



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, May 14, 2009 - 7:00 p.m.

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

**PRAYER LED BY: REVEREND LEONA FISHER, PASTOR
IN THE NAME OF JESUS CHURCH**

PLEDGE OF ALLEGIANCE

PLEASE NOTE: DUE TO THE MEMORIAL DAY HOLIDAY ON MONDAY, MAY 25, 2009, THE CITY COUNCIL AGENDA FOR THURSDAY, MAY 28, 2009, WILL CLOSE AT 10:00 A.M. ON FRIDAY, MAY 22, 2009.

CITATIONS

1. CITATIONS, Councillor Dehner, honoring SEAN BRATTON, TIMOTHY HAGGERTY and GILDAS ROBERT in recognition of their HONESTY and being ROLE MODEL GOOD CITIZENS by returning a wallet they found to the rightful owner.
2. CITATION, Councillor Gomes, honoring SHAWNA M. SANTIAGO, New Bedford Girl Scout Troop Seven, in recognition of her Silver Award for 200 hours of Community Service and Work.

RESOLUTIONS

3. RESOLUTION, Councillor Gonsalves, congratulating and honoring Bristol County's ASSISTANT DISTRICT ATTORNEY RAYMOND VEARY, JR., on being named as A 2009 WILLIAM C. O'MALLEY PROSECUTOR OF THE YEAR.
4. RESOLUTION, Councillor Martins, congratulating the PHILLIPS AVENUE SCHOOL, for being one of seven Massachusetts Schools recognized for THEIR SUCCESSFUL USE OF EDUCATIONAL PRACTICES DEVELOPED BY THE NATIONAL INSTITUTE OF SCHOOL LEADERSHIP.

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting FOUR LOAN ORDERS regarding school construction: the first Order RESCINDS portions of authorized, but unissued, debt relating to Normandin Middle, Keith Middle, Winslow Elementary, Campbell Elementary, DeValles Elementary and Brooks Elementary Schools; also submitting three separate LOAN ORDERS APPROPRIATING additional amounts for the Lincoln Elementary, Hannigan School and SeaLab; NOTE: The Order relative to the HANNIGAN SCHOOL changes the purpose of the borrowing from remodeling of the existing school to THE CONSTRUCTION OF A NEW SCHOOL AT THE SAME SITE.

M2. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, RESCINDING amounts of authorized, but unissued, debt for LOAN ORDERS for Normandin and Keith Middle Schools (\$5,642,803); Winslow Elementary School (\$16,000,000); Campbell Elementary/Middle School (\$45,700,000); DeValles Elementary School (10,680,000); and Brooks Elementary School (\$20,766,800).

M2a. AN ORDER, (RESCINDING borrowing amounts of authorized, but unissued, debt on LOAN ORDERS FOR 6 SCHOOLS)

M3. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that the Order of the City Council, authorizing borrowing \$3,000,000 for constructing, equipping and furnishing an addition to and remodeling, reconstructing and making extraordinary repairs to the Hannigan School, is AMENDED to appropriate \$18,500,000, for constructing, equipping and furnishing a NEW Hannigan School on the site of the existing school, including the demolition of such existing school.

M3a. AN ORDER, (Amending 1 LOAN ORDER for Hannigan School)

M4. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that, in addition to the \$26,105,000 amount previously appropriated, \$2,966,800 is APPROPRIATED for constructing, equipping and furnishing a NEW Abraham Lincoln Elementary School.

M4a. AN ORDER, (Amending 1 LOAN ORDER for Lincoln School)

M5. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that, in addition to the \$8,500,000 previously appropriated, \$5,387,860 is APPROPRIATED for the purpose of constructing, originally equipping and furnishing a SeaLab facility at the former Poor Farm site.

M5a. AN ORDER, (Amending 1 LOAN ORDER)

M6. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, AMENDING the Order adopted IN CITY COUNCIL, July 17, 2008, in accordance with M.G.L. Chapter 44, Section 53E1/2, authorizing the Revolving Fund under the control of the Department of Community Services, known as COUNCIL ON AGING BUS PROGRAM, limited at \$3,834.00 to \$9,133.00 for Fiscal Year 2009.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, transferring \$1,000.00 from CITY SOLICITOR, CHARGES AND SERVICES to CITY SOLICITOR, SUPPLIES AND MATERIALS.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Lang, to City Council, submitting AMENDMENT TO FLOOD HAZARD OVERLAY DISTRICT ORDINANCE, TO COMPLY WITH THE REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), Amending Chapter 9, Section 4400, Flood Hazard Overlay District (FHOD).; also stating that the City has until July 07, 2009, to adopt a Floodplain Management Ordinance that meets or exceeds the minimum NFIP requirements and to obtain FEMA's approval of said Ordinance. (Requested to be referred to the Planning Board and Ordinance Committee for public hearing to meet deadline imposed by FEMA.)

M8a. AN ORDINANCE,

M9. COMMUNICATION, Mayor Lang, to City Council, submitting a copy of the FINAL Substantial Amendment of the Fiscal Year 2008 – 2009 Action Plan for American Recovery and Reinvestment Act Programs – Community Development Block Grant – Recovery – CDBG-R and Homeless Prevention and Rapid re-Housing Program (HPRP) Plan (provided to Council and available to the public for review on April 28, 2009, for 12-day comment review period expiring on May 09, 2009); and requesting the Council to approve and authorize submission of the Plan to the U.S. Department of Housing and Urban Development **no later than MAY 18, 2009**, in order to receive the funds.

M9a. COMMUNICATION, Mayor Lang to City Council, submitting a copy of the Substantial Amendment of the Fiscal Year 2008-2009 Action Plan for American Recovery and Reinvestment Act Programs – Community Development Block Grant – recovery – CDBG-R and Homeless Prevention and Rapid re-Housing Program (HPRP).

M9b. RESOLUTION,

M10. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for

Miguel Martinez, 126 Tallman Street, New Bedford, MA 02746, Account #011605A, in the amount of \$58.40.

M11. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of RITA RIBEIRO, 910 Pine Hill Drive, New Bedford, MA 02745, to the Greater New Bedford Regional Vocational Technical High School District Committee; term will expire May 01, 2013.

M12. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of THE VERY REVEREND FATHER CONSTANTINE BEBIS, 24 Anthony Terrace, New Bedford, MA 02740, to the Library Board of Trustees; term will expire April 2012.

M13. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of CARL CRUZ, 202 Cedar Street, New Bedford, MA 02740, to the Library Board of Trustees; term will expire April 2012.

M14. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of DR. JOHN J. FLETCHER, 47 Park Street, New Bedford, MA 02740, to the Library Board of Trustees; term will expire April 2012.

M15. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of CELESTE PALEOLOGOS, 368 Whitlow Street, New Bedford, MA 02746, to the Election Commission; term will expire April 2013.

M16. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of REVEREND LEONA FISHER, 207 Sycamore Street, New Bedford, MA 02740, to the Housing Authority; term will expire December 2009.

M17. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of RANDY DEBROSSE, 42 Calumet Street, New Bedford, MA 02744, to the Park Board; term will expire May 2014.

M18. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of DANNY ROMANOWICZ, 252 Hillman Street, New Bedford, MA 02740, as a Fence Viewer; term will expire April 2010.

M19. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of DIANE A. BERUBE, 33 Arch Street, New Bedford, MA 02740, as a Park Commissioner, replacing Sandra Grace, who resigned February 2009; term will expire May 2011.

M20. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of RAMONA C. SILVA, 93 Walden Street, New Bedford, MA 02740, to the Zoning Board of Appeals, as an Associate Member, replacing William J. Villineau, whose appointment was rescinded; this term will expire December 2012.

M21. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of JAMES MATHES, 303 Brownell Avenue, New Bedford, MA 02740, to the Zoning Board of Appeals, replacing Scott Lemieux, who resigned October 16, 2008; this term will expire December 2012.

M22. COMMUNICATION, Mayor Lang, to City Council, submitting an application for the APPOINTMENTS AS WEIGHERS OF MERCHANDISE for the year 2009, for the following: GINA RAUCH, 22B – Bayberry Road, New Bedford, MA 02740; KRISTEN LAYCOCK, 15 Bluejay Street, New Bedford, MA 02745; ELAINE MOTTA, 32 Waldo Street, New Bedford, MA 02740; JULIE MULVEY, 338 Prescott Street, New Bedford, MA 02745; and LINDA VIERA, 76 Mt. Pleasant Street, New Bedford, MA 02740.

M23. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of DAVID N. ST. AUBIN, 376 Hersom Street, New Bedford, MA 02745, as a SPECIAL POLICE OFFICER.

M23a. APPLICATION,

M24. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of LIONEL P. DUARTE, 31 Flag Swamp Road, Freetown, MA 02702, as a SPECIAL POLICE OFFICER.

M24a. APPLICATION,

NEW BUSINESS

5. COMMUNICATION, Mayor Lang, to City Council, submitting A VETO of RELATED MOTION, #0000749, by Councillor Gomes, "Requesting that the City along with DEP, EPA and any other agencies perform a full investigation to find a trace on where those contaminants came from and hold those responsible for placing those contaminants in our sewer system to be held accountable and repayment of what it is costing the City to fix this problem." – Adopted – Yeas 10, Nays 0, IN CITY COUNCIL, APRIL 23, 2009, and presented to the Mayor for approval on April 27, 2009, stating reason for veto is that, while he understands the Council's concerns, the City Council does not have authority to direct any agencies to perform investigations, and that the City will proceed, as deemed appropriate, with regard to this matter. (Veto by Mayor Lang received May 05, 2009, at 2:43 p.m. – To be Received and Spread on the Records.) (Copy all Councillors 05/05/09.)

5a. RELATED MOTION,

6. REPORT, Committee on Finance recommending that the City Council ADOPT the ORDER, Accepting a QUITCLAIM DEED from the New Bedford Redevelopment Authority, for a portion of the property that is known as Ben Rose Field, and dedicating the property on which the ball field is located for park and playground purposes; said property being deeded to the City is shown abutting Front Street, Lot 9H on Approval Not Required Plan of Land; also submitting SURVEYOR'S AFFIDAVIT and ORDERING designation of said property "for park and playground purposes, in accordance with M.G.L. C. 45, Section 14," upon acceptance of said Deed, and it will be placed under the control of the City of New Bedford Board of Park Commissioners, which will enable the City to obtain reimbursement from the Urban Self Help Grant for \$500,000.

6a. AN ORDER,

7. REPORT, Committee on Finance recommending to the City Council ADOPTION of the ORDER, for the TRANSFER of \$4,000.00 from TRAFFIC, SALARIES & WAGES to ZOO, CHARGES & SERVICES.

7a. AN ORDER,

8. REPORT, Committee on Finance recommending to the City Council ADOPTION of the ORDER, for the TRANSFER of \$14,000.00 from ENVIRONMENTAL STEWARDSHIP, SALARIES & WAGES to PLANNING, SALARIES & WAGES.

8a. AN ORDER,

9. 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.) (Passed to a Second Reading April 23, 2009; to be Passed, to be Ordained.)

10. WRITTEN MOTION, Councillors Gonsalves, Lawrence, Martins, Morad, Pimental and Council President Saunders, considering that the original Motion, IN CITY COUNCIL, April 07, 2009, was RETURNED UNSIGNED by Mayor Lang on April 20, 2009, asking ONCE MORE "that the City Council voice our concerns regarding the current financial status of the FY2009 Police Department's Budget, and requesting that the position of recently retired Deputy Chief Hegarty remain unfilled and be removed from the FY2010 Budget Submission." (Referred to Mayor Lang, Police Chief Teachman and Auditor Schmidt IN CITY COUNCIL April 07, 2009; presented to Mayor April 09, 2009; returned UNSIGNED by Mayor Lang April 20, 2009.)

11. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Holy Ghost Society of St. Anthony's Church, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Collette Street to Nye Street, on SUNDAY, MAY 31, 2009, FROM 11:00 A.M. TO 12:00 NOON, for the purpose of the HOLY GHOST MASS PROCESSION.

12. WRITTEN MOTION, Councillor Alves, requesting the following street(s) be CLOSED: ACUSHNET AVENUE, from Beetle Street to Coffin Avenue; SAWYER STREET, from North Front Street to Ashley Boulevard; HOLLY STREET, from North Front Street to Ashley Boulevard; TALLMAN STREET, from North Front Street to Ashley Boulevard; NYE STREET, from North Front Street to Ashley Boulevard; BULLARD STREET, from North Front Street to Ashley Boulevard, and DEANE STREET, from Ashley Boulevard to Acushnet Avenue, from 6:00 A.M., FRIDAY, JUNE 12, 2009, THROUGH 8:00 A.M. MONDAY, JUNE 15, 2009; and further, that the following streets or intersections be designated NO PARKING AND ENFORCED AS A TOW ZONE: ACUSHNET AVENUE, from Beetle Street to Coffin Avenue (both sides); THE NORTH SIDE OF SAWYER STREET, EASTERLY APPROXIMATELY 150 feet, ending at a line parallel to the eastern most property line of the Howard Street Parking Lot (both sides); HOLLY STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); TALLMAN STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); NYE STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); BULLARD STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); DEANE STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); for the purpose of THE ANNUAL DAY OF PORTUGAL CELEBRATION.

13. WRITTEN MOTION, Councillor Duarte, requesting, on behalf of the Mayor's Office and Taste of SouthCoast Festival, that the following streets be CLOSED: ACUSHNET AVENUE, from Elm Street to Union Street; WILLIAM STREET, from Purchase Street to Bethel Street; SOUTH SECOND STREET, from Elm Street to Union Street; BETHEL STREET, from Elm Street to William Street and BARKER'S LANE, from South Second Street to Acushnet Avenue, on SUNDAY, MAY 17, 2009, from 11:30 A. M. THROUGH 6:00 P. M., for the purpose of the Taste of SouthCoast Festival at Custom House Square.

14. WRITTEN MOTION, Councillor Duarte, requesting, on behalf of the Mayor's Office and "Greater New Bedford Summerfest", that the following streets be CLOSED: NORTH WATER STREET, from Union Street to Elm Street; JOHNNY CAKE HILL and BETHEL STREET, from Union Street to Elm Street; SOUTH/NORTH SECOND STREET, Union Street to Elm Street; BARKER'S LANE, from Acushnet Avenue to North Second Street; ACUSHNET AVENUE, from Union Street to Elm Street; WILLIAM STREET, from Acushnet Avenue to North Water Street; CENTER STREET, from Front Street to North Water Street, from 5:00 P.M. on FRIDAY, JULY 03, 2009, THROUGH 11:00 A.M. on MONDAY, JULY 06, 2009, for the purpose of Greater New Bedford "SUMMERFEST 2009."

15. WRITTEN MOTION, Councillor Gomes, requesting on behalf of Loretta Bourque, Cove Street Neighborhood Association, that **RUTH STREET**, between Salisbury and Ashley Streets, **BE CLOSED** on **SATURDAY, JUNE 20, 2009, from 7:30 A. M. to 3:00 P.M.**, for the purpose of the Cove Street Neighborhood Association's FUN DAY.

16. WRITTEN MOTION, Councillor Lawrence, asking that the Committee on Ordinances Amend the Ordinance "Relative to Constables," Section 19-100, by striking Subparagraph (4) of paragraph (a) in its entirety, eliminating the requirement (and recent amendment to Ordinance providing for waiver of the requirement) that, prior to confirmation as a newly appointed constable, anyone applying must attend and successfully complete the "Citizens' Police Academy" of the City of New Bedford. (Copy of Ordinance and Amendment to original Ordinance Ordained November 13, 2008, enclosed.)

17. 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.)

18. WRITTEN MOTION, Councillor Martins, asking that the City Council send a letter to our State Delegation and Governor Patrick, re: Governor Patrick's emergency cuts earlier this year, which reduced the Children's Advocacy Center's \$187,000 to \$93,000, and the zeroing out of their money for FY2010, requesting that these monies, which

coordinate forensic interviewing of child abuse victims as well as counseling and a medical examination by a doctor or nurse specially trained to handle abuse cases, be restored; and further, bringing to their attention that this cut has been labeled as the “Worst Cut of the Year” to the budget that begins on July 1. (Article enclosed.)

19. WRITTEN MOTION, Councillors Coelho, Martins, Gonsalves, Alves, Duarte, Gomes and Dehner, asking that the City Council go on record in favor of, and send a letter to our State Legislative Delegation requesting their support of, Governor Deval Patrick’s proposal to let Massachusetts District Attorneys seek to deny bail to those charged with illegally possessing a firearm; this Bill would allow the Commonwealth of Massachusetts, by statute, to overcome the Supreme Judicial Court ruling that banned the practice of denying bail to those offenders, thereby establishing a law sought by Bristol County District Attorney Samuel Sutter and other law enforcement officials for broader gun violence prevention legislation that would include illegal gun possession as a reason to find someone dangerous enough to reject bail.

20. WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Appointments and Briefings meet with Lawrence Oliveira, Chief Administrator for Finance and Operations for the School Department, and the contractor who is responsible for building Keith Middle School, for the purpose of having the contractor explain why the mortar is falling from that building, which is not very old, the many cracks inside the building, water damage to the ceiling due to leaks into this building in the front hallways and other areas throughout the school; and further, to explain why the air and heating systems in the ceilings are continuously found with oil leaking out of them and other mechanical problems, along with the company that installed the closed circuit cameras throughout the school that, at this time, are not visual to the Staff within the building, and to discuss how these issues will be addressed with the School Department and the City as to the repairs that have to be made to damages, and cracks in the walls on all three levels in the middle of the school, causing damage to the entire structure of the building.

21. WRITTEN MOTION, Councillor Gomes, requesting that the Mayor and Police Chief please explain why, as the Police Department begins to put people back in Special Units, that these jobs are being posted instead of going right back to the original personnel that were in these positions, many of whom have been in the Department and contributing to combating the crime situation on the streets, due to their knowledge of the streets, the people who are on the streets, and previous work on major cases within the Department; and further, that it be explained to the Committee on Public Safety and Neighborhoods as to why again we are bidding these jobs out instead of immediately reappointing these already extremely qualified people especially with all the crime and gang activity taking place in the City.

22. WRITTEN MOTION, Councillor Gomes, requesting that the Police Chief and the Mayor take immediate action regarding the prostitution that is continuously going on in certain sections of the City, such as Ashley Boulevard, between Sawyer Street and Nash Road; Acushnet Avenue, between Sawyer Street and Coffin Avenue; and County Street, between Russell Street and School Street; and further, that immediate action be taken to stop the escalation and/or eliminate any type of prostitution going on in our streets.

23. WRITTEN MOTION, Councillor Gomes, requesting that the Mayor along with the Governor, explain to the City of New Bedford as to where the monies are that are supposed to address the present layoffs that have occurred throughout the City, due to the fact that the President of the United States stated last week that the stimulus money is working to keep Police Officers on the streets, and Emergency Personnel, Teachers, etc., working throughout this Country, and whereas, this City has not seen any such monies at the present time to address this issue, which has hampered the City’s ability to rehire our laid off Police Officers, reopen Fire Houses, put EMS Paramedics back on the streets along with City workers from various Departments throughout the City, in order to maintain the highest service and provide public safety for our Citizens throughout the City.

24. PETITION, Councillor Morad, requesting, on behalf of Phil Goyette, 765 Wildwood Road, New Bedford, MA 02745, that Plot 130F, Lot 6 (737 Wildwood Road) be changed from Residence A, to RESIDENCE B, in its entirety. (To be referred to the Committee on Ordinances and the Planning Board.)

25. PETITION/INDEMNITY AGREEMENT, Zeiterion Performing Arts Center, 684 Purchase Street, New Bedford, MA 02740, for permission to: Erect a 12’ x 2’ BANNER at the intersection of Union Street and Pleasant Street.

25a. AN ORDER,

26. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of DANIEL XAVIER, d/b/a MCKENZIE'S BUS COMPANY, 68 Deane Street, New Bedford, MA 02746, 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.

27. COMMUNICATION, Councillor Morad, to the thirty-four (34) property owners along Cherokee Street, advising them of the May 23, 2009, STREET CLOSING, requested by the Boy Scout Troop 24 – St. Joseph-St. Theresa of New Bedford, for the annual Boy Scout Soap Box Derby race event. (To be Received and Placed on File.)

28. COMMUNICATION, Mayor Lang to City Council, submitting a copy of the DRAFT Substantial Amendment of the Fiscal Year 2008-2009 Action Plan for American Recovery and Reinvestment Act Programs – Community Development Block Grant – recovery – CDBG-R and Homeless Prevention and Rapid re-Housing Program (HPRP), from OHCD, stating abbreviated 12-day Public comment period began on April 28, 2009, and will end on May 9, 2009, at which time the FINAL COPY will be forwarded to the City Council for approval and authorization IN CITY COUNCIL, May 14, 2009, to submit the Action Plan to HUD NO LATER THAN MAY 16, 2009, as required in order to receive the funds (\$802,671). (Copies of Draft and corrected page submitted to All Councillors 04/28/09 – this DRAFT to be Received and Placed on File.)

29. COMMUNICATION, Representative Costello, to City Clerk, responding to Motion by Councillor Gomes, IN CITY COUNCIL, April 07, 2009, re: possibility of relocating New Bedford's Police Headquarters to Purchase Street and recommending contacting legislators to request they contact the Executive Office of Public Safety on the City's behalf.(Copy to Councillor Gomes and Clerk of Committees 04/29/09.)

30. COMMUNICATION, Coastal Engineering Company, Inc., to MASS DEP/SERO/DWW (cc'd City Council by Certified Mail), RE: Notice of License Application pursuant to M.G.L. Chapter 91 License Applications: New Bedford Harbor & Clark's Cove, New Bedford, MA, Waterways Application Nos: W09-2671 & W09-2674, Reconstructing existing Boat Ramp, license and maintain existing Pier, revetment and boat ramp in New Bedford Harbor and Reconstruct existing Boat Ramp, license and maintain existing revetment and boat ramp in Clark's Cove. (Plans Attached.)

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.)