



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, March 12, 2009 - 7:00 p.m.

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OPENING OF SESSION BY: CITY COUNCIL PRESIDENT JOHN T. SAUNDERS

**PRAYER LED BY: REVEREND PAMELA J. COLE, PRESIDENT
GREATER CHAPTER OF CHURCH WOMEN UNITED**

PLEDGE OF ALLEGIANCE

RESOLUTIONS

1. RESOLUTION, Councillors Gonsalves, Coelho, Dehner, Morad and Pimental, In Recognition and Celebration of NATIONAL WOMEN'S HISTORY MONTH – MARCH 2009.
2. RESOLUTION, Councillor Lawrence, Commemorating VIETNAM VETERAN'S DAY and the THIRTY-FOURTH ANNIVERSARY OF THE END OF THE VIETNAM WAR.
3. RESOLUTION, Councillor Martins, ON THE SPENDING OF FEDERAL ECONOMIC RENEWAL GRANTS; Offered by the New Bedford City Council.
4. RESOLUTION, Councillor Gomes, Honoring ARMSTED R. CHRISTIAN, JAZZ MUSICIAN AND VOCALIST OF NEW BEDFORD.

HEARINGS

5. COMMUNICATION, Jane Medeiros Friedman, First Assistant City Solicitor, responding to City Council Order, submitting AN ORDER for the LAYOUT AND ACCEPTANCE of MEDEIROS COURT, 40 feet wide, from Acushnet Avenue westerly 281.4 feet to Terminus.
- 5a. HEARING/LAYOUT ORDER, (for the LAYOUT AND ACCEPTANCE of MEDEIROS COURT, 40 feet wide, from Acushnet Avenue westerly 281.4 feet to Terminus.)

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$3,350,000.00 from STABILIZATION FUND, to GENERAL GOVERNMENT UNCLASSIFIED.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER AMENDING the ORDER ADOPTED IN CITY COUNCIL, AUGUST 21, 2008, AND SIGNED BY THE MAYOR ON AUGUST 25, 2008, which, in accordance with MGL Chapter 44, Section 53E ½, authorized the Revolving Fund under the control of the Department of Public Facilities, known as **Quest Center Revolving**, whose purpose is to provide a focus on entrepreneurial training and location for business start-up activities, etc., to be limited at \$87,852.00 for FY09, is hereby authorized at **\$152,000.00** for FISCAL YEAR 2009.

M2a. AN ORDER, (Amending Order)

M3. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for permission and authority from the Mayor and City Council to accept any and all grants in aid under the American Recovery and Reinvestment Act of 2009, on behalf of the City of New Bedford and the New Bedford Regional Airport, understanding that no City monies, including Airport Enterprise funds, will be spent to carry out such grants; in order for the City to potentially receive grant funding from the Federal Government the order needs to be in place, executed by the Airport, Mayor and the City Council acting through its President.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of JESSICA FERNANDES, 112 North Street, New Bedford, MA 02740 to the STEAMSHIP AUTHORITY PORT COUNCIL, replacing Philip H. Chase, Jr., who resigned December 01, 2008; this term will expire September 12, 2009.

M5. COMMUNICATION, Mayor Lang, to City Council, submitting a ONE YEAR WAIVER OF RESIDENCY request for Michael Gillis, Paramedic Intermittent, who resides at 71 Pond Road, Duxbury, MA 02332; this waiver will expire March 28, 2010.

M6. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for Barry DeMelo, 2225 Purchase Street, New Bedford, MA 02746, Account No. #4504, in the amount of \$69.35.

M7. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for Liberio DeMello (a.k.a. Liberio DeMelo), 51 Bonney Street, New Bedford, MA 02740, Account No. #9179, in the amount of \$175.20.

M8. COMMUNICATION, Mayor Lang, to City Council, submitting APPLICATION for the REAPPOINTMENT of RICHARD A. MONIZ, 111 Mt. Vernon Street, New Bedford, MA 02740 as a CONSTABLE.

M8a. APPLICATION,

NEW BUSINESS

6. REPORT, Committee on Ordinances, recommending that the City Council APPROVE the requirement that Pedicab drivers are to be licensed by the City, and that they are required to be CORI'd as cab drivers are annually, and that Councillor Gonsalves recommends a level of appropriate insurance to be required.

7. REPORT, Committee on Finance, recommending that the City Council ADOPT the ORDER for the TRANSFER of \$65,424.00 from ZOO, SALARIES & WAGES to ASSESSORS, SALARIES & WAGES.

7a. ORDER,

8. WRITTEN MOTION, Councillor Pimental, on behalf of Libad's Bar and Grille, 578 Brock Avenue, that the following street(s) be CLOSED: BROCK AVENUE, from Clara Street to Butler Street, on SUNDAY, JULY 26, 2009, FROM 9:00 A. M. TO 11:00 P. M., for the purpose of A Memorial Bike Run.

9. WRITTEN MOTION, Councillor Gonsalves, requesting that the following streets(s) be CLOSED: ONEIDA STREET AND BUTTWOOD STREET, from Lake Street to Fuller Memorial Parkway, ON SUNDAY, APRIL 19, 2009, FROM 7:00 A.M. TO 1:00 P.M., for the purpose of The Sixth Annual "Louie's Run" – A 5K Road Race and Fundraiser in memory of Louis M. Xifaras, to benefit Massachusetts General Hospital's Parkinson's Research. (Said Closing to Ensure the Safety of the Participants.)

10. WRITTEN MOTION, Councillors Martins, Gonsalves, Alves, Gomes, Council President Saunders, Councillors Coelho and Pimental, submitting a SECOND request that the Mayor provide the City Council with a spreadsheet of all employees who were laid off last month, along with their salaries and years of service. (Originally requested via email to William Burns on February 19, 2009.)

10a. COMMUNICATION/EMAIL, Councillor Martins, to William Burns, requesting a spreadsheet of ALL employees who were laid off, along with their salaries.

11. WRITTEN MOTION, Councillor Coelho, asking that the 2009, EPA Brownfields Job Training Program use Government Access Channel 18 as an outreach to inform all potential candidates, primarily from Brownfields impacted communities, including Aerovox, Payne Cutlery and Fairhaven Mills, of this Brownfields Career Path. (To be Referred to the Mayor's Office, the Committee on Environmental Affairs and Government Access Channel 18.)

12. WRITTEN MOTION, Councillor Alves, requesting that the Special Committee on Gaming/Casinos meet with Leon Dragone, President of Northeast Resorts, to discuss his proposed plans for the development of a slot machine parlor in the City of New Bedford, and his future plans for the development of a full casino in the City.

13. WRITTEN MOTION, Councillor Lawrence, asking that the City Council go on record in asking the Fire Chief and Administration to place on hold the layoff of Fire Fighter Leo Pike, until after his tour of duty is served, in light of the fact that his position may be restored during that time frame.

14. WRITTEN MOTION, Councillor Gomes, requesting once more, that letters be sent to Senators Edward M. Kennedy, John F. Kerry and Congressman Barney Frank asking for their urgent attention to the issue of releasing additional stimulus monies for the City of New Bedford, in order to address the public safety issues in this City; much good work has been done by City Public Safety Departments and we would like to ensure that, in these tough economic times, the one thing that can be provided to contributing taxpayers is a safe City, with an adequate amount of Officers on the street in order to keep New Bedford safe and to ensure the quality of life as much as possible; further, that this request comes on the heels of the City receiving about \$545,000.00 in funds to address the war against crime and the possible rehiring of laid off Police Officers; and further, that an expression of thanks also be included in that letter for that contribution, noting that the contribution, at this time, is not enough to ensure that the Police Chief will have the necessary amount of Officers, including Special Units such as Narcotics, Gang Squad and others that have contributed to public safety and the quality of life issues in New Bedford's ongoing fight against crime and criminals.

15. WRITTEN MOTION, Councillor Gomes, requesting that a letter be sent to Governor Deval Patrick, expressing the urgency that he reconsider the cut of monies that have been made to State Assistance that would address public safety concerns, seeing that the work done by departments across the Commonwealth in providing public safety and a better quality of life for people should be preserved and continued; and further, that he do whatever possible to impress on President Obama how important it is that some of the stimulus money being sent to the States, Cities and Towns be used to keep an adequate amount of Police Officers doing their good work on behalf of the citizens of cities such as ours, where we have cut back not only on our Resource Officers, our Community Police Officers, Detective Division, Narcotics Division, Canine Division as well as many Firefighters and EMS Personnel, and other areas, which are affecting the quality of life and increasing public safety concerns in the City of New Bedford and others throughout the Commonwealth of Massachusetts.

16. WRITTEN MOTION, Councillor Morad, asking that the City Council, or appropriate Committee thereof, pursuant to M.G.L. c39, §23B (3), meet in Executive Session to discuss the possible filing of, and range of strategic approaches to, an appeal of a recent Zoning Board of Appeals decision regarding accessory structures.

17. PETITION, Nancy Freeman, 58 Surf Drive, Mashpee, MA 02649, requesting that she be granted a Waiver of the Residency Requirement under the provisions of Sec. 15-38 of the City Code of Ordinances for a LICENSE TO DEAL IN JUNK, OLD METALS OR ANY SECOND HAND ARTICLES; the place of business is PENELOPE'S LOOM, 984 KEMPTON STREET, NEW BEDFORD, MA 02740. (Submitted by Councillor Gonsalves.)

18. COMMUNICATION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW of 85 COGGESHALL STREET (FAIRHAVEN MILL), Electric House, Plot 93, Lot 167; Brick Store House, Plot 93, Lot 245; Mill #7, Plot 93, Lot 263 and Mill #4, Plot 93, Lot 264,) stating that the NBHC has reviewed the application for demolition at its 03/04/09 meeting and that "The Structures are associated with the architectural, cultural and social history of New Bedford. The textile and industrial mills were a leading industry that shaped the city in the 19th and 20th centuries and these structures are representative of that era." and "the subject structures are found to be historically significant." Further stating that "The NBHC has determined that although historically significant, the subject

structures at 85 Coggeshall Street (Fairhaven Mill) are NOT preferably preserved and not in the public interest to be preserved or rehabilitated.”

19. COMMUNICATION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW of 630 – 686 BELLEVILLE AVENUE – **Chimney Stack**, advising that “the structure is not located in a National Register District” and “the structure is of no notable historic significance either recorded or found with the existing condition of the structure;” therefore, “the NBHC has determined that the building is NOT a historically significant building or structure and not preferably preserved.”

20. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of MICHAEL D. CRUZ, d/b/a/ CRUZ-N-STYLE LIMOUSINE SERVICE, 47 Nashua Street, New Bedford, MA 02740, hereby submits a copy of the Application requesting a RENEWAL of a Private Livery License, under the provisions of M.G.L. 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. (Previous License expired March 09, 2009.)

21. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of VICTOR DA ROSA, 56 Westwood Drive, North Dartmouth, MA 02747, d/b/a BLUEBIRD TRANSPORTATION, 1551 Purchase Street, New Bedford, MA 02740, hereby submits a copy of the Application requesting a RENEWAL of a Private Livery License, under the provisions of M.G.L. 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. (Previous License expired February 23, 2009.)

22. COMMUNICATION, First Assistant City Solicitor Friedman, to ZBA Chairman Barry Sylvia, regarding Appointment of Members, stating that the Zoning Board of Appeals has no authority to appoint its own members, pursuant to Section 2-3 of the New Bedford Code of Ordinances. (Copy all Councillors March 02, 2009.)

22a. COMMUNICATION, Zoning Board of Appeals Chairman Barry Sylvia, to City Council, advising that the Zoning Board of Appeals voted (3-1) at the Thursday, February 26, 2009, Zoning Board of Appeals Meeting, to have Dennis Costa, former ZBA Member, reappointed and sworn in as a member of the Zoning Board of Appeals and stating reason for said vote. (Supporting paperwork for request enclosed.)

23. COMMUNICATION, New Bedford City Council, to Mr. Lee V. Charlton, congratulating Mr. Charlton and family on his portrait unveiling, thanking him for his service to New Bedford and its Citizens and apologizing for their absence personally, and as Elected Officials, due to being both unaware of the portrait commission and uninformed about the unveiling ceremony. (To be Received and Placed on File.)

24. COMMUNICATION, Vietnam Veterans of America, Chapter 499, John W. Remedis, President, inviting City Councillors to attend annual Vietnam Veteran’s Day Ceremony on SUNDAY, MARCH 22, 2009, AT 12:00 NOON, at the Kennedy Building at Fort Taber.

25. COMMUNICATION, New England Joint Board, UNITEHERE!, to City Council, updating and providing information and recently obtained documents regarding Eagle Industries Unlimited and the production of its Federal MOLLE contract in New Bedford, MA/Mayaguez, Puerto Rico.

TABLED BUSINESS

01/08/09 COMMUNICATION, Mayor Lang, to City Council, submitting **VETO** of THE ORDER ADOPTED IN CITY COUNCIL, NOVEMBER 13, 2008, ACCEPTING THE DEED, in substantially the same form as enclosed, from Cove Road LLC, for property located on the easterly side of Orchard Street, shown as Lot 2 on a plan titled “Approval Not Required Plan of Land in New Bedford, Massachusetts Prepared for Cove Road LLC, prepared by Sitec, Inc., dated August 2, 2004, recorded with the Bristol Southern District as Plan No. 154-94 and containing 76,594 square feet of land, according to said plan; stating that on November 21, 2008, the City was informed that the DEP completed an audit of the response actions undertaken at the Camara Field site and the subsequent Class A-3 Response Action Outcome Statement (RAO) and Activity and Use Limitation (AUL) filed on behalf of Cove Road LLC and concluded that the response actions performed by or on behalf of Cove Road LLC were NOT PERFORMED IN COMPLIANCE WITH THE REQUIREMENTS OF THE MCP and DEP is requiring the owner to provide additional data in support of the LSP’s conclusion that No Significant Risk has been achieved; AND since not in best interests of the City to accept said deed, Mayor Lang, also submitting A SUBSTITUTE ORDER ACCEPTING THE DEED from Cove Road LLC, for property known as Camara Field, upon the

owner addressing, to the DEP's satisfaction, the response actions undertaken at the site, the subsequent Class A-3 RAO and the AUL filed on behalf of the Cove Road LLC. (VETO by Mayor Lang, received November 26, 2008, at 3:53 p.m.) (VETO Received and Spread on the Records IN CITY COUNCIL, December 18, 2008.) (Please Note: AN ORDER, Accepting Deed submitted by Mayor Lang, as a **SUBSTITUTE ORDER, Referred to the Committee on Appointments and Briefings**, IN CITY COUNCIL, December 18, 2008.)

01/08/09 AN ORDER, (Accepting Deed for the Property known as Camara Field) (Vetoed by Mayor Lang – see 2.)

02/12/09 RESOLUTION, Councillors Martins, Gonsalves and Morad, Commending JOHN VERISSIMO, and the ENTIRE CREW (CAPTAIN KARL LUCAS, DAVE MARTIN, LOUIS SALERNO, DANNY CONVERY AND MATTHEW WARTA) of INTERSTATE NAVIGATOR'S BLOCK ISLAND FERRY "ATHENA," for THEIR HELP IN THE JANUARY 15, 2009, US AIRWAYS PLANE CRASH RESCUE IN NEW YORK'S HUDSON RIVER.

