



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, April 23, 2009 - 7:00 p.m.

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

**PRAYER LED BY: REVEREND MANUEL CHAVIER, JR., PASTOR
INTERNATIONAL CHURCH OF THE NAZARENE**

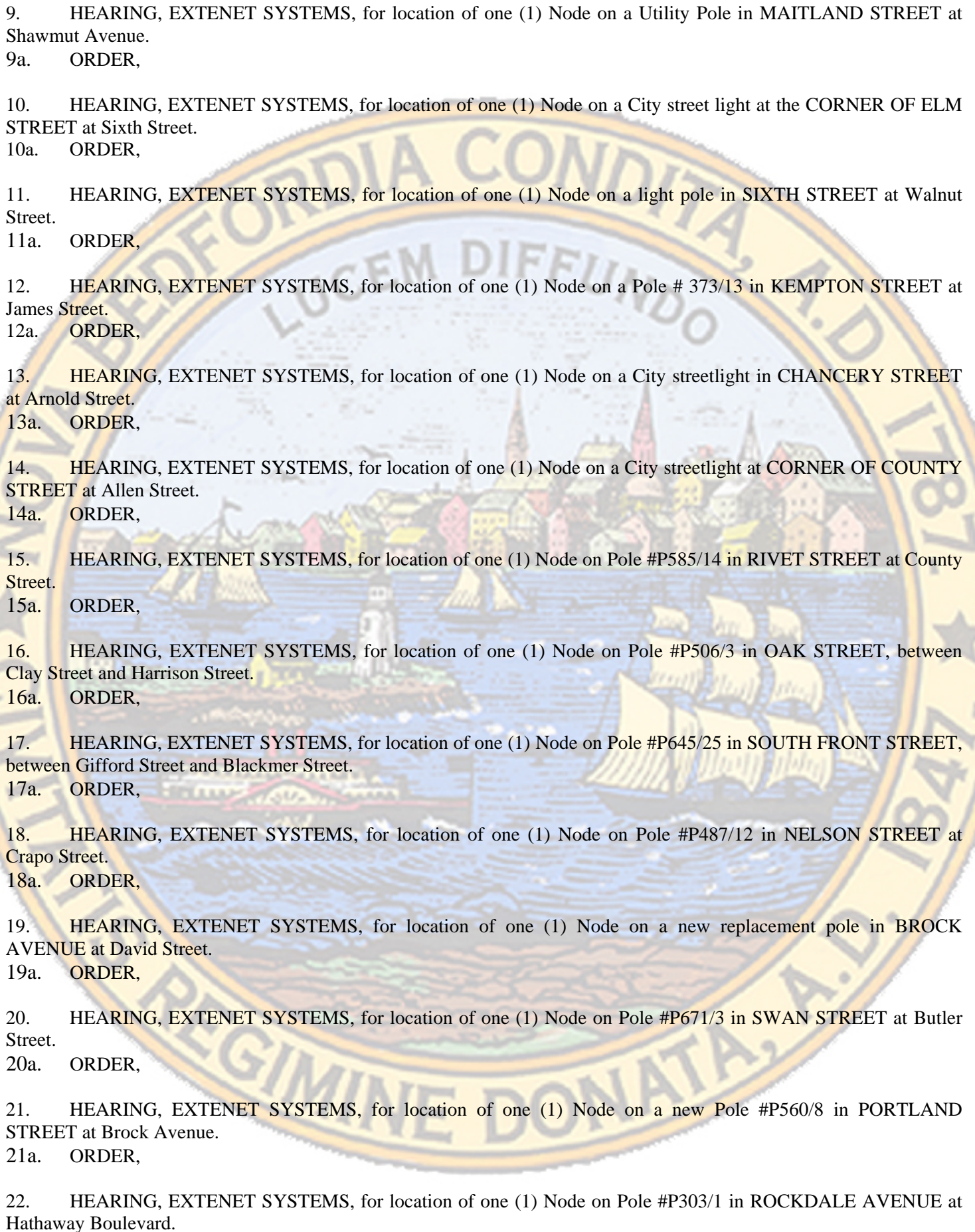
PLEDGE OF ALLEGIANCE

RESOLUTIONS

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

HEARINGS

2. HEARING, on Petition of NSTAR Electric Company for location of two (2) 4" Conduits and One (1) 45"x45"x36" Handhole in ROCKDALE AVENUE, South of Union Street.
 - 2a. ORDER,
3. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole # 209/28 in EARLE STREET at Church Street.
 - 3a. ORDER,
4. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole # 406/8S in VAN BUREN STREET at Mt. Pleasant Street.
 - 4a. ORDER,
5. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole # 536/9 in PECKHAM STREET at Myrtle Street.
 - 5a. ORDER,
6. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole # 406/9 in LINDEN STREET at County Street.
 - 6a. ORDER,
7. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole # P299/3 in HARVARD STREET at Coggeshall Street.
 - 7a. ORDER,
8. HEARING, EXTENET SYSTEMS, for location of one (1) Node on a New Pole at the CORNER OF CHESTNUT STREET at Willis Street.
 - 8a. ORDER,

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9. HEARING, EXTENET SYSTEMS, for location of one (1) Node on a Utility Pole in MAITLAND STREET at Shawmut Avenue.
- 9a. ORDER,
10. HEARING, EXTENET SYSTEMS, for location of one (1) Node on a City street light at the CORNER OF ELM STREET at Sixth Street.
- 10a. ORDER,
11. HEARING, EXTENET SYSTEMS, for location of one (1) Node on a light pole in SIXTH STREET at Walnut Street.
- 11a. ORDER,
12. HEARING, EXTENET SYSTEMS, for location of one (1) Node on a Pole # 373/13 in KEMPTON STREET at James Street.
- 12a. ORDER,
13. HEARING, EXTENET SYSTEMS, for location of one (1) Node on a City streetlight in CHANCERY STREET at Arnold Street.
- 13a. ORDER,
14. HEARING, EXTENET SYSTEMS, for location of one (1) Node on a City streetlight at CORNER OF COUNTY STREET at Allen Street.
- 14a. ORDER,
15. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P585/14 in RIVET STREET at County Street.
- 15a. ORDER,
16. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P506/3 in OAK STREET, between Clay Street and Harrison Street.
- 16a. ORDER,
17. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P645/25 in SOUTH FRONT STREET, between Gifford Street and Blackmer Street.
- 17a. ORDER,
18. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P487/12 in NELSON STREET at Crapo Street.
- 18a. ORDER,
19. HEARING, EXTENET SYSTEMS, for location of one (1) Node on a new replacement pole in BROCK AVENUE at David Street.
- 19a. ORDER,
20. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P671/3 in SWAN STREET at Butler Street.
- 20a. ORDER,
21. HEARING, EXTENET SYSTEMS, for location of one (1) Node on a new Pole #P560/8 in PORTLAND STREET at Brock Avenue.
- 21a. ORDER,
22. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P303/1 in ROCKDALE AVENUE at Hathaway Boulevard.

22a. ORDER,

23. HEARING, EXTENET SYSTEMS, for location of one (1) Node on a City streetlight in ROCKDALE AVENUE at Arnold Street.

23a. ORDER,

24. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P574/1 in REED STREET at Allen Street.

24a. ORDER,

25. HEARING, EXTENET SYSTEMS, for location of one (1) Node on City streetlight in UNION STREET at Atlantic Street.

25a. ORDER,

26. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #305/22.5 in HATHAWAY STREET at Acushnet Avenue.

26a. ORDER,

27. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #496/45 in NORTH FRONT STREET, between Deane Street and Coffin Avenue.

27a. ORDER,

28. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #612/23 in ASHLEY BOULEVARD at Sawyer Street.

28a. ORDER,

29. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P477/10 in MOUNT PLEASANT STREET at Mount Vernon Street.

29a. ORDER,

30. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P554/5 in POPE STREET at Pleasant Street.

30a. ORDER,

31. HEARING, EXTENET SYSTEMS, for location of one (1) Node on City streetlight in COUNTY STREET at Hillman Street.

31a. ORDER,

32. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P217/22 in ELM STREET at Palmer Street.

32a. ORDER,

33. HEARING, EXTENET SYSTEMS, for location of one (1) Node on City streetlight #3891-YM in COURT STREET at North Orchard Street.

33a. ORDER,

34. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P307/4 in HAWTHORN STREET at Irving Street.

34a. ORDER,

35. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P307/11 in HAWTHORN STREET at Gould Street.

35a. ORDER,

36. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P130/21 in BURNS STREET at Carroll Street.
36a. ORDER,
37. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P311/11 in HEMLOCK STREET at Thompson Street.
37a. ORDER,
38. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P203/4 in DUNBAR STREET at Hemlock Street.
38a. ORDER,
39. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P745/8 in WILLARD STREET at West Rodney French Boulevard.
39a. ORDER,
40. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P205/29 in AQUIDNECK STREET at Brock Avenue.
40a. ORDER,
41. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P531/29 in SHAWMUT AVENUE at Durfee Street.
41a. ORDER,
42. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P587/1 in ROBESON STREET at Chestnut Street.
42a. ORDER,
43. HEARING, EXTENET SYSTEMS, for location of one (1) Node on new City street light in FLORENCE STREET, between Morgan Street and Court Street.
43a. ORDER,
44. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P178/26 in CRAPO STREET, between Fair Street and South Street.
44a. ORDER,
45. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P320/3 in HILLMAN STREET, between Spruce Street and Cedar Street.
45a. ORDER,
46. HEARING, EXTENET SYSTEMS, for location of one (1) Node on Pole #P10/1 in DOUGLAS STREET at Riverview Terrace.
46a. ORDER,
47. HEARING, EXTENET SYSTEMS, for location of one (1) Node on City streetlight pole in UNION STREET, at SW Corner of North Second Street.
47a. ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting a proposed Order authorizing the City of New Bedford and ExteNet Systems to enter into a Right of Way Agreement and the Attachment to City Facilities Agreement; the Agreements are for a term of 20 years, with two 5-year extensions, and have been approved by the Office of the City Solicitor.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Lang, to City Council, submitting a copy of the Final Fiscal Year 2009 Office of Housing and Community Development Action Plan, which sets forth activities to be funded through the Community Development Block Grant (CDBG) Program, the Home Investment Partnership (HOME) Program and the Emergency Shelter Grant (ESG) Program, for the period of July 1, 2009 through June 30, 2010, and requesting the Council to approve and authorize submission of the **Fiscal Year 2009 Action Plan** to the U.S. Department of Housing and Urban Development.

M2a. RESOLUTION,

M3. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$31,000.00 from TRAFFIC, SALARIES & WAGES, to ELECTION COMMISSION, SALARIES & WAGES.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$4,000.00 from TRAFFIC, SALARIES & WAGES, to ELECTION COMMISSION, CHARGES & SERVICES.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$14,000.00 from ENVIRONMENTAL STEWARDSHIP, SALARIES & WAGES, to PLANNING DEPARTMENT, SALARIES & WAGES.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$4,000.00 from TRAFFIC, SALARIES & WAGES, to ZOO, CHARGES & SERVICES.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$20,000.00 from ZOO, SALARIES & WAGES, to ZOO, CHARGES & SERVICES.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$5,500.00 from CEMETERY DEPARTMENT, SALARIES & WAGES, to CEMETERY DEPARTMENT, CHARGES & SERVICES.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$1,900.00 from INSPECTIONAL SERVICES, CHARGES & SERVICES, to INSPECTIONAL SERVICES, SUPPLIES & MATERIALS.

M9a. AN ORDER,

M10. COMMUNICATION, Mayor Lang, to City Council, submitting an **ORDER amending** an ORDER adopted In City Council, July 17, 2008, and signed by the Mayor on July 21 2008, which, in accordance with MGL Chapter 44, Section 53 E ½ , authorized the Revolving Fund under the control of the Department of Community Services, known as **Council on Aging Bus Program**, whose purpose is to provide transportation for seniors for shopping trips to local department and grocery stores, whose revenues collected and amount be limited at **\$3,834.00** is hereby authorized at **\$9,133.00** for FISCAL YEAR 2009.

M10a. AN ORDER,

M11. COMMUNICATION, Mayor Lang, to City Council submitting a request for a ONE YEAR WAIVER OF RESIDENCY for PARAMEDIC BERNICE FORTIER, 76 Cranberry Road, Carver, MA 02330; this waiver will expire June 08, 2010.

M12. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for Matt Garland, 1353 Rockdale Avenue, New Bedford, MA 02740, Account No. #014191, in the amount of \$693.50.

M13. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for Eugenia D. Gomes, 314 County Street, New Bedford, MA 02740, Account No. #2424A, in the amount of \$164.25.

M14. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of JOSEPH R. GENDRON(WWII Veteran), 633 Church Street, New Bedford, MA 02745, to the VETERANS ADVISORY BOARD, replacing Robert Hultgren who resigned February 20, 2009; this term will expire December 30, 2010.

M15. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of CYNTHIA WALLQUIST, 3598 Acushnet Avenue, New Bedford, MA 02745, as EXECUTIVE DIRECTOR to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire April 2010.

M16. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of BROOKE MILLER, 13 Tobey Lane, New Bedford, MA 02745, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire May 2012.

M17. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of ANDRE H. FARIA, JR., 20 Branscomb Street, New Bedford, MA 02745, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire May 2012.

M18. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of JOHN C. TYSON, 12 Ruth Street, New Bedford, MA 02744, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire May 2012.

M19. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of CAROL GRIMES, 199 Rockland Street, New Bedford, MA 02740, to the CEMETERY BOARD; this term will expire April 2012.

M20. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of EGIDIO MELLO, 211 Purchase Street, New Bedford, MA 02740, to the CEMETERY BOARD; this term will expire April 2012.

M21. COMMUNICATION, Mayor Lang, to City Council, submitting an APPLICATION for the APPOINTMENT of RICHARD E. FERREIRA, 9 Jeannette Street, Fairhaven, MA 02719, as a CONSTABLE.

M21a. APPLICATION,

M22. COMMUNICATION, Mayor Lang, to City Council, submitting an APPLICATION for the REAPPOINTMENT of DAVID A. MEDEIROS, JR., 258 Eugenia Street, New Bedford, MA 02745, as a CONSTABLE.

M22a. APPLICATION,

NEW BUSINESS

48. REPORT, Committee on Ordinances, recommending to the City Council APPROVAL of AN ORDINANCE, Amending Chapter 22, Article V. Excavation and Trench Safety, Section 22-107, Lowering Certificate of Insurance/Liability Fees indemnifying the City, from One Million Dollars to \$100,000 to \$300,000, and stipulating mailing procedures for the City to be notified of such Insurance Policies or changes thereto, for excavations on public ways/property as well as privately-owned land, as stipulated in M.G.L., Chapter 82A, Section 2 (Excavation and Trench Safety.)

48a. AN ORDINANCE,

49. REPORT, Committee on Appointments & Briefings, recommending to the City Council, APPROVAL of the APPOINTMENT of JESSICA FERNANDES of 112 North Street, New Bedford, MA 02740 to the STEAMSHIP AUTHORITY PORT COUNCIL, replacing Phillip H. Chase, Jr. who resigned December 1, 2008; this term will expire September 12, 2009.

50. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPLICATION of Henry N. Lee for a SPECIAL PERMIT FOR MOTOR VEHICLES – SALES AND RENTALS/GENERAL REPAIRS/LIGHT SERVICE, at 271 County Street, New Bedford, MA, Washington Square Gas.

50a. APPLICATION, (Special Permit)

51. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPLICATION of Brian Esteves for a SPECIAL PERMIT FOR MOTOR VEHICLES – SALES AND RENTALS/GENERAL REPAIRS/LIGHT SERVICE, at 78 Jones Street, New Bedford, MA, Airport Automotive Repair, Inc.

51a. APPLICATION, (Special Permit)

52. A LOAN ORDER, (For \$19,300,000.00 for removal of upwards of 5,500 cubic yards of PCB contaminated grit and disposal of the material in accordance with all DEP and EPA regulations, and, in addition, all necessary repairs to and replacement of piping systems in the City's wastewater treatment and disposal system found to have structural instability and all surface restoration and repair in accordance with Federal, State and Local standards, and including without limitation all costs thereof as defined in M.G.L. c29C, §1 - Passed to a Second Reading April 07, 2009, to be ADOPTED.)

53. AN ORDINANCE, Amending Chapter 24, Section 24-3 Relative to Vehicles for Hire (Passed to a Second Reading March 26, 2009, to be Passed, to be ORDAINED.)

54. AN ORDINANCE, Amending Chapter 24, Section 26 Relative to Class A Vehicles (Passed to a Second Reading March 26, 2009, to be Passed, to be ORDAINED.)

55. WRITTEN MOTION, Councillor Duarte, requesting, on behalf of Patricia Daughton (AHA!) and the Mayor's Office, that PURCHASE STREET, between Spring Street and Union Street, (in front of the Star Store Building) BE CLOSED, on THURSDAY, MAY 14, 2009, FROM 4:00 P. M. TO 9:00 P.M., for the purpose of AHA! Night. (Please Note: A covered stage is also requested to be placed by D. P. F., facing Union Street, at the far end of PURCHASE STREET, near Spring Street, and CUSTOM HOUSE SQUARE will also be closed for an additional event.)

56. WRITTEN MOTION, Councillor Gomes, requesting that the Administration advise the Committee on Finance as to what monies have been received over the years regarding the Route 18 project that has been proposed for this City, as there seems to be a conflict of what monies were coming, when they were coming, if they got here, and/or if they will ever get here, already resulting in a delay on this project until 2010.

57. WRITTEN MOTION, Councillor Gomes, requesting that Superintendent/Director Michael R. Shea, with the Greater New Bedford Regional Vocational Technical High School Students, assist the City in making repairs to the antique ladder truck that has been positioned on the lawn of Station 5 on Acushnet Avenue for many years; and further, that Mr. Shea and the school see if they can be of assistance to refurbish, paint and put this ladder truck, which I think is of historical significance, back in order, since, for years, this has been a beacon, not only in the North End Community, but as an attraction on Acushnet Avenue, and anything the school can do to help refurbish this antique ladder truck, which at one point was pulled by horses, would be appreciated. (To be Referred to Superintendent/Director Michael R. Shea, Greater New Bedford Regional Vocational Technical High School.)

58. WRITTEN MOTION, Councillor Gomes, requesting if Governor Deval Patrick, at the request of the New Bedford City Council, could possibly arrange a 5 to 10 minute conference call with President Barack Obama for the purposes of discussing the present cuts that have been made in the Commonwealth of Massachusetts, on a City/Town-level, due to the deficit/cuts not only in this City, but in the Cities and Towns across this State and all the United States, that are affecting our well being and ability to provide adequate public safety to our Citizens throughout this great Country; further, if this conference call can be arranged, that this petitioner, along with the City Council President, and possibly the Mayor and 2 other Members of the New Bedford City Council be invited to discuss at our level, with the President of the United States, how much it means that in some way some of that stimulus money make it to New Bedford and other Cities and Towns of the Commonwealth, in order to put our Police, Fire, EMS and even essential City workers back to work, so as to continue the good work that has been achieved in some of our crime-ridden neighborhoods, along with maintaining buildings and structures in the City, providing fire apparatus to EVERY district throughout the City and restoring special units such as narcotics, the gang squad, canine units and our very necessary Community Police who interact with our residents; and further stating that, if this conferences call can be arranged, it would be greatly appreciated not only by this petitioner, but by the ENTIRE Citizenry of the City of New Bedford as well as other Cities in our Commonwealth such as Fall River, Lowell and Lawrence, where the crime and drug/gang activities had somewhat been diminished due to good work, but that may escalate, once more, due to the lack of money and manpower necessary to keep our Citizens safe.

59. WRITTEN MOTION, Councillor Gonsalves, requesting that the City Council send a letter to the State Legislative Delegation to restore funding to the Massachusetts Commission for the Status of Women in the FY2010 Budget.

60. COMMUNICATION/FAX, Councillor Gonsalves, to City Council, submitting a Proposed Amendment to AN ORDINANCE, RELATIVE TO DEMOLITION, Chapter 2, Section 2-157.3, striking paragraphs n) and o) and inserting new n) 1. & 2. and o) relevant to Demolition Delay of Buildings and Structures.

61. COMMUNICATION, Councillor Gonsalves, to Legislative Council Gerwatowski, requesting AN OPINION re: Solicitor Schall's submission of an amendment to the Demolition Delay Ordinance, IN CITY COUNCIL, April 23, 2009, Councillor Gonsalves' ruling that it was Out of Order, which was challenged and overruled.

61a. COMMUNICATION, Legislative Council Gerwatowski, responding to Councillor Gonsalves' request for AN OPINION, and stating "that City Officials and Departments cannot submit policy proposals to the Legislative Branch under the Rules; especially when such proposals are not given approval of the Administrative Branch" and his further OPINION that ruling items 23 and 23a out of order was a correct ruling by the President."

62. COMMUNICATION, City Solicitor Schall, to City Council, submitting AN ORDER, accepting a QUITCLAIM DEED from Walden Land Co., LLC for property shown as Lots B and C on a plan of land entitled "Definitive Plan of Land – Lot Layout Plan for Zukerman's Farm" by Atlantic Design Engineers, LLC, dated October 13, 20000, recorded with Bristol County Registry of Deeds, in Plan book 150, Page 82; these parcels have already been deeded to the City and contain a pump station and two (2) sediment basins that service the development's storm water; costs for net present value of \$56,000 were developed to reflect 20 years of O & M costs, and the Department of Public Infrastructure received full payment from the costs from the developer on December 19, 2008.

62a. AN ORDER,

63. COMMUNICATION, Veterans Services and Benefits Director/Veterans' Agent Donat "Dan" J. Le Blanc, responding to City Council Motion by Councillor Martins, submitting M.G.L. Chapter 115, 108 CMR, "Reimbursements to Municipalities Regulatory Authority" citing the 75% reference under Paragraph 13.02, Secretary's Monthly Examination and Audit of VS-5s and VS-6s, Subparagraph (3) "Subject to such decision and allowance, DVS shall reimburse 75% of the amounts of Veterans' benefits aid to applicants and recipients by the Cities and Towns wherein they reside, and stating that so far this Fiscal Year, they have been reimbursed \$939,846.00 for expenses made in FY08, last direct deposit made on April 03, 2009, and they are expecting another deposit in June 2009, for \$337,260.00, for a grand total of receipts this year for last FY year of \$1,277,106.00. (Copy to Councillor Martin 04/08/09.)

64. COMMUNICATION, MA Department of Agricultural Resources, to Mayor Lang, submitting Certificate of Appointments of Inspector of Animals for Emmanuel Maciel and Mary Ellen Barlow for the City of New Bedford THROUGH APRIL 30, 2010, approved April 09, 2009 by Director of the Division of Animal Health. (Copies of cover letter and Certificates to City Council April 12, 2009.)

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.)

