



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, June 11, 2009 - 7:00 p.m.

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

***PRAYER LED BY: REVEREND KENNETH W. MACMILLEN, PASTOR
ST. PAUL'S UNITED METHODIST CHURCH***

PLEDGE OF ALLEGIANCE

HEARINGS

1. HEARING, on Petition of NSTAR Electric Company for location of two (2) 4" Conduits, and one (1) 45" x 45" x 36" FE-2A Handhole in SYCAMORE STREET, West of County Street.

1a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, transferring \$3,000.00 from CITY SOLICITOR, CHARGES AND SERVICES to CITY COUNCIL, CHARGES AND SERVICES.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, transferring \$60,000.00 from POLICE DEPARTMENT, CHARGES AND SERVICES, to MIS, CAPITAL OUTLAY.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, transferring \$9,000.00 from ASSESSORS, SALARIES AND WAGES, to MIS, CAPITAL OUTLAY.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, transferring \$72,000.00 from TREASURERS DEBT, OTHER CHARGES, to VETERANS, CHARGES AND SERVICES.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, transferring \$300,000.00 from POLICE DEPARTMENT, SALARIES AND WAGES, to GENERAL GOVERNMENT UNCLASSIFIED, CHARGES AND SERVICES.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, transferring \$230,000.00 from PUBLIC FACILITIES, SUPPLIES AND MATERIALS, to GENERAL GOVERNMENT UNCLASSIFIED, CHARGES AND SERVICES.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, transferring \$260,000.00 from TREASURERS DEBT, OTHER CHARGES, to GENERAL GOVERNMENT UNCLASSIFIED, CHARGES AND SERVICES.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, transferring \$12,000.00 from CITY SOLICITOR, CHARGES AND SERVICES, to GENERAL GOVERNMENT UNCLASSIFIED, CHARGES AND SERVICES.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, transferring \$40,000.00 from DPI, HIGHWAYS, CHARGES AND SERVICES, to GENERAL GOVERNMENT UNCLASSIFIED, CHARGES AND SERVICES.

M9a. AN ORDER,

M10. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, transferring \$29,000.00 from COMMUNITY SERVICES, SALARIES AND WAGES, to GENERAL GOVERNMENT UNCLASSIFIED, CHARGES AND SERVICES.

M10a. AN ORDER,

M11. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, transferring \$1,400.00 from TRAFFIC, CHARGES AND SERVICES, to TRAFFIC, SUPPLIES AND MATERIALS.

M11a. AN ORDER,

M12. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, AMENDING the Order, Adopted by the City Council on August 21, 2008, and signed by the Mayor on September 04, 2008, which, in accordance with M.G.L. Chapter 44, Section 53E ½, authorized the Revolving Fund under the control of the Department of Community Services, known as RECREATION SENIOR TRAVEL AGENCY REVOLVING FUND, whose purpose is to support day trips for seniors, whose revenues collected and amount be limited at \$143,566.00 is hereby authorized as \$168,566.00 for FISCAL YEAR 2009.

M12a. AN ORDER,

M13. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER accepting a Grant of \$50,000.00 from ExteNet Systems, Inc. for the City's fiber optic development throughout the majority of the City, in accordance with the Right of Way Agreement between the City and ExteNet, which was approved by the Council on April 23, 2009; also submitting A GRANT AGREEMENT, placing control of the Grant funds under the City's Management Information Systems Department and its Director R. Tetreault, to be judiciously applied to best develop the City's fiber optic capacity in conjunction with the overall fiber optic system provided by Extenet and requesting approval of said Grant Agreement between ExteNet Systems, Inc. and the City of New Bedford.

M13a. AN ORDER,

M14. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for ELLIOT WILLENSKY, 71 James Street, New Bedford, MA 02740, Account #13446, in the amount of \$175.20.

M15. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for GAIL and ALLEN THOMAS, 1186 Victoria Street, New Bedford, MA 02745, Account #32445, in the amount of \$105.85.

M16. COMMUNICATION, Mayor Lang, to City Council, submitting AN APPLICATION for the REAPPOINTMENT of GEORGE H. GREW, 223 Hathaway Road, New Bedford, MA 02746, as a CONSTABLE.

M16a. AN APPLICATION,

M17. COMMUNICATION, Mayor Lang, to City Council, submitting AN APPLICATION for the REAPPOINTMENT of MARK FERMINO, 147 Hillman Street, New Bedford, MA 02740, as a SPECIAL POLICE OFFICER.

M17a. AN APPLICATION,

RECONSIDERATION

2. WRITTEN MOTION, Councillor Gomes, having voted with the prevailing side on the question of REPORT, Committee on Appointments and Briefings, recommending that the City Council APPROVE 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, 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**, and 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.) at the regular City Council meeting held on May 28, 2009, hereby files a Motion to RECONSIDER said vote. (Filed May 29, 2009, at 8:15 a.m. via telecom to Assistant City Council Clerk.)

2a. REPORT, Committee on Appointments and Briefings, recommending that the City Council APPROVE 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, 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**. (IN CITY COUNCIL, May 28, 2009; Action: RECOMMENDATION FOLLOWED.) (RECONSIDERED BY COUNCILLOR GOMES ON MAY 29, 2009, AT 8:15 A.M. VIA TELEPHONE TO ASSISTANT CITY COUNCIL CLERK RITA O. SYLVIA)

2b. 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.) (IN CITY COUNCIL, MAY 28, 2009; ACTION: NEW LIVERY LICENSE GRANTED.) (RECONSIDERED BY COUNCILLOR GOMES ON MAY 29, 2009, AT 8:15 A.M. VIA TELEPHONE TO ASSISTANT CITY COUNCIL CLERK RITA O. SYLVIA.)

NEW BUSINESS

3. REPORT, Committee on Appointments and Briefings recommending that the City Council APPROVE the DEMOLITION of 85 Coggeshall Street (Fairhaven Mill) as the structures are NOT preferably preserved and not in the public interest to be preserved or rehabilitated.

4. WRITTEN MOTION, Councillors Duarte & Alves, requesting, on behalf of Joe Jesus, that the following street(s) be CLOSED: PURCHASE STREET, from William Street to Union Street; UNION STREET, from Pleasant Street to South Second Street; ACUSHNET AVENUE, from William Street to Spring Street, on THURSDAY, JULY 23, 2009,

FROM 5:00 P.M. THROUGH 9:00 P.M., and CUSTOM HOUSE SQUARE on THURSDAY, JULY 23, 2009, FROM 9:00 A.M. THROUGH 9:00 P.M., for the purpose of Fifties Night Downtown.

5. WRITTEN MOTION, Councillor Alves, requesting, that the following street(s) be CLOSED: MADEIRA AVENUE, between Eugenia Street and Whitman Street, from 5:00 P.M. ON FRIDAY, JULY 24, 2009 TO 12:00 NOON ON MONDAY, JULY 27, 2009, for the purpose of The Saint Michael Social Club Festival.

6. WRITTEN MOTION, Councillor Alves, requesting, on behalf of The Senhor Da Pedra Club and Feast Committee that the following street(s) be CLOSED: WEBSTER COURT, from Madeira Avenue to Funchal Place (Hope Street), and TINKHAM COURT, from Madeira Avenue to Funchal Place (Hope Street), ON SATURDAY, JUNE 20, 2009, FROM 10:00 A.M. TO 11:45 P.M., AND SUNDAY, JUNE 21, 2009, FROM 10:00 A.M. TO 11:45 P.M., for the purpose of The Annual Senhor Da Pedra Holy Ghost Feast.

7. WRITTEN MOTION, Councillor Gonsalves, requesting that the Committee on Ordinances explore the creation of an Ordinance similar to that passed by the City of San Francisco regarding plastic bag reduction.

7a. COMMUNICATION, Councillor Gonsalves, submitting Plastic Bags Reduction Ordinance from San Francisco, CA.

8. WRITTEN MOTION, Councillors Gonsalves, City Council President Saunders, Councillors Morad, Martins, Coelho, Alves, Lawrence, Pimental and Gomes, requesting that the Code of Ordinances be amended to eliminate step increases in all Unit C salaries for the Fiscal Year starting July 01, 2009.

8a. AN ORDINANCE, Amending Chapter 19, Section 19-7.1, by inserting Section 19-7.2, RELATIVE TO EMPLOYEE COMPENSATION.

9. WRITTEN MOTION, Councillor Coelho and Pimental, requesting that the Department of Public Facilities clean the gazebo at Hazelwood Park, it has been vandalized with graffiti inside and out, and was not cleaned prior to the South End Business Association's Annual Summer Fair.

10. WRITTEN MOTION, Councillors Coelho, Dehner and Martins, requesting that the City remove all advertising ads that are illegally posted throughout the City's neighborhoods, especially in the area of Sawyer Street and Ashley Boulevard, the posters that have been placed on electrical poles are not only illegal, but are also very offensive to families.

11. WRITTEN MOTION, Councillor Alves, requesting that the Chief of Police observe and monitor the potential illegal livery license business operating out of the parking lots at grocery stores on Hathaway Road picking up shoppers and transporting them without of City license and that the Chief of Police report back to this Councillors as to the action taken.

12. WRITTEN MOTION, Councillor Gomes, on behalf of the residents of Ruggles Street, Greenwood Street and the general area surrounding the new Keith Middle School, requesting that the Chairman of the Committee on Environmental Affairs, Councillor Debora Coelho, call an expedited meeting between residents of the above-mentioned area and the Director of Environmental Stewardship, Scott Alfonse, a Representative from the Administration and a Representative from the EPA, for the purposes of getting answers to the questions that these residents seem unable to get, due to the remediation of their properties, and to explain what is the strategic plan for the City to take on this area; and further, that this Councillor requests that the Administration hold up any demolition of any other properties already obtained by the City on Ruggles Street or Greenwood Street, until the beginning of September, giving the residents of that area who have not an easy summer for the past couple of years due to the digging and drilling of their homes, giving them a break during the summer months, to enjoy their homes, also giving the City an opportunity to put forth a plan that will take place once those homes are demolished; and further, this Councillor requests that the City provide a plan of action for that area where those homes are going to be demolished, and who will be facilitating the demolition of the said homes.

13. WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and Chief of Police increase patrols in the area of Coggeshall Street, between Shawmut Avenue and Cottage Street, and within that general area, due to

the increasing amount of house breaks in that area, which is mainly an elderly neighborhood, and has left several residents in that area very frightened of what has been going on.

14. WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor authorize the Department of Parks and Recreation to take immediate action on behalf of Peter Britto, the Director of summer league basketball, and make immediate repairs to the Buttonwood Park and Brooklawn Park basketball courts, due to the cracks and holes that are on these courts that could possibly harm youths as the summer leagues begin and recreation activities within those areas are provided to City residents.

15. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **VIOLA M. RIGGINS, d/b/a/ DRIVE ME NUTS, 180 Summit Street, New Bedford, MA 02740**, hereby submit a copy of the Application requesting **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. (License expired May 23, 2009.)

16. COMMUNICATION, Timothy Rumberger, Principal, Phillips Avenue School, to City Council, thanking the Council for the Resolution presented to Phillips Avenue School on May 14, 2009.

17. COMMUNICATION/INVITATION, New Bedford Firefighters/IAFF Union, to City Council, inviting Councillors to attend annual Fire Fighter Memorial Sunday Service at 8:30 a.m. on Sunday, June 14, 2009, at the Fire Fighters' Monument, outside the Lawler Library at corner of Lake Street and Rockdale Avenue. (Copy all Councillors 06/03/09.)

18. COMMUNICATION/EMAIL, Administrative Assistant to the Board of Assessors Barney, to Council President Saunders, informing City Council that he will be unable to attend City Council Meeting of June 11, 2009, on which there is a transfer of funds from Assessors to MIS, due to a prior commitment. (Emailed to all Councillors 06/04/09.)

TABLED BUSINESS

05/14/09 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.

05/14/09 AN ORDER,

05/28/09 RESOLUTION, Councillor Gonsalves, congratulating JONATHAN WILLIAMS, New Bedford High School Track Team Athlete.

05/28/09 RESOLUTION, Councillor Alves, Congratulating STEPHEN PAIVA ON THE OCCASION OF HIS RETIREMENT, and HONORING HIM FOR HIS DISTINGUISHED THIRTY YEARS OF SERVICE WITH THE UNITED STATES POST OFFICE.