



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Tuesday, April 7, 2009 - 7:00 p.m.

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

**PRAYER LED BY: THE VERY REVEREND CONSTANTINE BEBIS, PASTOR
ST. GEORGE GREEK ORTHODOX CHURCH
ARCHIMANDRITE OF THE GREEK ORTHODOX CHURCH**

PLEDGE OF ALLEGIANCE

RESOLUTIONS

1. RESOLUTION, Councillor Gomes, honoring SOUTHCOAST HOSPITALS GROUP, INC. / SAINT LUKE'S HOSPITAL BLOOD DONOR PROGRAM.

HEARINGS

2. HEARING, on Petition of NSTAR Electric Company for location of One (1) 45" x 45" x 36" Handhole in HAMILTON STREET, West of Front Street.
- 2a. ORDER,

NEW BUSINESS

3. REPORT, Committee on Public Safety and Neighborhoods, recommending that the City Council request the Administration and Chief of Police to provide weapons/firearms training to all licensed Animal Control Officers; and further, that the Administration reinstate the laid-off Animal Control Officer, due to the extremely high number of calls that this department handles.
4. REPORT, Committee on Public Safety and Neighborhoods, recommending that the City Council recommend to the Mayor that he explore the possibility of relocating Emergency Medical Services/Medic One from its current location at Hillman Street to the former Fire Station Three on Kempton Street; and further, asking the Mayor to be sure that wherever the displaced services go, it is appropriate and accommodating.
5. REPORT, Committee on Public Safety and Neighborhoods, recommending that the City Council advise the Traffic Commission to authorize the installation of signs that indicate vehicles will be towed when parked too close to the corner at intersections when petitioned by the City Council or requested by the Administration.
6. REPORT, Committee on Finance, recommending the City Council APPROVE the City of New Bedford Conservation Commission's REVISED FEE SCHEDULE, based on a review of the costs in providing services to fulfill the Conservation Commission's obligations under the MA Wetlands Protection Act and Regulations.
7. REPORT, Committee on Finance, recommending that the City Council ADOPT the ORDER, **AS AMENDED**, for the TRANSFER of \$800,000.00 from STABILIZATION FUND, to GENERAL GOVERNMENT UNCLASSIFIED, SALARIES & WAGES.
- 7a. AN ORDER,

8. REPORT, Committee on Finance, recommending that the City Council ADOPT the ORDER for the TRANSFER of \$3,350,000.00 from STABILIZATION FUND, to GENERAL GOVERNMENT UNCLASSIFIED.
- 8a. AN ORDER,
9. REPORT, Committee on Finance, recommending that the City Council ADOPT the LOAN ORDER in the amount of \$19,300,000.00.
- 9a. A LOAN ORDER, (To be Passed to a Second Reading.)
10. REPORT, Committee on Finance, recommending that the City Council ADOPT the ORDER that \$1,560,542.00, which represents the unissued balance of the ORDER of the City Council approved by the Mayor on October 16, 2006, which appropriated \$9,600,000.00 for the West End Water Main Rehabilitation Project be RESCINDED.
- 10a. AN ORDER,
- 10b. A LOAN ORDER (Unused Balance of \$1,560,542.00 to be RESCINDED.)
11. REPORT, Committee on Finance, recommending that the City Council ADOPT the ORDER for the TRANSFER of \$100,000.00 from the DEPARTMENT OF PUBLIC FACILITIES, SALARIES & WAGES, to DEPARTMENT OF PUBLIC FACILITIES, CHARGES & SERVICES.
- 11a. AN ORDER,
12. AN ORDINANCE, Amending Chapter 24 by reserving Sections 24-30 through 24-99 AND by inserting new Sections 24-100, a, b, c, d, e, RELATIVE TO PEDICABS. (Passed to a Second Reading March 12, 2009, to be Passed, to be ORDAINED.)
13. WRITTEN MOTION, Council President Saunders, requesting, once again, that Mayor Lang hold a meeting, inviting our Local Delegation, to include Senator Montigny, Representatives Cabral, Canessa, Koczera, Strauss and Quinn, also inviting University of Massachusetts Chancellor MacCormack, and Members of the City Council, including this petitioner, to be held sometime in the month of APRIL 2009, in the Office of the Mayor, to establish a timeline as to when the Act authorizing the New Bedford School Committee and the University of Massachusetts-Dartmouth to Enter into a Lease Agreement for a Term not to exceed Twenty-five (25) Years, will happen. (Note: This item was a Related Motion by the petitioner, IN CITY COUNCIL, February 14, 2008, requesting the meeting in March 2008; despite several follow-up requests for the meeting to take place during the ensuing year, to this date, over one year later, no meeting has been convened.)
14. WRITTEN MOTION, Councillor Alves, requesting, on behalf of Our Lady of Perpetual Help Church, for the purpose of their "POLISH FESTIVAL," that the following street(s) be CLOSED: NORTH FRONT STREET, from Coggeshall Street to Beetle Street, on SATURDAY, JUNE 20, 2009, FROM 8:00 A.M. TO 8:30 P.M., or shortly after, and SUNDAY, JUNE 21, 2009, FROM 8:00 A.M. TO 8:30 P.M., or shortly after; and further requesting, that "NO PARKING" signs be POSTED ON NORTH FRONT STREET, from Coggeshall Street to Beetle Street, on FRIDAY, JUNE 19, 2009, at 6:00 P.M., THROUGH SUNDAY, JUNE 21, 2009, at 10:00 P.M. (NOTE: WOODEN HORSES WILL ALSO BE USED.)
15. WRITTEN MOTION, Councillor Pimental, requesting, on behalf of Our Lady of Mount Carmel Church, that KATHERINE STREET, between Crapo and Bonney Streets be CLOSED ON SATURDAY, MAY 30, 2009, AND SUNDAY, MAY 31, 2009, FROM 4:00 P.M. SATURDAY THROUGH MIDNIGHT SUNDAY, for the purpose of The Annual Our Lady of Mount Carmel Church Holy Ghost Feast. (Including Parade Permits – one for this event and one for additional event May 12, 2009, not requiring street closings, both submitted to Chief Teachman.)

16. WRITTEN MOTION, Councillor Pimental, requesting, on behalf of Our Lady of Mount Carmel Church, that KATHERINE STREET, between Crapo and Bonney Streets be CLOSED ON FRIDAY, JULY 24, 2009, THROUGH SUNDAY, JULY 26, 2009, FROM 4:00 P.M. FRIDAY THROUGH MIDNIGHT SUNDAY, for the purpose of The Annual Our Lady of Mount Carmel Church Feast; also, that the following streets be CLOSED ON SUNDAY, JULY 26, 2009, FROM 8:00 A. M. THROUGH 5:00 P.M., for the Our Lady of Mount Carmel Church Feast PROCESSION, and so that the streets can be decorated for said Procession, as follows: RIVET STREET, between Crapo and Bolton Streets; BONNEY STREET, between Rivet and Thompson Street; THOMPSON STREET, between Bonney and Hemlock Streets; HEMLOCK STREET, between Thompson and Swift Streets; SWIFT STREET, between Hemlock and Bolton Streets; BOLTON STREET, between Swift and Rivet Streets. (Including Parade Permit submitted to Chief Teachman.)

17. WRITTEN MOTION, Councillor Gomes, requesting that a letter be sent to Senator Montigny and our House Delegation, asking them to assist in any way possible, and to discuss on a State level, with the Committee on Public Safety and Neighborhoods expressing their view, regarding the Police and Fire Department layoffs within the City due to the budget crisis, as well as what can be done about providing monies, as the City of New Bedford is in a situation that may make it unsafe for the public safety of its taxpayers; and further, stating that any help they can give to the City would be much appreciated due to the amount of layoffs and the dismantling of Special Units within the City that were doing good work on our City Streets, such as, the Gang Squad, Narcotics, Canines, etc., which have been reduced due to the budget crisis within the State; and further, that it be stated how very important it is that this issue be addressed in some manner prior to the warm weather months when there is an increasing amount of criminal activity taking place, mainly robberies and assaults, which may escalate even further due to the present lack of manpower and fiscal constraints within our City, State and Country.

18. WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Internal Affairs look into why there was no media coverage of complaints from the employees of Eagle Industries that were brought to light at the last City Council meeting; and further, that the Committee on Internal Affairs look into the sale of Eagle Industries as the possible reason that stopped the newspapers from addressing the issues with employees; once again, this Councillor is addressing the issue of unfair treatment within Eagle Industries of their employees, but also strongly supports keeping the company and these jobs here in the City of New Bedford, making the work environment a safe place where all can work and make a living.

19. WRITTEN MOTION, Councillor Gomes, requesting that the Mayor and the Police Chief provide the City Council's Committee on Public Safety and Neighborhoods with a breakdown of how many Officers will be put back on the streets as a result of Federal Stimulus money, (the \$545,000.00 that was given to the City) and when those Officers will be put back on the streets or returned to their Special Units.

20. WRITTEN MOTION, Councillor Gomes, requesting that the Mayor, Police Chief and Fire Chief provide the City Council's Committee on Public Safety and Neighborhoods with a copy of overtime accumulated in each of these departments since the layoffs due to budget constraints have occurred; and further, that a copy also be forwarded to the City Council of the overtime that has been accumulated over the past six months, and that this information be provided to the City Council as soon as possible, BEFORE the Budget Hearings, in order to make a determination as to how much money is being spent on overtime due to the layoffs that have occurred within the City.

21. WRITTEN MOTION, Councillor Gomes, requesting that a letter be sent to Michael Costello, House Chairman, State Committee on Public Safety, requesting any type of aid that could assist the City of New Bedford in doing a study of the old SMU building on Purchase Street, to be considered as the site of the permanent Police Headquarters; said study would also address if the building can be expanded, and whether an addition is feasible, along with a discussion with the owners of Glaser Glass about obtaining some land north of the building, with the intention of making this the permanent home of the New Bedford Police Department and closing the present Downtown Station and the Headquarters on Rockdale Avenue.

22. COMMUNICATION, Eric Jaikes, Assistant City Solicitor, to City Council, Re: Order to Accept Deeds – St. Theresa's Property, submitting AN ORDER, to accept two deeds (one registered land and one recorded

land) from The Roman Catholic Bishop of Fall River, for property located at 2693 Acushnet Avenue (Parcel 130C, Lots 679, 691, 578, 596, 616, 612, 630, 645 and 635;) said property is being acquired for use by the Cemetery Department, and the purchase price for said acquisitions shall be \$2,200,000; anticipated parcels will be acquired by purchase on APRIL 09, 2009.

22a. AN ORDER, (accepting 2 deeds)

23. COMMUNICATION, City Solicitor Irene B. Schall, to City Council, Re: Amendment of Demolition Delay of Buildings and Structures, submitting AN ORDINANCE, with proposed amendment to Chapter 2, Section 2-157, pertaining to the Demolition Delay of Buildings and Structures; amendment provides a mechanism for the Council to waive or decrease timeframes set forth in Subsection n) of the Ordinance, in the event the Council finds that strict adherence to the timeframe requirements would involve a substantial hardship, financial or otherwise, to the petitioner, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of purpose of the Ordinance.

23a. AN ORDINANCE,

24. COMMUNICATION, City Solicitor Irene B. Schall, to City Council, Re: Camara Field Deed Acceptance, submitting a Return to Compliance/Notice of Audit Completion for Camara Field, issued March 17, 2009, by Deborah A. Marshall, Chief of the Audits Program for the Bureau of Waste Site Cleanup at the Southeast Region of the Massachusetts Department of Environmental Protection; documentation indicates that the DEP has concluded its audit of Camara Field and further indicates that the supplemental information provided by Raymond Quinn, Licensed Site Professional (LSP) or record for the Site, supports the conclusion of "No Significant Risk at the Site," which allows the property to be used for a soccer field; also, requesting that the Council ADOPT the Substitute Order that was submitted with Mayor Lang's Veto letter, dated November 26, 2009, enabling the City to accept the Deed to the property, which was dedicated as a soccer field during the Kalisz Administration, in memory of Sgt. Joseph Camara, a former New Bedford Police Officer who was killed in 2003, while serving our Country in Iraq. (Copy of Substitute Order, dated December 18, 2008, also enclosed.)

(Please Note: The Original Order and Mayor's Veto TABLED IN CITY COUNCIL, January 08, 2009, remain TABLED – please see Tabled Agenda for further details; the Substitute Order, Referred to Committee on Appointments and Briefings, IN CITY COUNCIL December 18, 2008, remains in Committee, no action taken as yet.)

25. COMMUNICATION, Executive Director Kristin Decas, Harbor Development Commission, to City Council, Notifying that HDC has amended its Mooring (and Anchoring) Rules and Regulations as per Commission vote at the March 18, 2009, meeting. (Changes, highlighted in RED, will be come effective in 30 days.)

26. COMMUNICATION, Department of Public Infrastructure Commissioner Labelle, to Council President Saunders, informing Council the DPI has APPROVED the emergency relocation of the telephone poles located on the east sidewalk area of MITCHELL STREET, from Sawyer to Coggeshall Streets, which is necessary to facilitate the infrastructure improvements and reconstruction of Mitchell Street, a City project with critical timelines for completion; further stating that the Council will receive pole petitions following the normal course for Council approval. (Please Note: No petitions received in City Council Office to date.)

27. COMMUNICATION, Town Administrator Dennis F. Luttrell (at direction of the Board of Selectmen,) Town of Somerset, MA, to Mr. Richard A. Rheingold, Four Points Media Group, LLC, CW28, 275 Westminster Street #100, Providence, RI, (Copied to New Bedford City Council) issuing a "STRONG objection to efforts to have Boston's WLVI TV declared "not significantly viewed" in Bristol County, MA, and, as such, removed from Somerset Comcast Cable channel offering. (Mr. Rheingold's letter stating same, to Somerset Town Clerk, attached; Please Note: Letter to New Bedford City Council regarding same, Received and Placed on File, IN CITY COUNCIL, February 26, 2009.) (Copy all Councillors 04/01/09.)

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.)

