



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, March 26, 2009 - 7:00 p.m.

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

**PRAYER LED BY: REVEREND KEVIN HARRINGTON
ST. FRANCIS OF ASSISI PARISH**

PLEDGE OF ALLEGIANCE

PLEASE NOTE: DUE TO THE CHRISTIAN AND JEWISH HOLY DAYS, THE NEXT REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL WILL BE HELD ON TUESDAY, APRIL 07, 2009; THE AGENDA WILL CLOSE NO LATER THAN 10:00 A. M., THURSDAY, APRIL 02, 2009; TO BE RELEASED/DISTRIBUTED ON FRIDAY, APRIL 03, 2009.

1. COMMUNICATION, Councillor Pimental, to City Council, informing that, due to family vacation, she will be unable to attend the City Council Meeting of March 26, 2009. (To be read into the record and Received and Placed on File.)

RESOLUTIONS

2. RESOLUTION, Councillors Martins, Gonsalves and Gomes, honoring BOY SCOUTS OF AMERICA, NARRAGANSETT COUNCIL, CACHALOT DISTRICT TROOP 3 on its 95th ANNIVERSARY – the oldest Troop in New Bedford, Cachalot District and one of the oldest in the Narragansett Council and in the United States.
3. RESOLUTION, Councillor Duarte, congratulating the ALFRED J. GOMES SCHOOL STAFF AND STUDENTS on WINNING THE CITY'S SCHOOLS FIRST RECYCLING CHAMPIONSHIP.
4. RESOLUTION, Councillors Gonsalves and Morad, honoring ALEXSANDRIA GILLESPIE, recipient of the KENNEDY PRESIDENTIAL LIBRARY'S "MAKE A DIFFERENCE AWARD."
5. RESOLUTION, Councillor Gomes, honoring 9-18 CLUB on its 40TH ANNIVERSARY.

HEARINGS

6. HEARING, on Petition of NSTAR Electric Company for location of one (1) 4" conduit, three (3) 4" conduits and one (1) 45" x 45" x 36" Handhole in MILL STREET, East of Summer Street.
- 6a. ORDER,
7. HEARING, on Petition of NSTAR Electric Company for location of two (2) 4" Electric Conduits in HATHAWAY BOULEVARD, South of Parker Street.
- 7a. ORDER,

NEW BUSINESS

8. REPORT, Committee on Appointments and Briefings, recommending that the City Council hold a Hearing on ExteNet Systems and that ExteNet Systems, updates its submittals with current abutters lists and to comply with Council submission requirements for format of and information shown on plans to be submitted prior to the Public Hearing.
9. REPORT, Committee on Ordinances, recommending that the City Council Ordain the two proposed Ordinances as follows: a) AN ORDINANCE, Relative to Vehicles for Hire and b) AN ORDINANCE, Relative to Class A Vehicles.
- 9a. AN ORDINANCE, Relative to Vehicles for Hire (To be Passed to a Second Reading.)
- 9b. AN ORDINANCE, Relative to Class A Vehicles (To be Passed to a Second Reading.)
10. AN ORDINANCE, Amending Chapter 17, Section 17-18, Subsection (j) RELATIVE TO NON-CRIMINAL DISPOSITIONS and Amending Chapter 23, Section 23-27, Subsection C RELATIVE TO TRAFFIC. (Passed to a Second Reading February 26, 2009, to be Passed, to be Ordained.)
11. WRITTEN MOTION, Councillors Gonsalves, Lawrence, Duarte, Pimental, Council President Saunders, Councillor Alves, Coelho and Martins, requesting that the Fire Chief consider moving Engine 1 to Fire Station 3 to provide coverage for the West End, now that Engine 6 has been shut down.
12. WRITTEN MOTION, Councillor Morad, requesting that a Representative from the Mayor's Office and Ronald Labelle, Commissioner of the Department of Public Infrastructure, be invited to the Committee on Public Safety and Neighborhoods, to review the status of New Bedford's "shovel ready" projects in conjunction with the Federal stimulus funds given to Massachusetts under the American Recovery and Reinvestment Act, and the 2009 – 2010 Southeastern Regional Planning and Economic Development District, (SRPEDD) projects covered under the Transportation Infrastructure Program, (TIP). (To be referred to the Committee on Public Safety and Neighborhoods.)
13. WRITTEN MOTION, Councillor Coelho, requesting that the Police Department put a stop to the people, who claim to be homeless, from begging for money at the Rt. 18 and I-95 exit on Coggeshall Street, since they are placing themselves at risk, as well as posing a risk to motorists and contributing to the blight of these already struggling neighborhoods; and further, in this ongoing economical recession, this is an important step to put a stop to, and discourage any public begging and/or soliciting so that it does not escalate. (To be referred to the Committee on Public Safety and Neighborhoods, the Mayor's Office and the Police Department.)
14. WRITTEN MOTION, Councillor Gonsalves, requesting, on behalf of the Humane Coalition for Animals of Greater New Bedford, Pamela Holmes, President, that the following street(s) be CLOSED: LT. WALTER P. FULLER MEMORIAL PARKWAY, from Rockdale Avenue, West to the Monument, on SUNDAY, MAY 17, 2009, from 9:00 A.M. to 4:00 P.M., for their annual DOG WALK AND PET FEST IN BUTTONWOOD PARK.
15. WRITTEN MOTION, Councillor Morad, requesting, on behalf of Paul Dupont, Boy Scout Troop Master, Troop 24, that CHEROKEE STREET, between Acushnet Avenue and Morton Avenue, be CLOSED from 8:00 a.m. to 4:00 p.m., on SATURDAY, MAY 23, 2009, for the annual Boy Scout Soap Box Derby race event.
16. WRITTEN MOTION, Council President Saunders, requesting, on behalf of Eric Averill, Sun Multisport Events, Bridgewater, MA, that the following street(s) be CLOSED: SOUTH RODNEY FRENCH BOULEVARD, from Brock Avenue east to East Rodney French Boulevard and EAST RODNEY FRENCH BOULEVARD, from Fort Taber Park entrance to Cove Street, and FERRY STREET, totally located inside Fort Taber Park, leading to the Sewer Treatment Plant, (see map) and the Entrance to Fort Taber Park will be closed to vehicular traffic as well, be CLOSED, on SATURDAY, AUGUST 01, 2009, from 8:00 a.m. to 12:00 p.m., for the purpose of A YOUTH TRIATHLON (swim, bike, run) at Fort Taber Park; race will be open to youth between the ages of 7 to 18 and street closings help to ensure the safety of the participants.
- 16a. COMMUNICATION, Eric Averill, SUN MULTISPORT EVENTS, to City Council, submitting emails, maps and plans for A YOUTH TRIATHLON (swim, bike, run) EVENT for Saturday, August 01, 2009, from 8:00 a. m. to 11:00 a. m., at Fort Taber Park. (See WRITTEN MOTION for Street Closings.)
17. WRITTEN MOTION, Councillor Duarte, requesting, on behalf of the United Way of Greater New Bedford and Mayor Lang, that the following street(s) be CLOSED: WILLIAM STREET, from North Sixth Street to Pleasant Street,

on FRIDAY, MAY 08, 2009, from 7:00 a. m. to 9:00 a. m., for the purpose of the United Way's 14th Annual Youth Day of Caring Event on the Main Library's steps, and parking for the students' buses.

18. WRITTEN MOTION, Councillor Gonsalves, Council President Saunders, Councillors Alves, Coelho, Lawrence and Duarte, requesting that the Mayor, Police Chief and Fire Chief advise the Council as to what plans have been put in place to protect the Armory from further vandalism and damage; and further, to ask the Mayor to advise the Council what is the status of the proposal submitted by Arthur Motta in 2007, to convert the Armory to a Convention Center.

18a. COMMUNICATION, 2007 PROPOSAL for the NEW BEDFORD ARMORY, submitted by Arthur Motta, Executive Director, Southeastern Massachusetts Convention & Visitors Bureau. (Submitted by Councillor Gonsalves, Emailed and Copied all Councillors 03/24/09.)

19. WRITTEN MOTION, Councillor Gomes, requesting that the City Council's Legislative Counsel and City Solicitor look into Article II. Section 19-20 through 19-27, with respect to enforcing the requirement that City Employees be residents of the City of New Bedford during the full term of their employment with the City; further, that future contracts with the City's Unions (AFSCME, Police, Fire) ensure that every City employee be a resident of the City of New Bedford during the full term of their employment and/or for a MINIMUM OF FIFTEEN years, if so negotiated, (and NOT the presently negotiated 3 – 4 years) before being allowed to reside in other Cities or Towns; further, that this change, after review by the Legislative Counsel and Solicitor, not apply to positions specifically exempted by the Code or where Waivers have been granted by the City Council and Mayor when in the best interest of the public to do so, if the Legislative Counsel and City Solicitor so determine to continue exemption(s) after review; and further, that employees presently working for the City that were allowed by Union Contract to reside outside of the City be "Grandfathered in," so as not to cause hardship to said employees and their families.

20. WRITTEN MOTION, Councillor Gomes and Martins, requesting that the Mayor and the Police Chief increase patrols, if they can't be provided by Special Units, and arrest the "ladies of the night" that have begun to increase in numbers that had not been seen in a long time in the North End of the City, between the areas of Coffin Avenue and Sawyer Street; and further, that immediate action be taken to eliminate prostitution in these neighborhoods that is a detriment to the quality of life of the residents and taxpayers that live there.

21. WRITTEN MOTION, Councillor Gomes, requesting that the Mayor and the Police Chief increase their awareness of parking violations throughout the City, from the north to the south, from the east to the west, as well as those violating traffic and parking laws; further, that regular patrols be notified to write tickets, whenever possible, due to violators jeopardizing public safety by obstructing the view of motorists traveling on these streets where corners are blocked, and pedestrian walkways and crosswalks are obstructed, by cars illegally parked, thereby impeding the vision of drivers and the ability of pedestrians to walk in the crosswalk or even safely cross the street in a crosswalk; and further, that each Precinct be notified to increase their awareness and increase their ticket writing in order to make New Bedford a safer City, and also to penalize those who feel that they can violate the traffic and parking laws within our City and to deter further violations

22. WRITTEN MOTION, Councillor Gomes, requesting, once more, that letters be sent to our State Delegation, our Federal Delegation, Homeland Security Director Janet Napolitano, Governor Deval Patrick, and President Barack Obama, requesting all parties to acknowledge the request for monies in order to provide public safety in Cities and Towns across the Commonwealth and across the Country that have been heavily hit with cuts that have left Cities and Towns with a loss of dozens of Police Officers, Firefighters, EMS Paramedics, and for information as to what is being done to facilitate monies either from the stimulus, or because it is the right thing to do, in order to provide public safety and assist in quality of life issues; in order for New Bedford to prosper and to be an economically-driven City, we must provide our taxpayers with public safety, which, at this point, has suffered, due to the cuts that have occurred within the Police, Fire and EMS Departments to name a few; and further, that we request an acknowledgement as to what is being done, on every level, in order to provide Cities and Towns with either stimulus money or grant money that can put the Emergency Responders back to work that have been laid off due to the deficits within the City's budgets or cuts by the Commonwealth of Massachusetts.

23. WRITTEN MOTION, Councillor Gonsalves, requesting that the City Council respond to letter from Mr. Warren Pepicelli, Joint Board Manager/International Vice-President UNITEHERE!, 33 Harrison Avenue, Boston, MA 02111, which updated and provided information and recently obtained documents regarding Eagle Industries Unlimited and the

production of its Federal MOLLE contract in New Bedford, MA/Mayaguez, Puerto Rico and send a letter to U.S. Army REDCOM Acquisition Center, the Defense Contract Management Agency in Boston, MA, Eagle Industries, and our State and Federal Delegations addressing concerns by UNITEHERE!, and stating that the New Bedford City Council is opposed to Eagle Industries relocating any jobs or work outside of the City of New Bedford.

23a. COMMUNICATION, Mr. Warren Pepicelli, Joint Board Manager/International Vice-President UNITEHERE!, 33 Harrison Avenue, Boston, MA 02111, to Councillor Gonsalves, 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 (Note: Communication previously copied all Councillors and Received and Placed on File, In City Council, March 12, 2009.)

24. WRITTEN MOTION, Councillor Dehner, requesting, on behalf of Christine Barbosa, that the following street(s) be CLOSED: REYNOLDS STREET, from Coggeshall Street to Peckham Street, on SATURDAY, APRIL 04, 2009, FROM 2:00 P.M. TO 6:00 P.M., for a Neighborhood Block Party.

25. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **HENRY N. LEE, 54 State Street, New Bedford, MA 02740 / P.O. Box 70433, Dartmouth, MA 02747, d/b/a/ CHECKER-STANDARD LIVERY SERVICES, 271 County Street, New Bedford, MA 02740/P.O. Box 70433, Dartmouth, MA 02747**, hereby submit a copy of the Application requesting a NEW 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 December 1998.)

26. COMMUNICATION, Mayor Lang, to City Councillors, submitting DRAFT Fiscal Year 2009, Office of Housing and Community Development Action Plan and Certifications. (HUD) (Copy of Letter only to All Councillors 03/17/09.)

27. COMMUNICATION, Zoning Board of Appeals, to District Attorney Sutter, re: Request for an Inquiry into Open Meeting Law Violations by the New Bedford Economic Development Council (NBEDC) regarding its decision to send a recent complaint against the ZBA to the D.A. Office in a letter dated October 08, 2008. (Copies of packet provided by ZBA to all Councillors 03/19/09.)

28. COMMUNICATION, Zoning Board of Appeals, to Mayor Lang, copied to City Council, re: ZBA Appeal #3907, Special Permit of Victoria Riverview Development, LLC and Victoria Riverside, LLC, requesting additional information from departments, particularly regarding response/safety vehicles, for presentation at the March 26, 2009, ZBA meeting.

29. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that, on February 04, 2009, the Land Court issued a Decree of Foreclosure, and the City has acquired the following property as Tax Possession: **18 Cleveland Street**, Plot 16/Lot 75, Area of 3,200 square feet (Former Owner: Manuel Raposo, Jr, Trustee of MR Realty Trust); Total Amount due on the parcel as of the date of the Decree is \$9,091.26.

30. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that, on February 26, 2009, the Land Court issued a Decree of Foreclosure, and the City has acquired the following property as Tax Possession: **553 North Front Street**, Plot 106/Lot 56, Area of 4,925 square feet (Former Owner: Manuel Raposo, Jr.); Total Amount due on the parcel as of the date of the Decree is \$71,105.05.

31. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that, on February 04, 2009, the Land Court issued a Decree of Foreclosure, and the City has acquired the following property as Tax Possession: **100 Potomska Street**, Plot 31/Lot 102, Area of 2,546 square feet (Former Owner: Peter A. Demers); Total Amount due on the parcel as of the date of the Decree is \$38,039.14.

32. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that, on March 04, 2009, the Land Court issued a Decree of Foreclosure, and the City has acquired the following property as Tax Possession: **90 Beetle Street**, Plot 92/Lot 103, Area of 3,955 square feet (Former Owner: Dean M. Iacoponi); Total Amount due on the parcel as of the date of the Decree is \$35,938.46.

33. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that, on March 04, 2009, the Land Court issued a Decree of Foreclosure, and the City has acquired the following property as Tax Possession: **249 Chestnut Street**, Plot 71/Lot 222, Area of 2,235 square feet (Former Owner: Dean M. Iacoponi); Total Amount due on the parcel as of the date of the Decree is \$8,134.63.

34. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that, on February 26, 2009, the Land Court issued a Decree of Foreclosure, and the City has acquired the following property as Tax Possession: **S.S. Penniman Street**, Plot 84/Lot 233, Area of 2,085 square feet (Former Owner: Benjamin Baptiste, Jr.); Total Amount due on the parcel as of the date of the Decree is \$27,213.29.

35. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that, on March 11, 2009, the Land Court issued a Decree of Foreclosure, and the City has acquired the following property as Tax Possession: **W. S. Rockdale Avenue**, Plot 61/Lot 2, Area of 381,238 square feet (Former Owner: Richard Oliver & Helen Helm); Total Amount due on the parcel as of the date of the Decree is \$19,829.93.

36. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that, on March 11, 2009, the Land Court issued a Decree of Foreclosure, and the City has acquired the following property as Tax Possession: **W. S. Route 140**, Plot 68/Lot 90, Area of 63,540 square feet (Former Owner: Richard Oliver & Helen Helm); Total Amount due on the parcel as of the date of the Decree is \$10,645.88.

37. COMMUNICATION, UNITED STEEL WORKERS, Local 1357 D-4, 43 Tower Drive, New Bedford, MA, to City Council, thanking Councillors for endorsement of the "Buy American Resolution." (Copy all Councillors 03/18/09.)

38. COMMUNICATION/INVITATION, Massachusetts Office on Disability, to City Clerk/Clerk of the City Council (forwarded to Councillors and Department Heads), re: meeting to be held in partnership with the Southeast Center for Independent Living, the City of New Bedford Emergency Management Department and the New Bedford commission for Citizens with Disabilities, on April 30, 2009, from 12:00 p. m. to 2:00 p.m., at the Coastline Elderly Services Building, Saxon Hall, 1646 Purchase Street, New Bedford, bringing together people with disabilities and local emergency preparedness professionals, to explore how to ensure that people with disabilities have the assistance they need in times of emergency. (Copies to All Councillors – PLEASE NOTE: RSVP BY APRIL 24, 2009 REQUESTED.)

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.)