman, table the matter pertaining to M.G.L. Chapter 32B, Sections 21, 22 and 23 for 90 days to give the Public Employee Committee (PEC) and the Administration time to negotiate the City's employees health care benefits.

5a. RELATED MOTION, Councillor Carney, requesting that the Committee on Finance, Chairman, table the matter pertaining to M.G.L. Chapter 32B, Sections 21, 22 and 23 for 90 days to give the Public Employee Committee (PEC) and the Administration time to negotiate the City's employee's health care benefits. (Referred to the Committee on Finance – January 11, 2018.)

6. REPORT, Committee on Finance, recommending to the City Council to take "**NO FURTHER ACTION**" on the COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER to accept Massachusetts General Laws Chapter 32B, Sections 21-23 to provide the City with the tools to implement necessary changes to City health insurance benefits and to enable more effective collaboration with the public employee unions.

6a. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER to accept Massachusetts General Laws Chapter 32B, Sections 21-23 to provide the City with the tools to implement necessary changes to City health insurance benefits and to enable more effective collaboration with the public employee unions.

6b. AN ORDER,

7. REPORT, Committee on Finance, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Council President Lopes, requesting that the City of New Bedford study the potential cost savings associated with the establishment of an Opt-Out Medical Insurance Program for City employees.

7a. WRITTEN MOTION, Council President Lopes, requesting that the City of New Bedford study the potential cost savings associated with the establishment of an Opt-Out Medical Insurance Program for City employees. (Referred to the Committee on Finance – February 23, 2017.)

8. REPORT, Committee on City Property, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Lopes, Council President Morad and Councillor Oliveira, requesting that the Committee on City Property review the Purchase & Sales Agreement for the Civil Defense Building on County Street.

8a. WRITTEN MOTION, Councillor Lopes, Council President Morad and Councillor Oliveira, requesting that the Committee on City Property review the Purchase & Sales Agreement for the Civil Defense Building on County Street. (Referred to the Committee on City Property – March 22, 2016.)

9. REPORT, Committee on City Property, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Carney, requesting, that Mary Rapoza, Director of Parks, Recreation and Beaches and the Board of Park Commissioners, develop a fee schedule that charges non-residents, out of town organizations, groups, etc., for the use of all City parks.

9a. WRITTEN MOTION, Councillor Carney, requesting, that Mary Rapoza, Director of Parks, Recreation and Beaches and the Board of Park Commissioners, develop a fee schedule that charges non-residents, out of town organizations, groups, etc., for the use of all City parks. (Referred to the Committee on City Property – September 8, 2016.)

10. REPORT, Committee on Licensing and Zoning for Cannabis, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors Abreu and Giesta, requesting, that the Administration and Solicitor's Office meet with the Special Committee on Licensing & Zoning for Cannabis to discuss the potential investor application and/or Request for Proposal (RFP) process, and how the Committee and Administration can collaborate on a process that is fair and transparent for all interested parties.

10a. WRITTEN MOTION, Councillor Abreu, requesting, that the Administration and Solicitor's Office meet with the Special Committee on Licensing & Zoning for Cannabis to discuss the potential investor application and/or Request for Proposal (RFP) process, and how the Committee and Administration can collaborate on a process that is fair and transparent for all interested parties. (Referred to the Special Committee on Licensing & Zoning for Cannabis – September 27, 2018.)

11. WRITTEN MOTION, Councillor Gomes, requesting that the City Council create an Ordinance that would require any surplus property greater than \$100.00 in value be inventoried and appear before the City Council's Committee on City Property prior to being sold or auctioned off, and any City property less than \$100.00 in value will be inventoried and a report be provided to the Committee on City Property; the same course of action will be taken on any property donated to community organizations that the City is storing, to guarantee to the City and taxpayers that a watchful eye is being kept over all property, equipment, vehicles, and etc.; further, that the City Council's Committee on City Property plan a tour of places or areas which City property is being kept and/or stored for a viewing of all surplus, equipment, antique military artifacts, millions of dollars in art, and any valuables to make sure that said property is being preserved and maintained, this action will guarantee that all City surplus and valuable will be inventoried and monitored by the City Council's Committee on City Property.

12. WRITTEN MOTION, Councillor Coelho, requesting that the Mayor's Office, the Art Museum and Patrick Sullivan, Director of Planning, Housing and Community Development assist the New Bedford Museum of Glass, a non-profit currently located at 61 Wamsutta Street in obtaining a new location, perhaps in a City-owned building; and further, this museum's collection consists of over seven thousand objects documenting more than three thousand years of glassmaking history and is in need of a new location. (To be Referred to the Mayor's Office, the Art Museum and Patrick Sullivan, Director of Planning, Housing and Community Development.)

13. WRITTEN MOTION, Councillor Gomes, requesting, that the City Council forward a letter of request to the Commonwealth of Massachusetts' Cannabis Control Commission as to whether the City is following State Law regarding marijuana establishments in the City; and further, enclosed in the letter, please include a copy of the 11-page "Screening Form/Application for a Marijuana Establishment Host Community Agreement", and a copy of the City's zoning map that has been put forth by the Mayor's Review Committee, comprised of the City Solicitor, the City Planner, the Chief of Police, the Chief Financial Officer, the Director of Inspectional Services, the Director of Planning, Housing and Community Development, and the City's Health Director; asking that the Cannabis Control Commission review the application and the zoning map and report back to City Council as to whether this Application process and zoning map applies to the laws of the Commonwealth of Massachusetts' Cannabis Commission; and further, that Steven Hoffman, Chairman of the Massachusetts Cannabis Control Commission or a representative, meet with the Special Committee on Licensing an Zoning for Cannabis to discuss whether the City has followed Massachusetts Laws and policies regarding marijuana establishments in the City of New Bedford.

14. WRITTEN MOTION, Councillor Gomes, on behalf of the Seniors and over 55 residents at Whalers Place, and Whalers Cove on Riverside Avenue, requesting the following action be taken after meeting with residents on safety and quality of life issues; A) that the Traffic Commission and Department of Public Infrastructure paint the following crosswalks yellow, giving motorists more of a visual of where each crosswalk is located; Coffin Avenue, Phillips Avenue, Collette Street, Davis Street and Manomet Street, all streets running to Riverside Avenue; B) requesting that the Traffic Commission install Stop Signs at the following intersections, Phillips Avenue, Davis Street and Collette Street, south east corner, in an easterly direction approaching Riverside Avenue; and further, that the Traffic Commission make Riverside Avenue a "20 MILES PER HOUR" roadway and install signs from Coffin Avenue, north and south to Belleville Road, this request comes with a large population of Seniors and handicap residents that live in this area; C) requesting that the Department of Public Infrastructure check all newly installed handicap accessible ramps leading to sidewalks on Riverside Avenue to make sure that the sidewalk is meeting the street and there is not a lip causing residents to trip or fall; and further, that they fill in all potholes on Riverside Avenue and replace water shut off metal caps; and further, that the Department of Public Infrastructure fill in all the potholes or large holes located in the back of Whalers Cove, and Whalers Place on the paper street owned by the City; D) requesting that Police Chief Cordeiro and the Commanding Officer from Station 3 do periodic speed radar control checks on Riverside Avenue especially during the 3:00 p.m. and 4:00 p.m., when traffic is the heaviest; and further, that the Police Chief implement a D run at least twice a night in the area, early evening and after the midnight hour and that the Chief order regular patrols of the perimeter of the buildings due to criminal activity and prostitution taking place behind the buildings; E) requesting, that a letter be sent to the management at Whalers Place requesting if possible, that they install a surveillance camera on the south east side of the building at Coffin Avenue and Riverside Avenue; and further, evaluate the outside perimeter for additional cameras facing the parking lot on Riverside Avenue and in the back of the building for the safety of their elderly residents; and further, that the Committee on Public Safety and Neighborhoods meet with management for an update on action taken and the possibilities of sharing the surveillance cameras with the New Bedford Police Department, that would include Whalers Cove, also if not already participating. (To be Referred to the Traffic Commission, the Department of Public Infrastructure, Police Chief Cordeiro, the Committee on Public Safety and Neighborhoods and the management of Whaler's Cove and Whaler's Place.)

15. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Karen Maciulewicz, 128 Chipaway Road, East Freetown, MA 02717 d/b/a PROJECT INDEPENDENCE SERVICES, INC., 250 Elm**

Street, New Bedford, MA 02740, hereby submitting a copy of the Application requesting a **RENEWAL** of a **PRIVATE LIVERY LICENSE** to carry passengers for hire over the streets of New Bedford. (**Current License expired June 22, 2018.**)

16. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Albert Williams III, 1 Deerfield Lane, Fairhaven, MA 02719 d/b/a ELITE TRANSPORTATION, INC., 1 Deerfield Lane, Fairhaven, MA 02719**, hereby submitting a copy of the Application requesting a **NEW PRIVATE LIVERY LICENSE** to carry passengers for hire over the streets of New Bedford.

17. COMMUNICATION/DEMOLITION, COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW of 184 COTTAGE STREET, (MAP 52/LOT 238), a Circa 1920 Concrete Block Garage Structure, advising that “the structure is located in a National Register Historic District; however, it is a later addition to the associated main structure, ca 1858; the structure is of no notable historic significance either recorded or found with the existing condition of the structure, **“in light of these findings, the Preservation Planner has determined that the structure at 184 Cottage Street is neither Historically Significant nor a Preferably Preserved Structure.”**”

18. COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW OF 436 S. FRONT STREET, (MAP 25A, LOT 31) a Circa 1882, two and a half storey wood framed residential structure – advising that “the structure is not located in a National Register Historic District; the structure is of no notable historic significance either recorded or found with the existing condition of the structure; the structure is in poor condition due to extensive deferred maintenance; **“in light of these findings, the Preservation Planner has determined that the structure at 436 S. Front Street is neither Historically Significant nor a Preferably Preserved Structure.”**”

19. COMMUNICATION/DEMOLITION, Anne Louro Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW OF 61 WAMSUTTA STREET, (MAP 78, LOT 125) a Circa 1889 two-story brick mill structure – advising that “the purpose of the Demolition Delay Ordinance is to preserve and protect significant buildings and structures within New Bedford and to encourage owners of Preferably Preserved Historic Buildings and Structure to seek out alternative options that will preserve, rehabilitate or restore such buildings; the structure is located in the Wamsutta Mill National Register Historic District and is associated with the broad architectural, cultural, economic, political and social history of the City; as part of the rehabilitation and adaptive reuse of the structure to accommodate 30 units of housing, partial demolition of non-historic fabric will occur; including the replacement of windows; the rehabilitation is utilizing both the Federal and the State Rehabilitation Tax Credit Programs; as such, the project must meet the Secretary of the Interior’s Standards for Rehabilitation; **“in light of these findings, the Preservation Planner has determined that the structure at 61 Wamsutta Street is a Historically Significant and a Preferably Preserved Historic Building; however, the building is not regulated by the Demolition Delay Ordinance, as the intent is to restore and preserve the building, not to demolish.”**”

20. COMMUNICATION/EMAIL, Councillor Lopes, submitting an email from Mary Rapoza, Director of Parks, Recreation and Beaches regarding the costs associated with the Memorial and Dedication benches and trees.

21. COMMUNICATION, Councillor Lopes, submitting a letter on behalf of Antoine J. Khalife from SoCo Green letting the Council know that he will not be able to attend the Licensing and Zoning for Cannabis meeting scheduled for December 19, 2018, but will be sending a representative on his behalf to answer any questions, and also reiterate that SoCo Green is fully committed in moving forward to seek a Marijuana Retail License in the City of New Bedford.

22. COMMUNICATION/EMAIL, Councillor Gomes, submitting a copy of a communication from Ericca Kennedy, Whisk and Jane LLC, to Mayor Mitchell, demanding immediate action relative to the correspondence sent 12/24/18,

asking for a favorable resolution to the obstacles impeding the establishment of their recreational cannabis business – Whisk and Jane LLC.

23. COMMUNICATION/EMAIL, Councillor Gomes, submitting a copy of the Guidance on Equitable Cannabis Policies for Municipalities created by the Cannabis Control Commission. (Copy all Councillors 01/02/2019).

24. COMMUNICATION/EMAIL, Councillor Gomes, submitting a communication from Ericca Kennedy, Whisk and Jane LLC, to Members of the City Council, demanding the City Council immediately vote to repeal the cannabis zoning, bylaws, Ordinances and HCA prescreening and requirements packet put forth and enacted by the City of New Bedford and additionally requesting the immediate execution of the Host Community Agreement with Whisk and Jane LLC, dated July 26, 2018.

25. COMMUNICATION/EMAIL, Councillor Gomes, submitting a copy of the Whisk & Jane LLC, Community Impact Package. (Copy all Councillors 01/02/2019).

26. COMMUNICATION, City Clerk/Clerk of the City Council, submitting a copy of letter sent to Livery Owners regarding the newly revised Ordinance relative to Vehicles for Hire. (To be Received and Placed on File.)

27. COMMUNICATION, City Clerk/Clerk of the City Council, submitting copies of letters from Mayor Mitchell and Police Chief Cordeiro, pursuant to the provisions of M.G.L. Chapter 102, Section 19, notifying the appointment of Sgt. Paul Fonseca and Officer Robert Nunes as Assistant Harbormasters for terms to expire December 31, 2021 or until such time as a successor is appointed. (To be Received and Placed on File.)

TABLED BUSINESS

NO ITEMS ON THIS AGENDA.

***In accordance with the Americans with Disabilities Act (ADA),
if any accommodations are needed, please contact the City Council Office at 508-979-1455.
Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.***