

CITY COUNCIL CALENDAR

Thursday, August 16, 2018

NOTE:

***THE MEETING IS HELD AT 7 P.M. CITY COUNCIL CHAMBERS - ROOM 214, CITY HALL,
133 WILLIAM STREET, NEW BEDFORD, MA. FOR OFFICIAL POSTING, PLEASE SEE
CITY'S WEBSITE***

OPENING OF SESSION BY:

CITY COUNCIL PRESIDENT LINDA M. MORAD

PRAYER LED BY:

REVEREND KEVIN HARRINGTON, ST. FRANCIS OF ASSISI PARISH

PLEDGE OF ALLEGIANCE

.

HEARINGS

1. HEARING, on NSTAR Electric Company d/b/a Eversource Energy for location of two (2) 4" Conduits and one (1) 45"x45"x36" Handhole in LOCUST STREET, West of County Street.

1a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for a one year lease extension between the City of New Bedford and the Commonwealth of Massachusetts/DCAM on behalf of Bridgewater State University for the Bridgewater State University Aviation Science Flight Training Program at the Airport.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$15,000.00 from PLANNING, CHARGES & SERVICES to RECREATION AND PARKS, CHARGES & SERVICES.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting a one year Waiver of Residency for ANA M. POEIRA, Administrative Coordinator

with the Office of the City Solicitor, who currently lives in North Dartmouth, MA.

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for Jon Begin, 1228 Rodney French Boulevard, New Bedford, MA, in the amount of \$648.56.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of KATHLEEN P. TOWERS, New Bedford, MA to the GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT, replacing Rosemary S. Tierney whose term has expired; this term will expire JUNE 2021.

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of IAN TROMBLY, New Bedford, MA to the TRAFFIC COMMISSION, replacing Glen Grimes who resigned December 2017; this term will expire DECEMBER 2019.

NEW BUSINESS

2. LOAN ORDER, that the City appropriate the amount of \$100,000.00 for the purpose of paying costs of schematic design/feasibility studies for the proposed accelerated repairs consisting of a roof replacement project at the John Avery Parker Elementary School and a boiler replacement project at the Trinity Day Academy. (Passed to a Second Reading - July 19, 2018.)

3. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, Amending Chapter 10, Section 47 FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds added to the new Dog Park Revolving Fund.

3a. AN ORDINANCE, (Referred to the Committee on Ordinance – November 09, 2017; To Be Passed to a Second Reading.)

4. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, amending Chapter 10, Section 10-47 FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds to add the new Golf Course Revolving Fund.

4a. AN ORDINANCE, (Referred to the Committee on Ordinance – May 24, 2018; To be Passed to a Second Reading.)

5. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, amending Chapter 10, Section 10-47 FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds to add the new Rifle Range Revolving Fund.

5a. AN ORDINANCE, (Referred to the Committee on Ordinance – May 24, 2018; To be Passed to a Second Reading.)

6. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, Relative to Zoning Changes from Industrial B to Mixed Use Business of Certain Parcels in the City of New Bedford.

6a. AN ORDINANCE, (To be Passed to a Second Reading.)

7. REPORT, Committee on Ordinances, recommending to the City Council

ADOPTION as AMENDED, an Ordinance Relative to Zoning for Marijuana Establishments and Medical Marijuana Treatment Centers.

7a. AN ORDINANCE, (To be Passed to a Second Reading, as amended.)

8. REPORT, Committee on Finance, recommending to the City Council APPROVAL of the AMENDED Total Expenditure of \$2,431,723.00 in CPA funds for seventeen (17) projects for the Community Preservation Act FY18 Project Funding.

8a. AN ORDER,

9. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, that in accordance with Massachusetts General Law, Chapter 44, Section 53E½ the revolving fund under the control of the Department of Facilities and Fleet Management known as the QUEST CENTER REVOLVING, whose revenues collected and amount limited to be spent estimated at \$57,359.00, is hereby authorized for FISCAL YEAR 2019.

9a. AN ORDER, (Referred to the Committee on Finance – June 14, 2018.)

10. REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the APPLICATION, Victor DaRosa, d/b/a BBN AUTO SALES, LLC for a SPECIAL PERMIT, for Motor Vehicle Sales and Rentals at 1551 Purchase Street, New Bedford, MA 02740.

10a. SPECIAL PERMIT, Victor DaRosa, d/b/a BBN AUTO SALES, LLC, 1551 Purchase Street, New Bedford, MA 02740, for Motor Vehicle Sales and Rentals.

11. REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of ANNA SURMA, New Bedford, MA, to the HISTORICAL COMMISSION; this term will expire June 2021.

11a. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ANNA SURMA, New Bedford, MA 02740, to the HISTORICAL COMMISSION; this term will expire June 2021. (Referred to the Committee on Appointments and Briefings – June 28, 2018.)

12. REPORT, Committee on Appointments and Briefings, recommending to the City Council to refer to the Committee on Public Safety and Neighborhoods the WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings call an immediate Public Safety Summit to include a Representative of the Mayor's Office, Police Chief Cordeiro, Massachusetts Homeland Security Director, Bristol County Sheriff Hodgson, the Commanding Officer from the State Police Barracks in Dartmouth, a Representative of the Bristol County District Attorney's Office, and a Judge from Third District Court, to discuss measures, procedures and strategies to be utilized and implemented, such as stop and search, crime-free zones, and zero tolerance for crimes in our parks and playgrounds and that SRT Tactical Unit be on call and utilized anytime its needed, also that extra patrols and undercover units be placed in high crime neighborhood; and further, that a Public Awareness Campaign be put together to reach out to the neighborhoods and the citizens of this City for their assistance in fighting crime; furthermore, that this summit be held in executive session, due to

the information that may be provided and also strategies that may already be in place that not only protect our Police Officers, Agencies but also the public.

12a. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings call an immediate Public Safety Summit to include a Representative of the Mayor's Office, Police Chief Cordeiro, Massachusetts Homeland Security Director, Bristol County Sheriff Hodgson, the Commanding Officer from the State Police Barracks in Dartmouth, a Representative of the Bristol County District Attorney's Office, and a Judge from Third District Court, to discuss measures, procedures and strategies to be utilized and implemented, such as stop and search, crime-free zones, and zero tolerance for crimes in our parks and playgrounds and that SRT Tactical Unit be on call and utilized anytime its needed, also that extra patrols and undercover units be placed in high crime neighborhood; and further, that a Public Awareness Campaign be put together to reach out to the neighborhoods and the citizens of this City for their assistance in fighting crime; furthermore, that this summit be held in executive session, due to the information that may be provided and also strategies that may already be in place that not only protect our Police Officers, Agencies but also the public. (Referred to the Committee on Appointments and Briefings – July 20, 2017.)

13. REPORT, Committee on Finance, recommending to the City Council to take **"NO FURTHER ACTION"** on the WRITTEN MOTION, Councillor Morad, requesting, that the rental contract currently being negotiated with representatives of the Fort Taber Military Museum Association be presented to the Committee on Finance for review prior to being executed by the Administration; and further, that the Executive Board of the Fort Taber Military Museum Association, along with their legal representative be invited to the Committee on Finance to discuss the terms of the contact and the financial effect said contract will have on the future operation of the Military Museum.

13a. WRITTEN MOTION, Councillor Morad, requesting, that the rental contract currently being negotiated with representatives of the Fort Taber Military Museum Association be presented to the Committee on Finance for review prior to being executed by the Administration; and further, that the Executive Board of the Fort Taber Military Museum Association, along with their legal representative be invited to the Committee on Finance to discuss the terms of the contact and the financial effect said contract will have on the future operation of the Military Museum. (Referred to the Committee on Finance – June 8, 2017.)

14. REPORT, Committee on Finance, recommending to the City Council to take **"NO FURTHER ACTION"** on the WRITTEN MOTION, Councillor Lopes, requesting that the City erect seasonal park and beach signage that list the rules of the beaches and parks.

14a. WRITTEN MOTION, Councillor Lopes, requesting that the City erect seasonal park and beach signage that list the rules of the beaches and parks. (Referred to the Committee on Finance – June 14, 2018.)

15. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on the WRITTEN MOTION, Council President Lopes, requesting that the Director of Parks, Recreation and Beaches install signage at each of the City's parks and beaches that provides a narrative of the area as well as rules of the area.

15a. WRITTEN MOTION, Council President Lopes, requesting that the Director of Parks, Recreation and Beaches install signage at each of the City's parks and beaches that provide a narrative of the area as well as rules of the area. (Referred to the Committee on Appointments and Briefings - December 14, 2017.)

16. REPORT, Committee on Appointments and Briefings recommending to the City Council to take "NO FURTHER ACTION" on the WRITTEN MOTION, Councillors Lopes, Winterson, Bousquet, Council President Morad and Councillor Martins, requesting, that the City of New Bedford establish "Neat Streets" program for the disposal of cigarettes.

16a. WRITTEN MOTION, Councillors Lopes, Winterson, Bousquet, Council President Morad and Councillor Martins, requesting that the City of New Bedford establish "Neat Streets" program for the disposal of cigarettes. (Referred to the Committee on Appointments and Briefings - September 08, 2016.)

17. REPORT, Committee on Appointments and Briefings, recommending to City Council to take "NO FURTHER ACTION" on the RELATED MOTION, Councillor Carney, requesting, that the Personnel Director, Sandy Vezina, meet with the Committee on Appointments and Briefings to inform the Committee Members of the City of New Bedford's hiring practices.

17a. RELATED MOTION, Councillor Carney, requesting, that the Personnel Director Sandy Vezina meet with the Committee on Appointments and Briefings to inform the Committee Members of the City of New Bedford's hiring practice. (Referred to the Committee on Appointments and Briefings- October 27, 2016.)

18. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on the WRITTEN MOTION, Councillor Coelho, requesting that Eversource Gas be invited to a meeting of the Committee on Appointments and Briefings, to brief the City Council regarding policy requirements on the placement of residential meters inside and outside residential buildings.

18a. WRITTEN MOTION, Councillor Coelho, requesting that Eversource Gas be invited the Committee on Appointments and Briefings, to brief the City Council regarding the policy requirements on the placement of residential meters inside and outside residential buildings. (Referred to the Committee on Appointments and Briefings - March 09, 2017.)

19. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on the RELATED MOTION, Councillor Carney, requesting, that DFFM Commissioner Kenneth Blanchard appear before the Committee on Appointments and Briefings to discuss the new Janitorial fees implemented for Community and City run Organizations at public buildings.

19a. RELATED MOTION, Councillor Carney, requesting, that DFFM Commissioner Kenneth Blanchard appear before the Committee on Appointments

and Briefings to discuss the new Janitorial fees implemented for Community and City run Organizations at public buildings. (Referred to the Committee on Appointments and Briefings - January 12, 2017.)

20. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on the COMMUNICATION, Councillor Lopes, submitting a letter from Ray L'Heureux, Treasurer Fort Taber Military Museum, regarding a Project Proposal for an archeological study with the potential lead to the location of the Fort's cannons.

20a. COMMUNICATION, Councillor Lopes, submitting a letter from Ray L'Heureux, Treasurer, Fort Taber Military Museum, regarding a Project Proposal for an archeological study with the potential lead to the location of the Fort's cannons.(Referred to the Committee on Appointments and Briefings - November 24, 2015.)

21. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on the 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 neighborhood growth pattern.

21a. 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 neighborhood growth pattern.(Referred to the Committee on Appointments and Briefings - November 22, 2016.)

22. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on the WRITTEN MOTION, Councillors Gomes, Winterson and Carney, requesting that our local State and Federal Delegations look into amending the Americans with Disabilities and Fair Housing Acts, pertaining to the location of sober or group homes, which would give the Cities and Towns an appeal process to the location of such facilities, so that such a home is placed in an appropriate location; and further, that laws also be put into place to make sure that our City's neighborhoods are not saturated with such homes in residential and/or business-zoned areas.

22a. WRITTEN MOTION, Councillors Gomes, Winterson and Carney, requesting that our local State and Federal Delegations look into amending the American with Disabilities and Fair Housing Acts, pertaining to the location of sober or group homes, which would give Cities and Towns an appeals process to the location of such facilities, so that such a home is placed in an appropriate location; and further, that laws also be put in place to make sure that our City's neighborhoods are not saturated with such homes in residential and/or business-zoned areas. (Referred to the Committee on Appointments and Briefings - January 14, 2016.)

23. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on a WRITTEN

MOTION, Councillors Rebeiro, Abreu, Morad and Carney, requesting that the Committee on Appointments and Briefings hold a meeting as soon as possible to discuss how the Harbor Master Plan, State regulation on designated port areas and Chapter 91 of the General Laws apply to 4 Wright Street in New Bedford as well as to other properties in the port area; and further, that a Representative from Coastal Management, Department of Environmental Protection/Waterways Division, the Harbor Development Commission, the Planning Department and Inspectional Services, as well as the owner of 4 Wright Street be invited to the meeting to provide information to the Committee with regard to this matter.

23a. WRITTEN MOTION, Councillors Rebeiro, Abreu, Morad and Carney, requesting that the Committee on Appointments and Briefings hold a meeting as soon as possible to discuss how the Harbor Master Plan, State regulations on the designated port areas and Chapter 91 of the General Laws apply to 4 Wright Street in New Bedford as well as to other properties in the port area; and further, that a Representative from Coastal Zone Management, Department of Environmental Protection/Waterways Division, the Harbor development Commission, the Planning Department and Inspectional Services, as well as the owner of 4 Wright Street be invited to the meeting to provide information to the Committee with regard to this matter. (Referred to the Committee on Appointments and Briefings -September 28, 2017.)

24. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Rebeiro, requesting that the Committee on Appointments and Briefings invite Edward Anthes-Washburn, HDC Executive Director, to update the Community on the expansion of the New Bedford Waterfront, the new refrigeration project, recreational boating and the Harbor Master Plan.

24a. WRITTEN MOTION, Councillor Rebeiro, requesting that the Committee on Appointments and Briefings invite Edward Anthes-Washburn, HDC Executive Director, to update the Community on the expansion of the New Bedford Waterfront, the new refrigeration project, recreational boating and the Harbor Master Plan. (Referred to the Committee on Appointments and Briefings – February 23, 2017.)

25. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on a WRITTEN MOTION, Councillors Rebeiro, Carney, Abreu, Council President Lopes, Councillors Winterson, Gomes, Morad, Coelho and Martins, on behalf of the fishermen and businesses affected by the abrupt closing of Sector IX in the New Bedford's water that prohibit our participation in ground fishing until April 2018, requesting that a letter be sent to NOAA Regional Administrator John Bullard and our Federal Delegation, asking for an immediate reversal as this has had and will continue to place a devastating toll on over 300 fisherman and several local businesses associated with the this industry; and further, the Committee on Appointments and Briefings invite those affected including fishermen, business owners and Attorney Andrew Saunders to a meeting to explain how this will affect the entire City.

25a. WRITTEN MOTION, Councillors Rebeiro, Carney, Abreu, Council President Lopes, Councillors Winterson, Gomes, Morad, Coelho and Martins, on

behalf of the fishermen and businesses affected by the abrupt closing of Sector IX in the New Bedford's water that prohibit our participation in ground fishing until April 2018, requesting that a letter be sent to NOAA Regional Administrator John Bullard and our Federal Delegation, asking for an immediate reversal as this has had and will continue to place a devastating toll on over 300 fisherman and several local businesses associated with the this industry; and further, the Committee on Appointments and Briefings invite those affected including fishermen, business owners and Attorney Andrew Saunders to a meeting to explain how this will affect the entire City. (Referred to the Committee on Appointments and Briefings - December 14, 2017.)

26. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors Morad and Gomes, requesting, that a representative of the Administration appear before the Committee on Appointments and Briefings to discuss the rationale being utilized to determine when charges and fees being assessed to some non-profit groups across the City can be waived, yet other groups are required to pay said charges and fees. (Referred to the Committee on Appointments and Briefings – June 8, 2017.)

26a. WRITTEN MOTION, Councillors Morad and Gomes, requesting, that a representative of the Administration appear before the Committee on Appointments and Briefings to discuss the rationale being utilized to determine when charges and fees being assessed to some non-profit groups across the City can be waived, yet other groups are required to pay said charges and fees. (To be Referred to the Committee on Appointments and Briefings.)

27. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors Morad and Gomes, again requesting, that a representative of the Administration appear before the Committee on Appointments and Briefings to discuss charges and fees being assessed to various non-profit groups across the City who are utilizing City buildings, parks and streets to host free family related activities, festivals and events; said fees are prohibiting organizations from continuing these events and diminishing the quality of life of the residents and taxpayers of the City of New Bedford who have enjoyed these activities, festivals and events for so many years.

27a. WRITTEN MOTION, Councillors Morad and Gomes, again requesting, that a representative of the Administration appear before the Committee on Appointments and Briefings to discuss charges and fees being assessed to various non-profit groups across the City who are utilizing City buildings, parks and streets to host free family related activities, festivals and events; said fees are prohibiting organizations from continuing these events and diminishing the quality of life of the residents and taxpayers of the City of New Bedford who have enjoyed these activities, festivals and events for so many years. (Referred to the Committee on Appointments and Briefings - June 8, 2017.)

28. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with the Commissioner of the Department of Public

Infrastructure, Zeb Arruda and a Representative of the Administration to break down to the Committee how much road and street work will be done with the One Million Dollar Capital Improvement Program for street repairs; and further, brief the Committee Members on the City's policies and procedures for Utility Companies doing work on the streets in New Bedford.

28a. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with the Commissioner of the Department of Public Infrastructure, Zeb Arruda and a Representative of the Administration to break down to the Committee how much road and street work will be done with the One Million Dollar Capital Improvement Program for street repairs; and further, brief the Committee Members on the City's policies and procedures for Utility Companies doing work on the streets in New Bedford. (Referred to the Committee on Appointments and Briefings – February 23, 2017.)

29. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors Carney, Rebeiro and Abreu, requesting that Michele Paul, Director of Environmental Stewardship, Gerard Martins and Ellie Donovan, Representatives from Massachusetts Department of Environmental Protection; Cole Worthy, from Haley & Aldrich Consultant for CBS Operations; Jeff Groy, Senior Vice-President CBS Operations; Buddy Andrade, Executive Director of Olde Bedford Village and Donald Gomes, spokesman for resident abutters, appear before the Committee on Appointments and Briefings to inform the City Council of the draft closure plan for the Morse Cutting Tool site located at 163 Pleasant Street, and what measures are being taken thus far by CBS Operations to remediate this site.

29a. WRITTEN MOTION, Councillors Carney, Rebeiro and Abreu, requesting that Michele Paul, Director of Environmental Stewardship, Gerard Martins and Ellie Donovan, Representatives from Massachusetts Department of Environmental Protection; Cole Worthy, from Haley & Aldrich Consultant for CBS Operations; Jeff Groy, Senior Vice-President CBS Operations; Buddy Andrade, Executive Director of Olde Bedford Village and Donald Gomes, spokesman for resident abutters, appear before the Committee on Appointments and Briefings to inform the City Council of the draft closure plan for the Morse Cutting Tool site located at 163 Pleasant Street, and what measures are being taken thus far by CBS Operations to remediate this site. (Referred to the Committee on Appointments and Briefings – November 10, 2016.)

30. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors Gomes, Bousquet, Abreu, Carney, Coelho, Lopes, Martins, Council President Morad, Councillors Oliveira and Rebeiro, requesting, once again that the Administration reconsider and halt all charges that are being considered and already implemented to nonprofit Organizations across the City; and further requesting, that the Administration and Parks, Recreation and Beaches, Director Rapoza appear before the Committee on Appointments and Briefings to discuss this matter; this is the second request being made on behalf of Organizations across the City that give back so much through tourism, scholarships, economic stimulants and more; these charges are devastating to them and possibly could put these nonprofit Organizations into a hardship or close the books on their contributions to the City and cultural activities that have been

happening for decades.

30a. WRITTEN MOTION, Councillors Gomes, Bousquet, Abreu, Carney, Coelho, Lopes, Martins, Council President Morad, Councillors Oliveira and Rebeiro, requesting, once again that the Administration reconsider and halt all charges that are being considered and already implemented to nonprofit Organizations across the City; and further requesting, that the Administration and Parks, Recreation and Beaches, Director Rapoza appear before the Committee on Appointments and Briefings to discuss this matter; this is the second request being made on behalf of Organizations across the City that give back so much through tourism, scholarships, economic stimulants and more; these charges are devastating to them and possibly could put these nonprofit Organizations into a hardship or close the books on their contributions to the City and cultural activities that have been happening for decades. (Referred to the Committee on Appointments and Briefings – October 27, 2016.)

31. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with the Massachusetts Department of Transportation for the purposes of discussing installing lighting fixtures on the outside and inside structure of the New Bedford/Fairhaven Bridge, the purpose of this request is so that the City can illuminate the bridge in whatever color suitable on a daily basis, along with holidays and special events, this will give the bridge and the City a beautiful look for air-traffic and vehicular traffic entering and exiting the City; and further, this will also enhance the skyline look of the harbor for the fishing fleet.

31a. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with the Massachusetts Department of Transportation for the purposes of discussing installing lighting fixtures on the outside and inside structure of the New Bedford/Fairhaven Bridge, the purpose of this request is so that the City can illuminate the bridge in whatever color suitable on a daily basis, along with holidays and special events, this will give the bridge and the City a beautiful look for air-traffic and vehicular traffic entering and exiting the City; and further, this will also enhance the skyline look of the harbor for the fishing fleet. (Referred to the Committee on Appointments and Briefings – August 18, 2016.)

32. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Martins, requesting, that Attorney Richard Manning, 167 William Street, who represents Empire Loan, be invited to the Committee on Appointments and Briefings, to address concerns with the regulatory provisions related to pawnbrokers recently adopted by the City Council in 2013; and further; requesting, that Empire Loan be given the opportunity to address their concerns with the Council and provide additional information which, hopefully, will result in the recommendation of some changes.

32a. WRITTEN MOTION, Councillor Martins, requesting, that Attorney Richard Manning, 167 William Street, who represents Empire Loan, be invited to the Committee on Appointments and Briefings, to address concerns with the regulatory provisions related to pawnbrokers recently adopted by the City Council in 2013; and further; requesting, that Empire Loan be given the opportunity to address their concerns with the Council and provide additional information which,

hopefully, will result in the recommendation of some changes. (Referred to the Committee on Appointments and Briefings – April 14, 2016.)

33. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors Morad and Gomes, once again, requesting that the listing of events fees that was presented to the Council several months ago, be updated as was requested by the Council, to remove the events associated with the Administration, the Council had requested this update in an attempt to determine the true costs associated with the various non-profit groups who are utilizing City buildings, parks and streets; and further, this request now requests that the updated list be returned to the Chairperson of the Committee on Appointments and Briefings within 7 days of this motion being adopted by the Council and a COMMUNICATION, Councillor Morad, submitting a listing of the City of New Bedford’s Event Rentals and Services and a listing of fees charged to non-profit and for profit Organizations that hold a Special Event in the City of New Bedford. (To be Referred to the Committee on Appointments and Briefings.)

33a. WRITTEN MOTION, Councillors Morad and Gomes, once again, requesting that the listing of events fees that was presented to the Council several months ago, be updated as was requested by the Council, to remove the events associated with the Administration, the Council had requested this update in an attempt to determine the true costs associated with the various non-profit groups who are utilizing City buildings, parks and streets; and further, this request now requests that the updated list be returned to the Chairperson of the Committee on Appointments and Briefings within 7 days of this motion being adopted by the Council. (Referred to the Administration and the Committee on Appointments and Briefings – June 8, 2017.)

33b. COMMUNICATION, Councillor Morad, submitting a listing of the City of New Bedford’s Event Rentals and Services and a listing of fees charged to non-profit and for profit Organizations that hold a Special Event in the City of New Bedford. (Referred to the Committee on Appointments and Briefings – June 22, 2017.)

34. WRITTEN MOTION, Councillor Rebeiro, requesting that the Director of Parks, Recreation and Beaches, Mary Rapoza update the Committee on Public Safety and Neighborhoods on the summer lunch program in the parks and the impact it is having on the City. (To be Referred to the Committee on Public Safety and Neighborhoods.)

35. WRITTEN MOTION, Councillor Rebeiro, requesting that the Committee on Public Safety and Neighborhoods invite the Shannon Grant Team to update the Committee Members on their plans to connect with young people in the City to increase engagement and public safety. (To be Referred to the Committee on Public Safety and Neighborhoods.)

36. WRITTEN MOTION, Councillor Rebeiro, requesting, that the Committee on Fisheries meet to determine how the City can begin issuing Aquaculture Licenses pursuant to M.G.L. Chapter 130, Section 57, for approved areas; and further, that Mayor Mitchell be asked to submit to the Committee on Fisheries a draft of the aquaculture licensing Ordinance proposal that his Administration has been working on for the Committee’s consideration and

possible adoption.

37. WRITTEN MOTION, Councillors Rebeiro, Giesta, Lima and Carney, requesting, that the Committee on Public Safety and Neighborhoods review the “no grilling” rule currently enforced in all City parks; and further, that the Park Board and any organization or concerned Citizens be invited to attend said meeting. (To be Referred to the Committee on Public Safety and Neighborhoods.)

38. WRITTEN MOTION, Councillor Giesta, requesting, on behalf of Mr. Bruno Frustazi, that Plot 100/ Lot 108 (NS Davis Street), be Rezoned from Mixed-Use Business to Industrial “B”, in their entirety. (To be Referred to the Committee on Ordinances and the Planning Board.)

39. WRITTEN MOTION, Councillors Lopes and Abreu, requesting, that the Special Committee on Licensing and Zoning for Cannabis begin drafting the Ordinance that will establish the procedures for the issuing and reissuing of Recreational Cannabis in the City of New Bedford. (To be Referred to the Special Committee on Licensing and Zoning for Cannabis.)

40. WRITTEN MOTION, Councillor Lopes, requesting, that the Traffic Commission look at removing the existing Two-Way Stop Signs on the corner of Sidney Street and Hemlock Street and install a Four-Way Stop Sign at said intersection. (To be Referred to the Traffic Commission.)

41. WRITTEN MOTION, Councillors Rebeiro, Dunn, Abreu, Lopes, asking, that the Committee on Public Safety and Neighborhoods request that a representative from the Mayor’s Office, a representative from the City Solicitor’s Office and Attorney Jonathan M. Silverstein, of KP Law, be invited to a committee meeting to discuss the possibility of the City of New Bedford joining the 100 other Cities across the Commonwealth in the lawsuit seeking civil damages from pharmaceutical companies responsible for the wrongful distribution of opiates.

42. WRITTEN MOTION, Councillor Giesta, requesting that the Committee on Public Safety and Neighborhoods invite Police Chief Joseph Cordeiro, Executive Secretary to the Traffic Commission, Scott Downing and the Commissioner of Inspectional Services, Danny Romanowicz to a meeting to discuss the enforcement and effectiveness of the current Ordinance relative to heavy truck parking in residential zones under Chapter 23, Section 23-23 of the City Code.

43. WRITTEN MOTION, Councillor Coelho, requesting, that Will Gardner, Executive Director, Alma Del Mar Charter School be invited to attend a Committee on Appointments and Briefings meeting to update the members on his intent to expand classroom sizes and accept more students. (To be Referred to the Committee on Appointments and Briefings.)

44. WRITTEN MOTION, Councillor Lopes, requesting, that the Traffic Commission approve the installation of two (2) "NO PARKING HERE TO CORNER" signs at the intersection of Transit Street and Rockdale Avenue and that the signs be placed on Transit Street. (To be Referred to the Traffic Commission.)

45. WRITTEN MOTION, Councillor Gomes, requesting, that the following action be taken on behalf of the residents of Transit Street, between Frank Street

and Rockdale Avenue, asking that the Department of Public Infrastructure install curbing in front of 78 Rockdale Avenue and that the Traffic Commission install a “NO PARKING FROM HERE TO CORNER” Sign at least one car space in front of said address, south to the corner of Transit Street and Rockdale Avenue; and further, that a “NO PARKING ANYTIME” Sign be installed on Transit Street west side on Pole 698-1 to the Southwest corner of Frank Street, this will assist ABC Disposal Services and emergency vehicles in making that corner and that the New Bedford Police Department and Traffic Commission parking attendants increase their patrols in this area, and issue citations to any parking violators within this area along Transit Street and Rockdale Avenue, these requests will make this area and intersections safer for motorists and the neighborhood; and further, that the New Bedford Police Department also take immediate action in regard to any public drinking or criminal activity in this area during the day and early evening hours.

46. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments in Briefings meet with Eversource officials, Riley Construction and the Commissioner of the Department of Public Infrastructure, Jamie Ponte, along with the resident of 43 Sherman Street, for the purpose of discussing an ongoing problem that was created by the Riley Construction crew at said location, said company broke a drain pipe and has refused to acknowledge this structural break that has left the resident of 43 Sherman Street with a flooded basement, damage and a continuous back up of a drainage pipe; and further, Riley Construction and Eversource have refused to acknowledge the problem, which up until this construction dig, had no problems at this home until this work was done.

47. WRITTEN MOTION, Councillor Gomes, requesting, once more that a letter be sent to SRTA Bus Company relative to the implementation of the City Council proposed extended bus route to Fort Taber, the extended route is as follows; left on South Rodney French Boulevard from Brock Avenue, proceeding east to the entrance of Fort Taber; and further requesting, the installation of a Bus Stop sign at the entrance on the southwest corner of South Rodney French Boulevard and East Rodney French Boulevard, the bus then will proceed to make a U-turn heading west on South Rodney French Boulevard back to Brock Avenue, the bus company and the City have conducted a study and a trial has been done by SRTA, Traffic Commission Executive Secretary, Scott Downing and Department of Public Infrastructure Deputy Commissioner Manny Silva, which concluded that this could be done; and further, SRTA has refused to acknowledge this Council’s request and that is the reason this is on the City Council Agenda once more asking SRTA to implement the request.

48. WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and the Police Chief increase patrols and surveillance in the area of Cedar, Chancery and Parker Streets, including the outside perimeter of said area; due to the increasing criminal activity, 12 episodes of shots fired at victims and more importantly to bring some relief to the residents of this area that have been plagued by this violence since the beginning of the year; and further, that a clear message be sent to the criminals, that it will not be tolerated in the City, we will do everything possible to resolve what has been happening; furthermore that the Police Department consider doing a clean sweep of this area and any other area of the City that is being plagued by this violence and criminal activity affecting the quality of life in these neighborhoods and that the City use any resource needed

including outside agencies, State Police, ATF, FBI available to the City.

49. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Public Safety and Neighborhoods Chairman and the Committee on Public Safety and Neighborhoods challenge the Police Department to participate in the National Lip-Sync challenge that has swept America; including our Fire Department, EMS and Emergency Management and more importantly the youth and adults of the community; and further that the Public Safety & Neighborhoods Chair along with any member of the Committee and the Public Relations Officer for the New Bedford Police Department, Lt. Nathaniel Rodriguez, work together to see this becomes a reality and puts the City and New Bedford's Police Department and the Emergency Personnel in our community in the national spotlight and also the opportunity to show case our community as one; and further, that Cable Access assist in the filming and editing if the City takes the opportunity.

50. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Henry N. Lee, 25 Sycamore Street, New Bedford, MA 02740 d/b/a LEE TRANSPORTATION CORP., 271 County 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 expired June 8, 2018.)**

51. COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW – PARTIAL DEMOLITION: 73-91 COVE STREET (Map 21, Lot 53) Loading Dock and Building Addition, a part of the conversion to a self-storage facility the property owner is proposing the demolition of two metal structures on the site, a loading dock structure attached to the east building and a one story metal addition at the rear of the east building; no other demolition work has been proposed at this time or reviewed by the Preservation Planner; the property is part of the 1893 Hathaway Mill Complex and the proposed demolitions do not adversely affect original mill buildings, and later additions are of no notable historic significance either recorded or found with the existing conditions of the structures; and therefore, **in light of these findings, the Preservation Planner has determined that the structures proposed for demolition are neither Historically Significant nor Preferably Preserved structures, this determination is applicable to demolition of the loading dock and rear one story addition.**

52. COMMUNICATION, Manuel DeBrito, Board of Election Commissioners, to City Council, submitting the Election Warrant for the Tuesday, September 4, 2018, State Primary, the warrant needs to be signed by the majority of the City Council and must be posted on the 7th day prior to the Election date as mandated by M.G.L. c43, §44A, a copy of this warrant will be posted at each polling location.

53. COMMUNICATION, Community Preservation Committee, to City Council, submitting the CPA annual budget for Fiscal Year 2019 to appropriate and reserve from the Community Preservation Fund, annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses and community preservation projects in Fiscal Year 2019.

54. COMMUNICATION, Councillor Lopes, submitting a copy of a letter from SoCo Green LLC, requesting consideration for a Community Host Agreement with the City of New Bedford for a Marijuana Retailer License.
55. COMMUNICATION, Council President Morad, submitting a copy of a letter sent to Jay Ash, Secretary, Executive Office of Housing and Economic Development, in support of the City of New Bedford's application to the MassWorks Infrastructure Program, to move forward the second phase of the City's Union Street Improvement Project.
56. COMMUNICATION, Councillor Gomes, submitting information from Ericca and Justin Kennedy d/b/a Whisk & JANE LLC, regarding their startup recreational cannabis business and a possible Community Host Agreement with the City of New Bedford. (Copy all Councillors 07/27/2018.)
- 56a. COMMUNICATION, Councillor Gomes, submitting a draft entitled "Guidance on Host Community Agreements" and "Local Equity", from the Massachusetts Cannabis Control Commission. (Copy all Councillors 08/08/2018)
57. COMMUNICATION, Council President Morad, submitting a copy of a letter sent to the Planning Board, in support of Case 18-36 – Planning Board Meeting Agenda of August 08, 2018, relative to NorthStar Learning Centers, Inc. and advising she will not be present due to a prior commitment.
58. COMMUNICATION, Council President Morad, submitting a copy of the fully executed Purchase and Sale Agreement for the new South End Public Safety Center, located at 890 Brock Avenue, New Bedford, MA. (Copy all Councillors via email on August 8, 2018; To be Received and Placed on File.)
59. COMMUNICATION, Council President Morad, submitting a letter from Janine Silva, Chair, Community Preservation Committee, requesting a reconsideration for the CPA Acushnet Sawmill Expansion Project, on behalf of the Buzzards Bay Coalition, Inc. (Copy all Councillors 08/10/2018.)

TABLED BUSINESS

05/24/2018 WRITTEN MOTION, Councillors Gomes and Carney, requesting, once more that the Committee on Appointments and Briefings meet with management of Kings Village, this request comes once again on behalf of the residents; and further, that once again the Board of Health and the Department of Inspectional Services inspect the housing complex for rodent complaints, bedbugs, mold and mildew and the maintenance procedures that have not been done in the buildings following up on inspections that were done early this year; and further, once more that letters be sent to our State Legislative Delegation, HUD and State Health inspectors about the conditions at the senior citizen complex.

***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.***



Item Title:

THE MEETING IS HELD AT 7 P.M. CITY COUNCIL CHAMBERS - ROOM 214, CITY HALL, 133 WILLIAM STREET, NEW BEDFORD, MA. FOR OFFICIAL POSTING, PLEASE SEE CITY'S WEBSITE

Item Detail:

Additional Information:



Item Title:
CITY COUNCIL PRESIDENT LINDA M. MORAD

Item Detail:

Additional Information:



Item Title:

REVEREND KEVIN HARRINGTON, ST. FRANCIS OF ASSISI PARISH

Item Detail:

Additional Information:



Item Title:

.

Item Detail:

Additional Information:



Item Title:

HEARING - LOCUST STREET, WEST OF COUNTY STREET

Item Detail:

1. HEARING, on NSTAR Electric Company d/b/a Eversource Energy for location of two (2) 4" Conduits and one (1) 45"x45"x36" Handhole in LOCUST STREET, West of County Street.

1a. AN ORDER,

Additional Information:



Item Title:

COMMUNICATION-Bridgewater Flight Academy Lease Extension

Item Detail:

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for a one year lease extension between the City of New Bedford and the Commonwealth of Massachusetts/DCAM on behalf of Bridgewater State University for the Bridgewater State University Aviation Science Flight Training Program at the Airport.

M1a. AN ORDER,

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Communication-Bridgewater Flight Academy Lease Extension	Cover Memo



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

July 19, 2018

Council President Linda M. Morad
Members of the City Council
City of New Bedford
133 William Street
New Bedford, MA 02740

RE: BRIDGEWATER FLIGHT ACADEMY

Dear Council President Morad and Honorable Members:

Attached for your consideration is a one year lease extension between the City of New Bedford and the Commonwealth of Massachusetts/DCAM (on behalf of Bridgewater State University) for the Bridgewater State University Aviation Science Flight Training Program at the airport. The flight school has issued an RFP for a longer term lease and this extension is intended to bridge the gap.

Should you have any further questions, please feel free to contact me. A copy of the proposed Order is attached.

Very truly yours,

Jonathan F. Mitchell
Mayor

EJ/bar

enclosure



CITY OF NEW BEDFORD

CITY COUNCIL

July 19, 2018

31

Ordered, that the Mayor is authorized to execute on behalf of the City of New Bedford a One Year Lease Extension between the City of New Bedford, acting through its Airport Commission and the Commonwealth of Massachusetts acting by and through the Commissioner of its Division of Capital Asset Management and Maintenance on behalf of Bridgewater State University. A copy of the One Year Lease Extension is attached hereto and made a part hereof.

PRESENTED TO THE MAYOR

For approval

City Clerk

Approved

Mayor

IN CITY COUNCIL

City Clerk

THIS OFFICIAL FORM MUST NOT BE ALTERED.
ALL MODIFICATIONS MUST BE MADE BY SEPARATE RIDER.

COMMONWEALTH OF MASSACHUSETTS

SHORT-TERM TENANCY AGREEMENT

SUMMARY SHEET: REFERENCE DATA AND CONTENTS

Subjects Referred To:

Each reference in this Short-Term Tenancy Agreement (this Tenancy) to any of the following subjects incorporates the data stated for that subject in this Summary Sheet (the Summary Sheet of this Tenancy).

COMMENCEMENT DATE: June 1, 2018, at 12:01 a.m.

TERMINATION DATE: As defined in Exhibit A, unless earlier terminated as provided in 5 of this Tenancy

LANDLORD: City of New Bedford

ADDRESS OF LANDLORD: 133 William Street
New Bedford, Massachusetts 02740

TENANT: The Commonwealth of Massachusetts acting by and through the Commissioner of its Division of Capital Asset Management and Maintenance (DCAMM) of the Executive Office for Administration and Finance on behalf of the User Agency

ADDRESS OF TENANT: Division of Capital Asset Management and Maintenance
One Ashburton Place, 15th Floor
Boston, Massachusetts 02108-1518

TENANT'S REPRESENTATIVE: Name: Martha Goldsmith, Director
Address: Division of Capital Asset Management
Office of Leasing and State Office Planning
One Ashburton Place, Room 1411
Boston, Massachusetts 02018
Such other representatives as Tenant may designate in writing from time-to-time.

USER AGENCY: Bridgewater State University

**ADDRESS OF
USER AGENCY:** 131 Summer Street
Bridgewater, Massachusetts 02325

BUILDING (ADDRESS): 1852 Shawmut Avenue
New Bedford, Massachusetts 02747

PREMISES: The entire building, grounds, and parking lot at 1852 Shawmut Avenue, the general aviation ramp adjacent to the parking lot and the unpaved area adjacent to the general aviation ramp as described in Exhibit C.

USABLE AREA OF PREMISES: Office Space: 10,480 square feet
Storage Space: 0 square feet

RESERVED PARKING SPACES: Location: Entire parking area adjacent to the Premises

PERMITTED USES: Subject to the provisions of the Prior Lease Documents, as that term is defined in 4 of this Tenancy. Tenant must use the Premises for the following purposes: educational and community-service offerings to students and community members relating to the Bridgewater State University Aviation Science Flight Training Program.

RENT: \$5.73 per square foot, resulting in a monthly fixed rent of \$5,000.00.

SHORT-TERM TENANCY AGREEMENT

This Tenancy is made on _____, 20____, between Landlord and Tenant.

1. **PREMISES:** In consideration of the Rent, covenants, and agreements contained in this Tenancy, Landlord rents to Tenant, and Tenant rents from Landlord, the Premises described in the Summary Sheet of this Tenancy.
2. **TERM:** The term of this Tenancy commences on the Commencement Date and ends on the Termination Date. As of the Termination Date, this Tenancy automatically and immediately terminates, and the obligations and liabilities of the parties ends, except for those which, under this Tenancy, continue after the Termination Date.
3. **RENT PAYMENT:** Tenant agrees to pay, and Landlord agrees to accept, Rent described in the Summary Sheet of this Tenancy. Equal monthly installments of Rent are payable on or before the tenth day of the month for which it is due. Rent is prorated with respect to any fractional month during the Term.
4. **PRIOR LEASE DOCUMENTS INCORPORATED BY REFERENCE:** Landlord and Tenant agree that the provisions of the lease agreement for the Premises by and between Landlord and Tenant, together with each of the amendments to such lease and the respective attachments to such lease and such amendments (collectively, the Prior Lease Documents), *except as otherwise expressly provided in this Tenancy*, are incorporated by reference into this Tenancy, provided, however, that none of the Prior Lease Documents are extended or renewed by such incorporation by reference. The Prior Lease Documents are described in Exhibit B to this Tenancy. The rights, duties, and obligations of Landlord and Tenant under this Tenancy are governed by the provisions, covenants, and conditions of the Prior Lease Documents.
5. **TERMINATION BEFORE THE ORIGINALLY DESIGNATED TERMINATION DATE:**
 - (a) Tenant may terminate this Tenancy before the originally designated Termination Date by giving sixty-days-prior-written notice to Landlord.
 - (b) The fiscal year of the Commonwealth is the twelve-month period ending June 30 of each year. Appropriations and authorizations for expenditures by agencies of the Commonwealth are made on a fiscal-year basis. In accordance with G. L. c. 29, §27, the obligations of Tenant under this Tenancy, and under any amendment to, or extension or renewal of, this Tenancy, for any fiscal year, are subject to the appropriation and the allotment of sufficient funds to the User Agency. If, for any fiscal year during the Term, sufficient funds for the discharge of Tenant's obligations under this Tenancy are not appropriated and authorized, then Tenant may terminate this Tenancy before the originally designated Termination Date by written notice to Landlord.
 - (c) This Tenancy terminates automatically and immediately on the earlier Termination Date that is designated in the notice given under 5(a) or 5(b).
 - (d) Termination pursuant to 5(a) and 5(b) is without any liability whatsoever for damages, penalties, and other charges arising from early termination, and without further recourse to either party; provided, however, that Tenant must pay all Rent and any other charges due to Landlord for the period before Tenant's surrender of the Premises, and Tenant

must comply with the provisions of the Prior Lease Documents regarding the surrender and delivery of the Premises to Landlord.

6. LANDLORD'S WARRANTIES AND REPRESENTATIONS; CHANGES:

- (a) Landlord warrants and represents that Landlord has record title to the Premises (or if this Tenancy is a subtenancy, Landlord warrants and represents that Landlord holds a current and valid lease of the Premises), and that there are no encumbrances affecting the Premises, the Building, or both, that would prohibit or interfere with the construction of the Landlord's Improvements, or both, or with the use of the Premises for the Permitted Uses, or with both.
- (b) Landlord warrants and represents that Landlord's name appears in this Tenancy exactly as Landlord's name appears on Landlord's record title to the Premises if Landlord owns the Premises, or exactly as Landlord's name appears in Landlord's lease if this Tenancy is a subtenancy.
- (c) Landlord warrants and represents that Landlord has full legal capacity to enter into this Tenancy.
- (d) If Landlord is not a natural person or natural persons, but Landlord is, rather, a so-called "creature of the law" (e.g., a corporation, a general or limited partnership, a trust, a limited liability company, etc.), Landlord warrants and represents that Landlord is validly organized and existing, that Landlord is in good standing in the state, commonwealth, province, territory, or jurisdiction of its organization, and that Landlord is authorized and qualified to do business in the state, commonwealth, province, territory, or jurisdiction in which the Premises are located.
- (e) Landlord warrants and represents that the execution of this Tenancy is duly authorized and that each person executing this Tenancy on behalf of Landlord has full authority to do so and to fully bind Landlord.
- (f) Landlord warrants and represents that Landlord is neither debarred nor suspended from contracting with the Commonwealth of Massachusetts under any applicable debarment statute or regulation.
- (g) Landlord warrants and represents that Landlord knows of no pending or threatened action, suit, proceeding, inquiry, or investigation before or by any judicial court or administrative or law enforcement agency against or affecting Landlord or Landlord's properties wherein any unfavorable decision, ruling, or finding would materially and adversely affect the validity, enforceability, or both, of this Tenancy, Landlord's ability to carry out Landlord's obligations under this Tenancy, or both.
- (h) If the status of any warranty and representation by Landlord in this § 6 changes or ceases to be accurate during the Term, Landlord must notify Tenant in writing of each such change or cessation within ten business days after the occurrence of such change or cessation and must thereafter, within an additional ten business days, complete and submit to Tenant all commercially reasonable documentation that is necessary and appropriate to such change or cessation, all at no cost or expense to Tenant.

7. NOTICES:

- (a) Unless otherwise expressly permitted under this Tenancy, all notices or other communication required or permitted to be given under this Tenancy must be in writing, signed by a duly authorized representative of the party giving notice, and given by hand delivery (including without limitation, courier and overnight delivery service), or mailed by United States certified mail, postage prepaid, return receipt requested.
- (b) Unless otherwise expressly stated in this Tenancy, notices must be addressed and sent to Landlord at the address appearing for Landlord in the Summary Sheet of this Tenancy and to Tenant at the address appearing for Tenant in the Summary Sheet of this Tenancy, with copies to the User Agency (i) at the address of the Premises (after the Date of Occupancy) and (ii) at the address set forth for the User Agency in the Summary Sheet of this Tenancy if different from the address of Tenant.
- (c) Under this 7, Landlord and Tenant, at any time and from time-to-time, may designate a different address or different addresses to which notices must be sent. Notices sent in this manner are deemed given, for all purposes, (i) on the date shown on the receipt for delivery or (ii) as of the date notice is sent if delivery is refused.
- (d) Special Notice Where Failure to Reply Results in Consent or Approval

If the consent or approval of Landlord or Tenant is deemed under this Tenancy to be given to a request or submission following a period of non-reply, such consent or approval is effective only if the outside of the envelope containing the request or submission bears the following legend with the appropriate time period filled in, printed in bold-face all-uppercase type at least one-quarter inch high (28-point font):

**NOTICE: THIS REQUEST
FOR APPROVAL REQUIRES
IMMEDIATE REPLY.
FAILURE TO RESPOND
WITHIN ____ DAYS SHALL
RESULT IN AUTOMATIC
APPROVAL.**

8. AMENDMENTS: None of the covenants, agreements, provisions, and conditions of this Tenancy can be altered, waived, changed, or abandoned in any manner except by a written instrument that is signed, sealed, and mutually agreed upon by the parties to this Tenancy, and such instrument is not void for lack of a recital of consideration. Each capitalized word and

phrase used in this Tenancy has the same meaning as the meaning that is given to it in the Prior Lease Documents, unless otherwise indicated in this Tenancy.

9. **TENANT'S QUIET ENJOYMENT:** Tenant must have peaceful and quiet use and possession of the Premises without hindrance or interruption on the part of Landlord, by any other person for whose actions Landlord is legally responsible, or by any person claiming by, through, or under Landlord, except that Landlord has the right to enter the Premises upon not less than 48-hours notice, at such time and in such manner as does not unreasonably interfere with the conduct of the Tenant's business, for the purpose of maintenance, making repairs, or both. Landlord has the right to enter the Premises without notice upon the occasion of any emergency endangering life, property, or both.
10. **RIDER, EXHIBITS, AND OTHER ACCOMPANYING DOCUMENTS:** Other than the "Landlord's Beneficial-Interest-Disclosure Statement" and the "Certificate of Tax-and-Employment-Security Compliance," each rider, exhibit, and other accompanying document is an integral part of this Tenancy for all lawful intents and purposes.

The "Landlord's Beneficial-Interest-Disclosure Statement" and the "Certificate of Tax-and-Employment-Security Compliance" are required by the General Laws of the Commonwealth of Massachusetts for rental agreements and for agreements that extend or renew rental agreements in which the Commonwealth of Massachusetts is the tenant, but these required documents are not part of the documents for which they are required and therefore are not attached to them.

11. **WAIVER OF SUBROGATION:** To the extent that insurance proceeds are actually recovered under insurance maintained by or for the benefit of Landlord or Tenant (Tenant being under no obligation to maintain any insurance), Landlord and Tenant each releases the other from any and all liability paid for on account of such proceeds, and to such extent (and only to such extent), each waives all claims by way of subrogation. All insurance that is carried by Landlord with respect to the Premises, whether or not required by this Tenancy, must include provisions that deny to the insurer acquisition by subrogation of rights of recovery against Tenant to the extent such rights have been waived by Landlord, insofar as and to the extent that such provisions may be effective without making it impossible for Landlord to obtain insurance coverage from responsible companies qualified to do business in Massachusetts, even though extra premium may result from such provisions.
12. **AFFIRMATIVE ACTION; NON-DISCRIMINATION IN HIRING AND EMPLOYMENT:** Landlord must comply with all federal and state laws, rules, and regulations promoting fair-employment practices or prohibiting employment discrimination and unfair-labor practices and must not discriminate in the hiring of any applicant for employment or demote, discharge, or otherwise subject any qualified employee to discrimination in the tenure, position, promotional opportunities, wages, benefits, or terms and conditions of their employment because of race, color, national origin, ancestry, age, sex, religion, disability, handicap, sexual orientation, gender identity, as defined by chapter 199 of the Acts of 2011, or for exercising any rights afforded by law. Landlord commits to exercise diligent efforts in purchasing supplies and services from certified minority or women-owned businesses, small businesses, or businesses owned by socially or economically disadvantaged persons or persons with disabilities.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Landlord and Tenant have executed multiple counterparts of this document, under seal in accordance with the laws of the Commonwealth of Massachusetts, Tenant having done so by the Commissioner of the Division of Capital Asset Management and Maintenance, who was joined by an authorized representative of the User Agency as an adjunctive signatory, neither of whom incurs any personal liability as a result of such signature.

**LANDLORD: CITY OF NEW BEDFORD ACTING THROUGH ITS AIRPORT
COMMISSION**

By: 

Printed Name: Paul Barton

Title: Chairman, New Bedford Airport Commission

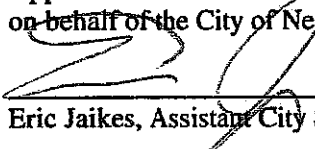
CITY OF NEW BEDFORD ACTING THROUGH ITS MAYOR'S OFFICE

By: _____

Printed Name: Jonathan F. Mitchell

Title: Mayor, City of New Bedford

Approved as to form and legality
on behalf of the City of New Bedford:


Eric Jaikes, Assistant City Solicitor

**TENANT: COMMONWEALTH OF MASSACHUSETTS ACTING BY AND
THROUGH THE COMMISSIONER OF ITS DIVISION OF CAPITAL
ASSET MANAGEMENT AND MAINTENANCE**

By: _____

Carol W. Gladstone, Commissioner

USER AGENCY: BRIDGEWATER STATE UNIVERSITY

By: _____

Printed Name: _____

Title: _____

Approved as to Matters of Form:

Peter A. Wilson, Deputy General Counsel
Division of Capital Asset Management and Maintenance

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE
DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE
OFFICE OF LEASING AND STATE OFFICE PLANNING**

CERTIFICATE OF COMPLIANCE WITH EXECUTIVE ORDER NO. 481

Pursuant to Executive Order No. 481, _____

Seot Sana
(name(s) of person(s) who signed the document to which this Certificate is attached for Landlord, Licensor, Mortgagee, or Prospective Lender)

Manager of City of New Bedford (Contractor),
(title(s) of person(s) who signed the document to which this Certificate is attached for Landlord, Licensor, Mortgagee, or Prospective Lender) (name of Landlord, Licensor, Mortgagee, or Prospective Lender named in the document to which this Certificate is attached)

whose principal place of business is located at 133 William Street, New Bedford, MA 02740
(address of principal place of business of Landlord, Licensor, Mortgagee or Prospective Lender named in the document to which this Certificate is attached)

certifies, as a condition of receiving Commonwealth funds under (a) the lease or (b) the short-term tenancy agreement or (c) the license or (d) the amendment or (e) the subordination, non-disturbance, and attornment agreement or (f) the change-of-ownership documents to which this Certificate is attached (this Contract) for the premises located at 1852 Shawmut Avenue, New Bedford, MA
(address of the premises as stated in

Short-Term Tenancy Agreement that:
(the document to which this Certificate is attached)

1. The following provisions of this certification are ancillary to this Contract and will be and are binding upon Contractor as if literally included among the provisions of this Contract.
2. Contractor must not and will not knowingly use undocumented workers in connection with Contractor's performance under this Contract.
3. Pursuant to federal requirements, Contractor must and will verify the immigration status of all workers assigned to Contractor's performance under this Contract without engaging in unlawful discrimination, and Contractor must not and will not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker.
4. Contractor is aware that any breach of item 2, item 3, or both item 2 and item 3 during the term of this Contract may be regarded as a material breach of this Contract, subjecting Contractor to sanctions, including by way of example only and not limitation, monetary penalties, withholding of Commonwealth funds and other payments, suspension or termination of this Contract or both, and any other remedy available to Tenant or Licensee under this Contract, at law, or in equity.

Signed under the penalties of perjury on June 1, 2018.

[Signature]
(signature(s) of person(s) whose name(s) and title(s) appear at the beginning of this Certificate)

EXHIBIT A

Termination Date of Short-Term Tenancy Agreement

Subject to earlier termination as provided in 5 of this Tenancy, the Termination Date is at 11:59 p.m. on the earlier of May 31, 2019, or, if Tenant enters into a new lease (the New Lease) on behalf of User Agency, the day immediately before the Date of Occupancy as defined in the New Lease.

EXHIBIT B

The Prior Lease Documents, as defined in 4 of this Tenancy, are described as follows:

Lease dated June 20, 2008, between Landlord and Tenant

First Amendment to Lease and Lease Extension dated June 23, 2014, between Landlord and Tenant

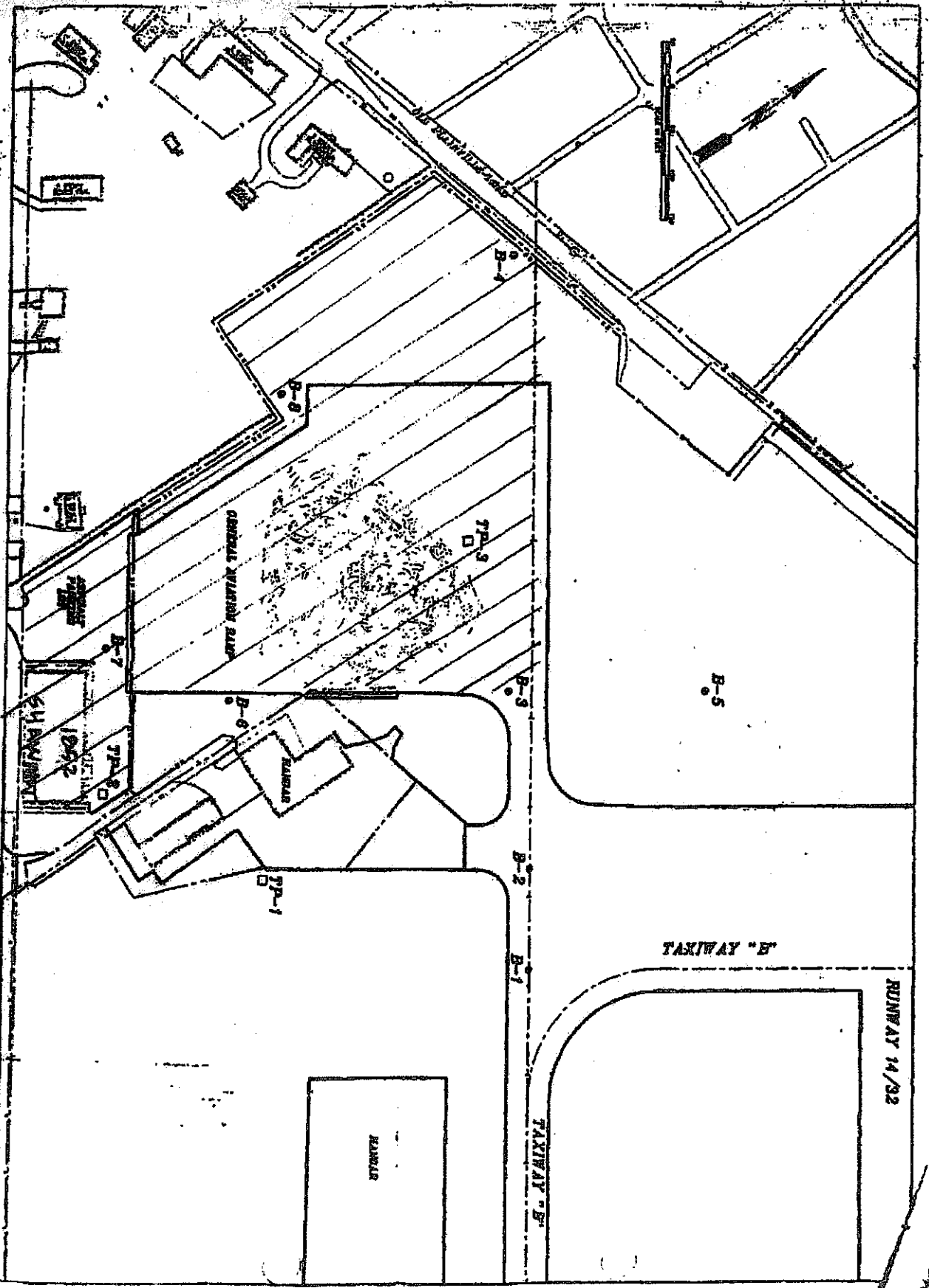


EXHIBIT C

NEW BEDFORD REGIONAL AIRPORT



Item Title:

COMMUNICATION-Transfer from Planning Charges & Services to Recreation & Park

Item Detail:

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$15,000.00 from PLANNING, CHARGES & SERVICES to RECREATION AND PARKS, CHARGES & SERVICES.

M2a. AN ORDER,

Additional Information:

ATTACHMENTS:

Description	Type
Communication-Order-Transfer from Planning Charges & Services to Recreation & Park	Cover Memo



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

August 9, 2018

City Council President Linda M. Morad, and
Honorable Members of the City Council
133 William Street
New Bedford, MA 02740

Dear Council President Morad and Honorable Members of the City Council:

I am submitting for your approval an ORDER that the sum of **FIFTEEN THOUSAND DOLLARS (\$15,000.00)** now standing to the credit of the account from **PLANNING CHARGES AND SERVICES** be and the same is hereby transferred and appropriated to as follows:

RECREATION AND PARKS
CHARGES AND SERVICES.....\$15,000

Sincerely,

Jonathan F. Mitchell
Mayor

JFM/smt



CITY OF NEW BEDFORD

CITY COUNCIL

August 16, 2018

ORDERED: That the sum of **FIFTEEN THOUSAND DOLLARS (\$15,000.00)** now standing to the credit of the account from **PLANNING CHARGES AND SERVICES** be and the same is hereby transferred and appropriated to as follows:

RECREATION AND PARKS
CHARGES AND SERVICES.....\$15,000


To be certified and approved by the Department Head.



PATRICK J. SULLIVAN
DIRECTOR

City of New Bedford
Department of Planning, Housing & Community Development
608 Pleasant St, New Bedford, Massachusetts 02740
Telephone: (508) 979.1500 Facsimile: (508) 979.1575

MEMORANDUM

TO: Ari Sky, CFO
CC: Sharon Thomas
FROM: Patrick J. Sullivan 
DATE: July 17, 2018
RE: Funding Transfer

The Department of Planning, Housing and Community Development (DPHCD) has overseen and funded, in part, the Mass in Motion Program for the past several years. The program is being transferred to the Department of Parks, Recreation and Beaches for the FY19 fiscal year. As a result of the transfer, Farmer's Market program will create a surplus in the amount of \$15,000 in the DPHCD General Fund budget and this funding will need to be transferred to the Department of Parks, Recreation and Beaches.

Thank you and feel free to contact me with any questions regarding the above information.



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR




Date: Aug. 1, 2018

Re: Mass in Motion

Please be advised that the Mass in Motion New Bedford program is moving its operation to the Dept. of Parks Recreation & Beaches from the Department of Planning, Housing and Community Development as of July 1, 2018. The office will be located at 181 Hillman St Bld 3, New Bedford, Ma 02740.

\$15,000 designated for Farmer's Markets will move to the 06500000 Parks Recreation & Beaches account as part of the transfer.

Thank you for your assistance with this.


Mary S Rapoza, Director



Item Title:


WAIVER OF RESIDENCY-Ana M. Poeira-Solicitor's Office

Item Detail:

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting a one year Waiver of Residency for ANA M. POEIRA, Administrative Coordinator with the Office of the City Solicitor, who currently lives in North Dartmouth, MA.

Additional Information:

ATTACHMENTS:

Description	Type
 Communication-Residency Waiver-Ana M. Poeira	Cover Memo



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

August 7, 2018

City Council President Linda M. Morad
Honorable Members of the City Council
133 William Street
New Bedford, MA 02740

Dear Council President Morad and Honorable Members of the City Council:

I would like to request a one year **Waiver of Residency** for Ana M. Poeira, Administrative Coordinator with the Office of the City Solicitor who currently lives in North Dartmouth, Massachusetts.

I have attached correspondence to support the reason for this request.

Ana Poeira and City Solicitor Mikaela A. McDermott will be available at the meeting to answer any questions.

Sincerely,

Jonathan F. Mitchell
Mayor

JFM/sds
Attachment

cc: Ana M. Poeira
City Solicitor's Office
Personnel



City of New Bedford
OFFICE OF THE CITY SOLICITOR

MIKAELA A. McDERMOTT
City Solicitor

JANE MEDEIROS FRIEDMAN
First Assistant City Solicitor

ERIC JAIKES
KREG R. ESPINOLA
Assistant City Solicitors

SHANNON C. SHREVE
ERIC C. COHEN
JOHN E. FLOR
THOMAS J. MATHIEU
ELIZABETH TREADUP PIO
Associate City Solicitors

July 20, 2018

Mayor Jonathan F. Mitchell
CITY OF NEW BEDFORD
Office of the Mayor
133 William Street, Room 311
New Bedford, MA 02740

RE: ANA POEIRA – REQUEST FOR RESIDENCY WAIVER

Dear Mayor Mitchell:

Pursuant to Section 19-25, I respectfully request a waiver of the City Residency Ordinance to enable the City of New Bedford to continue to employ **Ana M. Poeira** (North Dartmouth, MA) as an Administrative Coordinator with the Office of the City Solicitor.

Please be advised that a *One Year Residency Waiver* was approved by the City Council on *August 17, 2017* (expiration August 2018).

I respectfully request that this matter be placed on the next City Council Agenda.

Very truly yours,

Mikaela A. McDermott
City Solicitor

MAM/bar



Item Title:

SEWER ABATEMENT-1228 E.Rodney French Boulevard

Item Detail:

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for Jon Begin, 1228 Rodney French Boulevard, New Bedford, MA, in the amount of \$648.56.

Additional Information:



Item Title:

APPOINTMENT-Kathleen Towers-GNB Refuse Management

Item Detail:

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of KATHLEEN P. TOWERS, New Bedford, MA to the GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT, replacing Rosemary S. Tierney whose term has expired; this term will expire JUNE 2021.

Additional Information:

ATTACHMENTS:

Description	Type
□ Communication-Kathleen Towers-Appointment-GNBRefuseManagement	Cover Memo



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

August 7, 2018

City Council President Linda M. Morad
Honorable Members of the City Council
City of New Bedford
133 William Street
New Bedford, MA 02740

Dear Council President Morad and Honorable Members of the City Council:

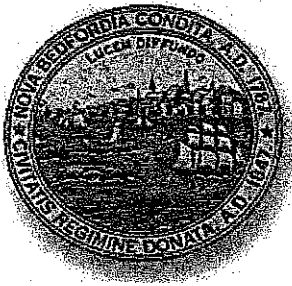
I am submitting for your approval the **APPOINTMENT** of **KATHLEEN P. TOWERS** of 584 Rockdale Avenue, New Bedford, MA to the GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT. Kathleen P. Towers will be replacing Rosemary S. Tierney whose term has expired. This term will expire in JUNE 2021.

Sincerely,

Jonathan F. Mitchell
Mayor

JFM/sds

cc: Kathleen P. Towers
GNB Regional Refuse Management District



CITY OF NEW BEDFORD
BOARD & COMMISSION APPLICATION

The Mayor is seeking citizens who wish to serve on City Boards and Commissions established to assist and advise the City on specific matters. Please complete this application in full (attach a resume and other information which may assist the Mayor and the City Council in making its selection) and file it with the Personnel Office. The Mayor reserves the right to reject any application. Some appointments are subject to confirmation by the City Council.

Board/Commission applying for: (see reverse side) Licensing Board, G.N.B. Vote Committee, Industrial Development Finance Corp., Redevelopment Authority
Name: Kathleen P. Towers Email: _____
Home Telephone: _____ Work Telephone: _____
Residence Address: 584 Rockdale Ave., N.B. Zip: 02740
Present Occupation & Place of Employment: lawyer, self-employed, 2672 St. N.B., MA 02740
Educational Background: J.D., Master's in Education, Bachelor's in Journalism
Memberships in Community Organizations or Professional Groups: New Bedford Bar Assoc.

City Boards and/or Commissions on which you have previously served: None

The reasons why you wish to be considered for appointment by the Mayor: I want to make a meaningful contribution to the City I love, and I feel I have the skills and abilities to help move the City forward.
Please detail specific areas of expertise: ability to analyze statutes and regulations, argue effectively for all positions, and provide leadership in a dignified manner.
Please detail specific areas of interest: economic opportunity, environmental safeguards, access to city services.
Available for meetings in the daytime ☐ evenings ☒ both ☐ (check one)
Resident of the City since what year: 2009 (and 2004 - 2005)

Appointees and incumbents may be required to file a Statement of Economic Interest, as required by the City Council Rules or the Mayor. The statement may require a declaration that you have no interest in conflict with the City of New Bedford. Please return your completed application to the Personnel Department, 133 William St., Room 212, New Bedford, MA 02740.

Applications will be kept on file for two years.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING
INFORMATION IS TRUE AND CORRECT.

Signature of Applicant: Kathleen P. Towers

Date: 2.24.18

BOARDS AND COMMISSIONS

Airport Commission
Animal Inspector
Assessors, Board of
Bequests, Gifts & Trust Funds
Building Board of Appeals
Cemetery Board
Commission for Citizens with Disabilities
Condominium Board
Conservation Commission
Council of Aging
Dog Attack Prevention Commission in the City
Election Commission
Energy Resource Commission
Exhibition Hall Commission
Fence Viewers
Fish Weighers
Harbor Development Commission
Health, Board of
Historical Commission
Human Relations Commission
Industrial Development Finance Authority ✓
Library Trustees
Licensing Board ✓
Park Commissioners
Planning Board
Recreation Commission
Redevelopment Authority ✓
G.N.B Regional Refuse Management District
G.N.B. Regional Vocational Technical High School District Committee ✓
School Traffic Committee
Sign Design Review Board
Traffic Commission
Water Board
Zoning Board of Appeals

Kathleen Putney Towers

584 Rockdale Avenue
New Bedford, MA 02740

(cell)

(work)

Professional Experience

Kathleen Putney Towers, Esq.

January 2003 to present

26 Seventh Street
New Bedford, MA 02740

Solo practitioner representing clients in criminal defense, family law and personal injury matters. Active criminal practice involving representation of clients in every phase of prosecution, including researching, writing and arguing motions on a variety of issues; preparing and acting as trial counsel; and writing briefs and arguing appellate issues before the Massachusetts Appeals Court. District Court, Superior Court and Appeals Court certified by the Committee for Public Counsel Services. Represent indigent clients on a regular basis. Inform clients of all options available to them and zealously advocate on their behalf.

Office of State Senator Robert Hedlund
Chief of Staff and Legal Counsel

Boston, MA
June 2000 to December 2002

As Senator's representative, advocated for constituents by providing services, filing legislation on their behalf, and communicating the Senator's efforts through a variety of public relations efforts with print and broadcast media. Supervised a staff of five.

Office of Legislative Services
Legislative Bill Drafter

Concord, NH
October 1998 to May 2000

Drafted legislation in the areas of criminal law, motor vehicles, property and other subject matter for 424-member legislative body. Researched existing law for potential conflicts. Assisted state representatives and senators in crafting language that addressed constituent concerns.

Northeastern University School of Law
Associate Director of Admissions

Boston, MA
1991 to 1996

Travelled extensively to recruit students across the country for admission to the law school. Responsible for running admissions subcommittee focused on increasing the diversity of the student body. Participated in scholarship recommendation process. Wrote public interest scholarship grant renewal application.

Northeastern University Boston, MA
Cooperative Education Counselor for the Journalism Program 1989 to 1991

Counseled up to 100 students a trimester in job search skills, and referred them to participating employers in the cooperative education program.

Clark University Worcester, MA
Media Relations Officer 1987 to 1989

Responsible for press releases and feature articles for various in-house publications. Worked with public relations team on promoting major university events. Cultivated press relations with a variety of media outlets.

Jordan Hospital Plymouth, MA
Public Relations Assistant 1986 to 1987

Wrote weekly newsletter, acted as liaison between press and hospital personnel, wrote human interest pieces for development materials, conducted team-building exercises as part of institution's effort to strengthen the sense of community within the workplace.

Education

Suffolk University Law School Boston, MA
Juris Doctor

Northeastern University Boston, MA
Master of Education
Emphasis: College Student Personnel and Counseling

University of Massachusetts Amherst, MA
Bachelor of Arts, Journalism

Community Involvement

Member, New Bedford Bar Association, New Bedford, MA

References: Available upon request

Professional References:

Cynthia Rose

Former Assistant Clerk Magistrate
New Bedford District Court
(508) 998-7475

Susan Taylor, Esq.

Criminal and Civil Practice
26 Seventh Street
New Bedford, MA
(508) 524-6753

Donald Crotty, Esq.

Criminal and Civil Practice
75 Charles Street
Bridgewater
(508) 279-1233



Item Title:

APPOINTMENT-Ian Trombly-Traffic Commission

Item Detail:

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of IAN TROMBLY, New Bedford, MA to the TRAFFIC COMMISSION, replacing Glen Grimes who resigned December 2017; this term will expire DECEMBER 2019.

Additional Information:

ATTACHMENTS:

Description	Type
 Communication-Appointment-Ian Trombly-Traffic	Cover Memo



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

August 7, 2018

City Council President Linda M. Morad
Honorable Members of the City Council
City of New Bedford
133 William Street
New Bedford, MA 02740

Dear Council President Morad and Honorable Members of the City Council:

I am submitting for your approval the **APPOINTMENT** of **IAN TROMBLY** of 1299 East Rodney French Boulevard, New Bedford, MA to the **TRAFFIC COMMISSION**. Ian Trombly will be replacing Glen Grimes who resigned in December of 2017. This term will expire in **DECEMBER 2019**.

Sincerely,

Jonathan F. Mitchell
Mayor

JFM/sds

cc: Ian Trombly
Traffic Commission



CITY OF NEW BEDFORD
BOARD & COMMISSION APPLICATION

RECEIVED
JUL 09 2018

PERSONNEL DEPARTMENT

The Mayor is seeking citizens who wish to serve on City Boards and Commissions established to assist and advise the City on specific matters. Please complete this application in full (attach a resume and other information which may assist the Mayor and the City Council in making its selection) and file it with the Personnel Office. The Mayor reserves the right to reject any application. Some appointments are subject to confirmation by the City Council.

Board/Commission applying for: (see reverse side)

Traffic Commission

Name: **Ian Trombly**

Email: _____

Home Telephone: _____ Work Telephone: _____

Residence Address: **1299 East Rodney French Blvd.** Zip: **02744**

Present Occupation & Place of Employment: **Congressman Keating**

Educational Background: **Bachelor's Degree in Criminal Justice and Sociology**

Memberships in Community Organizations or Professional Groups:
Seaport Cultural District Advisory Council, Arts and Cultural Steering Committee

City Boards and/or Commissions on which you have previously served:

The reasons why you wish to be considered for appointment by the Mayor:
I enjoy public service and wish to expand my scope of service to the local level.

Please detail specific areas of expertise:
Constituent Case Work

Please detail specific areas of interest:
Planning and Organizing

Available for meetings in the daytime ☐ evenings ☐ both ☒ (check one)

Resident of the City since what year: **2014**

Appointees and incumbents may be required to file a Statement of Economic Interest, as required by the City Council Rules or the Mayor. The statement may require a declaration that you have no interest in conflict with the City of New Bedford. Please return your completed application to the Personnel Department, 133 William St., Room 212, New Bedford, MA 02740.

Applications will be kept on file for two years.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING
INFORMATION IS TRUE AND CORRECT.**

Signature of Applicant: _____

Date: **7/19/18**

7/19/18

Objective

Secure a position in a people-oriented environment where I could apply myself in a meaningful capacity and expand my leadership skills. Impact others positively by bringing some new insight and goals to their lives to help develop focus and meaning.

Academic Background

- B.S. Criminal Justice and Sociology, Rhode Island College - Spring of 2014

Courses and Focus Included - Evidence, Reasoning & Proof, Ethics, Development of American Democracy, American Government, Civil Liberties, Social Research Methods, Crime & Criminal Justice, Juveniles and Justice, Sociology of Delinquency and Crime, Law Enforcement Theory & Application, Victimology, Corrections Process & Theory, Women, Crime & Justice.

- Apponequet High School, Lakeville, MA - 2010

Work History

- Congressman Keating: 2015- Present: District Representative- Fisheries, Agriculture, Energy and Veteran's Liaison.
- Rose Alley: 2011 - 2015: all facets of management and operations, opening to close
- Olympia Sports, Champs - Silver City Galleria, 2008-2010: marketing and all operations

Volunteering

- Congressman Keating Campaign
- New Bedford's Seaport Cultural District Advisory Council and Arts and Cultural Steering Committee.
- Head Coach - Youth Community Rec Basketball team, grades 6-9: 2013 - 2014
- Head Coach - YMCA Youth boys' basketball travel team, grade 5-8: 2013-2014
- SLAMDiabetes - Team Captain - New Bedford, 2012 -2014
- Cancer Society Relay for Life Team member and volunteer, 2007 - 2010

Activities and Leadership Experience

- DECA recognition thru accomplishments in high school
- Hunting & Firearms Safety Certified
- Bartending License - January, 2012
- Training for Intervention Procedures (TIPS) certified January, 2012

Qualifications and Skills

- Communication Skills: Strong interpersonal skills. Critical thinking and conflict/crisis management skills. Lots of leadership experience and team work from shift manager at the Rose Alley Ale House, coaching middle school aged basketball teams, and being placed as captain for multiple sporting teams.
- Computer Skill Proficiencies: Microsoft Office: Word, Excel, PowerPoint, and Outlook.



Item Title:

LOAN ORDER - ACCELERATED REPAIRS PARKER SCHOOL & TRINITY DAY ACADEMY - \$100,000.00

Item Detail:

2. LOAN ORDER, that the City appropriate the amount of \$100,000.00 for the purpose of paying costs of schematic design/feasibility studies for the proposed accelerated repairs consisting of a roof replacement project at the John Avery Parker Elementary School and a boiler replacement project at the Trinity Day Academy. (Passed to a Second Reading - July 19, 2018.)

Additional Information:

ATTACHMENTS:

Description	Type
LOAN ORDER	Cover Memo



CITY OF NEW BEDFORD

CITY COUNCIL

July 19, 2018

AN ORDER APPROPRIATING \$100,000 FOR SCHEMATIC DESIGN/FEASIBILITY STUDIES AS REQUIRED BY THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY WITH RESPECT TO THE PROPOSED ACCELERATED REPAIRS TO THE JOHN AVERY PARKER ELEMENTARY SCHOOL AND TRINITY DAY ACADEMY.

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

That the City appropriate the amount of One Hundred Thousand Dollars (\$100,000) for the purpose of paying costs of schematic design/feasibility studies for the proposed accelerated repairs consisting of a roof replacement project at the John Avery Parker Elementary School and a boiler replacement project at the Trinity Day Academy, including the payment of all costs incidental or related thereto (the "Projects"); which proposed repair projects will materially extend the useful life of the schools and preserve assets that otherwise are capable of supporting the required educational program, and for a portion of which the City has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Committee; that to meet this appropriation the Treasurer with the approval of the Mayor and the Committee on Finance is authorized to borrow such amount under M.G.L. Chapter 44, Chapter 70B, or pursuant to any other enabling authority; that the City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant that may be received from the MSBA shall be the sole responsibility of the City; provided further that any grant that City of New Bedford may receive from the MSBA for the eligible portion of the Project shall not exceed the lesser of (1) eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and provided that the amount of borrowing authorized pursuant to this order shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

Further, that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all the bonds and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

Further, that any premium received by the City upon the sale of any bonds or notes hereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed hereunder shall be reduced by the amount of any such premium so applied; and that the Mayor is authorized to take any other action necessary to carry out this project.



Item Title:

REPORT - ORDINANCE - DOG PARK REVOLVING FUND

Item Detail:

3. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, Amending Chapter 10, Section 47 FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds added to the new Dog Park Revolving Fund.

3a. AN ORDINANCE, (Referred to the Committee on Ordinance – November 09, 2017; To Be Passed to a Second Reading.)

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> REPORT - COMMITTEE ON ORDINANCES	Cover Memo
<input type="checkbox"/> AN ORDINANCE,	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Ordinances at a Meeting held on Monday, July 30, 2018, considered a COMMUNICATION, Mayor Mitchell, submitting AN ORDINANCE, Amending Chapter 10, Section 47, FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds added to the new Dog Park Revolving Fund (Ref'd 11/9/17) (2/21/18-tabled)

On motion by Councillor Lopes and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, Amending Chapter 10, Section 47, FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds added to the new Dog Park Revolving Fund. This motion passed on a voice vote.

IN COMMITTEE ON ORDINANCE

Councillor Hugh Dunn, Chairman

HD: dmb



CITY OF NEW BEDFORD

In the Year Two Thousand and Seventeen

AN ORDINANCE

Amending Chapter 10, Finance; Taxation; Property

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1.

Chapter 10, Finance; Taxation; Property, is hereby amended by inserting the following at the end of the table included in Sec. 10-47. Departmental revolving funds, subsection (e):

Revolving Fund (i)	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund (ii)	Fees, Charges or Other Receipts Credited to Fund (iii)	Program or Activity Expenses Payable from Fund (iv)	Restrictions or Conditions on Expenses Payable from Fund (v)	Other Requirements/ Reports (vi)	Fiscal Years (vii)
Dog Park Revolving Fund	Department of Parks, Recreation and Beaches	Dog park user fees, grants and sponsors	Costs associated with maintenance, improvements to dog parks and associated buildings and structures, supplies associated with successful operation of dog parks, including but not limited to user access cards and equipment, and seasonal staff attendant.			Fiscal Year 2018 and subsequent years

SECTION 2. This Ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.



Item Title:

REPORT - ORDINANCE - GOLF COURSE REVOLVING FUND

Item Detail:

4. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, amending Chapter 10, Section 10-47 FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds to add the new Golf Course Revolving Fund.

4a. AN ORDINANCE, (Referred to the Committee on Ordinance – May 24, 2018; To be Passed to a Second Reading.)

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> REPORT - COMMITTEE ON ORDINANCES	Cover Memo
<input type="checkbox"/> AN ORDINANCE,	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Ordinances at a Meeting held on Monday, July 30, 2018, considered AN ORDINANCE, amending Chapter 10, Section 10-47 Departmental Revolving Funds to add the new Golf Course Revolving Fund (Referred to the Committee on Finance - April 12, 2018; To be Referred to the Committee on Ordinances.) (Ref'd 5/24/18)

On motion by Councillor Lopes and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, amending Chapter 10, Section 10-47 Departmental Revolving Funds to add the new Golf Course Revolving Fund. This motion passed on a Roll Call Vote of Yeas 8, Nays 2, with Councillors Carney and Rebeiro opposed.

IN COMMITTEE ON ORDINANCE

A handwritten signature in cursive script that reads "Hugh Dunn".

Councillor Hugh Dunn, Chairman

HD: dmb



CITY OF NEW BEDFORD

In the Year Two Thousand and Eighteen

AN ORDINANCE

Amending Chapter 10, Finance; Taxation; Property

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1. Chapter 10, Finance; Taxation; Property, is hereby amended by inserting the following at the end of the table included in Sec. 10-47. Departmental revolving funds, subsection (e):

Revolving Fund (i)	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund (ii)	Fees, Charges or Other Receipts Credited to Fund (iii)	Program or Activity Expenses Payable from Fund (iv)	Restrictions or Conditions on Expenses Payable from Fund (v)	Other Requirements/ Reports (vi)	Fiscal Years (vii)
Golf Course Revolving Fund	Department of Parks, Recreation and Beaches	Annual contract agreement fees	Costs associated with the maintenance and improvements to the golf course and associated buildings and structures and costs associated with providing youth golf programming.			Fiscal Year 2019 and subsequent years

Section 2.

This ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.



Item Title:

REPORT - ORDINANCE - RIFLE RANGE REVOLVING FUND

Item Detail:

5. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, amending Chapter 10, Section 10-47 FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds to add the new Rifle Range Revolving Fund.

5a. AN ORDINANCE, (Referred to the Committee on Ordinance – May 24, 2018; To be Passed to a Second Reading.)

Additional Information:

ATTACHMENTS:

Description	Type
REPORT - COMMITTEE ON ORDINANCES	Cover Memo
AN ORDINANCE,	Cover Memo



City of New Bedford
IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Ordinances at a Meeting held on Monday, July 30, 2018, considered a COMMUNICATION, Mayor Mitchell, submitting AN ORDINANCE, Amending Chapter 10, Section 10-47, FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds to add the new Rifle Range Revolving Fund (Ref'd 5/24/18)

On motion by Councillor Lopes and seconded by Councillor Coelho, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, Amending Chapter 10, Section 10-47, FINANCE; TAXATION; PROPERTY, Departmental Revolving Funds to add the new Rifle Range Revolving Fund. This motion passed on a voice vote.

IN COMMITTEE ON ORDINANCE

A handwritten signature in cursive script, reading "Hugh Dunn".

Councillor Hugh Dunn, Chairman

HD: dmb



CITY OF NEW BEDFORD

In the Year Two Thousand and Eighteen

AN ORDINANCE

Amending Chapter 10, Finance; Taxation; Property

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1.

Chapter 10, Finance; Taxation; Property, is hereby amended by inserting the following at the end of the table included in Sec. 10-47. Departmental revolving funds, subsection (e):

Revolving Fund (i)	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund (ii)	Fees, Charges or Other Receipts Credited to Fund (iii)	Program or Activity Expenses Payable from Fund (iv)	Restrictions or Conditions on Expenses Payable from Fund (v)	Other Requirements/ Reports (vi)	Fiscal Years (vii)
Rifle Range Revolving Fund	Police Department	Annual Memberships and user fees	Costs associated with the maintenance, improvements and operation of the rifle range as well as associated buildings and structures.			Fiscal Year 2019 and subsequent years

Section 2.

This ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.



Item Title:

REPORT - ORDINANCE - REZONING OF CERTAIN PARCELS - MIXED USE BUSINESS

Item Detail:

6. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, Relative to Zoning Changes from Industrial B to Mixed Use Business of Certain Parcels in the City of New Bedford.

6a. AN ORDINANCE, (To be Passed to a Second Reading.)

Additional Information:

ATTACHMENTS:

Description	Type
□ REPORT - COMMITTEE ON ORDINANCES	Cover Memo
□ AN ORDINANCE,	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Ordinances at a Meeting held on Monday, July 30, 2018, held a PUBLIC HEARING on a WRITTEN MOTION, Councillor Lopes requesting that the Committee on Ordinances and the Planning Board consider rezoning the following lots: Map 18 Lot 1 – 438 Dartmouth Street; Map 18 Lot 69 - 105 Rockdale Avenue; Map 18 Lot 74 - 110 Jenkins Street; Map 18 Lot 84 - WS Hemlock Street; Map 18 Lot 102 - WS Hemlock Street; Map 18 Lot 103 - 470 Dartmouth Street; Map 18 Lot 105 - 137-141 Rockdale Avenue; Map 18 Lot 107 – 446 Dartmouth Street; Map 18 Lot 108 – 119 Rockdale Avenue; Map 18 Lot 109 – 117 Rockdale Avenue; Map 18 Lot 112 – 109 Rockdale Avenue; Map 18 Lot 113 – 123 Rockdale Avenue and Map 18 Lot 115 – 404 Dartmouth Street, from Industrial B to MIXED – USE BUSINESS. All lots described fall within a single city block predominantly populated by retail establishments, the block is bounded by Dartmouth Street (to the west), Jenkins Street (to the north), Hemlock Street (to the East), and Rockdale Avenue (to the south.) and this request would bring this block into compliance with the City of New Bedford's Master Plan 2020. (To be Referred to the Committee on Ordinances and the Planning Board) (Ref'd 6/14/18) (Duly advertised in The Standard-Times on Monday, July 16, 2018 and Monday, July 23, 2018.)

On motion by Councillor Lopes and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, Relative to Zoning Changes from Industrial B to Mixed-Use in Certain Parcels in the City of New Bedford. This motion passed on a voice vote.

IN COMMITTEE ON ORDINANCE

Councillor Hugh Dunn, Chairman

HD: dmb



CITY OF NEW BEDFORD

In the Year Two Thousand and Eighteen

AN ORDINANCE

~~REZONING OF CERTAIN PARCELS IN THE CITY OF NEW BEDFORD~~
FROM INDUSTRIAL B TO MIXED USE BUSINESS

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

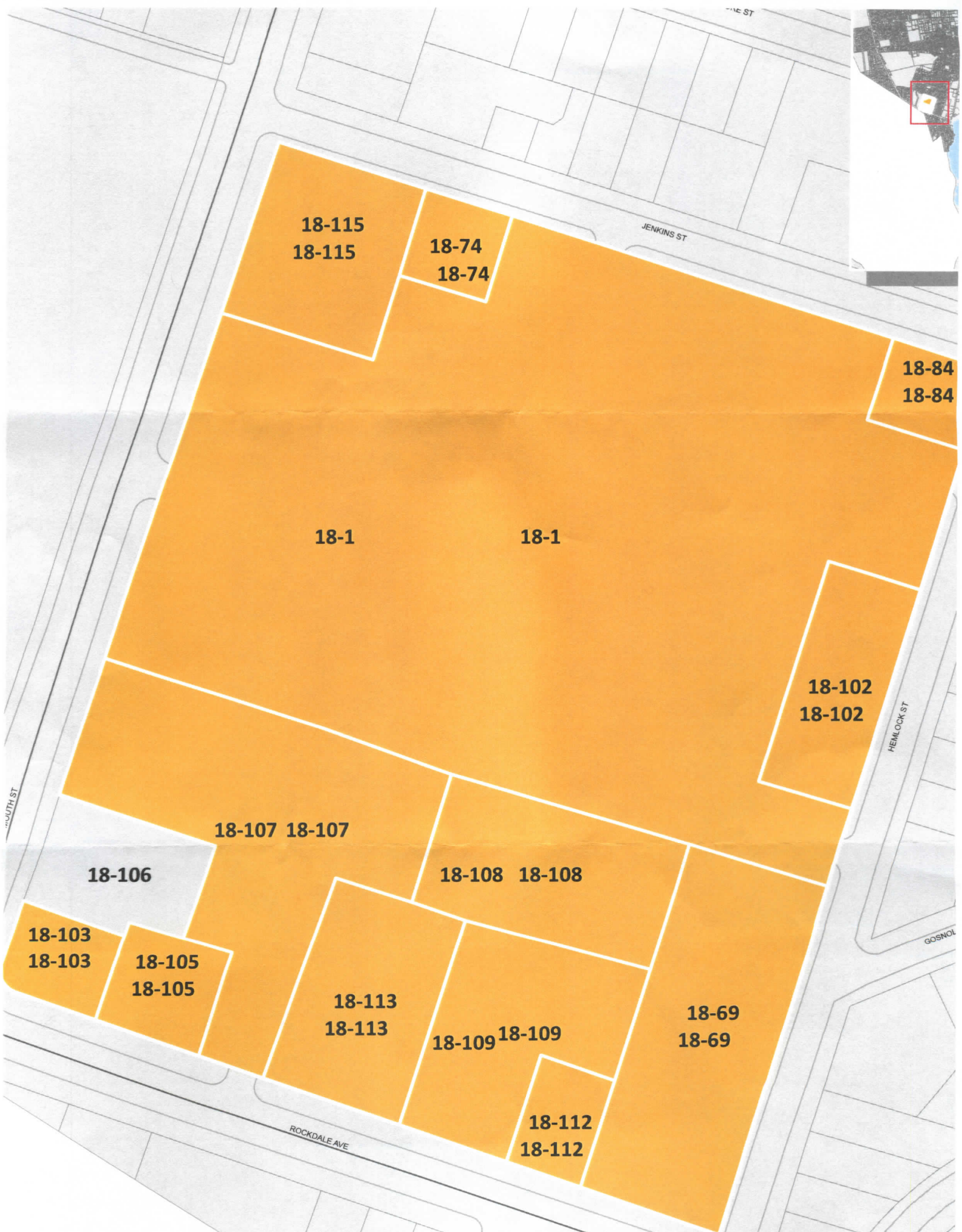
That the property shown on Assessors Maps, as hereto attached, described as

SECTION 1.

MAP 18, LOT 1 - 438 Dartmouth Street; Map 18, Lot 69 – 105 Rockdale Avenue; Map 18, Lot 74 – 110 Jenkins Street; Map 18, Lot 84 – WS Hemlock Street; Map 18, Lot 102 – WD Hemlock Street; Map 18, Lot 103 – 470 Dartmouth Street; Map 18, Lot 105 – 137-141 Rockdale Avenue; Map 18, Lot 107 – 446 Dartmouth Street; Map 18, Lot 108 – 119 Rockdale Avenue; Map 18, Lot 109 – 117 Rockdale Avenue; Map 18, Lot 112 – 109 Rockdale Avenue; Map 18, Lot 113 – 123 Rockdale Avenue and May 18, Lot 115 – 404 Dartmouth Street be rezoned from Industrial B to Mixed-Use Business.

Section 2.

This ordinance shall take effect in accordance with the provisions of Chapter 40A of the General Laws.



18-115
18-115

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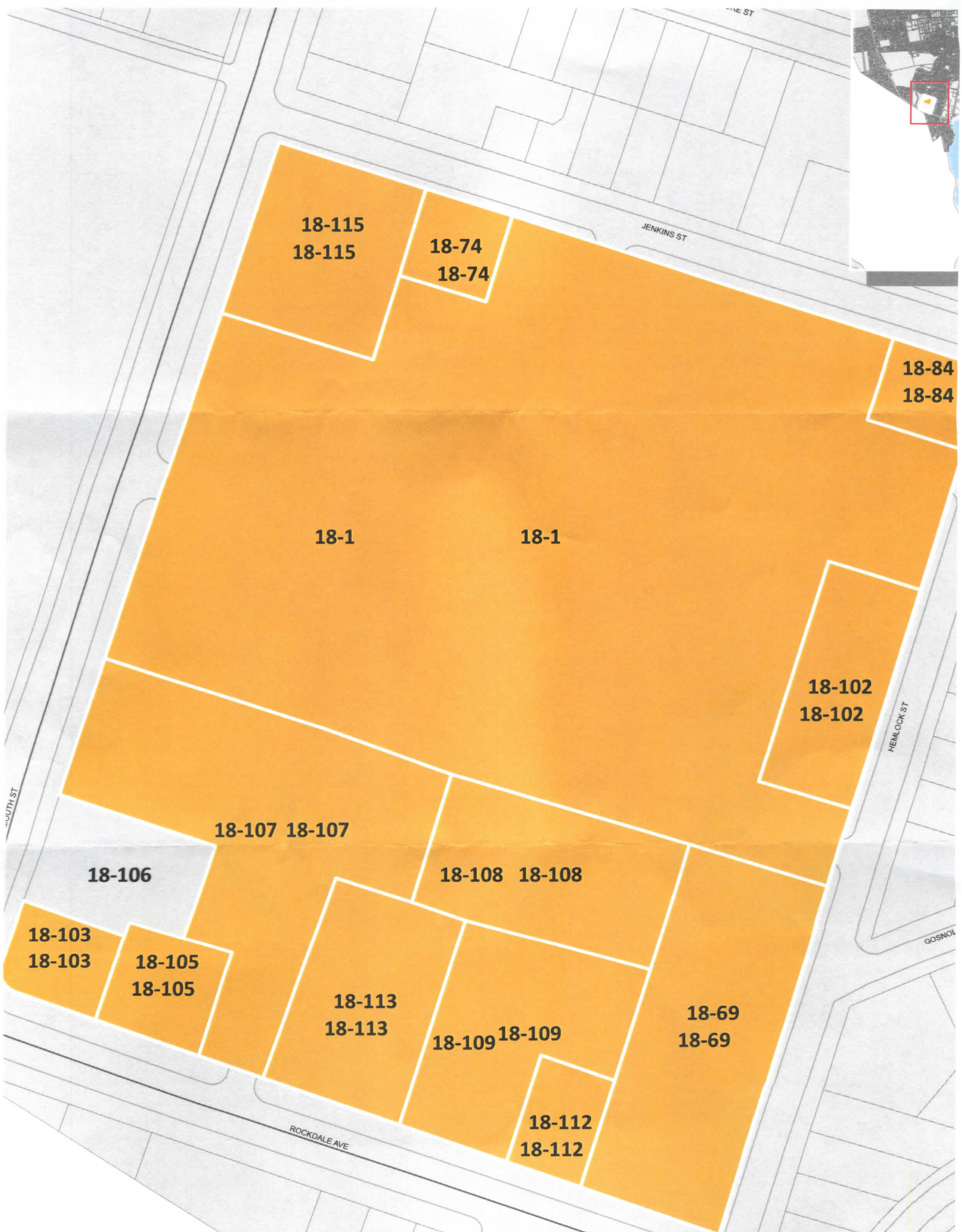
18-108 18-108

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Item Title:

REPORT - ORDINANCE - ZONING FOR MARIJUANA ESTABLISHMENTS

Item Detail:

7. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION as AMENDED, an Ordinance Relative to Zoning for Marijuana Establishments and Medical Marijuana Treatment Centers.

7a. AN ORDINANCE, (To be Passed to a Second Reading, as amended.)

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> REPORT - COMMITTEE ON ORDINANCES	Cover Memo
<input type="checkbox"/> AN ORDINANCE, AS AMENDED	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Ordinances at a Meeting held on Monday, July 30, 2018, held a PUBLIC HEARING on AN ORDINANCE, RELATIVE TO ZONING FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS (To be Referred to the Committee on Ordinances and the Planning Board.) (Ref'd 6/14/18) (Duly advertised in The Standard-Times on Monday, July 16, 2018 and Monday, July 23, 2018.)

On motion by Councillor Abreu and seconded by Councillor Gomes, the Committee VOTED: To amend sub paragraph (2) of paragraph (ii) of Section 4130 B by inserting after the word "church" the words, "excluding chapels located within a cemetery". This motion passed on a Roll Call Vote of Yeas 10, Nays 0.

On motion by Councillor Abreu and seconded by Councillor Gomes, the Committee VOTED: To recommend to the City Council ADOPTION as AMENDED, AN ORDINANCE, RELATIVE TO ZONING FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS. This motion passed on a Roll Call Vote of Yeas 9, Nays 1, with Councillor Markey opposed.

IN COMMITTEE ON ORDINANCE

Hugh Dunn

Councillor Hugh Dunn, Chairman

HD: dmb



CITY OF NEW BEDFORD

In the Year Two Thousand and Eighteen

AN ORDINANCE

ZONING FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1. Chapter 9 of the New Bedford Code of Ordinances, Comprehensive Zoning, is hereby amended by inserting the following after Section 4900A:

Section 4100B. Marijuana Establishments and Medical Marijuana Treatment Centers

4110B. Purpose.

The purposes of this section are to:

4111B. Allow state-licensed marijuana establishments and medical marijuana treatment centers to operate in the City of New Bedford in accordance with applicable state laws and regulations.

4112B. Minimize the adverse impacts that marijuana establishments and medical marijuana treatment centers might have on adjacent properties, residential neighborhoods, dwellings, schools, substance abuse treatment centers, churches, and other sensitive land uses.

4113B. Provide standards for the placement, design, siting, safety, security, monitoring, modification, and discontinuance of marijuana establishments and medical marijuana treatment centers that will protect the public health, safety, welfare, and the natural environment.

4120B. Definitions.

Craft Marijuana Cooperative: a Marijuana Cultivator comprised of residents of the

Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package, and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

Independent Testing Laboratory: a laboratory that is licensed by the Cannabis Control Commission and is (a) accredited to the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; (b) independent financially from any Medical Marijuana Treatment Center (MMTC), Marijuana Establishment or licensee for which it conducts a test; and (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, §34.

Marijuana: all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol; provided, however, that “marijuana” shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or (iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

Marijuana Cultivator: an entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Establishment: a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

Marijuana Product Manufacturer: an entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Products: products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Research Facility: an entity licensed to engage in research projects by the Cannabis Control Commission.

Marijuana Retailer: means an entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Marijuana Transporter: an entity, not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.

Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary (MMTC): means an entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use.

Substance abuse treatment facility: a facility that provides substance abuse treatment programs, as that term is defined in 105 CMR 164.006, licensed by the Massachusetts Department of Public Health.

4130B. **General.**

4131B. Location Requirements and Restrictions.

- (i) Marijuana Establishments and Medical Marijuana Treatment Centers shall only be located in Industrial Districts A (IA), B (IB), and C (IC).
- (ii) No Marijuana Establishment or Medical Marijuana Treatment Center shall be located within:
 - (a) 500 feet of any public or private school providing education in kindergarten or any of grades 1 through 12, licensed daycare center, nursery school, preschool, building operated as part of the campus of any private or public institution of higher learning, playground, park, public library, church, **excluding chapels located within a cemetery**, substance abuse treatment facility, Marijuana Establishment, or Medical Marijuana Treatment Center; or

- (b) 200 feet of any dwelling or dwelling unit.

The distance under this provision shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment or Medical Marijuana Treatment Center will be located.

- (iii) No Marijuana Establishment or Medical Marijuana Treatment Center shall be located inside a dwelling or building containing a dwelling unit or inside any building containing transient housing, including a hotel, motel, or dormitory.
- (iv) Marijuana Establishments shall satisfy the conditions and requirements of all other applicable sections of the Zoning Ordinance, including but not limited to dimensional and parking requirements.

4132B. Physical Requirements and Restrictions.

- (i) All Marijuana Establishments and Medical Marijuana Treatment Centers shall be contained within a building or structure. All operations of a Marijuana Establishment or a Medical Marijuana Treatment Center must take place at a fixed location within a fully enclosed secured building and shall not be visible from the exterior of the building.
- (ii) Except for a Marijuana Transporter, no Marijuana Establishment or Medical Marijuana Treatment Center may be located in a trailer, storage freight container, motor vehicle, or other similar movable enclosure.
- (iii) No Marijuana Retailer or Medical Marijuana Treatment Center that dispenses marijuana or marijuana products to the public shall have a total gross floor area of more than 5,000 square feet.

4133B. Operational Requirements and Restrictions.

- (i) The hours of operation shall be set by the special permit granting authority, but in no event shall a Marijuana Establishment or Medical Marijuana Treatment Center that dispenses marijuana or marijuana products to the public be open to the public between the hours of 7:00 p.m. and 10:00 a.m., Monday through Sunday.
- (ii) No drive-through service shall be permitted at a Marijuana Establishment or Medical Marijuana Treatment Center.

- (iii) No marijuana shall be smoked, eaten, or otherwise consumed or ingested on the premises of any Marijuana Establishment or Medical Marijuana Treatment Center absent a positive vote by ballot question presented to the voters of the city at a biennial state election pursuant to G.L. c.94G, §3(b). The prohibition on on-site consumption shall also include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site
- (iv) No outside storage of marijuana, related supplies, or promotional materials shall be permitted.
- (v) All Marijuana Establishments and Medical Marijuana Treatment Centers shall be ventilated in such a manner that:
 - a. No pesticides, insecticides, or other chemicals or products used in the cultivation or processing of marijuana are dispersed into the outside atmosphere; and
 - b. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment, Medical Marijuana Treatment Center, or any adjoining use or property.

4134B. Marijuana Establishments and Medical Marijuana Treatment Centers shall not be permitted as Home Occupations under section 2500 of Chapter 9 of the New Bedford Code of Ordinances.

4135B. Any Medical Marijuana Treatment Center that received a provisional certificate of registration from the Department of Public Health prior to July 1, 2017 and has entered into a Host Community Agreement with the City shall be exempt from citing and permitting requirements of this ordinance with respect to its medical marijuana operations, but shall obtain a special permit to convert or expand its operations to include a non-medical Marijuana Establishment.

4140B. **Special Permit.**

4141B. General.

- (i) Except as provided in Section 4135B herein, it shall be unlawful for any Marijuana Establishment or Medical Marijuana Treatment Center

to operate in the City without first obtaining a special permit from the Planning Board.

- (ii) A Marijuana Establishment or Medical Marijuana Treatment Center must obtain a new special permit or a modification of its existing special permit for each additional use that is proposed after the initial permitting process.
- (iii) The special permit requirements set forth in this section shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, including site plan review by the Planning Board under Section 5400 of Chapter 9 of the New Bedford Code of Ordinances.
- (iv) No activity shall be conducted at a Marijuana Establishment or Medical Marijuana Treatment Center other than that for which the special permit has been issued.
- (v) A Marijuana Establishment or Medical Marijuana Treatment Center must, prior to seeking a special permit from the Planning Board, file a security plan with the New Bedford Police Department that includes information relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, and video and lighting locations. The security plan shall show the arrangement of pedestrian circulation and access to the public points of entry to the premises from the nearest public or private street or off-street parking area. When Marijuana Establishments and Medical Marijuana Treatment Centers update their security plans, they must share these updates with the New Bedford Police Department. These security plans and updates shall, to the maximum extent permissible under the law, remain confidential.
- (vi) A Marijuana Establishment or Medical Marijuana Treatment Center must, prior to seeking a special permit from the Planning Board, file an emergency response plan with the New Bedford Fire, Police, and Health Departments. When Marijuana Establishments and Medical Marijuana Treatment Centers update their emergency response plans, they must share these updates with the New Bedford Fire, Police, and Health Departments. These emergency response plans and updates shall, to the maximum extent permissible under the law, remain confidential.

4142B. Limit on Number of Marijuana Establishments and Medical Marijuana

Treatment Centers.

- (i) The Planning Board shall limit the number of special permits issued to Marijuana Retailers to 20% of the number of licenses issued within the City under MGL c. 138, §15 for the retail sale of alcoholic beverages not to be drunk on the premises where sold (“the 20% number”). If the 20% number is not a whole number at the time that the Planning Board is considering a special permit application for a Marijuana Retailer, then it shall be rounded up to the next whole number for purposes of determining the maximum allowable number of special permits in the City for Marijuana Retailers. A special permit for a Marijuana Retailer shall not be revoked solely because the total number of special permits issued to Marijuana Retailers in the City exceeds the 20% number due to a reduction in the number of licenses issued within the City under MGL c.138, §15.
- (ii) Other than any Medical Marijuana Treatment Center that received a provisional certificate of registration from the Department of Public Health prior to July 1, 2017 and entered into a Host Community Agreement with the City, there shall be no Medical Marijuana Treatment Centers in the City that dispense marijuana or marijuana products to the public.

4143B. Application.

A special permit application for Marijuana Establishments and Medical Marijuana Treatment Centers must be filed with the Planning Board. In addition to the special permit requirements of Section 5300, as part of the application, each applicant shall submit to the Planning Board:

- (i) The name and address of each owner of the Marijuana Establishment or Medical Marijuana Treatment Center.
- (ii) A list of all executives, managers, officers, directors, persons or entities having direct or indirect authority over the management, policies, security operations or cultivation operations of the Marijuana Establishment or Medical Marijuana Treatment Center.
- (iii) Proof of approval from the Commonwealth of Massachusetts for the proposed Marijuana Establishment or Medical Marijuana Treatment Center, including copies of all required registrations, licenses, and permits issued to the applicant for the facility by the state and any of

its agencies, including the Cannabis Control Commission and/or the Department of Public Health, as the case may be. The Planning Board shall not consider or act upon any special permit application that does not demonstrate that the proposed Marijuana Establishment or Medical Marijuana Treatment Center has obtained a preliminary license or provisional certificate of registration from the state or one of its agencies.

- (iv) A copy of any executed Host Community Agreement entered into between the Marijuana Establishment or Medical Marijuana Treatment Center and the City, signed by the Mayor and approved by the City Council.
- (v) Evidence of the applicant's right to use the site in question for a Marijuana Establishment or Medical Marijuana Treatment Center, such as a deed, a copy of the lease agreement with a notarized statement from the property owner attesting to its validity, a real estate contract contingent upon successful licensing and permitting, or a notarized letter of intent by the owner of the property indicating intent to lease the premises to the applicant upon successful licensing and permitting.
- (vi) A detailed description of the proposed activities to occur at the site in relation to the special permit criteria set forth in Sections 4150B and 5320 of Chapter 9 of the New Bedford Code of Ordinances. Such narrative shall include information relating to the cultivation, manufacturing, and processing of marijuana and marijuana products; on-site sales of marijuana products; off-site deliveries; distribution of educational materials; and other programs or activities.
- (vii) A statement from the New Bedford Police Chief or his/her designee, acknowledging review and approval of the applicant's security plan submitted pursuant to Section 4141B(v) above. This statement may be on a form approved by the Planning Board.
- (viii) Statements from the New Bedford Fire, Police, and Health Departments that each department has reviewed and approved the applicant's emergency response plan submitted pursuant to Section 4141B(vi) above. These statements may be on forms approved by the Planning Board.
- (ix) An odor control plan that provides for adequate ventilation, detailing the specific odor-emitting activities or processes to be conducted on-

site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative and engineering controls that will be implemented to control such odors, including maintenance of such control.

- (x) A quantitative transportation analysis, prepared by a qualified transportation specialist acceptable to the Planning Board, modeling the expected origin and frequency of client and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to the site.

4150B. Action by Planning Board.

In addition to the findings required for a special permit in Section 5320 of Chapter 9 of the New Bedford Code of Ordinances, the Planning Board shall make the following specific findings before granting a special permit to a proposed Marijuana Establishment or Medical Marijuana Treatment Center:

4151B. The applicant has demonstrated that the proposed Marijuana Establishment or Medical Marijuana Treatment Center has met all of the permitting requirements of all applicable agencies within the Commonwealth and will be in compliance with all applicable state laws and regulations.

4152B. The applicant has satisfied all of the conditions and requirements of this section and other applicable sections of the Zoning Ordinance.

4153B. The proposed use is designed to minimize any adverse visual, economic, security, or health impacts on abutters and other parties in interest.

4160B. Transfer/Discontinuance of Use/Lapse.

4161B. A special permit granted under this section is non-transferable and shall have a term limited to the duration of the applicant's ownership or leasing of the premises as a Marijuana Establishment or a Medical Marijuana Treatment Center. A special permit issued for a Marijuana Establishment or Medical Marijuana Treatment Center shall not be transferable or assignable to a different location or to a different type of Marijuana Establishment or Medical Marijuana Treatment Center. A change of the licensee or ownership of the Marijuana Establishment or Medical Marijuana Treatment Center shall require submission of an application for a new special permit application or modification of the existing special permit to the Planning Board for approval.

4162B. Any Marijuana Establishment or Medical Marijuana Treatment Center permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia within ninety (90) days of ceasing operations or immediately following the expiration, revocation, or voiding of its state license. A Marijuana Establishment or Medical Marijuana Treatment Center shall notify the Planning Board and Zoning Enforcement Officer in writing within forty-eight (48) hours of any cessation of operations or expiration, revocation, or voiding of any state license or registration.

4163. A special permit shall lapse if the applicant does not commence construction or operation of the proposed Marijuana Establishment or Medical Marijuana Treatment Facility within one (1) year of the special permit's issuance.

4170B. **Inspections.**

The City and its agents, including representatives from the Building, Health, Police, and Fire Departments, may conduct unannounced, unscheduled, periodic inspections of the premises of any Marijuana Establishment or Medical Marijuana Treatment Center on weekdays during normal business hours to determine the Marijuana Establishment's or Medical Marijuana Treatment Center's compliance with the requirements of state and local laws, regulations, licenses, and permits, including this section.

4180B. **Severability.**

If any provision of this Section 4100B is found to be invalid by a court of competent jurisdiction, the remainder of Section 4100B shall not be affected but shall remain in full force. The invalidity of any provision of Section 4100B shall not affect the validity of the remainder of the City's Zoning Ordinance.

Section 2. Table of Uses

The Table of Principal Use Regulations in Chapter 9 of the New Bedford Code of Ordinances, Comprehensive Zoning, is hereby amended by:

(a) Inserting the following in Section C. Commercial:

C. Commercial	RA	RB	RC	RAA	MUB	PB	IA	IB	IC	WI	KHTOD
32. Marijuana Retailer	N	N	N	N	N	N	PB	PB	PB	N	N

and

(b) Inserting the following in Section D. Industrial:

D. Industrial	RA	RB	RC	RAA	MUB	PB	IA	IB	IC	WI	KHTOD
19. Craft Marijuana Cooperative	N	N	N	N	N	N	PB	PB	PB	N	N
20. Independent Testing Laboratory	N	N	N	N	N	N	PB	PB	PB	N	N
21. Marijuana Cultivator	N	N	N	N	N	N	PB	PB	PB	N	N
22. Marijuana Product Manufacturer	N	N	N	N	N	N	PB	PB	PB	N	N
23. Marijuana Research Facility	N	N	N	N	N	N	PB	PB	PB	N	N
24. Medical Marijuana Treatment Center	N	N	N	N	N	N	PB	PB	PB	N	N

Section 3.

This ordinance shall take effect in accordance with the provisions of Chapter 40A of the General Laws.



Item Title:

REPORT - COMMUNITY PRESERVATION ACT FY18 PROJECT FUNDING

Item Detail:

8. REPORT, Committee on Finance, recommending to the City Council APPROVAL of the AMENDED Total Expenditure of \$2,431,723.00 in CPA funds for seventeen (17) projects for the Community Preservation Act FY18 Project Funding.

8a. AN ORDER,

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> REPORT - COMMITTEE ON FINANCE	Cover Memo



City of New Bedford
IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Finance at a Meeting held on Monday, July 23, 2018, considered a COMMUNICATION, Community Preservation Committee to City Council, submitting for consideration the Community Preservation Act FY18 Project Funding Recommendations. (Copy all Councillors 05/21/2018.) (Ref'd 5/24/18)

On motion by Councillor Morad and seconded by Councillor Carney, the Committee VOTED: To reduce the amount of the Acushnet Sawmill New Bedford Expansion & Community Garden from \$370,000 to \$202,500 with \$14,000 for soft cost; \$167,500 for acquisition and \$21,000 for construction. This motion passed on a Roll Call Vote of Yeas 7, Nays 3, with Councillors Abreu, Carney and Markey opposed.

On motion by Councillor Morad and seconded by Councillor Carney, the Committee VOTED: To approve the amendment from \$370,000 to \$202,500. This Amendment passed on a Roll Call Vote of Yeas 8, Nays 2, with Councillors Carney and Markey opposed.

On motion by Councillor Gomes and seconded by Councillor Rebeiro, the Committee VOTED: To recommend to the City Council APPROVAL of the AMENDED Total Expenditure of \$2,431,723.00 in CPA funds for seventeen (17) projects for the Community Preservation Act FY18 Project Funding. This motion passed on a Roll Call Vote of Yeas 10, Nays 0.

IN COMMITTEE ON FINANCE

Joseph P. Lopes
Councillor Joseph P. Lopes, Chairman

JPL: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

August 16, 2018

ORDER

ORDERED, that the following Community Preservation Act FY18 projects and funding amounts be approved:

PROJECT	AMOUNT
Acushnet Sawmill New Bedford Expansion & Community Garden (as amended)	\$202,500
Schooner Ernestina – Morrissey Rehabilitation	\$100,000
Veterans Transitional Housing Expansion (1060 Pleasant Street)	\$200,000
Seamen's Bethel Continued Restoration	\$176,396
First Baptist Community Theatre	\$275,500
Sgt. William H. Carney House Restoration	\$53,800
Rotch Jones Duff Restoration	\$75,000
305-307 Pleasant Street Foreclosure Restoration	\$105,000
Strand Theatre Restoration as Cape Verdean Cultural Center	\$50,000
Zeiterion Theatre Marquee Project	\$50,000
James Arnold Mansion Restoration	\$48,000
Hazelwood Park Rehabilitation	\$374,400
Abolition Row Park	\$125,000
Buttonwood Diamond 1 Field Lighting	\$244,000
Dias Field Rehabilitation	\$205,000
Brooklawn Basketball Court Upgrades	\$121,127
Buttonwood Brook Trail & Bridges Project	\$26,000
TOTAL (17 Projects)	\$2,431,723.00



Item Title:

REPORT - ORDER - QUEST CENTER REVOLVING FUND

Item Detail:

9. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, that in accordance with Massachusetts General Law, Chapter 44, Section 53E½ the revolving fund under the control of the Department of Facilities and Fleet Management known as the QUEST CENTER REVOLVING, whose revenues collected and amount limited to be spent estimated at \$57,359.00, is hereby authorized for FISCAL YEAR 2019.

9a. AN ORDER, (Referred to the Committee on Finance – June 14, 2018.)

Additional Information:

ATTACHMENTS:

Description	Type
□ REPORT - COMMITTEE ON FINANCE	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

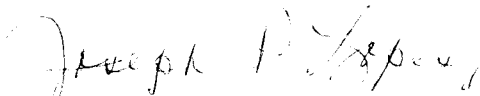
The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Finance at a Meeting held on Monday, July 23, 2018, considered a 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 Department of Facilities and Fleet Management known as the QUEST CENTER REVOLVING, whose revenues collected and amount limited to be spent estimated at \$57,359.00, is hereby authorized for FISCAL YEAR 2019. (Ref'd 6/14/18)

On motion by Councillor Morad and seconded by Councillor Giesta, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Department of Facilities and Fleet Management known as the QUEST CENTER REVOLVING, whose revenues collected and amount limited to be spent estimated at \$57,359.00, is hereby authorized for FISCAL YEAR 2019. This motion passed on a Roll Call Vote of Yeas 8, Nays 1, Councillor Morad opposed and Councillor Abreu not present for the vote.

IN COMMITTEE ON FINANCE


Councillor Joseph P. Lopes, Chairman

JPL: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

June 14, 2018

ORDER

ORDER, that in accordance with MGL Chapter 44, Section 53E ½, the revolving fund under the control of the Department of Facilities and Fleet Management, known as **QUEST CENTER REVOLVING** whose revenues collected and amount limited to be spent estimated at **\$57,359**, is hereby authorized for **FISCAL YEAR 2019**.



Item Title:

REPORT - SPECIAL PERMIT - BBN AUTO SALES, 1551 PURCHASE STREET

Item Detail:

10. REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the APPLICATION, Victor DaRosa, d/b/a BBN AUTO SALES, LLC for a SPECIAL PERMIT, for Motor Vehicle Sales and Rentals at 1551 Purchase Street, New Bedford, MA 02740.

10a. SPECIAL PERMIT, Victor DaRosa, d/b/a BBN AUTO SALES, LLC, 1551 Purchase Street, New Bedford, MA 02740, for Motor Vehicle Sales and Rentals.

Additional Information:

ATTACHMENTS:

Description	Type
□ REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford
IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, held a PUBLIC HEARING on an APPLICATION, Victor DaRosa, D/B/A BBN Auto Sales, LLC, for a SPECIAL PERMIT for Motor Vehicle Sales and Rentals at 1551 Purchase Street, New Bedford, MA 02740 (Application Rec'd 7/10/18) (Duly advertised in The Standard-Times on Tuesday, July 17, 2018 and Tuesday, July 24, 2018.)

On motion by Councillor Gomes and seconded by Councillor Lima, the Committee VOTED: To recommend to the City Council APPROVAL of the APPLICATION, Victor DaRosa, D/B/A BBN Auto Sales, LLC, for a SPECIAL PERMIT for Motor Vehicle Sales and Rentals at 1551 Purchase Street, New Bedford, MA 02740. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

A handwritten signature in cursive script, appearing to read "Debora Coelho".

Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD, MASSACHUSETTS
CLERK OF COMMITTEES OFFICE - ROOM 213 - CITY HALL

PETITION FOR A SPECIAL PERMIT FOR MOTOR VEHICLES:

{☒} SALES AND RENTALS { } BODY REPAIR { } GENERAL REPAIR { } LIGHT SERVICE

TO: CLERK OF COMMITTEES APPLICATION NO. _____ Date: 7/10/18 PAGE 1

The undersigned petitions the City Council to grant a SPECIAL PERMIT in the manner and for the reasons hereinafter set forth under the provisions of the Zoning Ordinance to the following described premises:

Owner/Landlord Gabriel D'AROSA 56 WESTWOOD DR, N. DARTMOUTH MA
Full Name and/or Company Address (Attach copy of Certificate of Title or Deed.)

OTHER Owner(s)/Landlord(s) (if applicable) _____

Lessee BBN AUTO SALES LLC 56 WESTWOOD DR N. DARTMOUTH MA
Full Name and/or Company Address

(Attach copy of Lease or Tenant Agreement and Notarized letter from owner to tenant or buyer for application for this permit – on Letterhead and/or copy of Purchase & Sale Agreement or lease, where applicable.)

OTHER Lessee(s) (if applicable) _____

Location of Premises 1551 PURCHASE ST
Street Number Name of Street

Assessor's Plot 72 224
Plot No. Lot No. Book No. Page No.

Dimensions of Lot 70 48.05 Area 3364
Frontage Depth Sq. Ft.

Zoning District(s) in which premises are located MUB

Premises in present ownership since 2013
Date of Purchase

Number of buildings on lot 1

Size of existing buildings 676 SQ FT

Size of proposed buildings SAME

Present use of premises 100%

Proposed use(s) and Number of Cars/People on Premises at any given time (Adequate Parking): 12 CARS

Extent of proposed alterations REMODEL INSIDE, COSMETICS OUTSIDE

Explain the need for the SPECIAL PERMIT and what changes are proposed?

MOTOR VEHICLE SALES FACILITY ARE REQUIRED TO HAVE A SPECIAL PERMIT BY THE CITY COUNCIL. BUILDING WILL REMAIN INTACT WITH INSIDE REMODELING AND EXTERIOR COSMETIC UPKEEP

Have plans been submitted to the Department of Inspectional Services? YES
(Recorded Plans, accurately scaled as required by the D.I.S., must be included with this application.)

Has the Commissioner of the Department of Inspectional Services refused to issue a permit? YES
If so, Reason: NEEDS SPECIAL PERMIT TO OPERATE A MOTOR VEHICLE SALES & SERVICE FACILITY

A non-refundable filing fee is required when submitting the application, payable by check or money order to the City of New Bedford. The filing fee will not be refunded regardless of whether or not the petition is granted. The fee covers the cost of processing the decision, including advertising and the mailings. Incomplete or improperly filed applications will be returned to the applicant for resubmission.

A Certified Abutter's list must also accompany this application, which must be compiled in the Planning Department and Certified at the Assessor's Office. M.G.L. Ch. 40, mandates advertising request two times prior to the scheduled hearing date. Advertising will be in the Standard-Times.

FEE SCHEDULE AS OF JULY 2007: \$700.00 FOR FIRST 10,000 SQ. FT. PLUS \$100.00 EVERY ADDITIONAL 10,000 SQ. FT.

PETITION FOR A SPECIAL PERMIT FOR MOTOR VEHICLES -
{ } SALES AND RENTALS { } BODY REPAIR { } GENERAL REPAIR { } LIGHT SERVICE

TO: CLERK OF COMMITTEES APPLICATION NO. _____ Date: _____ PAGE 2

All applications must be filled out completely and be submitted with the required drawings. Attach required drawings or proposed plans to this Petition. Must be done in BLACK INK to produce legible copies. If Petition is granted, the plans are specific to the plans submitted unless the City Council states otherwise.

Must provide Site Plan identifying positioning of existing structures. Must show footprint and dimensions. Show Rear, Front and Side Distances between Structure and Boundary Lines. Must provide separate site plan showing proposed alterations or additions with side, front and rear set property lines identified.

By signing this application, the Petitioner is stating that they have read and understand this Application and the accompanying instructions and information. Also, if granted, that the Special Permit needs to be recorded and acted on within one year.

I have read and understand this application and the accompanying instructions and information.

Respectfully submitted:

(Although not a requirement of submission, you may wish to contact an attorney to help you with your application and Public Hearing.)

Owner(s)
Signature Gabriel N. Da Rosa
(Must be signature of current owner on record)

Represented by:
Signature _____

Lessee(s) Victor O. Rose
(If Corporation, must have letter on Letterhead
Authorizing person to sign on Corporation's behalf.)

(If Corporation, must have letter on Letterhead
Authorizing person to sign on Corporation's behalf.)

Address 1551 Purchase St NB, MA 02740
City/State/Zip Code

City/State/Zip Code

Telephone No. (Home) _____

(Business) _____

Other Owner(s) _____

Address _____
City/State/Zip Code

City/State/Zip Code

Telephone No. (Home) _____

(Business) _____

I do/do not consent to the above application. I suggest the following conditions be included in application:
Planning sign-off is predicated on the representation made by the lessee. Long Enforcement
Officer shall be responsible for determining compliance with the City's zoning Ordinance
City Planner [Signature] Date 7/6/2018

I do/do not consent to the above application. I suggest the following conditions be included in application:
A special Permit is Required from City Council for Sales and Rental upon approval a 20 wait
of Appeal is Required - Special Permit will be recorded at Registry of Deeds and A permit from
Room 308
Dept. of Inspectional Services Commissioner [Signature] Date 7/6/18

I do/do not consent to the above application. I suggest the following conditions be included in application:
[Signature] Date 7/6/18
Licensing Board Clerk

I do/do not consent to the above application. I suggest the following conditions be included in application: (General, and
Body Repairs & Light Service Only) owner not to do any repairs at this
location
Dept. of Public Infrastructure Commissioner [Signature] Date 7/6/18

I do/do not consent to the above application. I suggest the following conditions be included in application:
(Petroleum: Any on Premises; if so, Tanks only - Above or Underground?; Prior Use?; Use to be Continued?)
Applicant to file Business Cert if Approved
ASST. City Clerk [Signature] Date 7/2/18



Item Title:

REPORT - ANNA SURMA - APPT. HISTORICAL COMMISSION

Item Detail:

11. REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of ANNA SURMA, New Bedford, MA, to the HISTORICAL COMMISSION; this term will expire June 2021.

11a. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ANNA SURMA, New Bedford, MA 02740, to the HISTORICAL COMMISSION; this term will expire June 2021. (Referred to the Committee on Appointments and Briefings – June 28, 2018.)

Additional Information:

ATTACHMENTS:

Description	Type
□ REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford
IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ANNA SURMA, New Bedford, MA 02740, to the HISTORICAL COMMISSION; this term will expire June 2021. (Ref'd 6/28/18)

On motion by Councillor Lopes and seconded by Councillor Lima, the Committee VOTED: To recommend to the City Council APPROVAL of the APPOINTMENT of ANNA SURMA, New Bedford, MA, to the HISTORICAL COMMISSION; this term will expire June 2021. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD
BOARD & COMMISSION APPLICATION

The Mayor is seeking citizens who wish to serve on City Boards and Commissions established to assist and advise the City on specific matters. Please complete this application in full (attach a resume and other information which may assist the Mayor and the City Council in making its selection) and file it with the Personnel Office. The Mayor reserves the right to reject any application. Some appointments are subject to confirmation by the City Council.

Board/Commission applying for: (see reverse side) HISTORICAL COMMISSION

Name: ANNA SURMA Email: _____

Home Telephone: _____ Work Telephone: C: - - - - - 3

Residence Address: 7 IRVING STREET Zip: 02740

Present Occupation & Place of Employment: RETIRED ARCHITECT

Educational Background: MASTERS IN ARCHITECTURE

Memberships in Community Organizations or Professional Groups:

WHALE, NEW BEDFORD PRESERVATION SOCIETY,
ROTH JONES DUFF HOUSE,

City Boards and/or Commissions on which you have previously served:

NONE

The reasons why you wish to be considered for appointment by the Mayor:

EXPERIENCED IN THE FIELD OF ARCHITECTURE

Please detail specific areas of expertise:

I HAVE WORKED ON MANY HISTORIC BUILDINGS.

Please detail specific areas of interest:

Available for meetings in the daytime ☒ evenings ☒ both ☒ (check one)

Resident of the City since what year: 1977

Appointees and incumbents may be required to file a Statement of Economic Interest, as required by the City Council Rules or the Mayor. The statement may require a declaration that you have no interest in conflict with the City of New Bedford. Please return your completed application to the Personnel Department, 133 William St., Room 212, New Bedford, MA 02740.

Applications will be kept on file for two years.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING
INFORMATION IS TRUE AND CORRECT.

Signature of Applicant: Anna Surma

Date: 5-24-2008



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

June 18, 2018

City Council President Linda M. Morad
Honorable Members of the City Council
City of New Bedford
133 William Street
New Bedford, MA 02740

CITY CLERKS OFFICE
NEW BEDFORD, MA
2018 JUN 21 P 1:37
CITY CLERK

Dear Council President Morad and Honorable Members of the Council:

I am submitting for your approval the **APPOINTMENT** of **ANNA SURMA** of 7 Irving Street, New Bedford, MA 02740 to the **HISTORICAL COMMISSION**. This term will expire in June 2021.

Sincerely,

Jonathan F. Mitchell
Mayor

JFM/dlr

cc: Ms. Anna Surma
Historical Commission



Item Title:

REPORT - CALLING FOR A PUBLIC SAFETY SUMMIT

Item Detail:

12. REPORT, Committee on Appointments and Briefings, recommending to the City Council to refer to the Committee on Public Safety and Neighborhoods the WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings call an immediate Public Safety Summit to include a Representative of the Mayor's Office, Police Chief Cordeiro, Massachusetts Homeland Security Director, Bristol County Sheriff Hodgson, the Commanding Officer from the State Police Barracks in Dartmouth, a Representative of the Bristol County District Attorney's Office, and a Judge from Third District Court, to discuss measures, procedures and strategies to be utilized and implemented, such as stop and search, crime-free zones, and zero tolerance for crimes in our parks and playgrounds and that SRT Tactical Unit be on call and utilized anytime its needed, also that extra patrols and undercover units be placed in high crime neighborhood; and further, that a Public Awareness Campaign be put together to reach out to the neighborhoods and the citizens of this City for their assistance in fighting crime; furthermore, that this summit be held in executive session, due to the information that may be provided and also strategies that may already be in place that not only protect our Police Officers, Agencies but also the public.

12a. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings call an immediate Public Safety Summit to include a Representative of the Mayor's Office, Police Chief Cordeiro, Massachusetts Homeland Security Director, Bristol County Sheriff Hodgson, the Commanding Officer from the State Police Barracks in Dartmouth, a Representative of the Bristol County District Attorney's Office, and a Judge from Third District Court, to discuss measures, procedures and strategies to be utilized and implemented, such as stop and search, crime-free zones, and zero tolerance for crimes in our parks and playgrounds and that SRT Tactical Unit be on call and utilized anytime its needed, also that extra patrols and undercover units be placed in high crime neighborhood; and further, that a Public Awareness Campaign be put together to reach out to the neighborhoods and the citizens of this City for their assistance in fighting crime; furthermore, that this summit be held in executive session, due to the information that may be provided and also strategies that may already be in place that not only protect our Police Officers, Agencies but also the public. (Referred to the Committee on Appointments and Briefings – July 20, 2017.)

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings call an immediate Public Safety Summit to include a Representative of the Mayor's Office, Police Chief Cordeiro, Massachusetts Homeland Security Director, Bristol County Sheriff Hodgson, the Commanding Officer from the State Police Barracks in Dartmouth, a Representative of the Bristol County District Attorney's Office, and a Judge from Third District Court to discuss measures, procedures and strategies to be utilized and implemented, such as stop and search, crime-free zones, and zero tolerance for crimes in our parks and playgrounds and that SRT Tactical Unit be on call and utilized anytime its needed, also that extra patrols and undercover units be placed in high crime neighborhoods; and further, that a Public Awareness Campaign be put together to reach out to the neighborhoods and the citizens of this City for their assistance in fighting crime; furthermore, that this summit be held in executive session, due to the information that may be provided and also strategies that may already be in place that not only protect our Police Officers, Agencies but also the public. (Ref'd 7/20/17)

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to refer to the Committee on Public Safety & Neighborhoods the WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings call an immediate Public Safety Summit to include a Representative of the Mayor's Office, Police Chief Cordeiro, Massachusetts Homeland Security Director, Bristol County Sheriff Hodgson, the Commanding Officer from the State Police Barracks in Dartmouth, a Representative of the Bristol County District Attorney's Office, and a Judge from Third District Court to discuss measures, procedures and strategies to be utilized and implemented, such as stop and search, crime-free zones, and zero tolerance for crimes in our parks and playgrounds and that SRT Tactical Unit be on call and utilized anytime its needed, also that extra patrols and undercover units be placed in high crime neighborhoods; and further, that a Public Awareness Campaign be put together to reach out to the neighborhoods and the citizens of this City for their assistance in fighting crime; furthermore, that this summit be held in executive session, due to the information that may be provided and also strategies that may already be in place that not only protect our Police Officers, Agencies but also the public. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

Debora Coelho
Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

July 20, 2017

WRITTEN MOTION

Requesting, that the Committee on Appointments and Briefings call an immediate Public Safety Summit to include a Representative of the Mayor's Office, Police Chief Cordeiro, Massachusetts Homeland Security Director, Bristol County Sheriff Hodgson, the Commanding Officer from the State Police Barracks in Dartmouth and a Representative of the Bristol County District Attorney's Office and a Judge from Third District Court to discuss measures, procedures and strategies to be utilized and implemented, such as stop and search, crime-free zones, and zero tolerance for crimes in our parks and playgrounds and that SRT Tactical Unit be on call and utilized anytime its needed, also that extra patrols and undercover units be placed in high crime neighborhood; and further, that a Public Awareness Campaign be put together to reach out to the neighborhoods and the citizens of this City for their assistance in fighting crime; furthermore, that this summit be held in executive session, due to the information that may be provided and also strategies that may already be in place that not only protect our Police Officers, Agencies but also the public.

Brian K. Gomes, Councillor at Large



Item Title:

REPORT - RENTAL CONTRACT MILITARY MUSEUM - NO FURTHER ACTION

Item Detail:

13. REPORT, Committee on Finance, recommending to the City Council to take “**NO FURTHER ACTION**” on the WRITTEN MOTION, Councillor Morad, requesting, that the rental contract currently being negotiated with representatives of the Fort Taber Military Museum Association be presented to the Committee on Finance for review prior to being executed by the Administration; and further, that the Executive Board of the Fort Taber Military Museum Association, along with their legal representative be invited to the Committee on Finance to discuss the terms of the contact and the financial effect said contract will have on the future operation of the Military Museum.

13a. WRITTEN MOTION, Councillor Morad, requesting, that the rental contract currently being negotiated with representatives of the Fort Taber Military Museum Association be presented to the Committee on Finance for review prior to being executed by the Administration; and further, that the Executive Board of the Fort Taber Military Museum Association, along with their legal representative be invited to the Committee on Finance to discuss the terms of the contact and the financial effect said contract will have on the future operation of the Military Museum. (Referred to the Committee on Finance – June 8, 2017.)

Additional Information:

ATTACHMENTS:

Description	Type
□ REPORT - COMMITTEE ON FINANCE	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Finance at a Meeting held on Monday, July 23, 2018, considered a WRITTEN MOTION, Councillor Morad, requesting, that the rental contract currently being negotiated with representatives of the Fort Taber Military Museum Association be presented to the Committee on Finance for review prior to being executed by the Administration; and further, that the Executive Board of the Fort Taber Military Museum Association, along with their legal representative be invited to the Committee on Finance to discuss the terms of the contract and the financial effect said contract will have on the future operation of the Military Museum. (To be Referred to the Administration and the Committee on Finance.) (Ref'd 6/8/17) (6/26/17-returned unsigned by the Mayor) (7/17/17-tabled 45 days) (6/20/18-tabled)

On motion by Councillor Rebeiro and seconded by Councillor Lima, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the WRITTEN MOTION, Councillor Morad, requesting, that the rental contract currently being negotiated with representatives of the Fort Taber Military Museum Association be presented to the Committee on Finance for review prior to being executed by the Administration; and further, that the Executive Board of the Fort Taber Military Museum Association, along with their legal representative be invited to the Committee on Finance to discuss the terms of the contract and the financial effect said contract will have on the future operation of the Military Museum. This motion passed on a voice vote.

IN COMMITTEE ON FINANCE

A handwritten signature in dark ink, appearing to read "Joseph P. Lopes".

Councillor Joseph P. Lopes, Chairman

JPL: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

June 08, 2017

WRITTEN MOTION

Requesting, that the rental contract currently being negotiated with representatives of the Fort Taber Military Museum Association be presented to the Committee on Finance for review prior to being executed by the Administration; and further, that the Executive Board of the Fort Taber Military Museum Association, along with their legal representative be invited to the Committee on Finance to discuss the terms of the contract and the financial effect said contract will have on the future operation of the Military Museum. (To be Referred to the Administration and the Committee on Finance.)

Linda M. Morad, Councillor at Large



Item Title:

REPORT - SEASONAL PARK & BEACH SIGNAGE - NO FURTHER ACTION

Item Detail:

14. REPORT, Committee on Finance, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Lopes, requesting that the City erect seasonal park and beach signage that list the rules of the beaches and parks.

14a. WRITTEN MOTION, Councillor Lopes, requesting that the City erect seasonal park and beach signage that list the rules of the beaches and parks. (Referred to the Committee on Finance – June 14, 2018.)

Additional Information:



Item Title:

REPORT- NARRATIVE OF THE AREA & RULES AT PARKS & BEACHES- NO FURTHER ACTION

Item Detail:

15. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on the WRITTEN MOTION, Council President Lopes, requesting that the Director of Parks, Recreation and Beaches install signage at each of the City's parks and beaches that provides a narrative of the area as well as rules of the area.

15a. WRITTEN MOTION, Council President Lopes, requesting that the Director of Parks, Recreation and Beaches install signage at each of the City's parks and beaches that provide a narrative of the area as well as rules of the area. (Referred to the Committee on Appointments and Briefings - December 14, 2017.)

Additional Information:

ATTACHMENTS:

Description	Type
□ REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a WRITTEN MOTION, Council President Lopes, requesting, that the Director of Parks, Recreation, and Beaches install signage at each of the City's parks and beaches that provides a narrative of the area as well as rules for the area. (To be Referred to the Director of Recreation, Parks, and Beaches and the Committee on Appointments and Briefings.) (Ref'd 12/14/17)

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the WRITTEN MOTION, Council President Lopes, requesting, that the Director of Parks, Recreation, and Beaches install signage at each of the City's parks and beaches that provides a narrative of the area as well as rules for the area. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

A handwritten signature in cursive script that reads "Debora Coelho a.".

Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

December 14, 2017

WRITTEN MOTION

Requesting, that the Director of Parks, Recreation, and Beaches install signage at each of the City's parks and beaches that provides a narrative of the area as well as rules for the area. (To be Referred to the Director of Recreation, Parks, and Beaches and the Committee on Appointments and Briefings.)

Joseph P. Lopes, City Council President



Item Title:

REPORT - "NEAT STREETS" PROGRAM - NO FURTHER ACTION

Item Detail:

16. REPORT, Committee on Appointments and Briefings recommending to the City Council to take "NO FURTHER ACTION" on the WRITTEN MOTION, Councillors Lopes, Winterson, Bousquet, Council President Morad and Councillor Martins, requesting, that the City of New Bedford establish "Neat Streets" program for the disposal of cigarettes.

16a. WRITTEN MOTION, Councillors Lopes, Winterson, Bousquet, Council President Morad and Councillor Martins, requesting that the City of New Bedford establish "Neat Streets" program for the disposal of cigarettes.(Referred to the Committee on Appointments and Briefings - September 08, 2016.)

Additional Information:

ATTACHMENTS:

Description	Type
 REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a WRITTEN MOTION, Councillors Lopes, Winterson, Bousquet, Council President Morad and Councillor Martins, requesting, that the City of New Bedford establish "Neat Streets" program for the disposal of cigarettes. (To be Referred to the Committee on Appointments and Briefings and Board of Health Director Dr. Brenda Weis) (Ref'd 9/8/16)

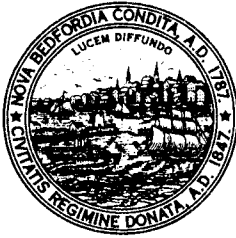
On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the WRITTEN MOTION, Councillors Lopes, Winterson, Bousquet, Council President Morad and Councillor Martins, requesting, that the City of New Bedford establish "Neat Streets" program for the disposal of cigarettes. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

A handwritten signature in cursive script that reads "Debora Coelho".

Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

September 08, 2016

WRITTEN MOTION

Requesting that the City of New Bedford establish "Neat Streets" program for the disposal of cigarettes. (To be Referred to the Committee on Appointments and Briefing and Board of Health Director Dr. Brenda Weis.)

Joseph P. Lopes, Councillor Ward Six

Henry G. Bousquet, Councillor Ward Three

Linda M. Morad, City Council President

Steven Martins, Councillor Ward Two



Item Title:

REPORT - CITY'S HIRING PRACTICES - NO FURTHER ACTION

Item Detail:

17. REPORT, Committee on Appointments and Briefings, recommending to City Council to take "NO FURTHER ACTION" on the RELATED MOTION, Councillor Carney, requesting, that the Personnel Director, Sandy Vezina, meet with the Committee on Appointments and Briefings to inform the Committee Members of the City of New Bedford's hiring practices.

17a. RELATED MOTION, Councillor Carney, requesting, that the Personnel Director Sandy Vezina meet with the Committee on Appointments and Briefings to inform the Committee Members of the City of New Bedford's hiring practice. (Referred to the Committee on Appointments and Briefings- October 27, 2016.)

Additional Information:

ATTACHMENTS:

Description	Type
□ REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a RELATED MOTION, Councillor Carney, requesting, that the Personnel Director, Sandy Vezina, meet with the Committee on Appointments and Briefings to inform the Committee Members of the City of New Bedford's hiring practices. (Ref'd 10/27/16)

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the RELATED MOTION, Councillor Carney, requesting, that the Personnel Director, Sandy Vezina, meet with the Committee on Appointments and Briefings to inform the Committee Members of the City of New Bedford's hiring practices. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

October 27, 2016

RELATED MOTION

Requesting, that the Personnel Director, Sandy Vezina, meet with the Committee on Appointments and Briefing to inform the Committee Members of the City of New Bedford's hiring practices.

Naomi R.A. Carney, Councillor at Large



Item Title:

REPORT - RESIDENTIAL METERS PLACEMENT - NO FURTHER ACTION

Item Detail:

18. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on the WRITTEN MOTION, Councillor Coelho, requesting that Eversource Gas be invited to a meeting of the Committee on Appointments and Briefings, to brief the City Council regarding policy requirements on the placement of residential meters inside and outside residential buildings.

18a. WRITTEN MOTION, Councillor Coelho, requesting that Eversource Gas be invited the Committee on Appointments and Briefings, to brief the City Council regarding the policy requirements on the placement of residential meters inside and outside residential buildings. (Referred to the Committee on Appointments and Briefings - March 09, 2017.)

Additional Information:

ATTACHMENTS:

Description	Type
REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford
IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a WRITTEN MOTION, Councillor Coelho, requesting that Eversource Gas be invited to a meeting of the Committee on Appointments and Briefings, to brief the City Council regarding policy requirements on the placement of residential meters inside and outside residential buildings. (Ref'd 3/9/17)

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the WRITTEN MOTION, Councillor Coelho, requesting that Eversource Gas be invited to a meeting of the Committee on Appointments and Briefings, to brief the City Council regarding policy requirements on the placement of residential meters inside and outside residential buildings. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

A handwritten signature in cursive script that reads "Debora Coelho a.".

Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

March 09, 2017

WRITTEN MOTION

Requesting that Eversource Gas be invited to a meeting of the Committee on Appointments and Briefings, to brief the City Council regarding policy requirements on the placement of residential meters inside and outside residential buildings.

Debora Coelho, Councillor at Large



Item Title:

REPORT - JANITORIAL FEES - NO FURTHER ACTION

Item Detail:

19. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on the RELATED MOTION, Councillor Carney, requesting, that DFFM Commissioner Kenneth Blanchard appear before the Committee on Appointments and Briefings to discuss the new Janitorial fees implemented for Community and City run Organizations at public buildings.

19a. RELATED MOTION, Councillor Carney, requesting, that DFFM Commissioner Kenneth Blanchard appear before the Committee on Appointments and Briefings to discuss the new Janitorial fees implemented for Community and City run Organizations at public buildings. (Referred to the Committee on Appointments and Briefings - January 12, 2017.)

Additional Information:

ATTACHMENTS:

Description	Type
□ REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford
IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a RELATED MOTION, Councillor Carney, requesting, that DFFM Commissioner Kenneth Blanchard appear before the Committee on Appointments and Briefings to discuss the new Janitorial fees implemented for Community and City run Organizations at public buildings. (Ref'd 1/12/17)

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the RELATED MOTION, Councillor Carney, requesting, that DFFM Commissioner Kenneth Blanchard appear before the Committee on Appointments and Briefings to discuss the new Janitorial fees implemented for Community and City run Organizations at public buildings. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

Debora Coelho a.

Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

January 12, 2017

RELATED MOTION

Requesting that DFFM Commissioner Kenneth Blanchard appear before the Committee on Appointments and Briefings to discuss the new Janitorial fees implemented for Community and City run Organizations at public buildings.

Naomi R.A. Carney, Councillor at Large



Item Title:

REPORT - LOCATION OF THE FT TABER CANNONS - NO FURTHER ACTION

Item Detail:

20. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on the COMMUNICATION, Councillor Lopes, submitting a letter from Ray L'Heureux, Treasurer Fort Taber Military Museum, regarding a Project Proposal for an archeological study with the potential lead to the location of the Fort's cannons.

20a. COMMUNICATION, Councillor Lopes, submitting a letter from Ray L'Heureux, Treasurer, Fort Taber Military Museum, regarding a Project Proposal for an archeological study with the potential lead to the location of the Fort's cannons.(Referred to the Committee on Appointments and Briefings - November 24, 2015.)

Additional Information:



Item Title:

REPORT- LOCATION OF CITY GARBAGE CANS - NO FURTHER ACTION

Item Detail:

21. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on the 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 neighborhood growth pattern.

21a. 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 neighborhood growth pattern.(Referred to the Committee on Appointments and Briefings - November 22, 2016.)

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a 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. (Ref'd 11/22/16)

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the 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. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

Debora Coelho a.
Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

November 22, 2016

WRITTEN MOTION

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.

Dana Rebeiro, Councillor Ward Four

Ian Abreu, Councillor at Large



Item Title:

REPORT - LOCATION OF SOBER OR GROUP HOMES - NO FURTHER ACTION

Item Detail:

22. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on the WRITTEN MOTION, Councillors Gomes, Winterson and Carney, requesting that our local State and Federal Delegations look into amending the Americans with Disabilities and Fair Housing Acts, pertaining to the location of sober or group homes, which would give the Cities and Towns an appeal process to the location of such facilities, so that such a home is placed in an appropriate location; and further, that laws also be put into place to make sure that our City's neighborhoods are not saturated with such homes in residential and/or business-zoned areas.

22a. WRITTEN MOTION, Councillors Gomes, Winterson and Carney, requesting that our local State and Federal Delegations look into amending the American with Disabilities and Fair Housing Acts, pertaining to the location of sober or group homes, which would give Cities and Towns an appeals process to the location of such facilities, so that such a home is placed in an appropriate location; and further, that laws also be put in place to make sure that our City's neighborhoods are not saturated with such homes in residential and/or business-zoned areas. (Referred to the Committee on Appointments and Briefings - January 14, 2016.)

Additional Information:

ATTACHMENTS:

Description	Type
 REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a WRITTEN MOTION, Councillors Gomes, Winterson and Carney, requesting that our local State and Federal Delegations look into amending the American with Disabilities and Fair Housing Acts, pertaining to the location of sober or group homes, which would give Cities and Towns an appeal process to the location of such facilities, so that such a home is placed in an appropriate location; and further, that laws also be put in place to make sure that our City's neighborhoods are not saturated with such homes in residential and/or business-zoned areas. (Ref'd 1/14/16)

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the WRITTEN MOTION, Councillors Gomes, Winterson and Carney, requesting that our local State and Federal Delegations look into amending the American with Disabilities and Fair Housing Acts, pertaining to the location of sober or group homes, which would give Cities and Towns an appeal process to the location of such facilities, so that such a home is placed in an appropriate location; and further, that laws also be put in place to make sure that our City's neighborhoods are not saturated with such homes in residential and/or business-zoned areas. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

A handwritten signature in cursive script that reads "Debora Coelho a.".

Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

January 14, 2016

WRITTEN MOTION

Requesting that our local State and Federal Delegations look into amending the American with Disabilities and Fair Housing Acts, pertaining to the location of sober or group homes, which would give Cities and Towns an appeal process to the location of such facilities, so that such a home is placed in an appropriate location; and further, that laws also be put in place to make sure that our City's neighborhoods are not saturated with such homes in residential and/or business-zoned areas.

Brian K. Gomes, Councillor at Large
Kerry Winterson, Councillor Ward Five
Naomi R.A. Carney, Councillor at Large



Item Title:

REPORT - 4 WRIGHT STREET - NO FURTHER ACTION

Item Detail:

23. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on a WRITTEN MOTION, Councillors Rebeiro, Abreu, Morad and Carney, requesting that the Committee on Appointments and Briefings hold a meeting as soon as possible to discuss how the Harbor Master Plan, State regulation on designated port areas and Chapter 91 of the General Laws apply to 4 Wright Street in New Bedford as well as to other properties in the port area; and further, that a Representative from Coastal Management, Department of Environmental Protection/Waterways Division, the Harbor Development Commission, the Planning Department and Inspectional Services, as well as the owner of 4 Wright Street be invited to the meeting to provide information to the Committee with regard to this matter.

23a. WRITTEN MOTION, Councillors Rebeiro, Abreu, Morad and Carney, requesting that the Committee on Appointments and Briefings hold a meeting as soon as possible to discuss how the Harbor Master Plan, State regulations on the designated port areas and Chapter 91 of the General Laws apply to 4 Wright Street in New Bedford as well as to other properties in the port area; and further, that a Representative from Coastal Zone Management, Department of Environmental Protection/Waterways Division, the Harbor development Commission, the Planning Department and Inspectional Services, as well as the owner of 4 Wright Street be invited to the meeting to provide information to the Committee with regard to this matter. (Referred to the Committee on Appointments and Briefings -September 28, 2017.)

Additional Information:

ATTACHMENTS:

Description	Type
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City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a WRITTEN MOTION Councillors Rebeiro, Abreu, Morad and Carney, requesting that the Committee on Appointments and Briefings hold a meeting as soon as possible to discuss how the Harbor Master Plan, State regulations on designated port areas and Chapter 91 of the General Laws apply to 4 Wright Street in New Bedford as well as to other properties in the port area; and further that a Representative from Coastal Zone Management, Department of Environmental Protection/Waterways Division, the Harbor Development Commission, the Planning Department and Inspectional Services, as well as the owner of 4 Wright Street be invited to the meeting to provide information to the Committee with regard to this matter. (Ref'd 9/28/17)

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the WRITTEN MOTION Councillors Rebeiro, Abreu, Morad and Carney, requesting that the Committee on Appointments and Briefings hold a meeting as soon as possible to discuss how the Harbor Master Plan, State regulations on designated port areas and Chapter 91 of the General Laws apply to 4 Wright Street in New Bedford as well as to other properties in the port area; and further that a Representative from Coastal Zone Management, Department of Environmental Protection/Waterways Division, the Harbor Development Commission, the Planning Department and Inspectional Services, as well as the owner of 4 Wright Street be invited to the meeting to provide information to the Committee with regard to this matter. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

September 28, 2017

WRITTEN MOTION

Requesting that the Committee on Appointments and Briefings hold a meeting as soon as possible to discuss how the Harbor Master Plan, State regulations on designated port areas and Chapter 91 of the General Laws apply to 4 Wright Street in New Bedford as well as to other properties in the port area; and further that a Representative from Coastal Zone Management, Department of Environmental Protection/Waterways Division, the Harbor Development Commission, the Planning Department and Inspectional Services, as well as the owner of 4 Wright Street be invited to the meeting to provide information to the Committee with regard to this matter.

Dana Rebeiro, Councillor Ward Four

Ian Abreu, Councillor at Large

Linda M. Morad, Councillor at Large



Item Title:

REPORT - REFRIGERATION PROJECT, RECREATIONAL BOATING & HARBOR MASTER PLAN - NO FURTHER ACTION

Item Detail:

24. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Rebeiro, requesting that the Committee on Appointments and Briefings invite Edward Anthes-Washburn, HDC Executive Director, to update the Community on the expansion of the New Bedford Waterfront, the new refrigeration project, recreational boating and the Harbor Master Plan.

24a. WRITTEN MOTION, Councillor Rebeiro, requesting that the Committee on Appointments and Briefings invite Edward Anthes-Washburn, HDC Executive Director, to update the Community on the expansion of the New Bedford Waterfront, the new refrigeration project, recreational boating and the Harbor Master Plan. (Referred to the Committee on Appointments and Briefings – February 23, 2017.)

Additional Information:

ATTACHMENTS:

Description	Type
 REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a WRITTEN MOTION, Councillor Rebeiro, requesting, that the Committee on Appointments and Briefings invite Edward Anthes-Washburn, HDC Executive Director, to update the Community on the expansion of the New Bedford Waterfront, the new refrigeration project, recreational boating and the Harbor Master Plan. (Ref'd 2/23/17)

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the WRITTEN MOTION, Councillor Rebeiro, requesting, that the Committee on Appointments and Briefings invite Edward Anthes-Washburn, HDC Executive Director, to update the Community on the expansion of the New Bedford Waterfront, the new refrigeration project, recreational boating and the Harbor Master Plan. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

February 23, 2017

WRITTEN MOTION

Requesting that the Committee on Appointments and Briefings invite Edward Anthes-Washburn, HDC Executive Director, to update the Community on the expansion of the New Bedford Waterfront, the new refrigeration project, recreational boating and the Harbor Master Plan.

Dana Rebeiro, Councillor Ward Four



Item Title:

REPORT - CLOSING OF SECTOR IX - NO FURTHER ACTION

Item Detail:

25. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take "NO FURTHER ACTION" on a WRITTEN MOTION, Councillors Rebeiro, Carney, Abreu, Council President Lopes, Councillors Winterson, Gomes, Morad, Coelho and Martins, on behalf of the fishermen and businesses affected by the abrupt closing of Sector IX in the New Bedford's water that prohibit our participation in ground fishing until April 2018, requesting that a letter be sent to NOAA Regional Administrator John Bullard and our Federal Delegation, asking for an immediate reversal as this has had and will continue to place a devastating toll on over 300 fisherman and several local businesses associated with the this industry; and further, the Committee on Appointments and Briefings invite those affected including fishermen, business owners and Attorney Andrew Saunders to a meeting to explain how this will affect the entire City.

25a. WRITTEN MOTION, Councillors Rebeiro, Carney, Abreu, Council President Lopes, Councillors Winterson, Gomes, Morad, Coelho and Martins, on behalf of the fishermen and businesses affected by the abrupt closing of Sector IX in the New Bedford's water that prohibit our participation in ground fishing until April 2018, requesting that a letter be sent to NOAA Regional Administrator John Bullard and our Federal Delegation, asking for an immediate reversal as this has had and will continue to place a devastating toll on over 300 fisherman and several local businesses associated with the this industry; and further, the Committee on Appointments and Briefings invite those affected including fishermen, business owners and Attorney Andrew Saunders to a meeting to explain how this will affect the entire City. (Referred to the Committee on Appointments and Briefings - December 14, 2017.)

Additional Information:

ATTACHMENTS:

Description	Type
 REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a WRITTEN MOTION, Councillors Rebeiro, Carney, Abreu, Council President Lopes, Councillors Winterson, Gomes, Morad, Coelho and Martins, on behalf of the fishermen and businesses affected by the abrupt closing of Sector IX in the New Bedford's waters that prohibit our participation in ground fishing until April 2018, requesting that a letter be sent to NOAA Regional Administrator John Bullard and our Federal Delegation, asking for an immediate reversal as this has had and will continue to place a devastating toll on over 300 fishermen and several local businesses associated with this industry; and further, that the Committee on Appointments and Briefings invite those affected including fishermen, business owners and Attorney Andrew Saunders to a meeting to explain how this will affect the entire City. (Ref'd 12/14/17)

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the WRITTEN MOTION, Councillors Rebeiro, Carney, Abreu, Council President Lopes, Councillors Winterson, Gomes, Morad, Coelho and Martins, on behalf of the fishermen and businesses affected by the abrupt closing of Sector IX in the New Bedford's waters that prohibit our participation in ground fishing until April 2018, requesting that a letter be sent to NOAA Regional Administrator John Bullard and our Federal Delegation, asking for an immediate reversal as this has had and will continue to place a devastating toll on over 300 fishermen and several local businesses associated with this industry; and further, that the Committee on Appointments and Briefings invite those affected including fishermen, business owners and Attorney Andrew Saunders to a meeting to explain how this will affect the entire City. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

Debora Coelho a.
Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

December 14, 2017

WRITTEN MOTION

On behalf of the fishermen and businesses affected by the abrupt closing of Sector IX in the New Bedford's waters that prohibit our participation in ground fishing until April 2018, requesting that a letter be sent to NOAA Regional Administrator John Bullard and our Federal Delegation, asking for an immediate reversal as this has and will continue to place a devastating toll on over 300 fishermen and several local businesses associated with this industry; and further, that the Committee on Appointments and Briefings invite those affected including fishermen, business owners and Attorney Andrew Saunders to a meeting to explain how this will affect the entire City.

Dana Rebeiro, Councillor Ward Four

Naomi R.A. Carney, Councillor at Large

Ian Abreu, Councillor at Large

Joseph P. Lopes, City Council President

Kerry Winterson, Councillor Ward Five

Brian K. Gomes, Councillor at Large

Linda M. Morad, Councillor at Large

Debora Coelho, Councillor at Large

Steven Martins, Councillor Ward Two



Item Title:

REPORT - FEES CHARGED TO ORGANIZATIONS - NO FURTHER ACTION

Item Detail:

26. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors Morad and Gomes, requesting, that a representative of the Administration appear before the Committee on Appointments and Briefings to discuss the rational being utilized to determine when charges and fees being assessed to some non-profit groups across the City can be waived, yet other groups are required to pay said charges and fees.(Referred to the Committee on Appointments and Briefings – June 8, 2017.)

26a. WRITTEN MOTION, Councillors Morad and Gomes, requesting, that a representative of the Administration appear before the Committee on Appointments and Briefings to discuss the rational being utilized to determine when charges and fees being assessed to some non-profit groups across the City can be waived, yet other groups are required to pay said charges and fees. (To be Referred to the Committee on Appointments and Briefings.)

Additional Information:

ATTACHMENTS:

Description	Type
 REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a WRITTEN MOTION, Councillors Morad and Gomes, requesting, that a representative of the Administration appear before the Committee on Appointments and Briefings to discuss the rationale being utilized to determine when charges and fees being assessed to some non-profit groups across the City can be waived, yet other groups are required to pay said charges and fees. (To be Referred to the Committee on Appointments and Briefings.) (Ref'd 6/8/17)

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the WRITTEN MOTION, Councillors Morad and Gomes, requesting, that a representative of the Administration appear before the Committee on Appointments and Briefings to discuss the rationale being utilized to determine when charges and fees being assessed to some non-profit groups across the City can be waived, yet other groups are required to pay said charges and fees. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

June 08, 2017

WRITTEN MOTION

Requesting, that a representative of the Administration appear before the Committee on Appointments and Briefings to discuss the rationale being utilized to determine when charges and fees being assessed to some non-profit groups across the City can be waived, yet other groups are required to pay said charges and fees. (To be Referred to the Committee on Appointments and Briefings.)

Linda M. Morad, Councillor at Large

Brian K. Gomes, Councillor at Large



Item Title:

REPORT - NON-PROFITS UTILIZING CITY BLDGS. - NO FURTHER ACTION

Item Detail:

27. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors Morad and Gomes, again requesting, that a representative of the Administration appear before the Committee on Appointments and Briefings to discuss charges and fees being assessed to various non-profit groups across the City who are utilizing City buildings, parks and streets to host free family related activities, festivals and events; said fees are prohibiting organizations from continuing these events and diminishing the quality of life of the residents and taxpayers of the City of New Bedford who have enjoyed these activities, festivals and events for so many years.

27a. WRITTEN MOTION, Councillors Morad and Gomes, again requesting, that a representative of the Administration appear before the Committee on Appointments and Briefings to discuss charges and fees being assessed to various non-profit groups across the City who are utilizing City buildings, parks and streets to host free family related activities, festivals and events; said fees are prohibiting organizations from continuing these events and diminishing the quality of life of the residents and taxpayers of the City of New Bedford who have enjoyed these activities, festivals and events for so many years. (Referred to the Committee on Appointments and Briefings - June 8, 2017.)

Additional Information:



Item Title:

REPORT - ONE MILLION DOLLAR CAPITAL IMPROVEMENT PROGRAM - NO FURTHER ACTION

Item Detail:

28. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with the Commissioner of the Department of Public Infrastructure, Zeb Arruda and a Representative of the Administration to break down to the Committee how much road and street work will be done with the One Million Dollar Capital Improvement Program for street repairs; and further, brief the Committee Members on the City’s policies and procedures for Utility Companies doing work on the streets in New Bedford.

28a. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with the Commissioner of the Department of Public Infrastructure, Zeb Arruda and a Representative of the Administration to break down to the Committee how much road and street work will be done with the One Million Dollar Capital Improvement Program for street repairs; and further, brief the Committee Members on the City’s policies and procedures for Utility Companies doing work on the streets in New Bedford. (Referred to the Committee on Appointments and Briefings – February 23, 2017.)

Additional Information:

ATTACHMENTS:

Description	Type
REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford
IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with the Commissioner of the Department of Public Infrastructure, Zeb Arruda and a Representative of the Administration to break down to the Committee how much road and street work will be done with the One Million Dollar Capital Improvement Program for street repairs; and further, brief the Committee Members on the City's policies and procedures for Utility Companies doing work on the streets in New Bedford. (Ref'd 2/23/17)

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with the Commissioner of the Department of Public Infrastructure, Zeb Arruda and a Representative of the Administration to break down to the Committee how much road and street work will be done with the One Million Dollar Capital Improvement Program for street repairs; and further, brief the Committee Members on the City's policies and procedures for Utility Companies doing work on the streets in New Bedford. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

Debora Coelho a.

Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

February 23, 2017

WRITTEN MOTION

Requesting, that the Committee on Appointments and Briefings meet with the Commissioner of the Department of Public Infrastructure, Zeb Arruda and a Representative of the Administration to break down to the Committee how much road and street work will be done with the One Million Dollar Capital Improvement Program for street repairs; and further, brief the Committee Members on the City's policies and procedures for Utility Companies doing work on the streets in New Bedford.

Brian K. Gomes, Councillor at Large



Item Title:

REPORT - CLOSURE PLAN FOR THE MORSE CUTTING TOOLS SITE - NO FURTHER ACTION

Item Detail:

29. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors Carney, Rebeiro and Abreu, requesting that Michele Paul, Director of Environmental Stewardship, Gerard Martins and Ellie Donovan, Representatives from Massachusetts Department of Environmental Protection; Cole Worthy, from Haley & Aldrich Consultant for CBS Operations; Jeff Groy, Senior Vice-President CBS Operations; Buddy Andrade, Executive Director of Olde Bedford Village and Donald Gomes, spokesman for resident abutters, appear before the Committee on Appointments and Briefings to inform the City Council of the draft closure plan for the Morse Cutting Tool site located at 163 Pleasant Street, and what measures are being taken thus far by CBS Operations to remediate this site.

29a. WRITTEN MOTION, Councillors Carney, Rebeiro and Abreu, requesting that Michele Paul, Director of Environmental Stewardship, Gerard Martins and Ellie Donovan, Representatives from Massachusetts Department of Environmental Protection; Cole Worthy, from Haley & Aldrich Consultant for CBS Operations; Jeff Groy, Senior Vice-President CBS Operations; Buddy Andrade, Executive Director of Olde Bedford Village and Donald Gomes, spokesman for resident abutters, appear before the Committee on Appointments and Briefings to inform the City Council of the draft closure plan for the Morse Cutting Tool site located at 163 Pleasant Street, and what measures are being taken thus far by CBS Operations to remediate this site. (Referred to the Committee on Appointments and Briefings – November 10, 2016.)

Additional Information:

ATTACHMENTS:

Description	Type
 REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a WRITTEN MOTION, Councillors Carney, Rebeiro and Abreu, requesting that Michele Paul, Director of Environmental Stewardship, Gerard Martins and Ellie Donovan, Representatives from Massachusetts Department of Environmental Protection; Cole Worthy, from Haley & Aldrich Consultant for CBS Operations; Jeff Groy, Senior Vice-President CBS Operations; Buddy Andrade, Executive Director of Olde Bedford Village and Donald Gomes, spokesman for resident abutters, appear before the Committee on Appointments and Briefings to inform the City Council of the draft closure plan for the Morse Cutting Tool site located at 163 Pleasant Street, and what measures are being taken thus far by CBS Operations to remediate this site. (To be Referred to the Committee on Appointments and Briefings.) (Ref'd 11/10/16)

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the WRITTEN MOTION, Councillors Carney, Rebeiro and Abreu, requesting that Michele Paul, Director of Environmental Stewardship, Gerard Martins and Ellie Donovan, Representatives from Massachusetts Department of Environmental Protection; Cole Worthy, from Haley & Aldrich Consultant for CBS Operations; Jeff Groy, Senior Vice-President CBS Operations; Buddy Andrade, Executive Director of Olde Bedford Village and Donald Gomes, spokesman for resident abutters, appear before the Committee on Appointments and Briefings to inform the City Council of the draft closure plan for the Morse Cutting Tool site located at 163 Pleasant Street, and what measures are being taken thus far by CBS Operations to remediate this site. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

November 10, 2016

WRITTEN MOTION

Requesting that Michele Paul, Director of Environmental Stewardship, Gerard Martins and Ellie Donovan, Representatives from Massachusetts Department of Environmental Protection; Cole Worthy, from Haley & Aldrich Consultant for CBS Operations; Jeff Groy, Senior Vice-President CBS Operations; Buddy Andrade, Executive Director of Olde Bedford Village and Donald Gomes, spokesman for resident abutters, appear before the Committee on Appointments and Briefings to inform the City Council of the draft closure plan for the Morse Cutting Tool site located at 163 Pleasant Street, and what measures are being taken thus far by CBS Operations to remediate this site. (To be Referred to the Committee on Appointments and Briefings.)

Naomi R.A. Carney, Councillor at Large

Dana Rebeiro, Councillor Ward Four

Ian Abreu, Councillor at Large



Item Title:

REPORT - HALT ALL CHARGES FOR NONPROFIT ORGANIZATIONS - NO FURTHER ACTION

Item Detail:

30. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors Gomes, Bousquet, Abreu, Carney, Coelho, Lopes, Martins, Council President Morad, Councillors Oliveira and Rebeiro, requesting, once again that the Administration reconsider and halt all charges that are being considered and already implemented to nonprofit Organizations across the City; and further requesting, that the Administration and Parks, Recreation and Beaches, Director Rapoza appear before the Committee on Appointments and Briefings to discuss this matter; this is the second request being made on behalf of Organizations across the City that give back so much through tourism, scholarships, economic stimulants and more; these charges are devastating to them and possibly could put these nonprofit Organizations into a hardship or close the books on their contributions to the City and cultural activities that have been happening for decades.

30a. WRITTEN MOTION, Councillors Gomes, Bousquet, Abreu, Carney, Coelho, Lopes, Martins, Council President Morad, Councillors Oliveira and Rebeiro, requesting, once again that the Administration reconsider and halt all charges that are being considered and already implemented to nonprofit Organizations across the City; and further requesting, that the Administration and Parks, Recreation and Beaches, Director Rapoza appear before the Committee on Appointments and Briefings to discuss this matter; this is the second request being made on behalf of Organizations across the City that give back so much through tourism, scholarships, economic stimulants and more; these charges are devastating to them and possibly could put these nonprofit Organizations into a hardship or close the books on their contributions to the City and cultural activities that have been happening for decades. (Referred to the Committee on Appointments and Briefings – October 27, 2016.)

Additional Information:

ATTACHMENTS:

Description	Type
 REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford

IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a WRITTEN MOTION, Councillors Gomes, Bousquet, Abreu, Carney, Coelho, Lopes, Martins, Morad, Oliveira and Rebeiro, requesting, once again that the Administration reconsider and halt all charges that are being considered and already implemented to nonprofit Organizations across the City; and further requesting, that the Administration and Parks, Recreation and Beaches, Director Rapoza appear before the Committee on Appointments and Briefings to discuss this matter; this is the second request being made on behalf of Organizations across the City that give back so much through tourism, scholarships, economic stimulants and more; these charges are devastating to them and possibly could put these nonprofit Organizations into a hardship or close the books on their contributions to the City and cultural activities that have been happening for decades. (To be Referred to the Committee on Appointments and Briefings) (Ref'd 10/27/16)

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the WRITTEN MOTION, Councillors Gomes, Bousquet, Abreu, Carney, Coelho, Lopes, Martins, Morad, Oliveira and Rebeiro, requesting, once again that the Administration reconsider and halt all charges that are being considered and already implemented to nonprofit Organizations across the City; and further requesting, that the Administration and Parks, Recreation and Beaches, Director Rapoza appear before the Committee on Appointments and Briefings to discuss this matter; this is the second request being made on behalf of Organizations across the City that give back so much through tourism, scholarships, economic stimulants and more; these charges are devastating to them and possibly could put these nonprofit Organizations into a hardship or close the books on their contributions to the City and cultural activities that have been happening for decades. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

October 27, 2016

WRITTEN MOTION

Requesting, once again that the Administration reconsider and halt all charges that are being considered and already implemented to nonprofit Organizations across the City; and further requesting, that the Administration and Parks, Recreation and Beaches, Director Rapoza appear before the Committee on Appointments and Briefings to discuss this matter; this is the second request being made on behalf of Organizations across the City that give back so much through tourism, scholarships, economic stimulants and more; these charges are devastating to them and possibly could put these nonprofit Organizations into a hardship or close the books on their contributions to the City and cultural activities that have been happening for decades. (To be Referred to the Committee on Appointments and Briefings.)

Brian K. Gomes, Councillor at Large

Henry G. Bousquet, Councillor Ward Three

Ian Abreu, Councillor at Large

Naomi R.A. Carney, Councillor at Large

Debra Coelho, Councillor at Large

Joseph P. Lopes, Councillor Ward Six

Steven Martins, Councillor Ward Two

Linda M. Morad, Council President

James D. Oliveira, Councillor Ward One

Dana Rebeiro, Councillor Ward Four



Item Title:

REPORT - LIGHTING FIXTURES NEW BEDFORD/FAIRHAVEN BRIDGE - NO FURTHER ACTION

Item Detail:

31. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with the Massachusetts Department of Transportation for the purposes of discussing installing lighting fixtures on the outside and inside structure of the New Bedford/Fairhaven Bridge, the purpose of this request is so that the City can illuminate the bridge in whatever color suitable on a daily basis, along with holidays and special events, this will give the bridge and the City a beautiful look for air-traffic and vehicular traffic entering and exiting the City; and further, this will also enhance the skyline look of the harbor for the fishing fleet.

31a. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with the Massachusetts Department of Transportation for the purposes of discussing installing lighting fixtures on the outside and inside structure of the New Bedford/Fairhaven Bridge, the purpose of this request is so that the City can illuminate the bridge in whatever color suitable on a daily basis, along with holidays and special events, this will give the bridge and the City a beautiful look for air-traffic and vehicular traffic entering and exiting the City; and further, this will also enhance the skyline look of the harbor for the fishing fleet. (Referred to the Committee on Appointments and Briefings – August 18, 2016.)

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> REPORT - COMMITTEE ON APPOINTMENTS AND BRIEFINGS	Cover Memo



City of New Bedford
IN COMMITTEE

August 16, 2018

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Tuesday, July 31, 2018, considered a WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with the Massachusetts Department of Transportation for the purposes of discussing installing lighting fixtures on the outside and inside structure of the New Bedford/Fairhaven Bridge, the purpose of this request is so that the City can illuminate the bridge in whatever color suitable on a daily basis, along with holidays and special events, this will give the bridge and the City a beautiful look for air-traffic and vehicular traffic entering and exiting the City; and further, this will also enhance the skyline look of the harbor for the fishing fleet. (To be Referred to the Committee on Appointments and Briefings and the Massachusetts Department of Transportation) (Ref'd 8/18/16)

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with the Massachusetts Department of Transportation for the purposes of discussing installing lighting fixtures on the outside and inside structure of the New Bedford/Fairhaven Bridge, the purpose of this request is so that the City can illuminate the bridge in whatever color suitable on a daily basis, along with holidays and special events, this will give the bridge and the City a beautiful look for air-traffic and vehicular traffic entering and exiting the City; and further, this will also enhance the skyline look of the harbor for the fishing fleet. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &
BRIEFINGS

Councillor Debora Coelho, Chairperson

DC: dmb



CITY OF NEW BEDFORD

CITY COUNCIL

August 18, 2016

WRITTEN MOTION

Requesting, that the Committee on Appointments and Briefings meet with the Massachusetts Department of Transportation for the purposes of discussing installing lighting fixtures on the outside and inside structure of the New Bedford/Fairhaven Bridge, the purpose of this request is so that the City can illuminate the bridge in whatever color suitable on a daily basis, along with holidays and special events, this will give the bridge and the City a beautiful look for air-traffic and vehicular traffic entering and exiting the City; and further, this will also enhance the skyline look of the harbor for the fishing fleet. (To be Referred to the Committee on Appointments and Briefings and the Massachusetts Department of Transportation.)

Brian K. Gomes, Councillor at Large



Item Title:

REPORT - REGULATORY PROVISIONS RELATED TO PAWNBROKERS - NO FURTHER ACTION

Item Detail:

32. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Martins, requesting, that Attorney Richard Manning, 167 William Street, who represents Empire Loan, be invited to the Committee on Appointments and Briefings, to address concerns with the regulatory provisions related to pawnbrokers recently adopted by the City Council in 2013; and further; requesting, that Empire Loan be given the opportunity to address their concerns with the Council and provide additional information which, hopefully, will result in the recommendation of some changes.

32a. WRITTEN MOTION, Councillor Martins, requesting, that Attorney Richard Manning, 167 William Street, who represents Empire Loan, be invited to the Committee on Appointments and Briefings, to address concerns with the regulatory provisions related to pawnbrokers recently adopted by the City Council in 2013; and further; requesting, that Empire Loan be given the opportunity to address their concerns with the Council and provide additional information which, hopefully, will result in the recommendation of some changes. (Referred to the Committee on Appointments and Briefings – April 14, 2016.)

Additional Information:



Item Title:

REPORT - LISTING A EVENT FEES - NO FURTHER ACTION

Item Detail:

33. REPORT, Committee on Appointments and Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillors Morad and Gomes, once again, requesting that the listing of events fees that was presented to the Council several months ago, be updated as was requested by the Council, to remove the events associated with the Administration, the Council had requested this update in an attempt to determine the true costs associated with the various non-profit groups who are utilizing City buildings, parks and streets; and further, this request now requests that the updated list be returned to the Chairperson of the Committee on Appointments and Briefings within 7 days of this motion being adopted by the Council and a COMMUNICATION, Councillor Morad, submitting a listing of the City of New Bedford’s Event Rentals and Services and a listing of fees charged to non-profit and for profit Organizations that hold a Special Event in the City of New Bedford. (To be Referred to the Committee on Appointments and Briefings.)

33a. WRITTEN MOTION, Councillors Morad and Gomes, once again, requesting that the listing of events fees that was presented to the Council several months ago, be updated as was requested by the Council, to remove the events associated with the Administration, the Council had requested this update in an attempt to determine the true costs associated with the various non-profit groups who are utilizing City buildings, parks and streets; and further, this request now requests that the updated list be returned to the Chairperson of the Committee on Appointments and Briefings within 7 days of this motion being adopted by the Council. (Referred to the Administration and the Committee on Appointments and Briefings – June 8, 2017.)

33b. COMMUNICATION, Councillor Morad, submitting a listing of the City of New Bedford’s Event Rentals and Services and a listing of fees charged to non-profit and for profit Organizations that hold a Special Event in the City of New Bedford. (Referred to the Committee on Appointments and Briefings – June 22, 2017.)

Additional Information:



Item Title:

WRITTEN MOTION - SUMMER LUNCH PROGRAM AT PARKS

Item Detail:

34. WRITTEN MOTION, Councillor Rebeiro, requesting that the Director of Parks, Recreation and Beaches, Mary Rapoza update the Committee on Public Safety and Neighborhoods on the summer lunch program in the parks and the impact it is having on the City. (To be Referred to the Committee on Public Safety and Neighborhoods.)

Additional Information:



Item Title:

WRITTEN MOTION - PLANS - SHANNON GRANT TEAM

Item Detail:

35. WRITTEN MOTION, Councillor Rebeiro, requesting that the Committee on Public Safety and Neighborhoods invite the Shannon Grant Team to update the Committee Members on their plans to connect with young people in the City to increase engagement and public safety. (To be Referred to the Committee on Public Safety and Neighborhoods.)

Additional Information:



Item Title:

WRITTEN MOTION - AQUACULTURE LICENSES

Item Detail:

36. WRITTEN MOTION, Councillor Rebeiro, requesting, that the Committee on Fisheries meet to determine how the City can begin issuing Aquaculture Licenses pursuant to M.G.L. Chapter 130, Section 57, for approved areas; and further, that Mayor Mitchell be asked to submit to the Committee on Fisheries a draft of the aquaculture licensing Ordinance proposal that his Administration has been working on for the Committee's consideration and possible adoption.

Additional Information:



Item Title:

WRITTEN MOTION - NO GRILLING RULE AT CITY PARKS

Item Detail:

37. WRITTEN MOTION, Councillors Rebeiro, Giesta, Lima and Carney, requesting, that the Committee on Public Safety and Neighborhoods review the “no grilling” rule currently enforced in all City parks; and further, that the Park Board and any organization or concerned Citizens be invited to attend said meeting. (To be Referred to the Committee on Public Safety and Neighborhoods.)

Additional Information:



Item Title:

WRITTEN MOTION - REZONING PLOT 100/LOT 108 TO INDUSTRIAL B

Item Detail:

38. WRITTEN MOTION, Councillor Giesta, requesting, on behalf of Mr. Bruno Frustazi, that Plot 100/Lot 108 (NS Davis Street), be Rezoned from Mixed-Use Business to Industrial “B”, in their entirety. (To be Referred to the Committee on Ordinances and the Planning Board.)

Additional Information:



Item Title:

WRITTEN MOTION - ORDINANCE FOR THE ISSUING OF RECREATIONAL CANNABIS

Item Detail:

39. WRITTEN MOTION, Councillors Lopes and Abreu, requesting, that the Special Committee on Licensing and Zoning for Cannabis begin drafting the Ordinance that will establish the procedures for the issuing and reissuing of Recreational Cannabis in the City of New Bedford. (To be Referred to the Special Committee on Licensing and Zoning for Cannabis.)

Additional Information:



Item Title:

WRITTEN MOTION - SIDNEY & HEMLOCK STS. - 4 WAY STOP

Item Detail:

40. WRITTEN MOTION, Councillor Lopes, requesting, that the Traffic Commission look at removing the existing Two-Way Stop Signs on the corner of Sidney Street and Hemlock Street and install a Four-Way Stop Sign at said intersection. (To be Referred to the Traffic Commission.)

Additional Information:



Item Title:

WRITTEN MOTION - CIVIL DAMAGES - WRONGFUL DISTRIBUTION OF OPIATES

Item Detail:

41. WRITTEN MOTION, Councillors Rebeiro, Dunn, Abreu, Lopes, asking, that the Committee on Public Safety and Neighborhoods request that a representative from the Mayor's Office, a representative from the City Solicitor's Office and Attorney Jonathan M. Silverstein, of KP Law, be invited to a committee meeting to discuss the possibility of the City of New Bedford joining the 100 other Cities across the Commonwealth in the lawsuit seeking civil damages from pharmaceutical companies responsible for the wrongful distribution of opiates.

Additional Information:



Item Title:

WRITTEN MOTION - HEAVY TRUCK PARKING ORDINANCE CH 23/SEC 23-23

Item Detail:

42. WRITTEN MOTION, Councillor Giesta, requesting that the Committee on Public Safety and Neighborhoods invite Police Chief Joseph Cordeiro, Executive Secretary to the Traffic Commission, Scott Downing and the Commissioner of Inspectional Services, Danny Romanowicz to a meeting to discuss the enforcement and effectiveness of the current Ordinance relative to heavy truck parking in residential zones under Chapter 23, Section 23-23 of the City Code.

Additional Information:



Item Title:

WRITTEN MOTION - ALMA DEL MAR CHARTER SCHOOL

Item Detail:

43. WRITTEN MOTION, Councillor Coelho, requesting, that Will Gardner, Executive Director, Alma Del Mar Charter School be invited to attend a Committee on Appointments and Briefings meeting to update the members on his intent to expand classroom sizes and accept more students. (To be Referred to the Committee on Appointments and Briefings.)

Additional Information:



Item Title:

WRITTEN MOTION - NO PARKING HERE TO CORNER SIGNS - TRANSIT ST./ROCKDALE AVE.

Item Detail:

44. WRITTEN MOTION, Councillor Lopes, requesting, that the Traffic Commission approve the installation of two (2) "NO PARKING HERE TO CORNER" signs at the intersection of Transit Street and Rockdale Avenue and that the signs be placed on Transit Street. (To be Referred to the Traffic Commission.)

Additional Information:



Item Title:

WRITTEN MOTION - TRANSIT STREET TRAFFIC ISSUES

Item Detail:

45. WRITTEN MOTION, Councillor Gomes, requesting, that the following action be taken on behalf of the residents of Transit Street, between Frank Street and Rockdale Avenue, asking that the Department of Public Infrastructure install curbing in front of 78 Rockdale Avenue and that the Traffic Commission install a “NO PARKING FROM HERE TO CORNER” Sign at least one car space in front of said address, south to the corner of Transit Street and Rockdale Avenue; and further, that a “NO PARKING ANYTIME” Sign be installed on Transit Street west side on Pole 698-1 to the Southwest corner of Frank Street, this will assist ABC Disposal Services and emergency vehicles in making that corner and that the New Bedford Police Department and Traffic Commission parking attendants increase their patrols in this area, and issue citations to any parking violators within this area along Transit Street and Rockdale Avenue, these requests will make this area and intersections safer for motorists and the neighborhood; and further, that the New Bedford Police Department also take immediate action in regard to any public drinking or criminal activity in this area during the day and early evening hours.

Additional Information:



Item Title:

WRITTEN MOTION - BROKEN DRAIN PIPE - 43 SHERMAN ST.

Item Detail:

46. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments in Briefings meet with Eversource officials, Riley Construction and the Commissioner of the Department of Public Infrastructure, Jamie Ponte, along with the resident of 43 Sherman Street, for the purpose of discussing an ongoing problem that was created by the Riley Construction crew at said location, said company broke a drain pipe and has refused to acknowledge this structural break that has left the resident of 43 Sherman Street with a flooded basement, damage and a continuous back up of a drainage pipe; and further, Riley Construction and Eversource have refused to acknowledge the problem, which up until this construction dig, had no problems at this home until this work was done.

Additional Information:



Item Title:

WRITTEN MOTION - SRTA - FT. TABER BUS ROUTE

Item Detail:

47. WRITTEN MOTION, Councillor Gomes, requesting, once more that a letter be sent to SRTA Bus Company relative to the implementation of the City Council proposed extended bus route to Fort Taber, the extended route is as follows; left on South Rodney French Boulevard from Brock Avenue, proceeding east to the entrance of Fort Taber; and further requesting, the installation of a Bus Stop sign at the entrance on the southwest corner of South Rodney French Boulevard and East Rodney French Boulevard, the bus then will proceed to make a U-turn heading west on South Rodney French Boulevard back to Brock Avenue, the bus company and the City have conducted a study and a trial has been done by SRTA, Traffic Commission Executive Secretary, Scott Downing and Department of Public Infrastructure Deputy Commissioner Manny Silva, which concluded that this could be done; and further, SRTA has refused to acknowledge this Council's request and that is the reason this is on the City Council Agenda once more asking SRTA to implement the request.

Additional Information:



Item Title:

WRITTEN MOTION - INCREASED CRIMINAL ACTIVITY IN THE CITY

Item Detail:

48. WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and the Police Chief increase patrols and surveillance in the area of Cedar, Chancery and Parker Streets, including the outside perimeter of said area; due to the increasing criminal activity, 12 episodes of shots fired at victims and more importantly to bring some relief to the residents of this area that have been plagued by this violence since the beginning of the year; and further, that a clear message be sent to the criminals, that it will not be tolerated in the City, we will do everything possible to resolve what has been happening; furthermore that the Police Department consider doing a clean sweep of this area and any other area of the City that is being plagued by this violence and criminal activity affecting the quality of life in these neighborhoods and that the City use any resource needed including outside agencies, State Police, ATF, FBI available to the City.

Additional Information:



Item Title:

WRITTEN MOTION - EMERGENY PERSONNEL - LIP SYNC CHALLENGE

Item Detail:

49. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Public Safety and Neighborhoods Chairman and the Committee on Public Safety and Neighborhoods challenge the Police Department to participate in the National Lip-Sync challenge that has swept America; including our Fire Department, EMS and Emergency Management and more importantly the youth and adults of the community; and further that the Public Safety & Neighborhoods Chair along with any member of the Committee and the Public Relations Officer for the New Bedford Police Department, Lt. Nathaniel Rodriguez, work together to see this becomes a reality and puts the City and New Bedford's Police Department and the Emergency Personnel in our community in the national spotlight and also the opportunity to show case our community as one; and further, that Cable Access assist in the filming and editing if the City takes the opportunity.

Additional Information:



Item Title:

LEE TRANSPORTATION CORP. - LIVERY LICENSE RENEWAL

Item Detail:

50. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Henry N. Lee, 25 Sycamore Street, New Bedford, MA 02740 d/b/a LEE TRANSPORTATION CORP., 271 County 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 expired June 8, 2018.)**

Additional Information:

ATTACHMENTS:

Description	Type
 LIVERY LICENSE	Cover Memo



DATE: IN CITY COUNCIL, **August 16, 2018**
TO: HONORABLE MEMBERS OF THE NEW BEDFORD CITY COUNCIL
FROM: CITY CLERK/CLERK OF CITY COUNCIL
SUBJECT: LIVERY LICENSE APPLICATION – **RENEWAL**

The undersigned, on behalf of the Applicant, hereby submits a copy of the Application requesting a Private Livery License, under the provisions of MGL, Chapter 159A, Section 1 and amendments thereto, and MGL, 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.

NAME	HENRY N. LEE
BUSINESS NAME	LEE TRANSPORTATION CORP.
ADDRESS	25 SYCAMORE STREET
BUSINESS ADDRESS	271 COUNTY STREET
CITY/STATE/ZIP CODE	NEW BEDFORD, MA 02740
BUSINESS CITY/STATE/ZIP	NEW BEDFORD, MA 02740

Please note that the City Clerk's Office has the Original Application on File, as well as additional paperwork necessary to receive the Private Livery License (CORI, DOR TAX, Smoke-Free Info, etc.).
Thank you, in advance, for your attention to this matter.

Sincerely,

Dennis W. Farias,
City Clerk/Clerk of the City Council

DWF:smh



Item Title:

COMMUNICATION - PARTIAL DEMOLITION - 73-91 COVE STREET

Item Detail:

51. COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW – PARTIAL DEMOLITION: 73-91 COVE STREET (Map 21, Lot 53) Loading Dock and Building Addition, a part of the conversion to a self-storage facility the property owner is proposing the demolition of two metal structures on the site, a loading dock structure attached to the east building and a one story metal addition at the rear of the east building; no other demolition work has been proposed at this time or reviewed by the Preservation Planner; the property is part of the 1893 Hathaway Mill Complex and the proposed demolitions do not adversely affect original mill buildings, and later additions are of no notable historic significance either recorded or found with the existing conditions of the structures; and therefore, **in light of these findings, the Preservation Planner has determined that the structures proposed for demolition are neither Historically Significant nor Preferably Preserved structures, this determination is applicable to demolition of the loading dock and rear one story addition.**

Additional Information:

ATTACHMENTS:

Description	Type
DEMOLITION REVIEW	Cover Memo



City of New Bedford

HISTORICAL COMMISSION

133 William Street, New Bedford, Massachusetts 02740
Telephone: (508) 979.1488 Facsimile: (508) 979.1576

JONATHAN F. MITCHELL
MAYOR

MEMORANDUM

TO: New Bedford City Council

FROM: Anne Louro, Preservation Planner, Secretary to the Historical Commission

DATE: July 20, 2018

RE: BUILDING DEMOLITION REVIEW: PARTIAL DEMOLITION
73-91 Cove Street (Map 21, Lot 53)
Loading Dock and Building Addition

CITY CLERKS OFFICE
NEW BEDFORD, MA
2018 JUL 20 A 11:56
CITY CLERK

In accordance with the requirements of the New Bedford City Code, Article XI, Section 2-157 Demolition of Buildings, the Preservation Planner, designated to act on behalf of the New Bedford Historical Commission, has examined the structure located at the above-captioned site in order to determine its historical significance and whether it is in the public interest to preserve such structure.

Having reviewed the application for the *partial* demolition the Preservation Planner offers the following findings and recommendation in this matter to the New Bedford City Council:

- As part of the conversion to a self-storage facility the property owner is proposing the demolition of two metal structures on the site: a loading dock structure attached to the east building and a one story metal addition at the rear of the east building.
- No other demolition work has been proposed at this time or reviewed by the Preservation Planner.
- The property is part of the 1893 Hathaway Mill complex (NBE.1085).
- The proposed demolitions do not adversely affect original mill buildings, are later additions, and are of no notable historic significance either recorded or found with the existing conditions of the structures.

In light of these findings, the Preservation Planner has determined that the structures proposed for demolition are neither Historically Significant nor Preferably Preserved structures. This determination is applicable to demolition of the loading dock and rear one story addition.

cc: Green River Development, Applicant
DLWFT, 91 Cove LLC, Owner
Department of Inspectional Services
Mayor's Office
Councilor Joseph Lopes
New Bedford Historical Commission



Item Title:

COMMUNICATION - ELECTION WARRANT - PRIMARY - SEPTEMBER 4, 2018

Item Detail:

52. COMMUNICATION, Manuel DeBrito, Board of Election Commissioners, to City Council, submitting the Election Warrant for the Tuesday, September 4, 2018, State Primary, the warrant needs to be signed by the majority of the City Council and must be posted on the 7th day prior to the Election date as mandated by M.G.L. c43, §44A, a copy of this warrant will be posted at each polling location.

Additional Information:

ATTACHMENTS:

Description	Type
ELECTION WARRANT	Cover Memo



City of New Bedford

BOARD OF ELECTION COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS WILLIAM FRANCIS GALVIN SECRETARY OF THE COMMONWEALTH

SS.

WARRANT STATE PRIMARY

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city who are qualified to vote in the State Election to vote at

Ward

Precinct

On **TUESDAY, THE FOURTH DAY OF SEPTEMBER, 2018**, from **7:00 A.M. to 8:00 P.M.** for the following purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

SENATOR IN CONGRESS.....	FOR THIS COMMONWEALTH
GOVERNOR.....	FOR THE COMMONWEALTH
LIEUTENANT GOVERNOR.....	FOR THIS COMMONWEALTH
ATTORNEY GENERAL.....	FOR THIS COMMONWEALTH
SECRETARY OF STATE.....	FOR THIS COMMONWEALTH
TREASURER AND RECEIVER GENERAL.....	FOR THIS COMMONWEALTH
AUDITOR.....	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS.....	9 th District
COUNCILLOR.....	1 st District
SENATOR IN GENERAL COURT.....	2 nd Bristol & Plymouth District
REPRESENTATIVE IN GENERAL COURT.....	8 th , 9 th , 10 th , 11 th & 13 th District
DISTRICT ATTORNEY.....	Bristol County
CLERK OF COURTS.....	Bristol County
REGISTER OF DEEDS.....	Bristol District
COUNTY COMMISSIONERS.....	Bristol County

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this **4th** day of **SEPTEMBER, 2018**.

City Council of: **New Bedford**

, 2018

Authorized person



City of New Bedford

BOARD OF ELECTION COMMISSIONERS

*** POLLING PLACES ***

2018

CITY CLERK

2018 JUL 18 A 10:56

CITY CLERKS OFFICE
NEW BEDFORD, MA

1A	Normandin Middle School	Orleans St. entrance
1B *	Campbell School	Phillips Rd. & Morton Ave.
1C *	Campbell School	Phillips Rd. & Morton Ave.
1D	Bedford Care Gardens & Rehab Center	4586 Acushnet Ave.
1E	Dottin Place	8 Amanda Ave. (Administration Bldg.)
1F	Christian Fellowship Center	822 Church St. (lower level)
2A	Taber Mill Community Center	217 Deane St. (Coffin Ave. Entrance)
2B *	Senhor da Pedra Club	81 Tinkham St.
2C *	Senhor da Pedra Club	81 Tinkham St.
2D *	Wilks Branch Library	1911 Acushnet Avenue
2E *	Wilks Branch Library	1911 Acushnet Avenue
2F	Lincoln School	Ashley Blvd. (Query St. Entrance)
3A	Hayden/McFadden School	County St. entrance (Door K)
3B	Hillside Court	525 Coggeshall St.
3C *	Taber Mill Community Center (2A)	217 Deane St. (Coffin Ave. entrance)
3D *	Holy Name of the Sacred Heart of Jesus	Mt. Vernon St.
3E *	Holy Name of the Sacred Heart of Jesus	Mt. Vernon St.
3F	First Church of the Nazarene	764 Hathaway Rd.
4A	Boa Vista	134 S. Second St.
4B	Carney Academy	247 Elm St.
4C	New Bedford Hotel Apts.	725 Pleasant St.
4D	Parker Street School	705 County St.
4E	Caroline St. Community Center	26 Caroline St.
4F	Boys and Girls Club	166 Jenney St.
5A *	Kennedy Youth Center	377 County St. (entrance on Orchard St.)
5B *	Kennedy Youth Center	377 County St. (entrance on Orchard St.)
5C *	Moose Home (6F)	Enter on Dartmouth or Hemlock St.
5D	Hathaway School Gym	256 Court St.
5E *	Buttonwood Warming House	Buttonwood Park (near pond)
5F *	Buttonwood Warming House	Buttonwood Park (near pond)
6A *	Hazelwood Community Center	553 Brock Ave.
6B *	Hazelwood Community Center	553 Brock Ave.
6C	Tripp Towers	12 Ruth St.
6D	Howland Green Library	3 Rodney French Blvd.
6E	Ashley Park Community Center	543 Rivet St.
6F *	Moose Home (5C)	Enter on Dartmouth or Hemlock St.

* Represents double precincts

Bathrooms NOT handicap accessible

City Hall • 133 William Street • New Bedford, MA 02740

Tel: (508) 979-1420 • Fax: (508) 979-1422 • TTY: (508) 979-1661 • Manuel.Debrito@newbedford-ma.gov



Item Title:

COMMUNICATION - CPA FY2019 COMMUNITY PRESERVATION FUND

Item Detail:

53. COMMUNICATION, Community Preservation Committee, to City Council, submitting the CPA annual budget for Fiscal Year 2019 to appropriate and reserve from the Community Preservation Fund, annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses and community preservation projects in Fiscal Year 2019.

Additional Information:

ATTACHMENTS:

Description	Type
□ COMMUNICATION-Communication Preservation Committee - CPA Annual Budget FY2019	Cover Memo



City of New Bedford
COMMUNITY PRESERVATION COMMITTEE

JONATHAN F. MITCHELL
MAYOR

July 25, 2018

City Council President Linda Morad, and
Honorable Members of the City Council
133 William Street
New Bedford, MA 02740

Dear Council President Linda Morad and Honorable Members of the City Council:

I respectfully submit for your consideration the CPA annual budget for fiscal year 2019 to appropriate and reserve from the **Community Preservation Fund** annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses and community preservation projects in fiscal year 2019.

Sincerely,

Janine da Silva
Janine da Silva
Chair

Attachment: CPA FY2019 Annual Budget



City of New Bedford
COMMUNITY PRESERVATION COMMITTEE

JONATHAN F. MITCHELL
MAYOR

CPA FY2019 ANNUAL BUDGET

The Community Preservation Committee (CPC) voted at its July 24, 2018 meeting to recommend to the New Bedford City Council, the following Community Preservation Act Fiscal Year 2019 Budget. The FY19 budget is based on estimated local annual revenues of \$1,022,000, and estimated State of Massachusetts match of \$106,000. The CPC is requesting the Council for their vote to appropriate and reserve from the Community Preservation Fund annual revenues for CPC administrative expenses and community preservation projects in fiscal year 2019, with each item to be considered separately:

APPROPRIATIONS

From FY 2019 estimated revenues for Committee Administrative Expenses **\$ 56,400**

RESERVES

From FY 2019 estimated revenues for Historic Resources Reserve **\$ 112,800**

From FY 2019 estimated revenues for Community Housing Reserve **\$ 112,800**

From FY 2019 estimated revenues for Open Space Reserve **\$ 112,800**

From FY 2019 estimated revenues for Budgeted Reserve **\$ 733,200**

COMMUNITY PRESERVATION ACT FUND		FY19 BUDGET
Estimated New Revenue		
Surcharge Revenue		1,022,000
State Match of Previous Year's Local Revenue		106,000
TOTAL REVENUE		1,128,000
New Appropriations		
PROGRAM ADMINISTRATION (5% of estimated revenue)		56,400
New Reserves		
Open Space & Recreation Reserve (10% of estimated revenue)		112,800
Historic Resources Reserve (10% of estimated revenue)		112,800
Community Housing Reserve (10% of estimated revenue)		112,800
Budgeted Reserve (65% of estimated reserve)		733,200
TOTAL APPROPRIATIONS & RESERVES		1,128,000



Item Title:

COMMUNICATION - SOCO GREEN LLC MARIJUANA RETAILER LICENSE

Item Detail:

54. COMMUNICATION, Councillor Lopes, submitting a copy of a letter from SoCo Green LLC, requesting consideration for a Community Host Agreement with the City of New Bedford for a Marijuana Retailer License.

Additional Information:

ATTACHMENTS:

Description	Type
□ COMMUNICATION - SOCO GREEN LLC MARIJUANA RETAILER LICENSE	Cover Memo



Copy All Councilors 8-3-18

SoCo Green LLC

171 Coggeshall St, Floor 2

New Bedford, MA 02746

774-263-1664

socogreen@comcast.net

August 3, 2018

Mayor of New Bedford, Jon Mitchell
133 William St
New Bedford, MA 02740

CC: City of New Bedford, Solicitor's Office

CC: City of New Bedford, City Councilor Joe Lopes

CITY CLERKS OFFICE
NEW BEDFORD, MA
2018 AUG - 3 P 2:31
CITY CLERK

Dear Mayor Mitchell,

This letter is for the purpose of requesting consideration for a Community Host Agreement with the City of New Bedford for a Marijuana Retailer License. SoCo Green LLC will be a 100% self-funded, veteran owned business with no outside investors or outside involvement.

We are excited to hopefully be part of this new endeavor and the economic growth potential for the City of New Bedford. My family and I have been active retail business owners in New Bedford for over 25 years. Our retail businesses are currently 100% staffed by New Bedford residents. SoCo Green LLC will maintain this commitment to hire from within the city.

SoCo Green LLC has established a business plan including researching Marijuana employee training seminars that would be requirements for future employees. I understand and respect the necessity of responsible retailing from previous and current retail business experiences. SoCo Green LLC is in talks with several New Bedford property owners for purchase or leasing opportunities pending the outcome of the Cannabis Control Zoning and Retail License restrictions. SoCo Green LLC is ready to discuss any concerns regarding community impact, security, and potential retail regulation amendments in the future.

I see the potential the City of New Bedford has and I am committing to continue this growth. The economic opportunity that lies within the Community Host Agreement and corresponding Retail Licenses yields new tax revenues for New Bedford and job opportunities. Perhaps most importantly, this endeavor presents the chance for New Bedford to be the leading example of how Community Host Agreements can work and prosper within the State. SoCo Green LLC is eager to be a part of this groundbreaking and I personally look forward to working with the City of New Bedford in shaping this future. Please give SoCo Green LLC your full consideration for a Community Host Agreement as we are excited to work and grow with the City of New Bedford.

Sincerely,

A handwritten signature in black ink, appearing to read "Antoine J. Khalife".

Antoine J. Khalife
President SoCo Green LLC
AJK/mek



Item Title:

COMMUNICATION - MASSWORKS INFRASTRUCTURE PROGRAM

Item Detail:

55. COMMUNICATION, Council President Morad, submitting a copy of a letter sent to Jay Ash, Secretary, Executive Office of Housing and Economic Development, in support of the City of New Bedford's application to the Mass Works Infrastructure Program, to move forward the second phase of the City's Union Street Improvement Project.

Additional Information:

ATTACHMENTS:

Description	Type
 COMMUNICATION- MASSWORKS INFRASTRUCTURE PROGRAM	Cover Memo



City of New Bedford

Office of City Council

133 William Street • New Bedford, Massachusetts 02740
(508) 979-1455 • Fax: (508) 979-1451

Linda M. Morad
Councillor at Large

August 2, 2018

Executive Office of Housing & Economic Development
Secretary Jay Ash
One Ashburton Place
Boston, MA 02108

Dear Secretary Ash:

On behalf of the business owners and residents of New Bedford, I write this letter in support of the City of New Bedford's application to the MassWorks Infrastructure Program. If awarded by your office, the funding would move forward the second phase of the City's Union Street Improvement Project. These monies would further enhance the improvements already taking place as a result of the City's investment and a 2016 MassWorks funding award.

The Union Street Improvement Project is creating a modern roadway that is inviting for vehicular, bicycle and pedestrian traffic. Additionally, this project is providing essential upgrades to an aging infrastructure in this section of the City. These improvements will certainly support a number of planned development projects, both commercial and residential, that will improve the quality of life for the residents of our City. As a member of the New Bedford City Council I respectfully request your favorable consideration of the City's funding request being submitted for the second phase of Union Street Improvement Project.

Thank you for your attention to this correspondence. Should you have questions or require further information from me regarding this issue please contact me directly.

Sincerely,

Linda M. Morad
New Bedford City Council President



Item Title:

COMMUNICATION - WHISK & JANE LLC HOST AGREEMENT CANNABIS

Item Detail:

56. COMMUNICATION, Councillor Gomes, submitting information from Ericca and Justin Kennedy d/b/a Whisk & JANE LLC, regarding their startup recreational cannabis business and a possible Community Host Agreement with the City of New Bedford. (Copy all Councillors 07/27/2018.)

56a. COMMUNICATION, Councillor Gomes, submitting a draft entitled “Guidance on Host Community Agreements” and “Local Equity”, from the Massachusetts Cannabis Control Commission. (Copy all Councillors 08/08/2018)

Additional Information:

ATTACHMENTS:

Description	Type
COMMUNICATION-WHISK & JANE LLC - Community Host Agreement	Cover Memo
COMMUNITY HOST AGREEMENT/LOCAL EQUITY	Cover Memo



City of New Bedford

Office of City Council

133 William Street • New Bedford, Massachusetts 02740

TEL: 508-979-1455 • FAX: 508-979-1451

Brian K. Gomes

Councillor at Large

City Council President

1998, 2011 & 2015

July 26, 2018

Linda M. Morad, City Council President
Honorable Members of the City Council
City Council Office – Room 215
City Hall – 133 William Street
New Bedford, MA 02740

Dear Council President Morad and Honorable Members of the City Council:

Enclosed, please find a copy of the informational package from Ericca and Justin Kennedy d/b/a Whisk & JANE LLC, relative to their startup recreational cannabis business and a possible Community Host Agreement with the City of New Bedford. I have submitted this for the City Council Agenda of August 16, 2018, with a referral to the Special Committee on the Licensing and Zoning for Cannabis.

If you have any questions regarding Whisk & JANE LLC, please feel free to contact me at any time.

Sincerely,

Brian K. Gomes,
Councillor at Large

BKG: rrr

Enclosure

cc: File

BECAUSE NEW BEDFORD IS TOO IMPORTANT TO QUIT!

WHISK & JANE LLC

July 30, 2018

Attention: City of New Bedford, MA Mayor Jon Mitchell
133 William St.
New Bedford, MA 02740

CC: City of New Bedford, MA Solicitor's Office
133 William St., Rm. 203
New Bedford, MA 02740

CC: City of New Bedford, MA City Councilor Brian Gomes
133 William St.
New Bedford, MA 02740

CITY CLERKS OFFICE
NEW BEDFORD, MA
2018 JUL 23 P 2:07
CITY CLERK

Dear Mayor Mitchell,

Allow us to introduce ourselves, we are Whisk & JANE LLC. Whisk & JANE LLC is Black owned and ready to grow our startup recreational cannabis business in the budding Massachusetts industry. Whisk & JANE LLC will bring elevated edibles, a membership only lounge featuring elite dank dining experiences, artisan cannabis products, mass scale cultivation and manufacturing and third party delivery services to the Commonwealth of Massachusetts. Through employment, community donation, as well as the establishment of The Ripple Effect Project and The Urban Cannabis Grow-Op Association (UCGA) (The Ripple Effect Project and the UCGA were formed in partnership with fellow Economic Empowerment Licensee Marla Rose of The Cannabis Connoisseur Association aka CCA) we look forward to economically empowering and positively impacting those disproportionately harmed by the war on marijuana; particularly minorities, women, or those with non-felony related marijuana convictions in addition to veterans and those with disabilities from our community. Whisk & JANE LLC is committed to working with the City of New Bedford, MA for the betterment of our community through cannabis.

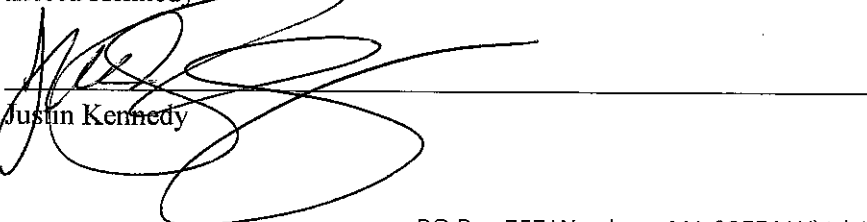
Whisk & JANE LLC has been actively working within the community of New Bedford as well as the surrounding communities to help bring awareness to the positive ripple effect cannabis can have on our community. Whisk & JANE LLC has held several discussions with members of various communities in an effort to join us together and to listen and learn from our community about how they would like to see cannabis available to legal residents from our community as well as surrounding communities. We are committed to employing a minimum of 50% of our team directly from the city of New Bedford, MA. Additionally, a percentage of all Whisk & JANE LLC profits will be directly donated to the city of New Bedford, MA.

As active Economic Empowerment License holders with the states Cannabis Control Commission we ask that you take into consideration Whisk & JANE LLC for a Community Host Agreement with the City of New Bedford, MA. Additionally, we ask that you consider the attached language of the Summary of Equity Provisions Under St. 2017, c.55, *An Act To Ensure Safe Access To Marijuana* where the Law states "The Cannabis Control Commission (Commission) is required to ensure that people from communities that have been disproportionately harmed by marijuana law enforcement are included in the new legal marijuana industry...." New Bedford, MA is 1 of the 29 disproportionately impacted areas designated by the Commission. The law further goes on to read, "Requires the Commission to prioritize review and licensing decisions.... business practices that promote-economic empowerment in communities disproportionately impacted....". Moreover, we request that under the consideration of our Economic Empowerment Certification you consider our request to secure a host agreement immediately; allowing us to begin operations immediately upon the dissolution of the moratorium set to expire on September 30, 2018 (prior to an investor). The ability to secure our community host agreement prior to an investor would allow Whisk & JANE LLC the ability to ensure we commit to a responsible investment opportunity that will allow us to bring a lasting premier cannabis operation to the community of New Bedford, MA.

Thank you for your consideration.

Sincerely yours,


Erica Kennedy


Justin Kennedy

Summary of Equity Provisions

Under St. 2017, c.55, *An Act To Ensure Safe Access To Marijuana*, the Cannabis Control Commission (Commission) is required to ensure that people from communities that have been disproportionately harmed by marijuana law enforcement are included in the new legal marijuana industry. This handout summarizes Economic Empowerment Priority Review and the Social Equity Program as well as additional regulations regarding equity. The Commission filed its final regulations with the Secretary of State on March 9.

These programs were developed in response to evidence which demonstrates that certain populations, particularly Blacks and Latinos, have been disproportionately impacted by high rates of arrest and incarceration for marijuana and other drug crimes as a result of state and federal drug policy. Criminalization has had long-term ill effects, not only on the individuals arrested and incarcerated, but on their families and communities.

Economic Empowerment Priority Review for Applicants

St. 2017, c.55, *An Act To Ensure Safe Access To Marijuana*, requires the Commission to prioritize review and licensing decisions for applicants seeking retail, manufacturing, or cultivation licenses who are able to demonstrate experience in – or business practices that promote – economic empowerment in communities disproportionately impacted by high rates of arrest and incarceration for offenses under state and federal laws, including the Controlled Substances Act. As will be described in further detail below, the Commission has designated areas of disproportionate impact.

Definition:

Priority Review will be granted to Economic Empowerment Applicants who demonstrate three of the following criteria:

- Majority of ownership belongs to people who have lived in *areas of disproportionate impact* for 5 of the last 10 years;
- Majority of ownership has held one or more previous positions where the primary population served were disproportionately impacted, or where primary responsibilities included economic education, resource provision or empowerment to disproportionately impacted individuals or communities;
- At least 51% of current employees/sub-contractors reside in *areas of disproportionate impact* and will increase to 75% by first day of business;
- At least 51% of employees or sub-contractors have drug-related CORL, but are otherwise legally employable in a cannabis-related enterprise;
- A majority of the ownership is made up of individuals from Black, African American, Hispanic or Latino descent;
- Owners can demonstrate significant past experience in or business practices that promote economic empowerment in areas of disproportionate impact.

To ensure an equitable distribution of economic empowerment and registered marijuana dispensary licenses, both of which receive priority review, the Commission will consider on an alternating basis (1) economic empowerment applications and (2) registered marijuana dispensaries that are applying for an adult-use license.

After receiving priority review, priority applicants are subject to the same requirements as general applicants.

Social Equity Program for Applicants

Requirement:

State law requires the Commission to adopt procedures and policies to promote and encourage full participation in the marijuana industry by people from communities that have been disproportionately harmed by marijuana prohibition and enforcement and to positively impact those communities.

The Social Equity Program has several goals to decrease the disparities in life outcomes for these individuals and improve the quality of life in areas of disproportionate impact: reduce barriers to entry in the commercial marijuana industry; provide professional and technical services and mentoring for businesses facing systemic barriers; and promote sustainable, socially and economically reparative practices in the commercial marijuana industry in Massachusetts.

Eligibility:

Applicants or licensees are eligible for the social equity program if they demonstrate at least one of the following criteria:

- They have resided in an *area of disproportionate impact* for at least 5 of the past 10 years;
- They have a past drug conviction and they have been residents of Massachusetts for at least the preceding 12 months; or
- They have been married to or are the child of a person with a drug conviction and they have been residents of Massachusetts for at least the preceding 12 months.

Benefits:

Qualifying applicants and licensees can receive training and technical assistance in the following areas:

- Management, recruitment and employee trainings;
- Accounting and sales forecasting;
- Tax prediction and compliance;
- Legal compliance;
- Business plan creation and operational development;
- Marijuana industry best practices; and

- Assistance with identifying or raising funds or capital.

Outreach:

The Commission has allocated significant funds to ensure people from underrepresented communities have opportunities to learn about Economic Empowerment Priority Review and the Social Equity Program. The Commission will partner with organizations throughout the Commonwealth to create programs for outreach, technical assistance, workforce development and skills-based training programs. Equitable employment and ownership opportunities for minorities, women, veterans, and low-income individuals also will be established. Educational materials will be disseminated in multiple languages online through the Commission's website and through in-person trainings.

Areas of Disproportionate Impact

Based primarily on arrest rates, the Commission has designated 29 cities as *areas of disproportionate impact*. Cities with a population of more than 100,000 people, such as Springfield and Worcester, will be subdivided to reflect that only certain neighborhoods qualify as *areas of disproportionate impact*.

The 29 areas are Abington; Amherst; Boston (certain neighborhoods to be designated by the Commission); Braintree; Brockton; Chelsea; Fall River; Fitchburg; Greenfield; Haverhill; Holyoke; Lowell (certain neighborhoods to be designated by the Commission); Lynn; Mansfield; Monson; New Bedford; North Adams; Pittsfield; Quincy; Randolph; Revere; Southbridge; Spencer; Springfield (certain neighborhoods to be designated by the Commission); Taunton; Walpole; Wareham; West Springfield; and Worcester (certain neighborhoods to be designated by the Commission).

The Commission will establish a process for revisiting the defined areas of disproportionate impact on an ongoing basis.

In order to qualify for Priority Review as Economic Empowerment Applicants and the Social Equity Program based on residence in an area of disproportionate impact, a person's income may not exceed 400% of federal poverty level.

Inclusion of Under-Represented Groups

As part of the Commission's ongoing commitment to promote and encourage broad participation in the regulated cannabis industry, applicants are required to submit, in support of the general suitability requirements certain plans:

- a diversity plan to promote racial and gender equity and include veterans and people with disabilities; and
- a plan for how the business will positively impact communities disproportionately impacted by high rates of arrest and incarceration for drug offenses.

Citizen Review Committee

The Commission approved the appointment of a nine-member review committee in January 2018, which is comprised of people from impacted communities. The committee will make recommendations regarding the equity program and the tax revenue targeted toward community reinvestment under state law.

- ACLU. "The War on Marijuana in Black and White." June 2013. <<https://www.aclu.org/report/report-war-on-marijuana-black-white>>
- Beketa, K., Nynop, K. and Priest, L. "Race, Drugs, and Policing: Understanding Disparities in Drug Delivery Arrests." *Criminology*, 44, 105-137. doi:10.1111/j.1745-9125.2006.00044.x February 1, 2006 <<http://onlinelibrary.wiley.com/doi/10.1111/j.1745-9125.2006.00044.x.full>>
- Mitchell, Ojaneath and Michael S. Casdy. "Examining Racial Disparities in Drug Arrests." *Justice Quarterly* Vol. 32, Iss. 2, 2015. <<http://www.tandfonline.com/doi/abs/10.1080/07441825.2012.761721>>
- PewRes. Davis-Marie. "Race and Inequality in the War on Drugs." *Annual Review of Law and Social Science*, 2011 7:1, 41-60. <<http://www.annualreviews.org/doi/10.1146/annurev-lawso-1102510-105445>>
- "Punishment and Prejudice: Racial Disparities in the War on Drugs." *Human Rights Watch*, 2009 <<https://www.hrw.org/legacy-reports/2009/usa/RacialDisparities>>_R086>
- Rothwell, Jonathan. "How the War on Drugs Damages Black Social Mobility." *Brookings*, September 10, 2014 <<https://www.brookings.edu/blog/social-mobility-memos/2014/09/30/how-the-war-on-drugs-damages-black-social-mobility/>>

MCCC

EE License Held By Ericca Kennedy



Massachusetts Cannabis Industry Portal
(MassCIP)

EK

Cannabis Control
Commission

My
> Licenses > Empowerment
Priority

This page provides details about your application(s) for
Economic Empowerment Priority certification. You may
use this page to:

- Start a brand new application
- View the status of your applications
- Return to an application that is in progress and not yet submitted
- Withdraw an application that is in progress, but has not been submitted

If you would like to begin or continue working on applications for a different type of license, certification or registration you may do so by navigating to this page.

License # EE202017 | (Active)

Your license (# EE202017) was issued on 5/22/18.
The certification will remain active until the
expiration date of 5/22/19.

MCCC

EE License Held By Ericca & Justin Kennedy



Massachusetts Cannabis Industry Portal
(MassCIP)

EK

Cannabis Control
Commission

My
> Licenses > Empowerment
Priority

This page provides details about your application(s) for
Economic Empowerment Priority certification. You may
use this page to:

- Start a brand new application
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- Withdraw an application that is in progress, but has not been submitted

If you would like to begin or continue working on applications for a different type of license, certification or registration you may do so by navigating to this page.

License # EE202359 | (Active)

Your license (# EE202359) was issued on 5/22/18.
The certification will remain active until the
expiration date of 5/22/19.

Ericca & Justin Kennedy

Where comfort meets
cannabis....

WhiskAndJANE@gmail.com



Our Mission Statement:

- To positively impact the community of New Bedford by (but not limited to) the employment of minorities, women, veteran and those with disability or who have been disproportionately effected by the war on cannabis.
- To commit to donating a percentage of each businesses profits directly to the City of New Bedford, MA for the betterment of our community.
- To economically empower other disproportionately harmed entrepreneurs in partnership with the CCA through the establishment of "The Ripple Effect Project" as well as the Urban Cannabis Grow-Op Association (UCGA) and the Urban Cannabis Collective (UCC).

The Team

Hi! We are, Ericca & Justin Kennedy and we have been partners in everything (most importantly life) for 10 years. Together we've spent the majority of that time living within the community of New Bedford, raising our two wildly amazing children and enjoying being submerged in the melting pot of cultures and cuisines that our richly historical city has to offer. From the Cape Verdean parade to trips down the cobblestones on Sunday mornings to grab breakfast together, we have built the foundation for our family on the familiar and ever changing and vibrant fabric that is the Whaling City. Together we plan to add another chapter to our communities story by helping to pioneer the legal cannabis industry in New Bedford.



Justin & Ericca Kennedy

Milestones

July 9, 2018

Letter to Shekia Scott Director of Community Outreach for the Massachusetts Cannabis Control Commission introducing the UCGA

July 11,

Attended/Spoke City of New Bedford Zoning Board Meeting

July 15, 2018

First meeting of the UCGA (Urban Cannabis Grow-OP Association) co-founded by Whisk & JANE; we are a community collective centered around coming together to positively influence what the cannabis industry can mean for those seeking economic empowerment.

May 22, 2018

Approved for TWO Economic Empowerment Licenses with the Massachusetts Cannabis Control Commission

July 17, 2018

Application filed for LLC

July 23, 2018

Letter of Intent to open Cannabis Businesses in New Bedford & to seek a Community Host Agreement with New Bedford, MA submitted to Mayor Mitchell as well as the City Solicitor & City Councilman Brian Gomes

Oct. 1, 2018

Begin Renovations on Multi-Purpose Whisk & JANE facility

June 21, 2018

Hosted a Community Chat at Izzy's Restaurant in New Bedford, MA to declare our intentions to bring recreational cannabis to our community

Sept. 1, 2018

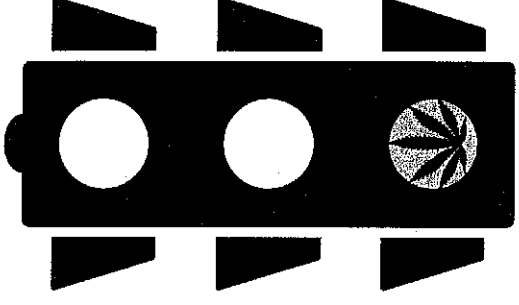
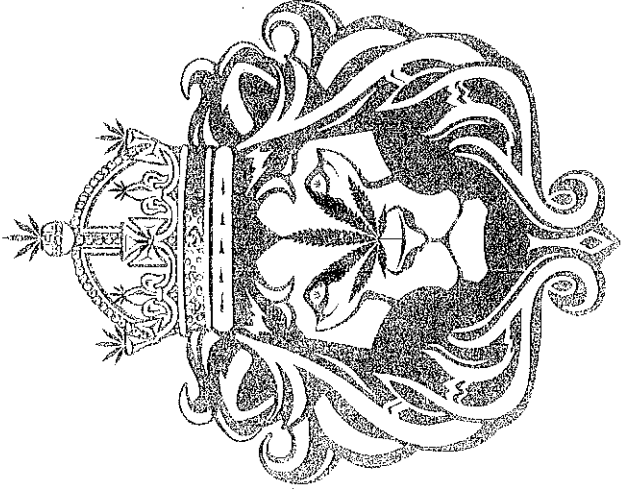
We will secure our lease & green agreement

Sept. 30, 2018

We will seek to secure our Host Agreement with the City of New Bedford, MA

Jan Feb Mar Apr May Jun Jul Aug Sept Oct Nov Dec

Golden
APRON



The Possibilities:

Two Green Aprons (Members Only Lounge & Cafe)

Green Table (Vegan Desserts)

Green Lion Craft Cannabis

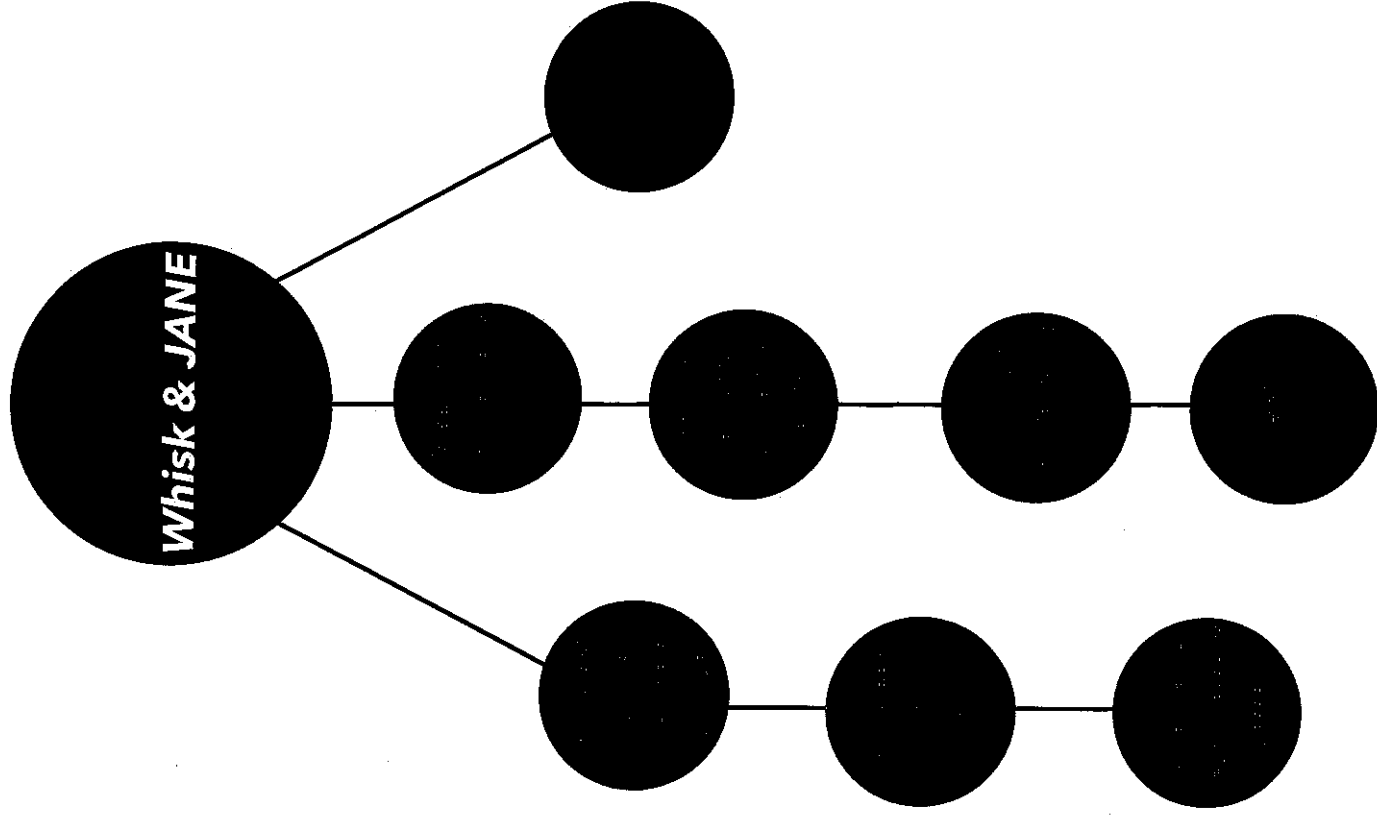
Green Leave Delivery Service

Retail Locations & Premier Cannabis Products Manufacturing

How It Works

- Whisk & JANE LLC is the umbrella company which controls 40% equity share in all DBA's
- Whisk & JANE LLC will begin startup operations at a multipurpose facility containing 4 initial businesses
 - Two Green Aprons Membership Only Lounge/with The Green Table
 - Green Lion Craft Cannabis Cultivation (artisan cultivation and product manufacturing facility)
 - Green Leave Third Party Delivery Service
 - TBN Retail Store
- * Additionally, we will seek to open a second mass cultivation and manufacturing facility within the city
- Accredited Private Investor(s) will receive a percentage of equity shares in Whisk & JANE LLC
- Accredited Private Investor(s) will receive a percentage of equity shares in all Whisk & JANE LLC DBA's
- Whisk & JANE LLC has the option to open up UNLIMITED businesses per category under the EEL licenses issued by the MCCC held by Erica Kennedy & Justin Kennedy
- Whisk & JANE will seek our initial host agreement with New Bedford, MA

Business Structure



Key Points

- Whisk & JANE LLC is the Umbrella Company
- Whisk & JANE LLC owns the majority of Equity Shares in ALL DBA's
- Whisk & JANE LLC shares are based on the company (and all DBA's) being worth 100 Shares
- Investor(s) will own a percentage of Shares in Whisk & JANE & a percentage of Shares in Each DBA
- There is NO LIMIT to the businesses we can hold under our licenses and we are allowed to legally operate ANYWHERE within the Commonwealth of Massachusetts
- Whisk & JANE LLC will donate an additional percentage of ALL profits to municipalities in which we hold host agreements directly to the city/town for the betterment of those communities
- Our Economic Empowerment Licenses with the MCCC are good for life and are valid for every existing/created category put forth by the Massachusetts Cannabis Control Commission
- There is room to GROW!



Why Us

We have the rare opportunity to enter the legal Recreational Cannabis market within the Commonwealth of Massachusetts due to our Economic Empowerment Licenses (so long as we secure our host community agreements). Our EEL provides us priority consideration by the state when applying for licenses in any existing or new categories created by the MCCC. Additionally, our Economic Empowerment Certification is good for life and this once in a lifetime program will not be open for applications again. Cannabis businesses will blossom in the Commonwealth of MA and Whisk & JANE LLC will be a part of it!

The Problem



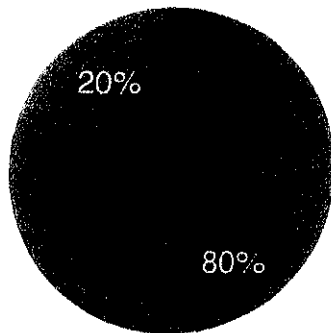
1. Cannabis is a cash intensive business and leaves all employees at serious risk
2. Cannabis employees are not able to arm themselves or their staff (and or security)
3. Cannabis IS available at a premium without the tax or headache of showing an id, how do you compete
4. Cannabis can be cultivated at home
5. Cannabis products marketed towards minors

Welcome

Whisk & JANE

An Introduction to What The Budding Cannabis Industry Can Bring to The Whaling City Community

We, are Black owned and licensed with the Massachusetts Cannabis Control Commission. It is our intention to help bring the budding Cannabis industry to the community of New Bedford, MA. The proposed Whisk & JANE LLC will be able to positively impact the community through employment (particularly for those who would benefit from economic empowerment; including but not limited to minorities, women and those who have non-felony marijuana related convictions), community out reach through charitable donations as well as lawfully and respectfully operating in the City of New Bedford.



Proposed Employment

- Minorities, Women & Those with Non-Felony Related Marijuana Convictions
- Other

Considering the Community

First and foremost we are members of The Community of New Bedford. It is our utmost priority to ensure any and all micro-businesses of the proposed Whisk & JANE as well as it's future employees and affiliates operate safely, respectfully and lawfully in the city. We will strictly adhere to all regulations regarding zoning, state laws, as well as city by-laws and will work closely with all necessary personnel to ensure this happens.

Proposed Micro-Businesses to bring to The Community of New Bedford

We will strive to provide our customers with top quality cannabis genetics and flower by using cutting edge techniques coupled with premier growing resources from around the globe.

It will be our goal to provide a one of a kind dank dining experience. Through the use of ridiculously indulgent classic comfort foods we will incorporate cannabis to give each customer an elevated edibles experience unique to visiting New Bedford.

To bring a Delivery Service to New Bedford that would provide customers of all physical capacities to legally receive cannabis products delivered to their home.

Ways to Give Back to The Whaling City

Through the establishment of cannabis businesses in the City of New Bedford we will be able to positively impact the community through charitable donations to local organizations (specifically food pantries, transportation services as well as foundations helping to enrich the lives of those in disproportionate areas who have been affected by the war on marijuana). Furthermore, we would like to establish urban wall gardens at New Bedford schools that would allow students access to knowledge about sustainable eating as well as fresh produce that they could take home to enjoy with their families.

*All employees of cannabis related businesses must obtain a Marijuana Establishment Registration Card with the MCCC

Topic of Discussion

Complimentary Canja While Pre-Ordered Supplies Last

let's chat...

It's time to get TOGETHER & talk about the growing Cannabis Industry and what it can collectively mean for OUR COMMUNITY!

About Us

The UCGA is a collective of local Cannabis supporters committed to working together to empower those disproportionately effected by the war on Marijuana. Our mission is to build a foundation of experts and entrepreneurs across the Cannabis Industry who can help our community successfully blossom in the legal Cannabis market. Our time is now and together we can ensure our access to the budding Cannabis Industry.

join us

- NETWORK
- Bring YOUR ideas to help grow the local Cannabis Industry
- Discuss how the Cannabis Industry will directly and indirectly effect our community
- Have a unique perspective on Cannabis or just interested in learning more

The UCGA wants to meet and hear from YOU!

Sunday, July 15, 2018

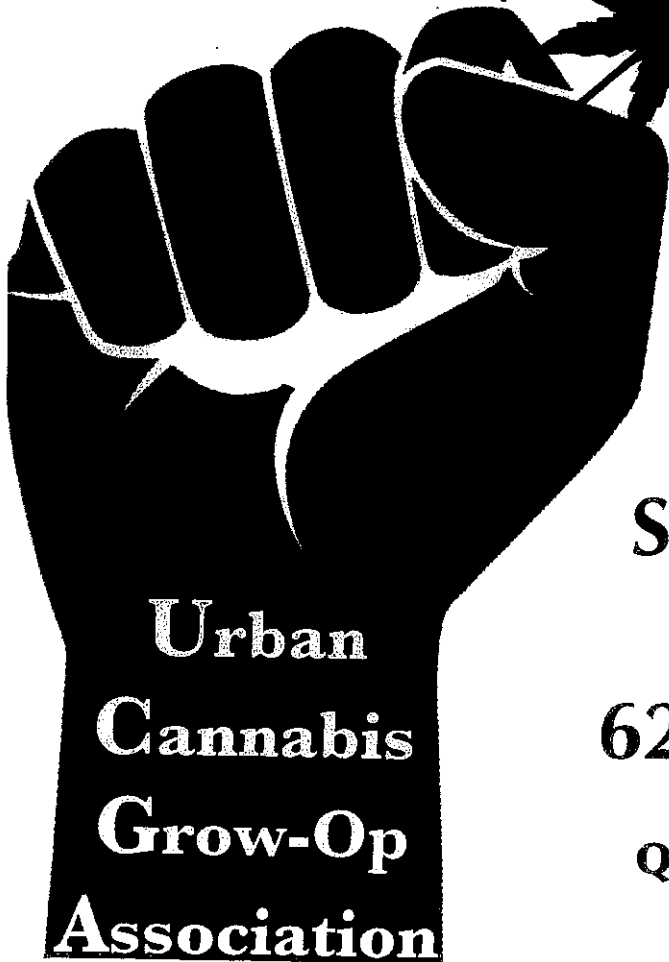
3:00pm

**628 Walnut Plain Road
Rochester, MA**

Questions or to RSVP Please Email

UrbanCGA@gmail.com

R.Y.O.C. 21+ Discussion



Whisk & JANE

Questions We Would Want Answered

WhiskAndJane@gmail.com

Q & A

Q: When will you be open for business?

A: We are in the beginning phases of planning. There is roughly a six month preparation process. From that date it will take an additional 4-6 months to bring top quality cannabis products to the city of New Bedford. We anticipate it will be roughly a one year process.

Q: How will you ensure only 21+ customers?

A: We will work directly with local law enforcement in addition to city and commonwealth officials to ensure we are abiding by all cannabis laws and regulations to ensure we ONLY do business with those who are 21+. ANYONE who knowingly provides cannabis related products from Whisk & JANE to a minor will be banned and reported to local law enforcement. In addition, we will use state of the art identification solutions (such as up to the minute biometrics that can verify name, address, dob, track the number of sales, tell us if the individual is banned and keep up to date with state cannabis regulations) ensuring we are in compliance with the state cannabis control. Furthermore we will be looking to employ on site security for any and all Whisk & JANE locations serving as a second line of assurance that only 21+ customers are being allowed inside all establishments. Moreover, all Whisk & JANE employees dealing directly with the consumption of consumer cannabis will be required to undergo safety training as well as serve safe certification to ensure that they responsibly and reasonably serve only the legal public. Lastly, all customers using the delivery service will be required to register an account online, make their point of purchase online (as to verify identification and track purchases) and they will be required to scan their identification upon delivery.

*All marijuana establishment employees MUST obtain a registration card with the MCOC.

Q: Where do you plan to operate?

A: As of right now we do not have a location. We are in the beginning stages of planning and look forward to working with the city to find a location that will best benefit the community of New Bedford. It is important for us to maintain a safe and reasonable distance from all schools, childcare facilities and residential neighborhoods. We understand that in a city going through a revitalization process that may be difficult, however, we have time to ensure that WE GET IT RIGHT.

Q: Why will 80% of your employees be minorities, women and those with prior non-felony marijuana related convictions?

A: We recognize that the war on marijuana has disproportionately targeted our community and its members. The legalization of cannabis can not undo the decades of damage that were inflicted on those most effected in our community, more importantly, it would be irresponsible of anyone to capitalize on the budding cannabis industry and not economically empower those most effected and begin to work together to rebuild and give back to communities torn apart by the war on marijuana. Giving those from our community, specifically those groups who have been disproportionately effected by the war on marijuana the opportunity to rebuild their future is of utmost importance to Whisk & JANE. As a community WE must not allow access and privilege to define what the cannabis industry looks like in OUR COMMUNITY.

Whisk & JANE

Questions We Would Want Answered

WhiskAndJane@gmail.com

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1. Thanks to PayQwick we will be able to significantly reduce our cash footprint. PayQwick makes it possible to accept electronic payments and then legally transfer cannabis related funds to federally secured banks. Additionally, we will work with a local law enforcement, a private security firm and implement state of the security and screening systems to address and ensure the highest level of safety and security protocols. Moreover, it is our responsibility as cannabis business owners to work with state and local governments to reform cannabis business safety regulations.
2. We plan to share our cannabis delivery routes with local and state authorities to make them aware of high risk travel times and areas. Additionally, we will never permit staff to be onsite or on a delivery alone. Furthermore, we will implement 24 hour video surveillance (with a minimum 14 day saved loop) and state of the art security systems at our multipurpose facility. All third party deliveries will be done in a discreet fashion with vehicles equipped with safety boxes.
3. The illegal sale of cannabis will not stop; we are aware of that. However, our goal is to help educate cannabis consumers about the benefits of shopping legal and shopping small. By supporting Whisk & JANE LLC our community will be helping to ensure minors do not have access to our cannabis, they are helping to ensure continued legal employment amongst disproportionate groups in the cannabis industry and they will have access to premier cannabis products that they know with 100% surety are free from impurities. Additionally, shopping legally eliminates the risk of local law enforcement interference. More importantly, our community is tired of what the opioid epidemic has done to the city of New Bedford and our people and we are ready to combat the opioid epidemic and generate positive revenues with cannabis that can help fiscally stabilize our community.
4. The majority of our community are renters. Landlords have the legal right to make home cultivators immediately cease and desist from growing. Furthermore, quality grow systems are a major investment and home growers might be able to produce flower, but, most won't have access to the necessary extraction equipment to safely do anything outside of traditional drying. Whisk & JANE LLC DBA's offer a unique experience where cannabis meets comfort!
5. First and foremost we are parents and we will work closely to ensure none of our packing materials or branding are targeted towards minors. It is irresponsible to use logos, colors, wording or branding that would appeal to anyone under the age of 21. Recreational cannabis is strictly for adult consumption and Whisk & JANE LLC and ALL of its DBA's are committed to branding all of our products as such.

OUR SOLUTION



GUIDANCE ON HOST COMMUNITY AGREEMENTS

Public Comment Period

Please review and submit feedback on this draft guidance. The public comment period ends on 8/6/18. All comments should be submitted to CannabisCommission@Mass.Gov.

To be licensed, a Marijuana Establishment must execute a Host Community Agreement (“HCA”) with the municipality in which it intends to be located. See 935 CMR 500.101 (1)(a)(8) and (2)(b)(6).¹ This document provides guidance to municipalities and applicants so that they can work cooperatively to structure an HCA in compliance with M. G. L. c. 94G, § 3(d).

Section 3(d) of Chapter 94G, states, in relevant part:

“A marijuana establishment or a medical marijuana treatment center seeking to operate or continue to operate in a municipality which permits such operation shall execute an agreement with the host community setting forth the conditions to have a marijuana establishment or medical marijuana treatment center located within the host community which shall include, but not be limited to, all stipulations of responsibilities between the host community and the marijuana establishment or a medical marijuana treatment center. An agreement between a marijuana establishment or a medical marijuana treatment center and a host community may include a community impact fee for the host community; provided, however, that the community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment or medical marijuana treatment center and shall not amount to more than 3 per cent of the gross sales of the marijuana establishment or medical marijuana treatment center or be effective for longer than 5 years. Any cost to a city or town imposed by the operation of a marijuana establishment or medical marijuana treatment center shall be documented and considered a public record as defined by clause Twenty-sixth of section 7 of chapter 4.”

Under the statute, HCAs must include the terms necessary for a Marijuana Establishment to operate within a community. As with any agreement, terms should be negotiated between willing parties to the contract. In this context, the parties to the HCA are the owners or otherwise authorized representatives of the Marijuana Establishment and the contracting authority for the municipality. The parties should negotiate and agree to their respective responsibilities. The parties should also be aware of and abide by the constraints imposed by the plain language of M. G. L. c. 94G, § 3(d). It is clear from the statute, that the Legislature intended for a municipality to act reasonably in negotiating with a Marijuana Establishment that seeks to operate within its community.

¹ A marijuana establishment with multiple physical locations, such as a craft marijuana cultivation cooperative, must execute a HCA for each municipality in which it has a physical presence.

It is also important that the parties to the HCA be mindful of not only the statutory language in M. G. L. c. 94G, but also the context in which an HCA is required to be negotiated. Section 3(d) of Chapter 94G should be read in conjunction with M. G. L. 64H and 64N, the statutes that allow for the taxation of adult-use marijuana. Taken together, these statutes authorize and limit the assessments allowed on marijuana, marijuana products and Marijuana Establishments.

Taxes

The Legislature explicitly authorized municipalities to adopt an optional local excise tax of up to 3%, as applied to retail transactions, in addition to state sales and excise taxes.² In so doing, the Legislature established the ceiling for state-authorized taxes that may be assessed on a Marijuana Establishment:

- the 6.25% sales tax;
- the 10.75% excise tax on marijuana and marijuana products; and
- the optional 3% local tax, which may be applied to retail sales only.

Community Impact Fee. The community impact fee authorized by G.L. c. 94G, § 3(d) is optional and separate and apart from the taxes described above. To be authorized under the statute, and consistent with the decisional law on fees, a community impact fee included in an HCA must meet certain legal requirements.³ Fundamentally, the fee must be voluntary in nature. Furthermore, the fee must be related to a benefit received by the Marijuana Establishment, which is not received by the general public, and compensate the municipality for the costs of providing the benefit. This benefit must be sufficiently specific and special to the Marijuana Establishment. Assessments characterized as “fees” that do not meet these requirements risk being regarded as a tax, which, unless explicitly allowed under chapters 64H and 64N, are prohibited.

Accordingly, any HCA structured consistent with G. L. c. 94G, § 3(d), may include a community impact fee, provided that the fee is authorized under the statute and meets the legal requirements of permissible fees. A community impact fee included in an HCA must be more than simply called a community impact fee; it must be structured appropriately.

What are examples of required conditions?

Under section 3(d) of Chapter 94G, all HCAs should include terms that describe the conditions that the municipality and Marijuana Establishment must satisfy for that establishment to operate within that host community.

Individual conditions can vary widely. Examples may include, but are certainly not limited to, the following:

- In the case that the Company desires to relocate the Marijuana Establishment within [Name of Municipality] it must first obtain approval of the new location before any relocation

² See M. G. L. c. 64H, § 2 and M. G. L. c. 64N, §§2 and 3(a).

³ See generally Emerson College v. Boston, 391 Mass. 415 (1984).

- The Company agrees that jobs created at the facility will be made available to [Name of Municipality] residents. [Municipality] residency will be a positive factor in hiring decisions at the facility, but shall not prevent the Company from hiring the most qualified candidates and complying with all Massachusetts anti-discrimination and employment laws.
- Termination by the Company: The Company may terminate this Agreement ninety (90) days after the cessation of operations of any facility within [Name of Municipality]. The Company shall provide notice to [Municipality] that it is ceasing to operate within the [Municipality] and/or is relocating to another facility outside the [Municipality] at least ninety (90) days prior to the cessation or relocation of operations. If the Company terminates this Agreement, the final annual payment as defined in Paragraph X of this Agreement shall be paid to the [Municipality] by the Company. The Company shall pay the final annual payment to [Municipality] within thirty (30) days following the date of termination.
- A key-and-lock system shall not be the sole means of controlling access to the Marijuana Establishment. The Company agrees to implement a method such as a keypad, electronic access card, or other similar method for controlling access to areas in which marijuana or marijuana products are kept in compliance with 935 CMR 500.110.
- The Company agrees to provide a paid police detail for the purposes of traffic and crowd management during peak hours of operation, which shall include, but may not be limited to, Fridays between 3:00 pm -8:00 pm; Saturdays and Sundays.
- [Municipality] agrees to submit to the Commission, or other such licensing authority as required by law or regulation, certification of compliance with applicable local bylaws relating to the Company's application for licensure and/or operation where such compliance has been properly met, but makes no representation or promise that it will act on any other license or permit request including but not limited to Special Permit or other zoning applications submitted by the Company in any particular way other than in accordance with the municipality's governing laws.
- The [Municipality] agrees to work with the Company, if approved, to assist the Company with community support, public outreach and employee outreach programs.
- The Company agrees to work collaboratively with the Municipality and provide staff to participate in a reasonable number of Municipality-sponsored educational programs on public health and drug abuse prevention geared toward public health and public safety personnel.

The type and nature of the conditions included in an HCA are unlimited by Section 3(d) of Chapter 94G. Indeed, the only required prerequisite is that the HCA identifies the party responsible for fulfilling its

respective responsibilities under the agreement. As such, the Commission is likely to take a broad view of acceptable conditions.

What is permissible as part of a community impact fee?

Under Section 3(d), an HCA may also “include a community impact fee for the host community.” The statute does not include a definition of what constitutes a “community impact fee” and does not provide for elements of the fee, but it does impose other express limitations on any community impact fee included as part of an HCA:

1. The community impact fee must be “reasonably related to the costs imposed upon the municipality by the operation of the Marijuana Establishment or medical marijuana treatment center.”

There are two categories of generally acceptable types of fees: user fees and licensing or regulatory fees. A licensing or regulatory fee is based on the municipality’s authority to regulate businesses or activities. Regardless of what category it falls into, the fee charged must be in exchange for a benefit received by the Marijuana Establishment in such a way that it justifies assessing the cost to that establishment, even if the public also receives some benefit.

The Commission views fees that are “reasonably related” as those that compensate the municipality for its actual and anticipated expenses resulting from the operation of the Marijuana Establishment. While some latitude is to be given to municipalities to plan for their expenses, the municipality must identify the plan specifics to justify the fee. As section 3(d) requires, it is important that the fee bears some reasonable relation to the costs of providing municipal services or other benefits and not merely be a fee without designation of its origins or justification of its amount. Moreover, there must be a proportionality between the cost or impact claimed by the community and the fee required of the Marijuana Establishment.⁴ Municipalities are cautioned against relying on fees that are simply revenue generators in negotiating with Marijuana Establishments and planning their municipal budgets, as these fees may not withstand judicial scrutiny.

Some anticipated costs that may reasonably be included in a fee of up to 3 % of gross sales include services such as:

- Traffic intersection design studies where additional heavy traffic is anticipated because of the location of retail establishment;
- Environmental impact or storm water or wastewater studies anticipated as the result of cultivation;
- Public safety personnel overtime costs during times where higher congestion or crowds are anticipated;
- Additional substance abuse prevention programming during the first years of operation.

⁴ Koontz v. St. John’s River Water Management District, 133 S. Ct. 2686 (2013); See also Attorney General’s letter on Hanover Annual Town Meeting Warrant Articles #22 and 23 (Zoning), December 1, 2014.

2. **The HCA must limit the community impact fee to not more than 3% of the gross sales of the Marijuana Establishment.**

The Commission emphasizes that there is a strict limitation on the amount of the community impact fee that a municipality may collect as part of an HCA. The fee is capped at 3 % of the Marijuana Establishment's gross sales.

Any fee that is more than 3% of gross sales is not a community impact fee. Moreover, any fee whether characterized as a fee, donation or other exaction, including any assessment above 3 % of gross sales, must also comply with the legal requirements discussed above.

3. **The community impact fee is limited to a term of 5 years.**

The Commission reads this provision consistent with the plain language of the statute, which states in relevant part that "the community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment or medical marijuana treatment center and shall not...be effective for longer than 5 years." The community impact fee is strictly limited to a term of 5 years or less. Parties may consider negotiating a fee with a shorter duration. This may be particularly helpful to reaching agreement where the parties have difficulty ascertaining specific costs and wish to revisit the community impact fee once more information relevant to the particular Marijuana Establishment is available. Both G.L. c. 94G, §3 (d) and the Commission's regulations at 935 CMR 500. 103 (4)(d) anticipate the collection and publication of additional information on the costs imposed by the operation of Marijuana Establishments.

Applicants for licensure as a Marijuana Establishment are strongly encouraged to seek legal advice from a licensed attorney regarding the negotiation of an HCA. Eligible licensees and applicants for licensure may be qualified to receive services through the Commission's Social Equity program. If you are a participant in the Social Equity program or are interested in learning more about the services offered as part of the Social Equity program, please contact the Commission at (617) 701-8400.

Host Community Agreement Certification Form

The applicant and contracting authority for the host community must complete each section of this form before uploading it to the application. Failure to complete a section will result in the application being deemed incomplete. Instructions to the applicant and/or municipality appear in italics. Please note that submission of information that is "misleading, incorrect, false, or fraudulent" is grounds for denial of an application for a license pursuant to 935 CMR 500.400(1).

Applicant

I, _____, (*insert name*) certify as an authorized representative of _____ (*insert name of applicant*) that the applicant has executed a host community agreement with _____ (*insert name of host community*) pursuant to G.L.c. 94G § 3(d) on _____ (*insert date*).

Signature of Authorized Representative of Applicant

Host Community

I, _____, (*insert name*) certify that I am the contracting authority or have been duly authorized by the contracting authority for _____ (*insert name of host community*) to certify that the applicant and _____ (*insert name of host community*) has executed a host community agreement pursuant to G.L.c. 94G § 3(d) on _____ (*insert date*).

Signature of Contracting Authority or
Authorized Representative of Host Community

GUIDANCE ON LOCAL EQUITY

Public Comment Period

Please review and submit feedback on this draft guidance. The public comment period ends on 8/6/18. All comments should be submitted to CannabisCommission@Mass.Gov.

Purpose and Process

The following recommendations were created by the Cannabis Control Commission (Commission) to assist municipalities in creating equitable cannabis policies to mirror the Social Equity program established by the Commission under state law and in response to requests from local elected officials and the Cannabis Advisory Board. As the Commission strives to create a fair and diverse industry across the Commonwealth, collaboration between state and municipal government will be critical to succeeding.

The Commission is charged by state law (St. 2017, ch.55) with ensuring the meaningful participation in the cannabis industry of communities disproportionately affected by the enforcement of previous cannabis laws, small businesses, and companies led by people of color, women, veterans, and farmers.

Broadly, the Commission refers to these statutory mandates as its efforts to create an equitable industry. If there is evidence of discrimination or barriers to entry in the regulated marijuana industry, state law directs the Commission to take remedial measures to address those hurdles.

This guidance is not legal advice, but supplements the Commission's existing Guidance for Municipalities. If municipalities have legal questions regarding marijuana laws in the Commonwealth, they are encouraged to consult counsel.

Background

The possession and use of cannabis became legal in the Commonwealth for adults over 21 years old on December 15, 2016. The Commission fulfilled its statutory obligation under Chapter 55 to issue regulations governing adult-use Marijuana Establishments by filing final regulations on March 9, 2018.

M.G.L. ch. 94G, §3 permits a city or town to adopt ordinances and by-laws that impose reasonable safeguards on the operation of Marijuana Establishments, provided that they are not unreasonably impracticable¹ and are not in conflict with state law or regulations.

Municipalities may also institute a ban. These recommendations are provided for municipalities that have opted not to impose a ban, including those that are engaged in planning and decision-making while a temporary moratorium is in place, or those considering rescinding a ban.

¹ Unreasonably impracticable means that the local laws cannot "subject licensees to unreasonable risk or require such a high investment of risk, money, time or any other resource or asset that a reasonably prudent businessperson would not operate a marijuana establishment." M.G.L. Ch. 94G § 1

Overview

While each municipality is different, a useful overall approach to the local control process is to answer the following questions, with an emphasis on the city or town's local values and meeting the law's equity goals.

- Are caps on licenses necessary?
- What license types will be allowed in the municipality?
- Should a local excise tax be authorized?
- How should each license type be zoned?
- What municipal entity or entities will oversee the prospective licensee process?
- What process will prospective licensees need to follow, and what is the timeline for that process?
- How will prospective licensees be selected to move forward, and what municipal entity or entities will negotiate the host community agreement with them?

Are caps on licenses necessary?

Massachusetts law imposes no statewide cap on the number of marijuana licenses that may be issued. Instead, the Commission reviews each application and determines whether the application satisfies the requirements of the Commission's regulations on adult-use cannabis, 935 CMR 500 and the applicant is suitable or unsuitable for licensing. Such an approach leaves room for businesses of all sizes, rather than forcing a large number of qualified applicants to compete for a small number of licenses – a process that tends to perpetuate existing inequities.

The Commission will not issue a license to an applicant unless (a) the applicant is compliant with local bylaws and ordinances; (b) the applicant has held a community outreach meeting within six months of applying for licensure; and (c) the applicant and municipality have executed a host community agreement.

As the municipal guidance previously issued by the Commission outlines, there are several options available to communities to determine if and how cannabis commerce fits into the fabric of the community. It is a common misconception that communities must act quickly and comprehensively now to determine the future of cannabis sales in the community. In order to open in the community, the businesses will need to satisfy the regulatory requirements of local control, including a signed agreement with the community.

The Commission respects the local control that is granted to municipalities under M.G.L. ch. 94G and encourages communities to consider how cannabis commerce fits into their long-term municipal planning processes. This may include limiting the number and type of Marijuana Establishments, but there is no requirement that communities take that action. For those communities that choose not to impose limitations, the statute provides that municipalities are not required to permit a number of retail Marijuana Establishments in excess of the number that is equal to 20% of liquor licenses issues pursuant to M.G.L. ch. 138, §15 (commonly known as "package stores").

What license types will be allowed in the municipality?

State law and Commission regulations create the following license types: cultivators, product manufacturers (sometimes known as "processors" or "producers" of cannabis oils or concentrates),

retailers, transporters, testing laboratories, research facilities, microbusinesses, and craft cooperatives. More details about each license type can be found in the Commission's Guidance on Types of Marijuana Establishment Licenses.

The Commission created a wide variety of license types, all authorized under state law, to encourage the participation businesses of all sizes. Each license type involves distinct areas of business operations that create jobs in distinct fields. For example, independent testing labs may create jobs for scientists, while microbusinesses and cooperatives may create jobs for those with expertise in agriculture, and transporters may create jobs for drivers.

To encourage an industry that allows for participation from various communities, the Commission recommendation is to allow prospective applicants seeking each type of license to begin the process and hold a community outreach meeting, where residents could raise specific concerns. Applicants may then take the opportunity to address those concerns and move forward in the local selection process. For municipalities that especially value small businesses, it may be appropriate to only allow microbusinesses and craft cooperatives rather than all cultivators and manufacturers.

The Commission is collecting information relative to social consumption and delivery licenses and intends to have draft regulations prepared in February 2018. Under state law, the local controls outlined under M.G.L. ch. 94G, §3 apply to any Marijuana Establishment, including social consumption facilities and delivery businesses if those licenses are authorized under the Commission's regulations.

Should a local tax be authorized?

A municipality may adopt a tax of up to three percent on adult-use cannabis sales by a vote of its legislative body. In many state and local jurisdictions, Massachusetts included, a portion of cannabis tax revenue is earmarked for restorative justice, jail diversion, workforce development, industry specific technical assistance, and mentoring services. Equity goals may similarly be supported by designating part of the local tax or community impact fee, if adopted as part of the host community agreement, for similar local programs.

How should each license type be zoned?

According to feedback from the Cannabis Advisory Board Subcommittee on Market Participation and direct feedback to the Commission, real estate is one of the primary hurdles for small businesses and businesses owned by people from marginalized communities. When municipalities impose overly strict zoning rules and large buffer zones, they sharply limit the number of parcels available to potential operators. This favors large businesses with substantial financial resources that can outbid other potential operators and overpay for a lease or purchase of property—often at the expense of smaller, local companies—and tends to direct large rewards to a small handful of landlords and property owners.

Overly strict local zoning in other states has also led to complaints that cannabis businesses were crowded into small sections of a municipality, often areas with a vulnerable or low-income population. One study examined the locations of medical marijuana dispensaries in Los Angeles and report that dispensaries were located in primarily commercially zoned areas with greater road access, density of on- and off-premise alcohol outlets, and percentage of Hispanic residents (Thomas and Freisthler, Examining the locations of medical marijuana dispensaries in Los Angeles, Drug Alcohol Review, 2017).

Please note that Chapter 351 of the Acts of 2016 exempted the cultivation of marijuana from the agricultural exemption in the Zoning Act, M.G.L. ch. 40A §3, therefore retaining local control over the placement of Marijuana Establishments. The law allows, but does not mandate, municipalities to pass bylaws and ordinances governing the “time, place, and manner” of Marijuana Establishments (cultivators, retailers, manufacturers, testing labs, and any other licensed cannabis-related businesses) as well as businesses dealing with cannabis accessories. Additional municipal action is not, however, a requirement, meaning that a municipality could determine that a proposed cannabis-related use falls under an existing use authorized by its bylaws or ordinances.

Therefore, Commission recommendation is to zone cannabis businesses based on the nature of their primary business operations. It may be most appropriate, for example, for cultivators, microbusinesses, and cooperatives to be zoned, respectively, as agricultural, industrial, and manufacturing businesses, while cannabis retailers would be zoned in the same manner as any other retailer. Manufacturers, as defined as a Marijuana Establishments, may be appropriate for multiple zones, as they may encompass small microbusinesses or companies creating edibles in commercial kitchens.

If a community has concerns about the new types of businesses, the community outreach meeting required by the Commission for licensure gives community residents and prospective applicants a chance to discuss their concerns and formalize the solutions in a host community agreement (see next section).

State law establishes a 500-foot buffer around K-12 schools. A municipality may choose to reduce the size of that buffer. It is unclear whether buffer zones around other uses, such as parks, are legally permissible. The Commission suggests that additional buffer zones may not be necessary and cautions communities against acting arbitrarily.

The Commission has made the prevention of diversion of cannabis to individuals under 21 a priority. Current studies do not show any evidence that medical marijuana dispensaries increase youth access and use of cannabis. A recent study showed that overall, the availability of dispensaries within 5- and 25-mile buffers were not associated with recent or current adolescent cannabis use (Shi, Yuyan, *The availability of medical marijuana dispensaries and adolescent marijuana use*, Preventive Medicine, 2016).

A prominent meta-analysis of studies estimating the effects of medical marijuana laws reported that none of the studies found significant changes in past-month marijuana use following medical marijuana law enactment compared to other states (Sarvet et al., *Medical marijuana laws and adolescent marijuana use in the United States: a systematic review and meta-analysis*, Addiction, 2017).

While there have been no definitive studies on the impact of the presence of adult-use cannabis dispensaries on youth access, the Commission has acted to ensure that licensees understand their responsibilities. The regulations issued by the Commission include extensive provisions around labeling, packaging and marketing, as well as Marijuana Establishment employee training, positive identification checks upon entry to a Marijuana Establishment and inspectional protocols that include a spot check and “secret shopper” program. In addition, the Commission is launching a statewide campaign to educate the public about the safe use of marijuana and the risks associated with failing to use it safely. Preventing diversion to children and adolescents is part of this campaign.

Research suggests that marijuana dispensaries are not associated with increased crime. One study found that the density of medical marijuana was unrelated to property and violent crimes in local areas (Freisthler et al., *A micro-temporal geospatial analysis of medical marijuana dispensaries and crime in Long Beach California*, Addiction, 2016). However, the Commission also acknowledges that crime occurs at Marijuana Establishments as it does at any similar business.

With this in mind, the Commission adopted – and will enforce – stringent security protocols intended to ensure the safety and security of the staff and consumers at Marijuana Establishments as well as the general public in the areas around Marijuana Establishments. Security provisions include requirements that licensees share safety plans with local law enforcement and emergency responders; cameras that record 24 hours per day; perimeter alarm systems; and incident reporting protocols. The Commission also requires the seed-to-sale tracking of all cannabis and cannabis products offered by licensed Marijuana Establishments in Massachusetts.

Like overly restrictive zoning, buffer zones between Marijuana Establishments prolong inequities by exacerbating the scarcity of appropriate real estate. If buffer zones between Marijuana Establishments are enacted, municipalities may consider waiving or reducing the size of the buffer for state-certified economic empowerment applicants or for state-designated participants in the Commission’s Social Equity Program. For more information on these programs, see the Commission’s Summary of Equity Provisions.

What municipal entity or entities will oversee the prospective licensee process, select licensees to move forward, and negotiate host community agreements?

Once a municipality has established zoning and a selection process, the Commission recommends that it delegate local decision-making authority and accountability related to Marijuana Establishments to one entity. One option is to designate a city or town’s local planning board, liquor licensing authority, or other existing entity, so long as the body’s existing processes are adjusted to allow for the requirements in the state’s marijuana laws – specifically the community outreach meeting and the negotiation of a host community agreement.

An alternative option is to follow the state-level model and create a new board, appointed by local elected officials, whose members have expertise in areas public safety, public health, business, social justice, and local regulation. The board should be vetted for any conflicts of interest and its decision-making, goals, and instructions should be clear and transparent.

To allow for checks and balances, a municipality may prefer to designate one entity to oversee the selection process and another to negotiate the host community agreements.

What process will prospective licensees need to follow, and what is the timeline for that process?

Section 56 of Chapter 55 requires the Commission to prioritize review and licensing decisions for prospective licensees who demonstrate experience in or business practices promoting economic empowerment in communities disproportionately impacted by high rates of arrest and incarceration for drug offenses, in addition to registered marijuana dispensaries. There are 123 applicants that qualify as economic empowerment applicants certified by the Commonwealth. In accordance with the Commission’s mandate to promote and encourage full participation in the adult-use cannabis industry by those disproportionately harmed communities, the Commission’s recommendation is for municipalities to prioritize review for these economic empowerment applicants at the local level as well. In other words,

those prospective licensees should be reviewed for suitability before others. Some municipalities in Massachusetts are considering prioritizing applicants by allowing them to move forward exclusively for a certain period of time. For example, a municipality may consider only economic empowerment applicants and applicants who are local residents for the first six months.

Regardless of the entity or entities designated to oversee the selection of Marijuana Establishments, the Commission recommends that it begin by designing an objective selection process and clear timeline for prospective licensees. For example, a certain period to demonstrate intent to apply, a certain period for community outreach meetings, a certain period to discuss concerns and ways to address those concerns with the overseeing entity, a certain period for applying objective criteria and selecting which applicants proceed, and finally, a set period for negotiating a host community agreement that reflects the concerns raised and plan to address them. The timeline should include deadlines for both the applicant and the entity overseeing the process.

In order to make the local control process more accessible, the Commission recommends utilizing local media, social media, and partnerships with community organizations to disseminate the information as broadly as possible. Local forums with question-and-answer sessions will allow the municipality to announce the process as well as interact with prospective licensees and anticipate their questions.

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SUMMARY: Recommendations for Creating an Equitable Industry

Given the unique opportunity to build a large and lucrative industry from scratch, the Commission encourages municipalities to build the licensee selection process in a way that prioritizes the community's individual needs and the Commonwealth-wide commitment to an equitable industry and economic justice. Below is a list of recommendations from this guidance, the state-level licensing process, and other jurisdictions nationwide.

- **ALLOW VARIOUS TYPES OF BUSINESSES:** In order to encourage an industry that allows for participation from various communities, the Commission recommends allowing prospective applicants seeking each type of license to begin the process and hold a community outreach meeting, where residents could raise specific concerns. Applicants may then take the opportunity to address those concerns and move forward in the local selection process. For municipalities that especially value small businesses, it may be appropriate to only allow microbusinesses and craft cooperatives rather than all cultivators and manufacturers.
- **CONSIDER WHETHER CAPS ARE NECESSARY:** Instead of instituting a cap on the number of businesses, begin by determining the number of retailers equal to 20 percent of the number of the number of liquor licenses issued pursuant to M.G.L. ch. 138, §15 (commonly known as “package stores”). After that number of retailers are open, a municipality may consider pausing to collect data, engage with citizens, and decide whether to permit additional retailers. It is a common misconception that a municipality must take action to ban or proactively cap the number of licenses to prevent an unlimited number of businesses from opening.
- **ZONING:** Communities should give serious consideration to zoning marijuana businesses based on the nature of their primary business operations. State law establishes a 500-foot buffer around K-12 schools; a municipality may choose to reduce the size of that buffer. The Commission suggests that additional buffer zones may not be necessary and cautions communities against acting arbitrarily. If a community has concerns about the new types of businesses, the community outreach meeting, required by the Commission for licensure, gives community residents and prospective applicants a chance to discuss their concerns and formalize the solutions in a host community agreement.
- **HOST COMMUNITY AGREEMENTS:** Once a community establishes zoning and a selection process, the Commission recommends that it delegate local decision-making authority and accountability related to Marijuana Establishments to one entity, either an existing entity or a new entity. The entity should be vetted for any conflicts of interest and its decision-making, goals, and instructions should be clear and transparent. To allow for checks and balances, a municipality may prefer to designate one entity to oversee the selection process and another to negotiate the host community agreements.
- **SELECTION PROCESS:** In deciding which companies with which to negotiate a host community agreement, the Commission recommends instituting an objective, transparent selection process intentionally focused on repairing past inequities, beginning with prioritizing review for state-designated economic empowerment applicants. Consider preferences for state-designated Social Equity Program participants, or applications from companies owned by marginalized groups. As

part of the selection process, consider evaluating the company's diversity plan and plan to positive impact communities disproportionately harmed, either in the municipality or generally.

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Item Title:

COMMUNICATION -PLANNING BOARD NORTHSTAR LEARNING CENTER

Item Detail:

57. COMMUNICATION, Council President Morad, submitting a copy of a letter sent to the Planning Board, in support of Case 18-36 – Planning Board Meeting Agenda of August 08, 2018, relative to NorthStar Learning Centers, Inc. and advising she will not be present due to a prior commitment.

Additional Information:

ATTACHMENTS:

Description	Type
□ COMMUNICATION-PLANNING BOARD NORTHSTAR LEARNING CENTER	Cover Memo



City of New Bedford

Office of City Council

133 William Street • New Bedford, Massachusetts 02740
(508) 979-1455 • Fax: (508) 979-1451

Linda M. Morad

Councillor at Large

August 6, 2018

Planning Board
Chairperson Kathryn Duff
133 William Street
New Bedford, MA 02740

Reference: Planning Board Meeting Agenda of August 8, 2018
Case 18-36 – NorthStar Learning Centers, Inc.

Dear Chairperson Duff and Members of the Planning Board:

I am writing in reference to the above referenced request which is to be heard by the Planning Board on Wednesday, August 8, 2018. Unfortunately, I am not able to attend the meeting due to a prior commitment scheduled for the same date and time. I would however like to offer my support for Case 18-36, which requests a reduction in the number of parking spaces required for the new child care facility and administrative offices that are planned by NorthStar Learning Centers, Inc.

For several years the management team of NorthStar Learning Centers, Inc. has been planning the relocation and expansion of their current facility. In doing so, the organization will be able to consolidate their facilities in one location, expand the child enrollment and important programs that NorthStar Learning Centers, Inc. offers to families in our City.

The plans submitted for your consideration request a reduction in parking spaces required per the City's Zoning Code. I strongly support NorthStar Learning Centers, Inc. proposed project and ask you to grant the reduction of parking as requested.

Kindly read this letter into the record of the Planning Board meeting to make those in attendance and the general public aware of my support of Case 18-36. Thank you in advance for your attention to this correspondence and for your favorable consideration of this request.

Sincerely,

Linda M. Morad
Councillor At Large

xc: Maria Rosario, Executive Director, NorthStar Learning Centers, Inc.

Ward 6 City Councillor Joseph Lopes
Residence: 4162 Acushnet Avenue • New Bedford, Massachusetts 02745 • Tel: (508) 995-8009
Email: Linda.Morad@newbedford-ma.gov



Item Title:

COMMUNICATION - P & S SOUTH END PUBLIC SAFETY CENTER

Item Detail:

58. COMMUNICATION, Council President Morad, submitting a copy of the fully executed Purchase and Sale Agreement for the new South End Public Safety Center, located at 890 Brock Avenue, New Bedford, MA. (Copy all Councillors via email on August 8, 2018; To be Received and Placed on File.)

Additional Information:

ATTACHMENTS:

Description	Type
❏ PURCHASE & SALE AGREEMENT	Cover Memo

**PURCHASE AND SALE AGREEMENT
(COMMERCIAL PROPERTY)**

This Agreement is dated as of the 3rd day of August 2018.

1. **PARTIES.** **PEACEFULLY AT HOME WELLNESS AND HEALTHCARE, INC.**, a Massachusetts non-profit corporation, having a principal office address of 890 Brock Avenue, New Bedford, Massachusetts 02744, (hereinafter called the **SELLER**), agrees to sell, and the **CITY OF NEW BEDFORD**, a Municipal corporation in the Commonwealth of Massachusetts, acting by and through its Mayor, with offices at 133 William Street, New Bedford, Massachusetts, 02740 (hereinafter called the **BUYER**), agrees to buy, upon the terms hereinafter set forth, the Premises as defined below.
2. **DESCRIPTION.** The land, with all buildings, structures and improvements thereon located at **890 Brock Avenue, New Bedford, Bristol County, Massachusetts 02744** (New Bedford Assessors Map 15, Lot 154), as more particularly described in a deed dated February 24, 2016 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 11615, Page 99, containing 53,264 S.F. and being shown as LOT 2 on Plan Book 161, Page 25, copies of which are attached hereto as **Exhibit "A" and "A-1"** and incorporated herein by reference. (hereinafter called the "PREMISES").
3. **BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES.** Included in the sale as a part of the Premises are the buildings, structures, and improvements thereon and used in connection therewith. Excepting the personal property of the **BUYER** as set forth on **Exhibit "B"** attached hereto and incorporated herein by reference.
4. **TITLE DEED.** The Premises are to be conveyed by a good and sufficient quitclaim deed running to the **BUYER** or to the nominee designated by the **BUYER** by written notice to **SELLER** at least seven (7) days before the deed is to be delivered as herein provided, which deed shall convey a good and clear record, marketable and insurable title thereto, free from encumbrances, except:
 - (a) Provisions of existing building and zoning laws;
 - (b) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;
 - (c) Any liens for municipal betterments assessed after the date of this Agreement; and
 - (d) All easements, restrictions and reservations of record to the extent the same do not interfere with the proposed use of the Premises as a Public Safety facility.

5. **PLANS.** If the deed refers to a plan necessary to be recorded therewith, **SELLER** shall deliver such plan with the deed in form adequate for recording or registration.
6. **PURCHASE PRICE.** The agreed purchase price for the Premises is **ONE MILLION EIGHTY-NINE THOUSAND and 00/100 (\$1,089,000.00) DOLLARS**, payable as follows:
- \$ 100.00 is paid herewith as a deposit;
\$1,088,900.00 is to be paid at the time of the delivery of the Deed by certified,
Treasurer's or Attorney's IOLTA check.
\$1,089,000.00 TOTAL
7. **TIME FOR PERFORMANCE/DELIVERY OF DEED.** The deed is to be delivered and the closing is to take place on or before September 17, 2018, at 10:00 a.m. (the "Closing Date"), at the City of New Bedford, Office of the City Solicitor, 133 William Street, Room 203, New Bedford, Massachusetts 02740, or at such other location as shall be mutually agreeable to the parties. IT IS AGREED THAT TIME IS OF THE ESSENCE OF THIS AGREEMENT.
8. **POSSESSION AND CONDITION OF THE PREMISES.** Full possession of the Premises, is to be delivered at the time of the delivery of the deed, the Premises to be (a) then in the same condition as they now are, reasonable use and wear thereof excepted; (b) in compliance with the provisions of any instrument referred to in Section 4 hereof; and (c) not in violation of any building or zoning laws. **BUYER** shall be entitled to an inspection of the premises prior to the delivery of the deed in order to determine whether their condition complies with the terms hereof.
9. **EXTENSION TO PERFECT TITLE OR MAKE THE PREMISES CONFORM.** If **SELLER** shall be unable to give title or to make conveyance, or to deliver possession of the Premises, all as herein stipulated or if at the time of the delivery of the deed the Premises do not conform with the provisions hereof, then, **SELLER** shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the Premises conform to the provisions hereof, as the case may be, in which event the time for performance hereof shall be extended for a period of thirty (30) days to allow the **SELLER** to undertake such efforts.
10. **FAILURE TO PERFECT TITLE OR MAKE THE PREMISES CONFORM.** If at any point during such extended time **SELLER** shall have failed so to remove any defects in title, deliver possession or make the Premises conform, as the case may be, all as herein agreed, then any payments made under this Agreement shall be forthwith refunded, except as provided for herein, and all other obligations of all parties hereto shall cease and this Agreement shall be void without recourse to the parties hereto.

11. **BUYER'S ELECTION TO ACCEPT TITLE.** BUYER shall have the election, at either the original or during any extended time for performance, to accept such title as SELLER can deliver to the Premises in their then condition and to pay the purchase price without deduction (except as otherwise provided herein), in which case SELLER shall convey such title.
12. **ACCEPTANCE OF DEED.** The acceptance of a deed by BUYER or its nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed except such as are, by the terms hereof, to be performed after the delivery of the deed.
13. **USE OF PURCHASE MONEY TO CLEAR TITLE.** To enable SELLER to make conveyance as herein provided or to cause the condition of the Premises to conform to the provisions hereof, SELLER shall, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests or to cause the condition of the Premises to conform to the provisions hereof, provided that all instruments so procured are recorded simultaneously with the delivery of the deed, or within a reasonable time thereafter in accordance with local customs.
14. **INSURANCE.** Until the delivery of the deed, SELLER shall continue to maintain the insurance that is currently in effect with respect to the Premises.
15. **RISK OF LOSS.** .Notwithstanding anything to the contrary contained within this Agreement, in the event of a fire or other casualty (occurring anytime after the date of this Agreement) causing damage to the premises, then, at the sole and absolute option of the BUYER, he may cancel this Agreement, without recourse to the parties, at which time the same shall become null and void, and, all deposits held hereunder shall be returned to the BUYER.
16. **ADJUSTMENTS.** Real estate taxes, outstanding water and sewer charges, fuel value and other items shall be apportioned as of the day of performance of this Agreement, and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by BUYER at the time of delivery of the deed. Taxes for the then current fiscal year shall be adjusted in accordance with M.G.L. c. 59, § 72A. Any taxes paid by SELLER prior to the closing shall not be refunded. If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year.
17. **BROKERAGE WARRANTY.** The parties hereby agree that no real estate brokers are involved in this transaction and both parties hereby agree to indemnify and save harmless the other party from and against all claims for commissions, broker's fees/finder's fees made by any person actually retained by such party or with whom such party has dealt in connection with said property or this transaction. The provisions of this paragraph shall survive delivery of the deed.

18. **DEPOSIT.** The Deposit shall be held in escrow by the BUYER (as "Escrow Agent") subject to the terms and conditions of this Agreement and shall be duly accounted for on the Closing Date. If any dispute arises between the parties as to whether or not the Escrow Agent is obligated to deliver the deposit, the Escrow Agent is not obligated to make any delivery, but may hold the funds until receipt of a written authorization signed by all persons having an interest in the dispute, directing the disposition of the funds. In the absence of a written authorization, the Escrow Agent may hold the funds until the rights of the parties have been finally determined in an appropriate proceeding from a court of competent jurisdiction.
19. **TITLE STANDARDS.** Any matter of practice arising under or relating to this Agreement which is the subject of a practice standard of the Real Estate Bar Association for Massachusetts shall be governed by such standard to the extent possible. Any title matter which is the subject of a title standard of the Real Estate Bar Association for Massachusetts at the time of the delivery of the deed shall be governed by said title standard to the extent applicable.
20. **BUYER DEFAULT, DAMAGES** The parties have agreed that in the event of default by **BUYER** hereunder, the precise amount of damages suffered by **SELLER** will not be readily ascertained and, accordingly, that if **BUYER** shall fail to fulfill **BUYERS'** agreements hereunder, the **SELLER** shall be entitled to retain all deposits as liquidated damages, and this Agreement shall be null and void.
21. **AFFIDAVITS/CERTIFICATES.** Simultaneously with the delivery of the deed, **SELLER** shall execute and deliver: (a) Affidavits and indemnities under oath with respect to parties in possession and mechanic's liens to induce **BUYER'S** title insurance company to issue lender's and owner's policies of title insurance without exception for those matters, and **SELLER** shall indemnify and hold harmless the title insurance company for any losses, costs, or damages sustained as a result of issuing a policy without exceptions covered by such representations; (b) An affidavit, satisfying the requirements of Section 1445 of the Internal Revenue Code and regulations issued thereunder, which states, under penalty of perjury, **SELLER'S** United States taxpayer identification number, that **SELLER** is not a foreign person, and **SELLER'S** address (the "1445 Affidavit"); (c) Internal Revenue Service Form W-8 or Form W-9, as applicable, with **SELLER'S** tax identification number, and an affidavit furnishing the information required for the filing of Form 1099S with the Internal Revenue Service and stating **SELLER** is not subject to back-up withholding; and (d) Such additional and further instruments and documents as may be consistent with this Agreement and customarily and reasonably required by **BUYER** and/or the **BUYER'S** title insurance company to complete the transactions described in this Agreement.

22. **BUYER INSPECTION RIGHTS.** **BUYER** or **BUYER'S** representatives, consultants, engineers, and/or agents shall have the right, at any time, to enter the premises at **BUYER'S** own risk for the purposes of conducting surveys, inspections and tests, and environmental site assessments, including testing building, mechanical, and plumbing systems of the building on the premises or for any and all investigations leading to the demolition of the existing building and construction of a new building including but not limited to the following due diligence: building, structural, mechanical, electrical, zoning compliance, environmental, plumbing and anticipated build-out requirements by the **BUYER**. **BUYER**, to the extent permitted by law, shall hold **SELLER** harmless against any claim by **BUYER** of any harm to **BUYER** arising from said entry and shall restore the premises to substantially the same condition as prior to such entry if the closing does not occur. **BUYER'S** performance hereunder is expressly conditional, at **BUYER'S** option, upon **BUYER** being satisfied with the condition of the premises and/or the building thereon and on not having found on the premises any hazardous waste or hazardous material. In the event hazardous waste or hazardous material is found, or **BUYER** is not satisfied with the condition of the premises or the building, **BUYER** shall have the right, to be exercised in its sole and absolute discretion, to (a) terminate this agreement, whereupon all the rights and obligations of the parties shall cease, or (b) provide **SELLER** with the option, to be exercised in **SELLER'S** sole discretion, to repair the condition of the premises/building and/or remediate such hazardous condition, with **SELLER** paying all of the costs of repair/remediation. If **BUYER** requests **SELLER** to repair the premises/building and/or remediate the hazardous condition, and **SELLER** elects to undertake the same, **BUYER** shall perform under the terms of this agreement, provided, however, that **SELLER** repairs the premises/building to **BUYER'S** reasonable satisfaction and/or remediates the hazardous condition within a reasonable time and in full compliance with all applicable laws, rules, and regulations; otherwise this agreement shall be null and void and of no further effect between the parties. Nothing herein shall affect **BUYER'S** rights under this agreement to walk through and inspect the premises at any time prior to the delivery of the deed.

If the results of any such test or **BUYER'S** other engineering, architectural or other examinations concerning the property are unsatisfactory to **BUYER**, in **BUYER'S** sole and absolute discretion, then **BUYER** may terminate this Agreement by providing written notice of such unsatisfactory results to the **SELLER**, by **August 31, 2018**, whereupon this Agreement shall be terminated without further recourse to either party and the deposit shall be forthwith refunded to the **BUYER**.

23. **LIABILITY OF TRUSTEE, SHAREHOLDER, BENEFICIARY.** If **SELLER** or **BUYER** execute this Agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither **SELLER** nor **BUYER** so executing, nor any trustee, shareholder or beneficiary of any trust, partner of any partnership or member of any limited liability corporation shall be personally liable for any obligation, expressed or implied, hereunder.

24. **OTHER WARRANTIES AND REPRESENTATIONS.** **BUYER** and **SELLER** agree that they have incorporated in this Agreement their entire understanding and that no oral statement or prior written statement made by either of them or by any other person extrinsic to this Agreement shall have any force or effect. **BUYER** agrees that **BUYER** is not relying on any representations, oral or written, concerning the age, condition, workmanship or suitability of the Premises or any part thereof for any purposes made by any person, other than those representations expressly set forth in this Agreement or in other documents expressly made a part hereof.
25. **CONSTRUCTION OF AGREEMENT.** This instrument, executed in triplicate is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both **SELLER** and **BUYER**. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this Agreement or to be used in determining the intent of the parties to it.
26. **NOTICES.** All notices and other communications or deliveries that are required or permitted to be given hereunder shall be given in writing, by facsimile transmission with a copy following in the United States mail, or be registered or certified mail, return receipt requested, or by generally recognized overnight delivery, or by hand and if intended for **BUYER**, addressed to them at the address set forth above:

With a copy to:

City of New Bedford
Office of the City Solicitor
133 William Street
New Bedford, MA 02740

If intended for **SELLER**, addressed to it at the address set forth above, or to such other address established by like notice.

With a copy to:

All such notices and communications shall be effective when so deposited in the United States mail or with such overnight delivery carrier, provided that the same are received in the ordinary course at the address to which the same are mailed or sent pursuant to the foregoing.

27. **TITLE.** It is understood and agreed by the parties that the premises shall not be in conformity with title provisions of the Agreement unless:
- i. All buildings, structures and improvements including but not limited to any driveways, garages and all means of access to the premises, shall be located completely within the boundary lines of said premises and shall not encroach upon or under the property of any other person or entities.
 - ii. No building, structures or improvement of any kind belonging to any other person or entity shall encroach upon or under said premises;
 - iii. title to the Premises is insurable, for the benefit of **BUYER**, by a title insurance company acceptable to **BUYER**, in a fee owner's policy of title insurance at normal premium rates, in the American Land Title Association form currently in use, containing no exception for any matter not expressly permitted by this Agreement;
 - iv. The premises shall abut or have access to a public way which public way is duly laid out or accepted as such by the city or town in which said premises are located; and
 - v. The premises are equipped with all necessary utilities, including without implied limitation municipal water and sewer, electricity, wiring for telephone service, and the Premises are not in a flood zone.
28. **ESCROW FUNDS.** In the event of a disagreement relative to the disbursal of escrow funds as referenced in this Purchase and Sale Agreement, the escrow agent may retain all deposits made under this Agreement and distribute same upon instructions mutually agreed upon and given by the **SELLER** and **BUYER** or upon issuance of a final and binding judgment entered by a court of competent jurisdiction. A disagreement shall be defined as the lack of instructions mutually given by all parties.
29. **PRIOR MEMORANDUM OF THE PARTIES** This Agreement supersedes any and all other agreements made prior hereto, including any memorandums or letters of intent dated prior by and between the **BUYER** and **SELLER** with respect to the transaction contemplated hereby which is hereby superseded and made void and without recourse to the parties hereto.
30. **LEGAL COUNSEL.** **BUYER** and **SELLER** acknowledge that they have each been advised of the importance of seeking legal advice prior to signing this Agreement, and each acknowledges that they have been afforded the opportunity to confer with legal counsel of their choice prior to signing this Purchase and Sale Agreement.

31. **WARRANTIES AND REPRESENTATIONS.** In order to induce **BUYER** to enter into this Agreement, **SELLER** warrants and represents to **BUYER**, effective as of the date of this Agreement and also effective as of the date of closing, that:
- (a) There are no lawsuits, actions or proceedings pending or threatened in writing against or affecting the Premises.
 - (b) There are no outstanding violations of any environmental, building, health or other applicable local, state or federal laws, rules, ordinances, regulations, permits and requirements of public authorities having jurisdiction over the Premises, or any state of facts that could ripen into any such violations;
 - (c) No work has been performed on the Premises which would give rise to the filing of a mechanic's lien, nor will there be any such lien filed against the Premises for work performed or goods or services provided to, on behalf of or with the consent of **SELLER** between the date hereof and the closing date;
 - (d) To the best of **SELLER'S** knowledge, **SELLER** holds good and clear, record and marketable title to the Premises in fee simple, and **SELLER** has not granted any options, rights of first refusal, or other contracts have been granted or entered into which give any other party a right to purchase or acquire any interest in the Premises;
 - (e) **SELLER** has not entered into leases, licenses, or other occupancy agreements (whether written or oral) in effect with respect to any part of the Premises;
 - (f) **SELLER** has no present knowledge of and will disclose and deliver all received written notices of, any planned or threatened condemnation or eminent domain proceedings with respect to the Premises;
 - (g) This Agreement has been duly authorized by all requisite action is not in contravention of any law or organizational documents and this Agreement has been duly executed by a duly authorized officer of **SELLER**;
 - (h) To the best of **SELLER'S** knowledge, **SELLER'S** execution of this Agreement does not violate any other contracts, Agreements, or any other arrangements of any nature whatsoever that **SELLER** has with third parties.
 - (i) To the best of **SELLER'S** knowledge, information and belief, (i) **SELLER** has not received notice of any release of any hazardous materials or oil on, from or near the Premises (as used in this Agreement, the terms "release," "hazardous materials" and "oil" shall have the meaning given to them in M.G.L.c.21E), (ii) there are no underground storage tanks or other subsurface facilities holding

petroleum or oil products currently in use or previously abandoned on the Premises and (iii) chlordane has not been used as a pesticide on the Premises;

- (j) **SELLER** has received no written notice from any governmental authority or agency having jurisdiction over the Premises of any environmental contamination, or the existence of any hazardous materials at the Property in violation of the Comprehensive Environmental Response, Compensation and Liability Act 42 U.S.C. § 9601, et seq. (CERCLA), or any similar federal, state or local statute, rule or regulation; and
- (k) No petition in bankruptcy (voluntary or otherwise), assignment for the benefit of creditors, or petition seeking reorganization or arrangement or other action under Federal or State bankruptcy laws is pending against or contemplated by **SELLER**.

SELLER will not cause nor, to the best of **SELLER'S** ability, permit any action to be taken which would cause any of **SELLER'S** representations or warranties to be false as of closing, and in any event shall notify **BUYER** of any change in these representations and warranties. **SELLER'S** representations and warranties shall survive the closing and the delivery of the deed.

- 32. **FOREIGN PERSON.** **SELLER** hereby warrants and represents to **BUYER** that **SELLER** is not a "foreign person" as defined by the Internal Revenue Code, Section 1445, and agrees to execute and deliver to **BUYER** at closing, an affidavit or certificate in compliance with Section 1445 (b) (2) and the applicable regulations thereunder.
- 33. **ACCESS.** The **BUYER** shall have continuing access to the premises at reasonable times and upon reasonable notice for inspections, arranging financing, measurements and other reasonable purposes.
- 34. **PERMITS/LICENSES, ETC. CONTINGENCY** This Agreement is subject to and contingent upon our client receiving and/or obtaining all necessary local, state and/or federal approvals, permits and licenses which allow for the use of the property for a Public Safety Facility. In the event that the **BUYER** is unable to obtain said approvals, after the expiration of all appeal periods, by August 31, 2018, then the **BUYER** shall have the option to terminate the Agreement by written notice to the **SELLER**, said notice to be dated on or before said date, and the deposit shall be forthwith refunded to the **BUYER**.
- 35. **SELLER COOPERATION.** **SELLER** agrees to cooperate in a reasonable manner with the **BUYERS'** efforts to obtain any necessary approvals, permits, etc., including the execution of any reasonably requested application, petition or document.

36. **UNDERGROUND STORAGE TANKS:** The **SELLER** hereby warrants and covenants, to the best of his knowledge and belief, that there are no underground storage tank (UST) located on the property and agree to hold the **BUYER** harmless from the existence of same. This clause shall survive delivery of the Deed.

37. **HAZARDOUS MATERIALS.** **SELLER** shall provide **BUYER** with information of any past or current release or threat of release, or the presence of "hazardous materials" and "oil" on the Premises, as such terms are defined in G.L. c. 21E, and copies of all environmental tests, studies, and assessments relating to the Premises and copies of all notices of noncompliance or responsibility received from the Department of Environmental Protection or any other federal, state, or local governmental body. The provisions of this paragraph shall survive the delivery of the deed.

38. **CONTINGENCIES.** **BUYER'S** performance hereunder is, at **BUYER'S** option, expressly subject to the following conditions:

(a) **BUYER** obtaining a favorable vote of City Council in the City of New Bedford authorizing the **BUYER** to acquire the premises for the consideration stated herein and upon the terms set forth in this offer and authorizing the appropriation of sufficient funds for that purpose;

(b) **BUYER** shall have complied with the provisions of G.L. c.30B (the Uniform Procurement Act) for acquisition of real property;

(c) **SELLER** shall have complied with the disclosure provisions of G.L. c.7C, §38, and **SELLER** and **BUYER** agree to diligently pursue full compliance with said statute. **SELLER** hereby agrees to execute a "Disclosure of Beneficial Interests in Real Property Transaction" certificate as required by G.L.c.7C, §38;

(d) **SELLER** shall have obtained written waivers of any right to claim relocation benefits under the provisions of G.L. c.79A and 760 CMR 27.03 from all occupants of the Premises and **SELLER** shall represent and warrant in writing at closing that all such waivers have been provided as to all occupants. **SELLER** hereby agrees to waive any rights **SELLER** may have to relocation benefits under the provisions of M.G.L. c. 79A;

Furthermore, **SELLER** shall defend, indemnify and hold **BUYER** harmless as to any claim for relocation benefits or payments brought against **BUYER** by any former or present occupant (or future occupant between now and the Closing Date) of the Premises and pay any costs incurred by **BUYER** resulting from any such claim. The provisions of this paragraph are expressly agreed to survive the delivery of the deed;

(e) **BUYER** shall have inspected the Premises and **SELLER'S** title to the Premises and be satisfied with the condition thereof, in its sole and absolute discretion; and

(f) Any other requirements of the Massachusetts General or Special Laws relative to the acquisition of property by **BUYER**.

Provided, however, that if any of the foregoing conditions are not satisfied by August 31, 2018, **BUYER** shall have the option of extending the closing date until such conditions are satisfied, and further provided that the closing date shall not be extended beyond October 17, 2018, provided that **BUYER** shall give **SELLER** days written notice of its exercise of this option prior to the closing date and shall give **SELLER** seven (7) days written notice of the new closing date.

(g) In the event any of provisions 38 (a) through (f) are not met, at the option of the **BUYER**, the deposit shall be forthwith refunded to the **BUYER** and this Agreement shall be null and void the parties having no further recourse hereunder.

39. **EXTENSIONS.** **BUYER** and **SELLER** hereby authorize their respective attorneys (as the case may be) to execute on their behalf any extensions to the time for performance and any change of location and/or time for delivery of the deed. **BUYER** and **SELLER** shall be able to rely upon the signature of said attorneys as binding unless they have actual knowledge before the execution or other consent to such extensions, that either party has disclaimed the authority granted herein to bind them. For purposes of this Agreement, facsimile signatures shall be construed as original.
40. **ERRORS.** If any errors or omissions are found to have occurred in any calculations or figures used in the settlement statement signed by the parties (or would have been included if not for any such error or omission) and notice thereof is given within sixty (60) days of the date of delivery of the deed to the party to be charged, then such party agrees to make payment to correct the error or omission.
41. **CAPTIONS.** The captions and headings throughout this agreement are for convenience of reference only and the words contained therein shall in no way be held or deemed to define, limit, explain, modify, amplify or add to the interpretation, construction or meaning of any provisions of, or the scope or intent of this agreement, nor in any way affect this agreement, and shall have no legal effect.

42. **Seller Corporate Deliveries**

This Agreement is also made subject to the following additional provisions:

- (a) The **SELLER** agrees to provide the **BUYER** with a Certificate of Good Standing for the corporation from the Commonwealth of Massachusetts, Office of the Secretary of State, prior to closing, in recordable form.
- (b) The **SELLER** agrees to provide the **BUYER** with a Certificate of Good Standing for the corporation from the Commonwealth of Massachusetts, Department of Revenue, prior to closing, in recordable form.
- (c) The **SELLER** agrees to provide the **BUYER** with a Corporate Excise Tax Waiver, prior to closing, in recordable form.

SEE NEXT PAGE FOR SIGNATURES

THIS AGREEMENT IS EXECUTED AS A SEALED INSTRUMENT AS OF THE DAY AND DATE SET FORTH ABOVE.

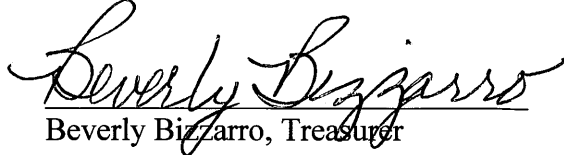
SELLER:

Peacefully at Home Wellness & Healthcare, Inc.

Witness


Ahmet F. Dirican, President

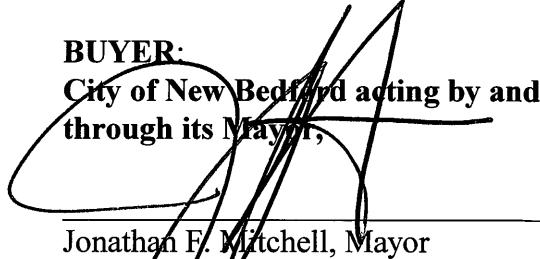
Witness


Beverly Bizzarro, Treasurer

Witness

BUYER:

City of New Bedford acting by and through its Mayor,


Jonathan F. Mitchell, Mayor

ESCROW AGENT:

Approved as to form:

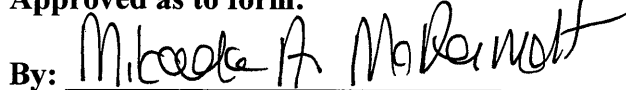
By: 
Mikaela A. McDermott
City Solicitor

EXHIBIT "A"

BK 11615 PG 99
02/24/16 03:05 DOC. 4135
Bristol Co. S.D.

QUITCLAIM DEED

I, AHMET F DIRICAN, of 726 County Street, New Bedford, MA 02740, for consideration paid in the amount of less than one hundred (\$100.00) dollars, grant to PEACEFULLY AT HOME WELLNESS AND HEALTHCARE INC., a duly formed Massachusetts Nonprofit Corporation, with a principal place of business located at 890 Brock Avenue, New Bedford, MA 02744, with QUITCLAIM COVENANTS,

A certain tract or pared of land with the buildings and improvements thereon, if any, located on the southerly side of Ruth Street and the easterly side of Brock Avenue in the City of New Bedford, County of Bristol, Commonwealth of Massachusetts, being further bounded and described as follows:

Beginning at a cement bound at the southeasterly intersection of Ruth Street and Brock Avenue, which point is the northwesterly corner of the parcel to be described; thence running South 02° 07' 00" West by Ruth Street, 25.02 feet to a stone bound; thence running South 54° 35' 10" East by said Brock Avenue, 123.77 feet to an angle; thence continuing South 38° 16' 13" East by said Brock Avenue, 217.22 feet to a corner; thence running North 74° 27' 40" East by land now or formerly of Antone DeMello et al, 104.32 feet to a corner; thence running North 10° 00' 00" West by land now or formerly of Manuel A. Jovel et al, 51.85 feet to a stone bound; thence continuing North 10° 00' 00" West by LOT 1 on plan of land hereinafter described, 82 feet to a corner; thence running North 80° 00' 00" East by said LOT 1, 11.65 feet to a corner; thence turning and running North 10° 00' 00" West by said LOT 1, 79 feet to a corner; thence running South 80° 00' 00" West by land now or formerly of Eileen Cristello, 27.02 feet to a corner; thence running South 10° 00' 00" East by said Cristello land 4 feet to a corner; thence turning and running South 80° 07' 37" West by said last-named land, 56.81 feet to a corner; thence turning and running North 09° 00' 00" West by said last-named land, 84.89 feet to Ruth Street; thence running South 80° 00' 00" West by Ruth Street, 217.65 feet to a concrete bound and the point of beginning.

Containing 53,264 square feet of land, more or less.

Being designated as LOT 2 on Plan of Land prepared for The Roman Catholic Bishop of Fall River dated January 9, 2007, Scale: 1" = 20', said plan recorded with the Bristol County South District Registry of Deeds in Plan Book 161, Page 25.

Subject to easements for the benefit of Community Action for Better Housing, Inc. and its successors and assigns as set forth in a deed dated June 2, 2006 and recorded with the said

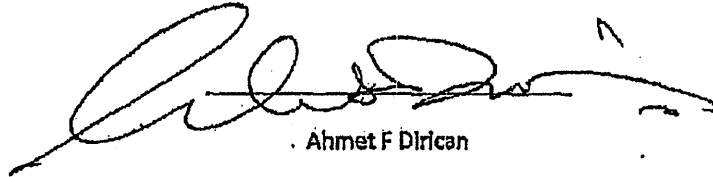
890-936 Brock Ave. New Bedford MA

Registry of Deeds in Book 8167, Page 223.

For Grantor's title see deed dated August 17, 2007 and recorded with Bristol County (S.D.) Registry of Deeds in Book 8764, Page 322.

Property address: 890-~~93~~ Brock Avenue, New Bedford, MA. 02744

Witness my hand and seal this 24th day of February, 2016.

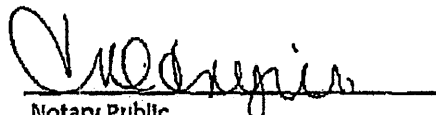
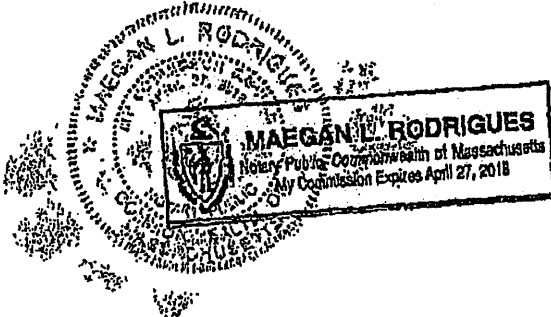


Ahmet F Dirican

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss:

On this 24th day of February, 2016, before me, the undersigned notary public, personally appeared AHMET F DIRICAN, proven to me through satisfactory evidence of identification, which was MDL 681534754, to be the person whose name is signed on the preceding or attached document, who personally executed such document in my presence, acknowledged to me that he signed it voluntarily for its stated purpose and swore or affirmed to me that the contents of said document are true, accurate and complete.



Notary Public
My Commission expires:

661-25



ADDENDUM TO EXHIBIT A

- 1. AIR ORGAN IN THE FORMER ST. ANNE'S CHURCH; SOME PEWS & SOME LIGHT FIXTURES**
- 2. PERSONAL PROPERTIES (ATTACHED/UNATTACHED TO BUILDINGS: SUCH AS A/C UNITS, CONDENSERS, SPACE HEATERS, SOME DOORWAY FIXTURES/RELIEFS/MOLDINGS, CABINETRIES)**
- 3. MEDICAL PRACTICE PROPERTIES
(ATTACHED/UNATTACHED TO BUILDINGS: SUCH AS CABINETRIES, DESKS, TV UNITS, TELECOMMUNICATION UNITS, SIGNAGE REQUIRED BY THE MEDICAL ESTABLISHMENT)**



Item Title:

COMMUNICATION - CPA ACUSHNET SAWMILL EXPANSION PROJECT

Item Detail:

59. COMMUNICATION, Council President Morad, submitting a letter from Janine Silva, Chair, Community Preservation Committee, requesting a reconsideration for the CPA Acushnet Sawmill Expansion Project, on behalf of the Buzzards Bay Coalition, Inc. (Copy all Councillors 08/10/2018.)

Additional Information:



Item Title:

TABLED ITEM - KINGS VILLAGE

Item Detail:

05/24/2018 WRITTEN MOTION, Councillors Gomes and Carney, requesting, once more that the Committee on Appointments and Briefings meet with management of Kings Village, this request comes once again on behalf of the residents; and further, that once again the Board of Health and the Department of Inspectional Services inspect the housing complex for rodent complaints, bedbugs, mold and mildew and the maintenance procedures that have not been done in the buildings following up on inspections that were done early this year; and further, once more that letters be sent to our State Legislative Delegation, HUD and State Health inspectors about the conditions at the senior citizen complex.

Additional Information:



Item Title:
SPECIAL ACCOMODATIONS

Item Detail:

***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.***

Additional Information: