

REGULAR MEETING
Chambers of the City Council
Thursday, June 27, 2019

CITY COUNCIL
Municipal Building
7:01 p.m.

PRESENT: Council President Morad, Councillors Abreu, Carney, Coelho, Giesta, Gomes, Lima, Lopes, Markey and Rebeiro.

LATE: No One

ABSENT: Councillor Dunn

Council President Linda M. Morad called the meeting to order and presided.

Prayer led by: Reverend Pamela J. Cole Greater New Bedford Chapter of Church Women United.

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

COMMUNICATION, Councillor Dunn, to members of the City Council notifying that he will be absent from the City Council Meeting on Thursday, June 27, 2019, due to a work conflict.

Received and Placed on File. (#1129)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$300,000.00 now standing to the credit of the account from PUBLIC INFRASTRUCTURE CAPITAL OUTLAY be and the same is hereby transferred and appropriated to as follows: PUBLIC INFRASTRUCTURE OTHER FINANCING USES in the amount of \$300,000.00.

Received and Placed on File. (#1130)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 27, 2019

ORDERED, that the sum of **THREE HUNDRED THOUSAND DOLLARS (\$300,000)** now standing to the credit of the account from **PUBLIC INFRASTRUCTURE CAPITAL OUTLAY** be and the same is hereby transferred and appropriated to as follows:

PUBLIC INFRASTRUCTURE OTHER FINANCING USES.....\$300,000

To be certified and approved by the Department Head.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval July 01, 2019.

Approved July 10, 2019. (#1131)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Police Department known as the **RIFLE RANGE REVOLVING FUND**, whose revenues collected, and amount limited to be spent estimated at **\$50,000.00**, is hereby authorized for **FISCAL YEAR 2020**.

Received and Placed on File. (#1132)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 27, 2019

ORDERED, that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Police Department, known as **RIFLE RANGE REVOLVING FUND**, whose revenues collected, and amount limited to be spent estimated at **\$50,000** is hereby authorized for **FISCAL YEAR 2020**.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval July 01, 2019.

Approved July 10, 2019. (#1133)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a WAIVER OF RESIDENCY for HANNAH NIEMI, LIFEGUARD, in the Department of Parks, Recreation and Beaches who resides in Fairhaven, MA.

Amended to a Three Month Waiver of Residency Granted – Yeas 10, Nays 0.

Presented to the Mayor for approval July 01, 2019.

Approved July 10, 2019. (#1134)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MICHAEL J. MOTTA, as ADMINISTRATIVE ASSISTANT to the BOARD OF ASSESSORS, for a five (5) year term to expire June 27, 2024, a ONE YEAR WAIVER OF RESIDENCY and approval for Mr. Motta's salary at Step 4, Grade M-15. (\$91,436.00) is also requested.

Referred to the Committee on Appointments and Briefings. (#1135)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of MICHAEL J. MCLUSKEY, Acushnet, MA, 02743, as a CONSTABLE.

Received and Placed on File. (#1136)

APPLICATION, MICHAEL J. MCLUSKEY, Acushnet, MA 02743, for APPOINTMENT as a CONSTABLE.

Confirmed. (#1137)

REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of LEE BENTLEY, Park Keeper, as the Department of Public Infrastructure's designee to the BOARD OF PARK COMMISSIONERS; replacing Charles Cotter who has resigned; this term will expire May 2020.

Recommendation Followed. (#1138)

COMMUNICATION, Mayor Mitchell to City Council, submitting the APPOINTMENT of LEE BENTLEY, Park Keeper, as the Department of Public Infrastructure's designee to the BOARD OF PARK COMMISSIONERS; replacing Charles Cotter who has resigned; this term will expire May 2020. (Referred to the Committee on Appointments and Briefings - May 23, 2019.)

Referred to the Committee on Appointments and Briefings – May 23, 2019.

Appointment Granted – Yeas 10, Nays 0 and Rule 40 Waived – Yeas 10, Nays 0.

(#0963)

REPORT, Committee on Appointments & Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on a WRITTEN MOTION, Council President Gomes, requesting, that the Committee on Appointments & Briefings meet with the Library Director and Library Board of Trustees, for the purpose of discussing the location, storage and the value of the artwork that the City owns; and further that the Library Board of Trustees take the Committee on tour of this artwork.

Recommendation Followed. (#1139)

WRITTEN MOTION, Council President Gomes, requesting, that the Committee on Appointments & Briefings meet with the Library Director and Library Board of Trustees, for the purpose of discussing the location, storage and the value of the artwork that the City owns; and further that the Library Board of Trustees take the Committee on tour of this artwork. (Referred to the Committee on Appointments and Briefings – July 16, 2015.)

Referred to the Committee on Appointments and Briefings – July 16, 2019.

NO FURTHER ACTION. (#1307)

REPORT, Committee on Appointments & Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on a WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and the Director of the Whaling Museum take immediate action to make sure that the “Grand Panorama of a Whaling Voyage Around the World” stays in New Bedford, this painting is the largest in the world, has been restored and the City should make every effort along with the Whaling Museum to ensure that it remains in the City that set the history of Whaling in this country; and further, that the City find a suitable location for this treasure; and further, that the City will be glad to share this with the world, but it belongs to the City of New Bedford and this should be its home, this painting is part of our City's history.

Recommendation Followed. (#1140)

WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and the Director of the Whaling Museum take immediate action to make sure that the “Grand Panorama of a Whaling Voyage Around the World” stays in New Bedford, this painting is the largest in the world, has been restored and the City should make every effort along with the Whaling Museum to ensure that it remains in the City that set the history of Whaling in this country; and further, that the City find a suitable location for this treasure; and further, that the City will be glad to share this with the world, but it belongs to the City of New Bedford and this should be its home, this painting is part of our City’s history. (Referred to the Committee on Appointments and Briefings – December 14, 2017.)

Referred to the Committee on Appointments and Briefings December 14, 2017.

NO FURTHER ACTION. (#2066)

REPORT, Committee on Appointments & Briefings, recommending to the City Council to take “**NO FURTHER ACTION**” on a WRITTEN MOTION, Councillor Gomes, requesting, once more that the original “Grand Panorama of a Whaling Voyage Around The World” A Spectacle In Motion, be given a permanent home in New Bedford, Massachusetts; and further, that the Committee on Appointments and Briefings and/or the Committee on City Property meet with Whaling Museum officials to make sure that this work of art and history remain in the City of New Bedford; and further, if this panorama of art and history is to be loaned out or permitted to go on the road, that a cost be associated with such action and more importantly, that Whaling Museum staff travel with it and all appropriate equipment needed for the presenting and the protection of this work of art accompany it, and further, that a discussion be held as to the possibility of a permanent location in the City due to the thousands of tourists that visited New Bedford to see this amazing work of art and history this past summer and to ensure that this work of art permanently be part of our showcasing and tourism destination.

Recommendation Followed. (#1141)

WRITTEN MOTION, Councillor Gomes, requesting, once more that the original “Grand Panorama of a Whaling Voyage Around The World” A Spectacle In Motion, be given a permanent home in New Bedford, Massachusetts; and further, that the Committee on Appointments and Briefings and/or the Committee on City Property meet with Whaling Museum officials to make sure that this work of art and history remain in the City of New Bedford; and further, if this panorama of art and history is to be loaned out or permitted to go on the road, that a cost be associated with such action and more importantly, that Whaling Museum staff travel with it and all appropriate equipment needed for the presenting and the protection of this work of art accompany it, and further, that a discussion be held as to the possibility of a permanent location in the City due to the thousands of tourists that visited New Bedford to see this amazing work of art and history this past summer and to ensure that this work of art permanently be part of our showcasing and tourism destination. (Referred to the Committees on Appointments and Briefings and City Property.)

Referred to the Committee on Appointments and Briefings and City Property – October 25, 2019.

NO FURTHER ACTION. (#1744)

COMMUNICATION, Jane Medeiros Friedman, First Assistant City Solicitor, to City Council submitting appraisal summaries for the proposed King’s Highway Improvement Project prepared by Bernard P. Giroux, ASA, MRA, Review Appraiser.

Received and Placed on File. (#1142)

APPRAISER SUMMARIES, for the following properties: 1076 King’s Highway, 606 Tarkiln Hill Road, 550 Tarkiln Hill Road, 615 Tarkiln Hill Road, 637 Tarkiln Hill Road, 605 Tarkiln Hill Road, 507-513 Church Street, 587 Tarkiln Hill Road, 569 Tarkiln Hill Road, 554 Church Street, W.S. Church Street, 543 Tarkiln Hill Road, 525 Church Street, 522 Tarkiln Hill Road and 312 Oliver Street.

Received and Placed on File. (#1143)

COMMUNICATION, Jane Medeiros Friedman, First Assistant City Solicitor, to City Council submitting Orders of Taking to acquire the permanent and temporary easements that are needed for the Kings Highway Improvements Project.

Received and Placed on File. (#1144)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 27, 2019
RECORDED LAND

WHEREAS, the common necessity and convenience of the inhabitants of the City of New Bedford require the taking of land hereinafter described for the purpose of altering and improving Kings Highway, including but not limited to the installation and maintenance of sidewalks, traffic signals, signs and overhead appurtenances, and for all other uses incidental to said municipal purposes; and

WHEREAS, the Department of Public Infrastructure of the City of New Bedford has requested that said land be taken for said purposes; and

WHEREAS, an appraisal of said land has been made on behalf of the taking authority in accordance with Massachusetts General Laws Chapter 79, Section 7A, and has been filed with said authority; and

WHEREAS, an appropriation has been made for the general purpose for which said land is needed;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the City of New Bedford, acting by and through the City Council, and under applicable provisions of Massachusetts General Laws, Chapter 79, and under any and every other power to it granted or implied, hereby takes for itself, by eminent domain, temporary and permanent easements, located in New Bedford as hereinafter described, for the purpose of altering and improving Kings Highway, including but not limited to the installation and maintenance of sidewalks, traffic signals, signs and overhead appurtenances, and for all other uses incidental to said municipal purposes:

Permanent Easement E-2: An easement over a parcel of land being shown as E-2 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the easterly sideline of Kings Highway, bearing S 57° 51' 32" E 33.00 feet from station 18+52.74 on Kings Highway Baseline, thence

N 32° 08' 28" E a distance of 234.00 feet to a point, thence southeasterly

By a non-tangent curve to the right, having a radius of 11,360.19 feet and a length of 18.31 feet to a point, thence

S 32° 11' 01" W a distance of 207.92 feet to a point, thence

S 32° 52' 50" E a distance of 29.22 feet to a point, thence

N 57° 51' 32" W a distance of 38.45 feet to the point of beginning. Said easement contains an area of 2,896 square feet, more or less.

Permanent Easement E-4: An easement over a parcel of land being shown as E-4 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the southerly sideline of Tarkiln Hill Road, bearing S 32° 51' 31" E 33.00 feet from station 33+82.71 on Tarkiln Hill Road Baseline, thence

N 57° 08' 29" E a distance of 154.45 feet to a point, thence

S 8° 49' 19" E a distance of 0.26 feet to a point, thence

S 56° 03' 12" W a distance of 24.33 feet to a point, thence

S 55° 21' 15" W a distance of 36.50 feet to a point, thence

S 54° 16' 45" W a distance of 96.50 feet to a point, thence northwesterly

By a non-tangent curve to the left, having a radius of 11492.19 feet and a length of 7.23 feet to the point of beginning. Said easement contains an area of 458 square feet, more or less.

Permanent Easement E-5: An easement over a parcel of land being shown as E-5 on a plan entitled "Easement Plan of Land Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the southerly sideline of Tarkiln Hill Road, bearing S 32° 51' 31" E 33.00 feet from station 39+03.49 on Tarkiln Hill Road Baseline, thence

N 57° 08' 29" E a distance of 20.70 feet to a point, thence southeasterly

By a curve turning to the left, having a radius of 15.00 feet and a length of 17.32 feet to a point, thence

S 9° 01' 04" E a distance of 40.00 feet to a point, thence

S 80 ° 58' 56" W a distance of 10.00 feet to a point in the easterly sideline of Church Street, thence N 9° 01' 04" W a distance of 45.35 feet to the point of beginning. Said easement contains an area of 492 square feet, more or less.

Permanent Easement U-2: An easement over a parcel of land being shown as U-2 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Tarkiln Hill Road, bearing N 32° 51' 31"W 33.00 feet from station 34+10.54 on Tarkiln Hill Road Baseline, thence

N 57° 08' 29" E a distance of 183.27 feet by the northerly sideline of Tarkiln Hill Road to a point in the westerly sideline of Worcester Street, thence

N 9° 04' 51" W a distance of 47.13 feet along the westerly sideline of Worcester Street to a point, thence

S 2° 40' 50" E a distance of 44.11 feet to a point, thence

S 57° 08' 29" W a distance of 178.01 feet to a point, thence northwesterly

By a non-tangent curve to the left, having a radius of 11,493.36 feet and a length of 5.42 feet to the point of beginning. Said easement contains an area of 1,019 square feet, more or less.

Permanent Easement U-3: An easement over a parcel of land being shown as U-3 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the southerly sideline of Tarkiln Hill Road, bearing S 32° 51' 31"E 33.00 feet from station 35+63.65 on Tarkiln Hill Road Baseline, thence

S 4° 46' 33" E a distance of 16.08 feet to a point, thence

S 85° 13' 27" W a distance of 6.00 feet to a point, thence

N 4° 46' 33" W a distance of 10.60 feet to a point, thence southwesterly

By non-tangent curve to the left, having a radius of 1,465.50 feet and a length of 19.52 feet to a point, thence

N 8° 49' 19" W a distance of 2.26 feet to a point in the southerly sideline of Tarkiln Hill Road, thence

N 57° 08' 29" E a distance of 26.48 feet along the southerly sideline of Tarkiln Hill Road to the point of beginning. Said easement contains an area of 133 square feet, more or less.

Permanent Easement U-4: An easement over a parcel of land being shown as U-4 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the westerly sideline of Worcester Street, bearing N 32° 51' 31"W 129.92 feet from station 36+36.51 on Tarkiln Hill Road Baseline, thence

S 80° 55' 09" W a distance of 22.00 feet to a point, thence

N 9° 04' 51" W a distance of 6.00 feet to a point, thence

N 80° 55' 09" E a distance of 22.00 feet to a point, thence

S 9° 04' 51" E a distance of 6.00 feet by the sideline of Worcester Street to the point of beginning. Said easement contains an area of 132 square feet, more or less.

Permanent Easement U-6: An easement over a parcel of land being shown as U-6 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Tarkiln Hill Road, bearing N 32° 51' 31"W 33.00 feet from station 37+02.66 on Tarkiln Hill Road Baseline, thence

N 8° 53' 32" W a distance of 5.69 feet to a point, thence

N 57° 08' 29" E a distance of 141.70 feet to a point, thence

N 0° 18' 44" W a distance of 100.19 feet to a point, thence

S 81° 04' 05" W a distance of 15.50 feet to a point, thence

N 09° 05' 51" W a distance of 2.00 feet to a point, thence

N 81° 16' 28" E a distance of 16.00 feet to a point, thence

S 9° 05' 51" E a distance of 99.68 feet to a point, thence

S 57° 08' 29" W a distance of 158.99 feet by the sideline of Tarkiln Hill Road to the point of beginning. Said easement contains an area of 1,610 square feet, more or less.

Permanent Easement U-10: An easement over a parcel of land being shown as U-10 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the westerly sideline of Church Street, bearing S 32° 51' 31"E 186.98 feet from station 37+69.84 on Tarkiln Hill Road Baseline, thence

S 9° 01' 04" E a distance of 6.21 feet along Church Street to a point, thence

S 65° 59' 03" W a distance of 10.39 feet to a point, thence

N 24° 00' 57" W a distance of 6.00 feet to a point, thence

N 65° 59' 03" E a distance of 12.00 feet to the point of beginning. Said easement contains an area of 67 square feet, more or less.

Permanent Easement U-11: An easement over a parcel of land being shown as U-11 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Park Avenue, bearing S 32° 51' 31"E 204.74 feet from station 39+25.20 on Tarkiln Hill Road Baseline, thence

N 10° 48' 35" W a distance of 4.00 feet to a point, thence

N 79° 11' 25" E a distance of 6.00 feet to a point, thence

S 10° 48' 35" E a distance of 5.39 feet to a point in the northerly sideline of Park Avenue, thence

N 87° 45' 52" W a distance of 6.16 feet along Park Avenue to the point of beginning. Said easement contains an area of 28 square feet, more or less.

Permanent Easement U-12: An easement over a parcel of land being shown as U-12 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the southerly sideline of Tarkiln Hill Road bearing S 32° 51' 31" E 33.00 feet from station 42+47.16 on Tarkiln Hill Road Baseline, thence

N 57° 08' 29" E a distance of 6.00 feet along Tarkiln Hill Road to a point, thence

S 32° 51' 31" E a distance of 5.00 feet to a point, thence

S 57° 08' 29" W a distance of 6.00 feet to a point, thence

N 32° 51' 31" W a distance of 5.00 feet to the point of beginning. Said easement contains an area of 30 square feet, more or less.

Permanent Easement U-13: An easement over a parcel of land being shown as U-13 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the southerly sideline of Tarkiln Hill Road bearing N 32° 51' 31" W 33.00 feet from station 42+19.08 on Tarkiln Hill Road Baseline, thence

S 57° 08' 29" W a distance of 46.42 feet along Tarkiln Hill Road to a point that is the intersection of Tarkiln Hill Road and Oliver Street, thence

N 9° 03' 56" W a distance of 4.97 feet along Oliver Street to a point, thence

N 62° 59' 14" E a distance of 44.65 feet to the point of beginning. Said easement contains an area of 106 square feet, more or less.

The temporary easements taken herein consist of the right to enter upon said lands at any time, during the effective period of the easements, for the alteration and improvement of Kings Highway, including all other uses incidental to said municipal purpose. Said easements are temporary in nature and are to be in effect for three years from the date of this instrument, through June 26, 2022.

TE-02

Beginning at a point in the southerly line of Permanent Easement E-2, thence

Easterly along Permanent Easement E-2 103 feet more or less, thence

Southerly by land now or formerly of Michael Panagakos 20 feet more or less, thence
Westerly by land now or formerly of Michael Panagakos 40 feet more or less, thence
Northerly by land now or formerly of Michael Panagakos 19 feet more or less, thence
Westerly by land now or formerly of Michael Panagakos 58 feet more or less, thence
Southwesterly by land now or formerly of Michael Panagakos 71 feet more or less, thence
Northerly by land now or formerly of Cedar-King LLC 43 feet more or less, thence
Northeasterly by land now or formerly of Michael Panagakos 29 feet more or less to the point of beginning, said Temporary Easement comprises an area of 1,302 square feet, more or less.

TE-04

Beginning at a point in the northerly sideline of Tarkiln Hill Road, thence
Northwesterly by land now or formerly of Tarkiln Hill Realty Corp 8 feet more or less, thence
Northeasterly by land now or formerly of Tarkiln Hill Realty Corp 62 feet more or less, thence
Southeasterly by land now or formerly of Massachusetts Department of Transportation 13 feet more or less, thence
Westerly along the northerly sideline of Tarkiln Hill Road 63 feet more or less
to the point of beginning, said Temporary Easement comprises an area of 630 square feet, more or less.

TE-05

Beginning at a point in the northerly line of Permanent Utility Easement U-2, thence
Northeasterly by land now or formerly of Massachusetts Department of Transportation
3 feet more or less, thence
Easterly by land now or formerly of Jan Co Inc. 179 feet more or less, thence
Southwesterly by land now or formerly of Jan Co Inc. 3 feet more or less, thence
Westerly by Permanent Utility Easement U-2 178 feet more or less to the point of beginning, said Temporary Easement
comprises an area of 561 square feet, more or less.

TE-06

Beginning at a point along the southeasterly line of Permanent Easement E-4, thence
Northeasterly along Permanent Easement E-4 97 feet more or less, thence
Northeasterly along Permanent Utility Easement E-4 37 feet more or less, thence
Northeasterly along Permanent Utility Easement E-4 24 feet more or less, thence
Southwesterly by land now or formerly of Park Plaza NB, LLC 6 feet more or less, thence
Southwesterly by land now or formerly of Depot Street Trust 79 feet more or less, thence
Southeasterly by land now or formerly of Depot Street Trust 10 feet more or less, thence
Southwesterly by land now or formerly of Depot Street Trust 40 feet more or less, thence
Northwesterly by land now or formerly of Depot Street Trust 10 feet more or less, thence
Southwesterly by land now or formerly of Depot Street Trust 38 feet more or less, thence
Northeasterly by land now or formerly of Massachusetts Department of Transportation 6 feet more or less to the point of
beginning, said Temporary Easement comprises an area of 1,231 square feet, more or less.

TE-07

Beginning at a point in the southerly line Permanent Utility Easement U-3, thence
Easterly along Permanent Utility Easement U-3 by a curve deflecting to the right a distance of 20 feet more or less, thence
Southwesterly along Permanent Utility Easement U-3 5 feet more or less, thence
Westerly by land now or formerly of Park Plaza NB, LLC 19 feet more or less, thence
Northeasterly by land now or formerly of Depot Street Trust 4 feet more or less to the point of beginning, said Temporary
Easement comprises an area of 75 square feet, more or less.

TE-08

Beginning at a point in the southerly sideline of Tarkiln Hill Road, thence
Easterly along the southerly sideline of Tarkiln Hill Road 13 feet more or less, thence
Southeasterly along the southwesterly sideline of Park Avenue 9 feet more or less, thence

Westerly by land now or formerly of Park Plaza NB, LLC 23 feet more or less, thence

Northeasterly along Permanent Utility Easement U-3 6 feet more or less to the point of beginning, said Temporary Easement comprises an area of 93 square feet, more or less.

TE-11

Beginning at a point in the northerly line of Permanent Utility Easement U-6, thence

Northeasterly by land now or formerly of Mouratidis, Stathis S & Mouratidis, Polly 4 feet more or less, thence

Easterly by land now or formerly of BRI Inc. 127 feet more or less, thence

Northeasterly by land now or formerly of BRI Inc. 31 feet more or less, thence

Southwesterly along Permanent Utility Easement U-6 24 feet more or less, thence

Westerly along Permanent Utility Easement U-6 142 feet more or less to the point of beginning, said Temporary Easement comprises an area of 668 square feet, more or less.

TE-14

Beginning at a point in the southerly sideline of Tarkiln Hill Road, thence

Easterly by the southerly sideline of Tarkiln Hill Road 172 feet more or less, thence

Southwesterly along the northwesterly sideline of Oliver Street 5 feet more or less, thence

Westerly by land now or formerly of ARC CBNBDMA001, LLC 181 feet more or less, thence

Northeasterly along Permanent Easement E-5 by a curve deflecting to the right a distance of 13 feet more or less to the point of beginning, said Temporary Easement comprises an area of 893 square feet, more or less

TE-15

Beginning at a point in the westerly sideline of Worcester Street, thence

Southerly along the westerly sideline of Worcester Street 5 feet more or less, thence

Westerly by land now or formerly of Jan Co. Inc. 24 feet more or less, thence

Northerly by land now or formerly of Jan Co. Inc. 11 feet more or less, thence

Easterly by land now or formerly of Jan Co. Inc. 2 feet more or less, thence

Southerly along Permanent Utility Easement U-4 6 feet more or less, thence

Easterly along Permanent Utility Easement U-4 22 feet more or less to the point of beginning, said Temporary Easement comprises an area of 137 square feet, more or less

No trees on the land taken and no structures affixed thereto are included in the taking, and the owners of the property are allowed (30) days from and after recording of this instrument in the Registry of Deeds by the City in which to remove and take away from the land any trees or structures. Notwithstanding anything to the contrary contained herein, the owners of the property shall not be required to take away from the land any such trees or structures.

IT IS FURTHERED ORDERED, in accordance with the provisions of said Chapter 79, that the following amounts are awarded as compensation for damages sustained by the owner or owners of the property and all other persons, including all mortgagees of record, having any and all interest in the property taken and entitled to any damages by reason of the taking hereby made:

<u>EASEMENT OR PARCEL #</u>	<u>NEW BEDFORD ASSESSOR'S PLAT & LOT #</u>	<u>NAME OF SUPPOSED OWNER</u>	<u>AWARD OF DAMAGES</u>
E-2	125-113	Michael Panagakos 914 Mt. Pleasant St. New Bedford, MA 02745	\$56,420.00
TE-2			\$15,775.00
		<u>Easement:</u> City of New Bedford 133 William Street New Bedford, MA 02740	
		<u>Mortgagee:</u> Rockland Trust Bank formerly Slade's Ferry Trust Company 100 Slades Ferry Avenue Somerset, MA 02726	
TE-4	127A-267	Tarkiln Hill Realty Corp 150 Herm an Melville Blvd. New Bedford, MA 02740	\$8,900.00

Mortgagee:
Santander Bank, N.A.
formerly Compass Bank for Savings
75 State St.
Boston, MA 02109

Lessee:
AT&T Wireless PCS, LLC
2729 Prospect Park Drive
Rancho Cordova, CA 95670

Lender:
MW Cell REIT 1 LLC
11900 W. Olympic Blvd.
Suite 400
Los Angeles, CA 90064

U-2	127A-1	Jan Co. East, Inc.	\$25,475.00
TE-5		35 Sockanosset Cross Rd.	\$ 8,650.00
U-4		Cranston, RI 02920	\$ 4,270.00
TE-15			\$ 2,550.00

Easement:
City of New Bedford
133 William Street
New Bedford, MA 02740

E-4	126-222	Michael W. Panagakos	\$14,000.00
TE-6		133 Faunce Corner Road	\$15,450.00
		Dartmouth, MA 02747	

Easement:
Commonwealth Electric Company
800 Boylston St.
Boston, MA 02199

Easement:
City of New Bedford
133 William St.
New Bedford, MA 02740

U-6	127A-3&30	BRI, Inc.	\$36,225.00
TE-11		2 Taunton St.	\$9,400.00
		Plainville, MA 02762	

E-5	126-2	ARC CBNBDMA001, LLC	\$15,000.00
TE-14		106 York Road	\$12,215.00
U-11		Jenkintown, PA 19046	\$1,090.00

Lessee:
RBS Citizens, N.A.
One Citizens Plaza
Providence, RI 02903

Mortgagee:
Santander Bank, N.A.
formerly Sovereign Bank
75 State St.
Boston, MA 02109

U-3	126-229	Park Plaza N.B., LLC	\$4,655.00
TE-7		56 Potomska St.	\$1,400.00
TE-8		New Bedford, MA 02740	\$1,735.00

Mortgagee:
Taunton Federal Credit Union
14 Church St.
Taunton, MA 02780

U-10	126-221	Park Plaza N.B., LLC	\$2,475.00
		56 Potomska St.	
		New Bedford, MA 02740	

Easement:
City of New Bedford
New Bedford Department of
Public Infrastructure
1105 Shawmut Ave.
New Bedford, MA 02746

Mortgagee:
 Taunton Federal Credit Union
 14 Church St.
 Taunton, MA 02780

U-12 126-8 Jacinto Quintal \$1,170.00
 Honoria Quintal
 522 Tarkiln Hill Rd.
 New Bedford, MA 02745

Mortgagee:
 Fleet National Bank
 Retail Loan Servicing
 315-317 Court St.
 P.O. Box 3092
 Utica, NY 13502

Mortgagee:
 Nationstar Mortgage, LLC
 350 Highland Drive
 Lewisville, TX 75067

U-13 127A-89 Edward K. Rose \$3,700.00
 Constance M. Rose
 312 Oliver St.
 New Bedford, MA 02745

Mortgagee:
 Nationstar Mortgage, LLC
 d/b/a Champion Mortgage Company
 8950 Cypress Waters Blvd.
 Coppell, TX 75019

Mortgagee:
 Secretary of Housing and Urban
 Development
 451 Seventh St., S.W.
 Washington, D.C. 20410

IT IS FURTHER ORDERED, that in addition to the above amount, there is also awarded as damages the following sum estimated to be equal to that portion of the taxes assessed upon the property herein taken for Fiscal Year 2019 and 2020 in accordance with the provisions of Massachusetts General Laws, Chapter 79, Section 12, which amount, together with the damages awarded in the preceding paragraph, shall constitute full compensation for the taking herein ordered.

TAXES FOR FISCAL YEAR 2019-2020

EASEMENT OR PARCEL #	NEW BEDFORD ASSESSOR'S PLAT & LOT #	NAME OF SUPPOSED OWNER	TAX AWARD
E-2 TE-2	125-113	Michael W. Panagakos 914 Mt. Pleasant St. New Bedford, MA 02745	NONE
TE-4	127A-267	Tarkiln Hill Realty Corp 150 Herman Melville Blvd. New Bedford, MA 02740	NONE
U-2 TE-5 U-4 TE-15	127A-1	Jan Co. East, Inc. 35 Sockanosset Cross Rd. Cranston, RI 02920	NONE
E-4 TE-6	126-222	Michael Panagakos 133 Faunce Corner Road Dartmouth, MA 02747	NONE
U-6 TE-11	127A-3&30	BRI, Inc. 2 Taunton St. Plainville, MA 02762	NONE
E-5 TE-14 U-11	126-2	ARC CBNBDMA001, LLC 106 York Road Jenkintown, PA 19046	NONE
U-3 TE-7 TE-8	126-229	Park Plaza N.B., LLC 56 Potomska St. New Bedford, MA 02740	NONE
U-10	126-221	Park Plaza N.B., LLC 56 Potomska St. New Bedford, MA 02740	NONE

U-12	126-8	Jacinto Quintal Honorita Quintal 522 Tarkiln Hill Rd. New Bedford, MA 02745	NONE
U-13	127A-89	Edward K. Rose Constance M. Rose 312 Oliver St. New Bedford, MA 02745	NONE

IT IS FURTHER EXPRESSED AND STIPULATED that the order of taking and the awarding damages herein contained does not relieve the owners of land taken from liability for taxes now uncollected for the Fiscal Year 2020 and any prior year, if the same remain unpaid as of the date of this order.

AND BE IT FURTHER ORDERED, that the City Clerk cause a copy of this order of taking herein made, certified by her, to be recorded on behalf of the City of New Bedford in the Registry of Deeds for the Southern District of Bristol County, and to give such other notices as are required by General Laws.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval July 1, 2019.

Approved July 10, 2019.

(#1145)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 27, 2019

REGISTERED LAND

WHEREAS, the common necessity and convenience of the inhabitants of the City of New Bedford require the taking of land hereinafter described for the purpose of altering and improving Kings Highway, including but not limited to the installation and maintenance of sidewalks, traffic signals, signs and overhead appurtenances, and for all other use's incidental to said municipal purposes; and

WHEREAS, the Department of Public Infrastructure of the City of New Bedford has requested that said land be taken for said purposes; and

WHEREAS, an appraisal of said land has been made on behalf of the taking authority in accordance with Massachusetts General Laws Chapter 79, Section 7A, and has been filed with said authority; and

WHEREAS, an appropriation has been made for the general purpose for which said land is needed;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the City of New Bedford, acting by and through the City Council, and under applicable provisions of Massachusetts General Laws, Chapter 79, and under any and every other power to it granted or implied, hereby takes for itself, by eminent domain, temporary and permanent easements, located in New Bedford as hereinafter described, for the purpose of altering and improving Kings Highway, including but not limited to the installation and maintenance of sidewalks, traffic signals, signs and overhead appurtenances, and for all other uses incidental to said municipal purposes:

Permanent Easement U-1: An easement over a parcel of land being shown as U-1 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Tarkiln Hill Road, bearing N 3° 37' 49" E 33.00 feet from station 31+06.53 on Tarkiln Hill Road Baseline, thence

N 3° 37' 49" E a distance of 4.00 feet to a point, thence

S 86° 22' 11" E a distance of 6.00 feet to a point, thence

S 3° 37' 49" W a distance of 4.00 feet to a point in the northerly sideline of Tarkiln Hill Road, thence

N 86° 22' 11" W a distance of 6.00 feet to the point of beginning. Said easement contains an area of 24 square feet, more or less.

Permanent Easement U-5: An easement over a parcel of land being shown as U-5 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Tarkiln Hill Road, bearing N 32° 51' 31"W 33.00 feet from station 36+48.44 on Tarkiln Hill Road Baseline, thence

N 9° 04' 51" W a distance of 5.68 feet to a point, thence

N 57° 08' 29" E a distance of 54.24 feet to a point, thence

S 8° 53' 32" E a distance of 5.69 feet to a point, thence

S 57° 08' 29" W a distance of 54.22 feet by the sideline of Tarkiln Hill Road to the point of beginning. Said easement contains an area of 282 square feet, more or less.

Permanent Easement U-7: An easement over a parcel of land being shown as U-7 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the westerly sideline of Church Street, bearing N 32° 51' 31"W 124.23 feet from station 39+01.82 on Tarkiln Hill Road Baseline, thence

S 81° 16' 28" W a distance of 16.00 feet to a point, thence

N 09° 05' 51" W a distance of 4.00 feet to a point, thence

N 80° 54' 09" E a distance of 16.00 feet to a point, thence

S 9° 05' 51" E a distance of 4.10 feet by the sideline of Church Street to the point of beginning. Said easement contains an area of 65 square feet, more or less.

Permanent Easement U-8: An easement over a parcel of land being shown as U-8 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Tarkiln Hill Road, bearing N 32° 51' 31"W 33.00 feet from station 39+57.87 on Tarkiln Hill Road Baseline, thence northwesterly

By a curve turning to the right, having a radius of 20.00 feet and a length of 39.71 feet, to a point, thence

N 9° 05' 51" W a distance of 6.65 feet to a point, thence southeasterly

By a curve turning to the left, having a radius of 20.00 feet and a length of 39.60 feet, to a point, thence

N 57° 27' 49" E a distance of 73.07 feet to a point, thence

S 9° 05' 48" E a distance of 6.20 feet to a point in the northerly sideline of Tarkiln Hill Road, thence

S 57° 08' 29" W a distance of 73.14 feet by the sideline of Tarkiln Hill Road to the point of beginning. Said easement contains an area of 615 square feet, more or less.

Permanent Easement U-9: An easement over a parcel of land being shown as U-9 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Tarkiln Hill Road, bearing N 32° 51' 31"W 33.00 feet from station 41+18.01 on Tarkiln Hill Road Baseline, thence

S 57° 08' 29" W a distance of 87.01 feet along Tarkiln Hill Road to a point, thence

N 9° 05' 48" W a distance of 6.20 feet to a point, thence

N 57° 25' 49" E a distance of 86.80 feet to a point, thence

S 9° 03' 56" E a distance of 5.67 feet by the sideline of Oliver Street to the point of beginning. Said easement contains an area of 472 square feet, more or less.

The temporary easements taken herein consist of the right to enter upon said lands at any time during the effective period of the easements for the alteration and improvement of Kings Highway, including all other uses incidental to said municipal purpose. Said easements are temporary in nature and are to be in effect for three years from the date of this instrument, through June 26, 2022.

TE-03

Beginning at a point in the northerly sideline of Tarkiln Hill Road, thence
 Northerly by land now or formerly of Tarkiln Hill Realty Corp 8 feet more or less, thence
 Easterly by land now or formerly of Tarkiln Hill Realty Corp 199 feet more or less, thence
 Southeasterly by land now or formerly of Tarkiln Hill Realty Corp 8 feet more or less, thence
 Westerly along the northerly sideline of Tarkiln Hill Road 145 feet more or less, thence
 Northerly by Permanent Utility Easement U-1 4 feet more or less, thence
 Westerly by Permanent Utility Easement U-1 6 feet more or less, thence
 Southerly by Permanent Utility Easement U-1 4 feet more or less, thence
 Westerly along the northerly sideline of Tarkiln Hill Road 50 feet more or less to the point of beginning, said Temporary Easement comprises an area of 1,571 square feet, more or less.

TE-10

Beginning at a point in the easterly sideline of Worcester Street, thence
 Northerly along the easterly sideline of Worcester Street 16 feet more or less, thence
 Southeasterly by land now or formerly of Mouratidis, Stathis S & Mouratidis, Polly 13 feet more or less, thence
 Northeasterly by land now or formerly of Mouratidis, Stathis S & Mouratidis, Polly 43 feet more or less, thence
 Southerly by land now or formerly of BRI Inc. 4 feet more or less, thence
 Southwesterly along the northwesterly line of Permanent Utility Easement U-5 54 feet more or less to the point of beginning, said Temporary Easement comprises an area of 269 square feet, more or less.

TE-12

Beginning at a point in the easterly sideline of Church Street, thence
 Easterly by land now or formerly of Paul Pelletier Revocable Trust 2 feet more or less, thence
 Southeasterly by land now or formerly of Paul Pelletier Revocable Trust by a curve deflecting to the left a distance of 35 feet more or less, thence
 Northeasterly by land now or formerly of Paul Pelletier Revocable Trust 74 feet more or less, thence
 Southerly by land now or formerly of Lombard, Mark E 3 feet more or less, thence
 Southwesterly along Permanent Utility Easement U-8 73 feet more or less, thence
 Northwesterly along Permanent Utility Easement U-8 by a curve deflecting to the right a distance of 40 feet more or less to the point of beginning, said Temporary Easement comprises an area of 234 square feet, more or less.

TE-13

Beginning at a point in the northerly line of Permanent Utility Easement U-9, thence
 Northeasterly by land now or formerly of Paul Pelletier Revocable Trust 3 feet more or less, thence
 Easterly by land now or formerly of Lombard, Mark E 87 feet more or less, thence
 Southwesterly along the northwesterly sideline of Oliver Street 2 feet more or less, thence
 Westerly along Permanent Utility Easement U-9 87 feet more or less to the point of beginning, said Temporary Easement comprises an area of 187 square feet, more or less.

No trees on the land taken and no structures affixed thereto are included in the taking, and the owners of the property are allowed (30) days from and after recording of this instrument in the Registry of Deeds by the City in which to remove and take away from the land any trees or structures. Notwithstanding anything to the contrary contained herein, the owners of the property shall not be required to take away from the land any such trees or structures.

IT IS FURTHERED ORDERED, in accordance with the provisions of said Chapter 79, that the following amounts are awarded as compensation for damages sustained by the owner or owners of the property and all other persons, including all mortgagees of record, having any and all interest in the property taken and entitled to any damages by reason of the taking hereby made:

EASEMENT OR PARCEL #	NEW BEDFORD ASSESSOR'S PLAT & LOT #	CERT. NO.	NAME OF SUPPOSED OWNER	AWARD OF DAMAGES
U-5	127A-2	15233	Stathis Mouratidis	\$9,300.00
TE-10			Polly Mouratidis 587 Tarkiln Hill Rd. New Bedford, MA 027445	\$3,920.00

U-7	127A-32	14295	Patricia W. Vagos 555 Church St. New Bedford, MA 02745	\$2,400.00
			<u>Mortgagee:</u> Santander Bank, N.A. formerly Sovereign Bank 450 Penn St. Reading, PA 19602	
U-8 TE-12	127A-53	20611	Paul Pelletier Revocable Trust Paul R. Pelletier & Cathy Pelletier, Trustees 3 Walnut St. Assonet, MA 02702	\$15,920.00 \$5,385.00
U-9 TE-13	127A-68	20043	Mark E. Lombard 543 Tarkiln Hill Rd. New Bedford, MA 02745	\$13,200.00 \$4,525.00
			<u>Mortgagee:</u> Webster Bank formerly First Federal Savings Bank of America One Firstfed Park Swansea, MA 02777	
			<u>Mortgagee:</u> Southcoast Health System Federal Credit Union 101 Page St. New Bedford, MA 02740	
U-1 TE-3	125-13	18251	Tarkiln Hill Realty Corp. 150 Herman Melville Blvd. New Bedford, MA 02740	\$940.00 \$19,750.00
			<u>Easement:</u> Commonwealth Electric Company One Main St. Cambridge, MA 02142	
			<u>Mortgagee:</u> Santander Bank, N.A. formerly Compass Bank for Savings 75 State St. Boston, MA 02109	
			<u>Order of Conditions:</u> City of New Bedford 133 William St. New Bedford, MA 02740	
			<u>Lessee:</u> MW Cell REIT 1 LLC 11900 W. Olympic Blvd. Suite 400 Los Angeles, CA 90064	

IT IS FURTHER ORDERED, that in addition to the above amount, there is also awarded as damages the following sum estimated to be equal to that portion of the taxes assessed upon the property herein taken for Fiscal Year 2019 and 2020 in accordance with the provisions of Massachusetts General Laws, Chapter 79, Section 12, which amount, together with the damages awarded in the preceding paragraph, shall constitute full compensation for the taking herein ordered.

TAXES FOR FISCAL YEAR 2019-2020

EASEMENT OR <u>PARCEL #</u>	NEW BEDFORD ASSESSOR'S <u>PLAT & LOT #</u>	CERT. <u>NO.</u>	NAME OF <u>SUPPOSED OWNER</u>	TAX <u>AWARD</u>
U-5 TE-10	127A-2	15233	Stathis Mouratidis Polly Mouratidis 587 Tarkiln Hill Rd. New Bedford, MA 027445	NONE
U-7	127A-32, 33 & 34	14295	Patricia W. Vagos 555 Church St. New Bedford, MA 02745	NONE

U-8 TE-12	127A-53	20611	Paul Pelletier Revocable Trust NONE Paul R. Pelletier & Cathy Pelletier, Trustees 3 Walnut St. Assonet, MA 02702	
U-9 TE-13	127A-68	20043	Mark E. Lombard 543 Tarkiln Hill Rd. New Bedford, MA 02745	NONE
U-1 TE-3	125-13	18251	Tarkiln Hill Realty Corp. 150 Herman Melville Blvd. New Bedford, MA 02740	NONE

IT IS FURTHER EXPRESSED AND STIPULATED that the order of taking and the awarding damages herein contained does not relieve the owners of land taken from liability for taxes now uncollected for the Fiscal Year 2020 and any prior year, if the same remain unpaid as of the date of this order.

AND BE IT FURTHER ORDERED, that the City Clerk cause a copy of this order of taking herein made, certified by her, to be recorded on behalf of the City of New Bedford in the Registry of Deeds for the Southern District of Bristol County, and to give such other notices as are required by General Laws.

Adopted – Yeas 10, Nays 0.

Presented to the Mayor for approval July 01, 2019.

Approved July 10, 2019. (#1146)

REPORT, Committee on Cannabis Regulation and Host Community Agreements Review, recommending to the City Council APPROVAL of the ORDINANCE, Relative to Marijuana Establishment Licenses.

Recommendation Followed. (#1147)

AN ORDINANCE,

Passed to a Second Reading. (#1148)

WRITTEN MOTION, Councillors Coelho and Lopes, requesting, that signs be created for all pocket parks in the City instructing/warning that “NO TRESPASSING” is allowed after hours as a law enforcement tool to assist the Police. (Referred to the Department of Public Infrastructure.)

Referred to the Committee on Public Safety and Neighborhoods – FAILS – Yeas 4, Nays 5. (Councillors Carney, Coelho, Lopes and Markey IN FAVOR – Councillor Gomes not present for vote.)

(#1149)

WRITTEN MOTION, Councillor Gomes, requesting, that the Administration along with Comcast hold at least two public meetings, one in the south end and one in the north end, before the City signs and enters into a 10 year cable contract; and further, this will give an opportunity to the residents and business community in the City to express their concerns with Comcast and the way Comcast Cable packages are offered along with service and billing; and further, requesting, that Mayor Mitchell not enter into a contract until these issues are addressed; and further; that the City invite and enter into discussions with other cable providers to the City of New Bedford to not only bring competition but importantly to see what they would offer the City in providing cable service; and further, that letters be sent to Congressman Keating, Senator Markey and Senator Warren asking them to send representatives to the public meetings when they are held and to support Senator Markey’s bill in the Senate addressing all of the above issues pertaining to cable service.

Adopted.

Presented to the Mayor for approval July 01, 2019.

Approved July 16, 2019. (#1150)

WRITTEN MOTION, Councillor Gomes, requesting, that the Administration explain the large increase in costs for membership at the Woodcock Rifle Range that has been implemented on members; and further, that this increase be reconsidered unless the Administration can express why the increase has been implemented and what benefits does it provide to the membership. (Referred to the Mayor and Committee on City Property.)

Referred to the Committee on City Property. (#1151)

WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with a representative from the Mayor's Office, the Massachusetts Undersecretary of Energy Patrick Woodcock and a representative from Vineyard Wind that has a signed contract with the State, City of New Bedford and the Marine Commerce Terminal Clean Energy Center, that they provide the Committee with a company breakdown and action plan for the terminal; and further, how many jobs have been created to date for residents of the City and what has been the economic boost to the City.

Referred to the Committee on Appointments and Briefings. (#1152)

COMMUNICATION, Board of Assessors, to City Council, submitting a MOTION passed 3-0, at its Open Meeting on June 19, 2019, and requesting that the City Council ADOPT, and the Mayor APPROVE the THREE ORDERS relating to the annual Consumer Price Index, as determined by the Commissioner of Revenue of a 3.3% increase for Clause 17's for the amount of the exemption to be \$323.00, to accept under Chapter 59, Section 5, Clause 17E to increase the amount of assets to \$65,864.00 to qualifying individuals, and under Chapter 59, Section 5, Clause 41, 41B and 41C, raising the base limit of income for single taxpayers to \$21,405.00 and married couples \$24,701.00 and to raise the assets limit for single taxpayers to \$46,105.00 and married couples \$49,398.00.

Received and Placed on File. (#1153)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 27, 2019

ORDERED, that the base limit of income and the total value of assets of persons qualifying under M.G.L. Chapter 59, Section 5, Clause 41, 41B, and 41C is hereby increased by 3.3% for Fiscal Year 2020. Said increase is equal to the Consumer Price Index.

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

Presented to the Mayor for approval July 01, 2019.

Approved July 10, 2019. (#1154)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 27, 2019

ORDERED, that the exemption granted to persons qualifying under M.G.L. Chapter 59, Section 5, Clause 17, 17C, 17C½ and 17D, is hereby increased by 3.3% for Fiscal Year 2020. Said increase is equal to the Consumer Price Index.

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

Presented to the Mayor for approval July 01, 2019.

Approved July 10, 2019. (#1155)

CITY OF NEW BEDFORD
IN CITY COUNCIL
JUNE 27, 2019

ORDERED, that pursuant to M.G.L. Chapter 59, Section 5, Clause 17E, the total value of assets, as set forth in M.G.L. Chapter 59, Section 5, Clause 17, 17C, 17C½ and 17D, is hereby increased by 3.3% for Fiscal Year 2020. Said increase is equal to the Consumer Price Index.

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

Presented to the Mayor for approval July 01, 2019.

Approved July 10, 2019. (#1156)

COMMUNICATION, Council President Morad, submitting a letter to Paul Barton, Chairperson, Airport Commission and Airport Commission Members, regarding her support for the new Aviation Technology educational initiative for New Bedford students.

Received and Placed on File. (#1157)

CITATION, Councillor Gomes, honoring NEW LIFE SOUTH COAST, in recognition of their Dedicated Service, the Spirit, Love, and Commitment to the people of Greater New Bedford.

Adopted, to be presented at a later date. (#1158)

CITATION, Councillor Markey and Council President Morad, honoring VIBRA HOSPITAL OF SOUTHEASTERN MASSACHUSETTS in recognition of the Celebration of the 16th Annual Health Expo and with sincere appreciation for their continued professional and compassionate care of their patients and their families.

Adopted, to be presented at a later date. (#1159)

CITATION, Councillor Markey and Council President Morad, honoring, George Norman England and Bernice Clara England in recognition of the Celebration of their 71st Wedding Anniversary on May 8, 2019, and with wishes that the Good Lord will give them many more years of loving happiness together.

Adopted, to be presented at a later date. (#1160)

WRITTEN MOTION, Councillors Gomes, Carney, Rebeiro and Lima, on behalf of the Cape Verdean Recognition Day Committee, requesting that the following street(s) be CLOSED, due to the Recognition Day Parade: UNION STREET, from Rockdale Avenue to County Street, AND ROCKDALE AVENUE, from Kempton Street to Hawthorn Street, ON SATURDAY, JULY 06, 2019, FROM 9:00 A.M. TO 5:00 P.M., (Streets to be Re-Opened as soon as Parade passes) AND ACUSHNET AVENUE, from Union Street to Grinnell Street; PURCHASE STREET, ending at 561 Purchase Street, Cape Verdean-American Veterans Memorial Hall; WALNUT STREET, School Street and South Second Street Intersection, ON SATURDAY, JULY 06, 2019, FROM 11:00 A.M. TO 5:00 P.M. (Streets to be Re-Opened as soon as Parade passes) AND WING STREET at Pleasant Street; PURCHASE STREET at Grinnell Street, ON SATURDAY, JULY 06, 2019, FROM 10:00 A.M. TO 8:00 P.M., for the purpose of The 47th Annual Cape Verdean Recognition Day Parade.

Permission Granted.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1161)

WRITTEN MOTION, Councillors Gomes, Carney, Rebeiro and Lima, requesting, on behalf of the Bisca Club, that the following street(s) be CLOSED: WING STREET, from Purchase Street to Acushnet Avenue, ON SATURDAY, JULY 06, 2019, FROM 8:00 A.M. TO 5:00 P.M., for the purpose of Cape Verdean Recognition Week Activities.

Permission Granted.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1162)

WRITTEN MOTION, Councillors Gomes, Carney, Rebeiro and Lima, requesting, on behalf of the Cape Verdean Recognition Committee, Inc., that the following street(s) be CLOSED: WILLIAM STREET, from Pleasant Street to North Sixth Street, ON MONDAY, JULY 01, 2019, FROM 5:30 P.M. TO 7:30 P.M., for the purpose of the Cape Verdean Flag Raising Ceremony on City Hall Steps.

Permission Granted.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1163)

WRITTEN MOTION, Councillors Gomes, Carney, Rebeiro and Lima, requesting, on behalf of Mr. John Silva, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Russell Street South to Bedford Street, ON SATURDAY, JULY 06, 2019, FROM 8:00 A.M. TO 8:00 P.M.; and further, that this area be closed as soon as the Cape Verdean Recognition Parade Passes said area and remain closed until 8:00 P.M., for the purpose of the Cape Verdean Recognition Day Basketball Tournament.

Permission Granted.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1164)

WRITTEN MOTION, Councillors Gomes, Carney, Rebeiro and Lima, requesting, on behalf of the Cape Verdean Recognition Committee, that the following street(s) be CLOSED: RUSSELL STREET, from Purchase Street to Acushnet Avenue; ACUSHNET AVENUE, from Russell Street to Bedford Street; BEDFORD STREET, from Pleasant Street to South Sixth Street AND PLEASANT STREET, from Wing Street to Bedford Street, ON: SATURDAY, JULY 06, 2019, FROM: 7:00 A.M. TO 8:00 P.M., for the purpose of the Cape Verdean Recognition Day Festival.

Permission Granted.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1165)

WRITTEN MOTION, Councillor Rebeiro, requesting, that the following street(s) be CLOSED: WILLIAM STREET, from Pleasant Street to North Sixth, (In Front of City Hall) ON TUESDAY, JULY 09, 2019, FROM 5:30 P.M. TO 6:30 P.M., for the purpose of A PRAISE.

Permission Granted.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1166)

WRITTEN MOTION, Councillor Gomes, requesting, that the Traffic commission install the following STOP SIGNS in an easterly direction at the corner of Collette Street, Davis Street, and Hathaway Street at the intersection of Riverside Avenue. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1167)

WRITTEN MOTION, Councillor Gomes, requesting, that the Traffic Commission make Riverside Avenue a 20 Mile an Hour traffic flow, from Belleville Avenue to Coffin Avenue in a north and south direction and that signage be installed on the east and west side of Riverside Avenue, notifying motorists of the speed limit on this stretch of road. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1168)

COMMUNICATION, Council President Morad submitting a copy of a letter from Peter Hughes, Board Chair for the Zeiterion Performing Arts Center regarding her support in filing the Home Rule Petition that will allow for a 99-year lease to the Zeiterion Theatre.

Received and Placed on File. (#1169)

COMMUNICATION, Council President Morad, submitting a copy of a letter addressed to the Members of the Traffic Commission regarding support of the YMCA Southeastern Massachusetts request for the school bus parking only at the corner of School Street and South Sixth Street.

Received and Placed on File. (#1170)

APPLICATION, **Couto Construction, Inc.** for permission to maintain a STREET OBSTRUCTION at **Holly Street/Acushnet Avenue**, provisionally granted by the City Clerk on June 27, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1171)

APPLICATION, **W.C. Smith & Son**, for permission to maintain a STREET OBSTRUCTION at **1230 Purchase Street**, provisionally granted by the City Clerk on June 13, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1172)

APPLICATION, **Morgado Company, Inc.** for permission to maintain a STREET OBSTRUCTION at **74 Cottonwood Road**, provisionally granted by the City Clerk on June 13, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1173)

APPLICATION, **Morgado Company, Inc.** for permission to maintain a STREET OBSTRUCTION at **99 Reed Street**, provisionally granted by the City Clerk on June 17, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1174)

APPLICATION, **Able Asphalt, Inc.** for permission to maintain a STREET OBSTRUCTION at **213 Buchanan Street Plot 96 Lot 39**, provisionally granted by the City Clerk on June 18, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1175)

APPLICATION, **Souza Cranberry** for permission to maintain a STREET OBSTRUCTION at **Anthony Terrace ws 225' Nx Rebecca Street**, provisionally granted by the City Clerk on June 18, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1176)

APPLICATION, **MSR Utility Maintenance Corp.** for permission to maintain a STREET OBSTRUCTION at **Cedar Street between Campbell Street and smith Street working at houses 138, 246, & 214**, provisionally granted by the City Clerk on June 19, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1177)

APPLICATION, **MSR Utility Maintenance Corp.** for permission to maintain a STREET OBSTRUCTION at **Merrimac Street between State Street & County Street working at houses 111, 105, 103 & 97**, provisionally granted by the City Clerk on June 19, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1178)

APPLICATION, **MSR Utility Maintenance Corp.** for permission to maintain a STREET OBSTRUCTION at **Weld Street between Reynold Street & Myrtle Street working at houses 37 & 34**, provisionally granted by the City Clerk on June 19, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1179)

APPLICATION, **JLC Construction**, for permission to maintain a STREET OBSTRUCTION at **528 Lantern Lane**, provisionally granted by the City Clerk on June 13, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1180)

APPLICATION, **Dupre, Inc.**, for permission to maintain a STREET OBSTRUCTION at **141 Butler Street**, provisionally granted by the City Clerk on June 26, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1181)

APPLICATION, **W.C. Smith & Son**, to DISTURB THE SURFACE, of **1230 Purchase Street**, provisionally granted by the City Clerk on June 13, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1182)

APPLICATION, **Morgado Company, Inc.**, to DISTURB THE SURFACE, of **74 Cottonwood Road**, provisionally granted by the City Clerk on June 13, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1183)

APPLICATION, **Morgado Company, Inc.**, to DISTURB THE SURFACE, of **99 Reed Street**, provisionally granted by the City Clerk on June 17, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1184)

APPLICATION, **Able Asphalt, Inc.**, to DISTURB THE SURFACE, of **213 Buchanan Street Plot 96 Lot 39**, provisionally granted by the City Clerk on June 18, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1185)

APPLICATION, **Souza Cranberry**, to DISTURB THE SURFACE, of **Anthony Terrace ws 225' N x Rebecca Street**, provisionally granted by the City Clerk on June 18, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1186)

APPLICATION, **MSR Utility Maintenance Corp.**, to DISTURB THE SURFACE, of **Cedar Street between Campbell Street & Smith Street, working at houses 138, 246, & 214**, provisionally granted by the City Clerk on June 19, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1187)

APPLICATION, **MSR Utility Maintenance Corp.**, to DISTURB THE SURFACE, of **Merrimac Street between State Street & County Street working at houses 111, 105, 103 & 97**, provisionally granted by the City Clerk on June 19, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1188)

APPLICATION, **MSR Utility Maintenance Corp.**, to DISTURB THE SURFACE, of **Weld Street between Reynold Street & Myrtle Street working at houses 37 & 34**, provisionally granted by the City Clerk on June 19, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1189)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **528 Lantern Lane**, provisionally granted by the City Clerk on June 25, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1190)

APPLICATION, **Dupre Inc.** to DISTURB THE SURFACE, of **141 Butler Street**, provisionally granted by the City Clerk on June 26, 2019, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval July 01, 2019.

Approved July 8, 2019. (#1191)

PETITION, NSTAR Electric Company d/b/a EVERSOURCE ENERGY & VERIZON NEW ENGLAND INC. for location of one (1) Pole, in WINSOR STREET, West of Crapo Street.

RECEIVED AND HEARING ORDERED FOR JULY 18, 2019.

On a motion, the Council then adjourned at 7:51 p.m.

ATTEST:

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