



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, June 25, 2009 - 7:00 p.m.

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

***PRAYER LED BY: RABBI RAPHAEL KANTER
TIFERETH ISRAEL CONGREGATION***

PLEDGE OF ALLEGIANCE

CITATIONS

1. CITATION, Councillor Alves, honoring BOY SCOUTS TROOP 24 – ST. JOSEPH/ST. THERESA’S CHURCH in recognition of their outstanding efforts in organizing and performing their Annual “LAYING TO REST OF AMERICAN FLAGS” CEREMONY, held at Pine Grove Cemetery on June 10, 2009.
2. CITATION, Councillor Alves, honoring BOY SCOUTS TROOP 3 – ST. JOSEPH/ST. THERESA’S CHURCH in recognition of their outstanding efforts in organizing and performing their Annual “LAYING TO REST OF AMERICAN FLAGS” CEREMONY, held at Pine Grove Cemetery on June 10, 2009.
3. CITATION, Councillor Gomes, honoring BLAINE G. STILLERMAN, in recognition of his Hard Work, Dedication and Foresight in proposing and bringing to fruition, THE FIRST NEW BEDFORD HIGH SCHOOL-2009, AFTER-PROM PARTY.

RESOLUTION

4. RESOLUTION, Council President Saunders, Congratulating the UNITED STATES COAST GUARD AUXILIARY on the occasion of its 70TH ANNIVERSARY.

HEARINGS

5. HEARING, on Joint Petition of Verizon New England, Inc. & NSTAR Electric Company for location of five (5) new poles and removal of four (4) poles.
 - 5a. AN ORDER,
 - 5b. COMMUNICATION, Department of Public Infrastructure Commissioner Labelle, to City Council, informing Council that DPI has approved the emergency location of the telephone poles on the east sidewalk area of Mitchell Street, from Sawyer to Coggeshall Streets; this emergency approval is necessary to facilitate the infrastructure improvements and reconstruction of Mitchell Street, which is a City project that has critical timelines for completion.

MAYOR’S PAPERS

- M1. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that the sum of \$20,806,120.67 be adopted as a 1/12 operating budget for the Fiscal Year 2010.
 - M1a. AN ORDER,
 - M1b. COMMUNICATION, City Solicitor Schall, to City Council, as additional support for the above items (M1. and M1a.), noting that the Mayor’s proposed ORDER is being submitted pursuant to his authority under M.G.L. Chapter 44, Section 32; and the submission of a one-month budget is due to “circumstances beyond the

[City's] control," i.e., the State's failure to communicate the amount of State Aid to the City for Fiscal Year 2010.

M2. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that, in accordance with M.G.L. Chapter 44, Section 53E ½, the Revolving Fund under the control of the Purchasing Department known as the **PURCHASING REVOLVING FUND**, whose purpose is to provide office supplies, photocopy supplies, etc., for City Departments, whose revenues and amount limited to be spent estimated at **\$200,000.00**, is hereby authorized for **FISCAL YEAR 2010**.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that, in accordance with M.G.L. Chapter 44, Section 53E ½, the Revolving Fund under the control of the Purchasing Department known as the **SOUTHEASTERN REGIONAL POLICE REVOLVING FUND**, whose purpose is to provide regional police communications, whose revenues and amount limited to be spent estimated at **\$25,000.00**, is hereby authorized for **FISCAL YEAR 2010**.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that, in accordance with M.G.L. Chapter 44, Section 53E ½, the Revolving Fund under the control of the Community Services Department, known as **RECREATION SENIOR TRAVEL AGENCY REVOLVING FUND**, whose purpose is to support day trips for seniors, whose revenues collected and amount limited to be spent estimated at **\$161,321.00**, is hereby authorized for **FISCAL YEAR 2010**.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that, in accordance with M.G.L. Chapter 44, Section 53E ½, the Revolving Fund under the control of the Community Services Department, known as **SENIOR TRANSPORTATION FUND**, whose purpose is to provide transportation for seniors to grocery and other shopping, general trips and medical appointments, whose revenues collected and amount limited to be spent estimated at **\$15,786.00**, is hereby **established** and authorized for **FISCAL YEAR 2010**.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that in accordance with M.G.L. Chapter 44, Section 53E ½, the Revolving Fund under the control of the Community Services Department, known as **SENIOR ACTIVITIES FUND**, whose purpose is producing identification badges for seniors, handicap individuals, residents, organizations and to support social activities and entertainment at all Senior Centers, etc., whose revenues and amount limited to be spent estimated at **\$14,098.00**, is hereby **established** and authorized for **FISCAL YEAR 2010**.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that, in accordance with M.G.L. Chapter 44, Section 53E ½, the Revolving Fund under the control of the Department of Public Facilities, known as **QUEST CENTER REVOLVING FUND**, whose purpose is to provide a focus for entrepreneurial training and location for business start up activities, etc., is hereby authorized at **\$135,000.00**, for **FISCAL YEAR 2010**.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that, in accordance with M.G.L. Chapter 44, Section 53E ½, the Revolving Fund under the control of the School Department, known as the **FOOD SERVICE CONCESSION**, whose purpose is to provide concession services during football games

at the Paul Walsh Field, whose revenues and amount limited to be spent estimated at \$10,500.00, is hereby authorized for **FISCAL YEAR 2010**.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that, in accordance with M.G.L. Chapter 44, Section 53E ½, the Revolving Fund under the control of the Clerk of Committees Department, known as the **COUNCIL SPECIAL PERMIT REVOLVING FUND**, whose purpose is to cover the cost associated with processing/reviewing and granting applications for Special Permits for Motor Vehicles – Sales and Rentals/General Repairs/Body Repairs/Light Service and Special Permits for a Club or Lodge nonprofit, whose revenues and amount limited to be spent estimated at \$5,000.00, is hereby authorized for **FISCAL YEAR 2010**.

M9a. AN ORDER,

M10. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that, in accordance with M.G.L. Chapter 44, Section 53E ½, the Revolving Fund under the control of the Library Department, known as **LIBRARY EQUIPMENT REVOLVING FUND**, whose purpose is to provide and maintain photocopying and equipment at the Main Library and branches, whose revenues and amount limited to be spent estimated at \$9,000.00, is hereby authorized for **FISCAL YEAR 2010**.

M10a. AN ORDER,

M11. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that, in accordance with M.G.L. Chapter 44, Section 53E ½, the Revolving Fund under the control of the Tourism/Marketing Department, known as the **TOURISM REVOLVING FUND**, whose purpose is to purchase specialized Whale key chains, buttons, pencils and other souvenirs for children's groups and visitors to the City, whose revenues and amount limited to be spent estimated at \$8,000.00, is hereby authorized for **FISCAL YEAR 2010**.

M11a. AN ORDER,

M12. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that, in accordance with M.G.L. Chapter 44, Section 53E ½, the Revolving Fund under the control of the Health Department, known as the **FINES/FORFEITURES REVOLVING FUND**, whose purpose is for the collection of health-related fines originally paid to the State, but now paid to the City due to the establishment of this fund, whose revenues and amount limited to be spent are estimated at \$3,700.00, is hereby authorized for **FISCAL YEAR 2010**.

M12a. AN ORDER,

M13. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$6,460.00, from EMS, SALARIES & WAGES, to EMS, OTHER CHARGES.

M13a. AN ORDER,

M14. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$5,000.00 from CEMETERY, SALARIES & WAGES, to CEMETERY, SUPPLIES & MATERIALS.

M14a. AN ORDER,

M15. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$293.00, from LICENSING BOARD, CHARGES & SERVICES, to LICENSING BOARD, SUPPLIES & MATERIALS.

M15a. AN ORDER,

M16. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for Andrews-Dahill Post #1531, 477 Park Street, New Bedford, MA 02740, Account No. #25885, in the amount of \$1,256.32.

M17. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of ROSEMARY S. TIERNEY, 322 Maple Street, New Bedford, MA 02740, to the GREATER NEW BEDFORD REGIONAL REFUSE DISTRICT; term will expire June 2012.

M18. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of ROBERT G. MORRIS, 203 Chestnut Street, New Bedford, MA 02740, to the CONSERVATION COMMISSION; term will expire June 2012.

M19. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of JOSE FURTADO, 260 Tinkham Street, New Bedford, MA 02746, as a SPECIAL POLICE OFFICER.

M19a. APPLICATION,

M20. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of EDWARD RUPKUS, 124 Wood Street, New Bedford, MA 02745, as a SPECIAL POLICE OFFICER.

M20a. APPLICATION,

NEW BUSINESS

6. REPORT, Committee on Finance, recommending the City Council ADOPT the ORDER, transferring \$21,702.00 from DPI/HIGHWAYS, SALARIES & WAGES to VETERANS, SALARIES & WAGES.

6a. AN ORDER,

7. REPORT, Committee on Finance, recommending the City Council ADOPT the ORDER, transferring \$300,000.00 from POLICE DEPARTMENT, SALARIES & WAGES, to GENERAL GOVERNMENT UNCLASSIFIED, CHARGES & SERVICES.

7a. AN ORDER,

8. REPORT, Committee on Finance, recommending the City Council ADOPT the ORDER, transferring \$230,000.00 from PUBLIC FACILITIES, SUPPLIES & MATERIALS, to GENERAL GOVERNMENT UNCLASSIFIED, CHARGES & SERVICES.

8a. AN ORDER,

9. REPORT, Committee on Finance, recommending the City Council ADOPT the ORDER, transferring \$40,000.00 from DPI HIGHWAYS, CHARGES & SERVICES, to GENERAL GOVERNMENT UNCLASSIFIED, CHARGES & SERVICES.

9a. AN ORDER,

10. REPORT, Committee on Finance, recommending the City Council ADOPT the ORDER, transferring \$266,944.00 from SCHOOL STABILIZATION to TREASURER'S DEBT, OTHER CHARGES.

10a. AN ORDER,

11. REPORT, Committee on Finance, recommending the City Council ADOPT the ORDER, transferring \$67,943.00 from GENERAL GOVERNMENT UNCLASSIFIED, SALARIES & WAGES to GENERAL GOVERNMENT UNCLASSIFIED, CHARGES & SERVICES.

11a. AN ORDER,

12. REPORT, Committee on Finance, recommending the City Council ADOPT the ORDER, transferring \$260,000.00 from TREASURERS DEBT, OTHER CHARGES, to GENERAL GOVERNMENT UNCLASSIFIED, CHARGES & SERVICES.
- 12a. AN ORDER,
13. REPORT, Committee on Finance, recommending the City Council ADOPT the ORDER, transferring \$29,000.00 from COMMUNITY SERVICES, SALARIES & WAGES, to GENERAL GOVERNMENT UNCLASSIFIED, CHARGES & SERVICES.
- 13a. AN ORDER,
14. REPORT, Committee on Appointments & Briefings, recommending that the City Council APPROVE 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.
15. REPORT, Committee on Appointments & Briefings, recommending that the City Council APPROVE the APPOINTMENT of DIANE A. BERUBE, 33 Arch Street, New Bedford, MA 02740, as a PARK COMMISSIONER, replacing Sandra Grace, who resigned February 2009; this term will expire May 2011.
16. REPORT, Committee on Appointments & Briefings, recommending that the City Council APPROVE the APPLICATION of DANIEL XAVIER, d/b/a MCKENZIE'S BUS COMPANY, 68 Deane Street, New Bedford, MA 02746, for 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.
- 16a. 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.
17. AN ORDINANCE, Amending Chapter 19, Section 19-7.1, by inserting Section 19-7.2, RELATIVE TO EMPLOYEE COMPENSATION and Amending Chapter 2, Section 2-24.1, RELATIVE TO MAYOR'S SALARY FOR FISCAL YEAR 2010. (Passed to a Second Reading as Amended – June 11, 2009.)
18. WRITTEN MOTION, Councillor Gonsalves, requesting on behalf of Rose Nunes, that BROWNELL STREET, between West Clinton Street and Maple Street, BE CLOSED on SATURDAY, JULY 25, 2009, from 10:00 a.m. to 10:00 p.m., for the purpose of a Neighborhood Block Party (Note: Rain Date: Sunday, July 26, 2009.)
19. WRITTEN MOTION, Councillor Morad, requesting on behalf of the residents on Foley Drive, that FOLEY DRIVE, from 59 Foley Drive westerly to the terminus, BE CLOSED, on SATURDAY, JULY 04, 2009, FROM 12:00 NOON to 9:00 P.M., for the purpose of A Neighborhood Block Party.
20. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Cape Verdean-American Veterans, that the following street(s) be CLOSED: PURCHASE STREET, from Walnut Street to School Street, on SUNDAY, JULY 05, 2009, FROM 11 A.M. TO 11 P.M., for the purpose of A Block Party.
21. WRITTEN MOTION, Councillor Dehner, requesting on behalf of “La Ligue des Franco-Américains”, that the following streets(S) be CLOSED: MT. PLEASANT STREET, from Nauset Street NORTH, to the intersection of Hathaway Road (The Point), on SUNDAY, JUNE 28, 2009, FROM 10:00 A.M. TO 1:00 P.M., for the purpose of A Memorial at the French Veterans Square. (ALSO REQUESTING SAWHORSES TO BLOCK OFF DRIVEWAYS IN THE SHOPPING AREA ON THE EAST SIDE OF MT. PLEASANT STREET.)
22. WRITTEN MOTION, Councillor Duarte, requesting, on behalf of Mayor Lang and the New Bedford Ocean Explorium, that the following street(s) be CLOSED: PURCHASE STREET, from Union Street to Spring

Street, on THURSDAY, JULY 09, 2009, from 2:00 P.M. TO 8:00 P.M., for the purpose of an Ocean Explorium Program in conjunction with AHA! Night "Kids Rule".

23. WRITTEN MOTION, Councillor Gomes and Duarte, requesting, on behalf of the Cape Verdean Parade Committee, that the streets of the parade route be swept and cleaned, and any lots with high grass be cleaned with the assistance of agencies, or by the City throughout the parade route; the streets to be cleaned are as follows: Union Street, eastbound to Acushnet Avenue; Acushnet Avenue, south to Grinnell Street; Grinnell Street west to Pleasant Street, and Pleasant Street to the site where the parade will stop, which is the old site of Morse Cutting Tools on Pleasant Street.

24. WRITTEN MOTION, Councillor Alves, requesting, that the Administration and the Cemetery Board explore the possibility of developing a cooperative working relationship with such Organizations as "The Friends of Buttonwood Park, the City's Garden Club and Bristol County Agricultural School" to occupy, use and maintain the Green House located at Buttonwood Park, before it is left vacant and goes into disrepair, to the extent it would have to be torn down, which would be a loss of a valuable resource that could and should be used by all the organizations noted in what I consider to be a "WIN, WIN, WIN" situation for all.

25. WRITTEN MOTION, Councillor Alves, requesting, that the Board of Health do a site evaluation of the vacant lot located on Welby Road, (behind the 4 Welby Road building), which has become a dumping ground for computer screens, old furniture and trash, presenting a potential hazard to the neighbors; further, and that they require the current owner to post the property as a "NO DUMPING SITE"; further, that the Chief of Police be requested to advise the Police Officers assigned to the area to monitor that site on a regular basis in their tour of duty to see if they can eliminate the dumping in that area.

26. WRITTEN MOTION, Councillor Alves, requesting, that the City Council's Committee on Environmental Affairs meet with Representatives of *SourceOne, Inc.*, and members of the Administration, DPI, DPF and the City's Grant Writer to see how the City Council can best assist and ensure that the City of New Bedford is aggressively developing an Energy Block Grant Application Package to qualify for the maximum allocation of \$869,300.00, currently earmarked for the City of New Bedford, for the Assessment of Eligible Conservation Activities that can be implemented to reduce the City's energy cost, and move the City closer to becoming a recognized "Green Community" as it relates to energy alternatives.

27. WRITTEN MOTION, Councillor Gomes, requesting that the Administration advise the City Council as to what is being done to bring back the City workers from the DPI, DPF, and building workers, such as sign installers, due to the fact that much of this work is now falling behind, and will only get worse as time passes, in providing these types of services and protecting the best interests of the taxpayers, the public buildings and facilities throughout the City.

28. WRITTEN MOTION, Councillor Gomes, requesting that the City take immediate action to have the contractor who has the contract for the Port O' Johns in Ft. Taber address the issue of having them cleaned on a daily basis, which I am sure is part of their contract, so we are not receiving complaints about the conditions of these Port O' Johns that have been contracted out to this company; and further, that the new lessees of the snack bar at Ft. Taber open the public restrooms, Ladies and Men's Rooms, to the public, since they are also by contract responsible for keeping them clean, maintaining them and locking them at the end of the day.

29. WRITTEN MOTION, Councillor Gomes, requesting that the Mayor, along with the Police Chief, authorize the New Bedford Police Department to strongly enforce the Noise Ordinance throughout the City, whether it is pertaining to loud music in cars, loud motorcycle pipes, dogs barking, etc.; all laws pertaining to noise should be enforced very strictly especially during the summer, due to the quality of life that is being affected in many neighborhoods across the City, from the North End to the South End; since these Ordinances already carry stiff fines for those who are violating them; and further, that the City take every opportunity to enforce the laws that have been put on the books in order to guarantee the City's Citizens a good quality of life.

30. COMMUNICATION, First Assistant City Solicitor Jane Medeiros Friedman, to City Council, submitting the appraisals for the three (3) fee simple acquisitions and one temporary easement for the improvements of the intersection and traffic signals at Dartmouth Street and Rockdale Avenue, prepared by RK Lyman & Associates and obtained in accordance with the provisions of M.G.L. Chapter 79, Section 7A.

- 30a. APPRAISALS, Automobile Service Center, at the intersection of Dartmouth Street and Rockdale Avenue, Assessors Map 18, Lot 103, Permanent Acquisition containing 146.6 SF.
- 30b. APPRAISALS, New Bedford Housing Authority at the intersection of Dartmouth Street and Rockdale Avenue, Assessors Map 22, Lot 236, Permanent Acquisition containing 16.5 SF.
- 30c. APPRAISALS, VSH REALTY at the intersection of Dartmouth Street and Rockdale Avenue, Assessors Map 17, Lot 3, Permanent Acquisition containing 7.8 SF and temporary work easement containing 8.3 SF.
31. COMMUNICATION, First Assistant City Solicitor Jane Medeiros Friedman, to City Council, submitting AN ORDER OF TAKING for three (3) fee simple acquisitions and one temporary easement; the ORDER OF TAKING is necessary for the improvements of the intersection and traffic signals at Dartmouth Street and Rockdale Avenue.
- 31a. AN ORDER,
32. COMMUNICATION, Derek Santos, Director of Business Development, New Bedford Economic Development Council, to Council President Saunders and Members of the City Council, submitting TIF Application and Resolution approved by the Tax Increment Financing Board for a ten (10) Year TIF Agreement for **Parallel Environmental Services Corporation** and **Parallel Products of New England**, 969 Shawmut Avenue, New Bedford, MA 02746. (Copies provided and distributed to all Councillors on 06/19/09.)
- 32a. RESOLUTION, Approving Certified Project Application and Authorizing the Tax Increment Financing Agreement with **Parallel Environmental Services Corporation** and **Parallel Products of New England**.
33. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **JASON M. LOBO, d/b/a/ GOOD TIMES LIMOUSINE, 358 Maxfield 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 June 12, 2009.)
34. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **MANUEL D. BOTELHO, 356 New Boston Road, Fairhaven, MA 02719, d/b/a/ RELIABLE TRANSPORTATION, 8 Hassey 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 expires June 26, 2009.)
35. COMMUNICATION, Mayor Lang, to Richard Zingarelli, NFIP State Coordinator, Massachusetts DCR, Flood Management, 251 Causeway Street, Suite 700, Boston, MA 02114, RE: Floodplain Management Ordinance, respectfully requesting that the City of New Bedford be granted AN EXTENSION through OCTOBER 31, 2009, from the requirement that the City's Floodplain Management Ordinance be amended by July 7, 2009, in order to satisfy 44 CFR 60.3 (e) and to avoid being suspended from the National Flood Insurance Program, noting the Ordinance Amendment was submitted to City Council on May 7, 2009, was forwarded to the City Council Ordinance Committee and the New Bedford Planning Board for Public Hearing, in accordance with the provisions of M.G.L. c.40A, §5, and that the City of New Bedford will need the extension in order to complete the Ordinance Amendment Process. (Copy to all Councillors June 22, 2009.)
36. COMMUNICATION, Department of Public Facilities Commissioner Lawrence D. Worden, notifying that the Forestry Division has posted fifteen trees in various locations throughout the City, scheduled for Tree Hearings on June 24, 2009, at 294 Liberty Street, beginning at 9 a.m. (Copied all Councillors June 15, 2009.)
37. COMMUNICATION, The Coalition for Animals of Greater New Bedford, to City Council, thanking them for supporting their Tenth Annual Pet Fest and Walk for Animals on May 17, 2009, at Buttonwood Park.
38. COMMUNICATION, Tax Title Attorney Blair S. Bailey, to City Council, re: Acquisition of New Tax Possession, advising that, on May 15, 2009, the Land Court issued a Decree of Foreclosure, and the City acquired the following property as a Tax Possession: 77 MERRIMAC STREET, Plot 72/Lot 289, Area of 2,802

square feet. (Former Owner(s): Glenn W. Machado, Fleet Bank of Massachusetts, formerly known as Shawmut Bank, N. A.) Total Amount due on the parcel as of the date of the Decree is \$27,213.09.

39. COMMUNICATION, Tax Title Attorney Blair S. Bailey, to City Council, re: Acquisition of New Tax Possession, advising that, on June 12, 2009, the Land Court issued a Decree of Foreclosure, and the City acquired the following property as a Tax Possession: N. S. CHAFFEE STREET, Plot 130G/Lot 106, Area of 3,600 square feet. (Former Owner(s): Jose Freitas Franco.) Total Amount due on the parcel as of the date of the Decree is \$7,428.77.

40. COMMUNICATION, Tax Title Attorney Blair S. Bailey, to City Council, re: Acquisition of New Tax Possession, advising that, on April 06, 2007, the Land Court issued a Decree of Foreclosure, and the City acquired the following property as a Tax Possession: N. S. BARRETT STREET, Plot 102/Lot 34, Area of 5,000 square feet. (Former Owner(s): Manuel DaMota.) Total Amount due on the parcel as of the date of the Decree is \$5,155.12.

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,