



Council Meeting - Agenda

CITY COUNCIL CALENDAR
Thursday, July 16, 2009 - 7:00 p.m.

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

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

PLEDGE OF ALLEGIANCE

1. COMMUNICATION, Councillor Lawrence, to City Council President and Members, stating that he is unable to attend the July 16, 2009, meeting of the City Council due to a previously scheduled family vacation; also requesting that the letter be read into the record and Received and Placed on File.

CITATIONS

2. CITATIONS, Councillors Gomes and Duarte, honoring MARLENA JOHNSON, the WINNER of New Bedford Idol, Second Place Winner KELCI JOHNSON, KAITLYN CORREIA, Third Place Winner and all of the 27 PARTICIPANTS in the NEW BEDFORD IDOL COMPETITION.

3. CITATIONS, Councillors Martins, Gomes and Lawrence, honoring the all of the STUDENTS AND STAFF of the SATURDAY ACADEMY.

4. CITATION, Councillors Gomes and Gonsalves, honoring POLICE OFFICER JEANNINE PETTIFORD, on being THE FIRST WOMAN TO HOLD THE RANK OF LIEUTENANT IN THE NEW BEDFORD POLICE DEPARTMENT.

HEARINGS

5. HEARING, NSTAR Electric Company for location of ONE (1) 45" X 45" X 36" Handhole in ASH STREET, North of Arnold Street.

5a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of MARCELINO G. ALMEIDA, 133 Durfee Street, New Bedford, MA 02740, to the LICENSING BOARD, replacing George "Jake" Gomes, now deceased; this term will expire June 2010.

CHARTER RULED ITEMS

6. 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.)

6a. RESOLUTION, Approving Certified Project Application and Authorizing the Tax Increment Financing Agreement with **Parallel Environmental Services Corporation** and **Parallel Products of New England**.

END OF CHARTER RULED ITEMS

NEW BUSINESS

7. COMMUNICATION/VETO, Mayor Lang, to City Council, submitting A VETO of RELATED MOTION, #0001259, by Councillor Gonsalves, "Asking that the City Council send a letter to the City Auditor to ask him to cite which language in the Bond lists the expenses for the purposes of the field house in accordance with Section 10-26 of the City Code, which further would advise him that he is required by law to report to the City Council Committee on Finance and the Mayor any appropriations which are misappropriated in the course of the expenditure of that Bond if that expense not specifically mentioned." ADOPTED and Rule 40 Waived – Yeas 9, Nays 2, IN CITY COUNCIL, JUNE 25, 2009, and presented to the Mayor for approval on June 29, 2009, stating reason for veto is that, Section 10-26 provides for notice to the Committee on Audit only when the City Auditor determines that liabilities against any appropriation appear to be for purposes other than those set forth in the appropriation (in the judgment of the City Auditor) and, in this case, the Auditor did not determine that liabilities incurred against any appropriation appear to be for purposes other than those set forth in the appropriation. (VETOED BY MAYOR LANG – Veto submitted July 07, 2009, at 1:55 p.m.) (To be Received and Spread on the Records.) (Copy all Councillors 07/07/09.)

7a. RELATED MOTION,

8. COMMUNICATION/VETO, Mayor Lang, to City Council, submitting APPROVAL of ORDINANCE Amending Chapter 19, Section 19-7.2, and VETO of ORDINANCE Amending Chapter 2, Section 2-24.1 Relative to Mayor's Salary for Fiscal Year 2010, stating that he APPROVES the Amendment to Chapter 19, Section 19-7.2 providing for a Temporary delay in step increases for Unit C personnel for the 2010 Fiscal Year; however, he VETOES the Amendment to Chapter 2, Section 2-24.1 providing for a freeze in the Mayor's salary for the 2010 Fiscal Year and proposes an enclosed "Substitute" Ordinance in place thereof due to the fact that Section 2-24.1 changes the base salary for the position of Mayor, due to the fact that the City Council has used, as the basis of the Ordinance amendment, the salary PAID during the 2009 Fiscal Year rather than the salary established for the position for the 2009 Fiscal Year, pursuant to Section 2-24; the salary established for the position of Mayor in Section 2-24 is NOT the same as the salary paid to the Mayor during the 2009 Fiscal Year, due to the fact that the 2009 salary of the Mayor was subject to a voluntary furlough of six and one-half days.

8a. AN ORDINANCE, (IN CITY COUNCIL, June 11, 2009; TABLED by Councillor Martins; Removed from the Table, amended to ADD: Chapter 2, Section 2-24.1 – MAYOR'S SALARY FOR FISCAL YEAR 2010 – Adopted as Amended – Yeas 10, Nays 0 and Passed to a Second Reading as Amended; IN CITY COUNCIL, June 25, 2009, Passed, to be ORDAINED – Yeas 11, Nays 0, and Presented to the Mayor for Approval June 29, 2009; VETOED BY MAYOR LANG – Veto submitted July 09, 2009, at 3:29 p.m.) (To be Received and Spread on the Records.) (Copy all Councillors 07/10/09.)

8b. AN ORDINANCE, "Substitute" Ordinance submitted by Mayor Lang, Amending Chapter 2, Section 2-24.1, Mayors Salary for Fiscal Year 2010. (Copy all Councillors 07/10/09.) – Freezing the Mayor's Salary for 2010 Fiscal Year.

9. COMMUNICATION/VETO, Mayor Lang, to City Council, submitting VETO of SUBSTITUTE CITY COUNCIL ORDER, "That the McCoy Field House Project be suspended and all work be stopped on the Field House until such time as written documentation is received from the Massachusetts School Building Assistance Program confirming that the project is reimbursed at 90%." IN CITY COUNCIL, June 25, 2009, Rule 42 Waived – Yeas 11, Nays 0; ADOPTED – Yeas 9, Nays 2. Presented to the Mayor for Approval June 29, 2009; VETOED BY MAYOR LANG – Veto submitted July 09, 2009, at 3:36 p.m.) (To be Received and Spread on the Records.) (Copy all Councillors 07/10/09.)

9a. SUBSTITUTE CITY COUNCIL ORDER, (See also COMMUNICATIONS, Mayor Lang and Council President Saunders, RE: (ORIGINAL) CITY COUNCIL ORDER – RETURNED UNSIGNED.)

10. COMMUNICATION/VETO, Mayor Lang, to City Council, submitting a VETO to Written Motion, Councillors Alves, Gomes, Gonsalves, Lawrence, Martins, Morad, Pimental and Council President Saunders, “asking that the City Council authorize the reduction of the previously appropriated Keith Middle School Bond by the amount of \$4.5 Million (said money designated for the McCoy Field Athletic Complex and Field House) until such time as written documentation has been received from Massachusetts School Building Authority Executive Director Katherine Craven, stating that the entire \$4.5 Million construction cost will be reimbursed under the 90% M.S.B.A. School Building Assistance Program.” stating that the reason for the veto is that the McCoy Field House is part of the Keith Middle School Project, which was properly authorized by the City Council Finance Committee and that the City has relied on this authorization, expending funds and City resources for the design of the McCoy Field House and procurement of a contractor. IN CITY COUNCIL, June 25, 2009, Rule 42 Waived – Yeas 11, Nays 0; ADOPTED. (Note: Loan Order Passed to a Second Reading.) Presented to the Mayor for Approval June 29, 2009; VETOED BY MAYOR LANG – Veto submitted July 09, 2009, at 3:36 p.m., and CORRECTED Communication received July 10, 2009 at 2:32 p.m.) (To be Received and Spread on the Records.) PLEASE NOTE: **SEE ITEM #15 – LOAN ORDER TO BE ADOPTED.**

10a. WRITTEN MOTION,

11. COMMUNICATION, Mayor Lang, to City Council, submitting VETO of CITY COUNCIL ORDER, re: \$4.5Million Field House, ADOPTED IN CITY COUNCIL, JUNE 11, 2009, presented to the Mayor on June 15, 2009, and returned June 26, 2009, at 8:18 a.m. (Note: Copy of City Council Order, Paper Number 0001179, RETURNED UNSIGNED ON 06/26/09, and copied to All Councillors, Legislative Counsel, Mayor Lang, School Committee Vice-Chair, City Auditor, Purchasing Agent, City Treasurer and City Solicitor is enclosed.) (See also previously listed COMMUNICATION/VETO, Mayor Lang, of SUBSTITUTE CITY COUNCIL ORDER.)

11a. COMMUNICATION, Council President Saunders, to Mayor Lang, stating that VETO was NOT VALID due to expiration of time for veto submittal. (Note: Copy of City Council Order, Paper Number 0001179, **RETURNED UNSIGNED** ON 06/26/09, and copied to All Councillors, Legislative Counsel, Mayor Lang, School Committee Vice-Chair, City Auditor, Purchasing Agent, City Treasurer and City Solicitor is enclosed.)

12. REPORT, Committee on Finance, recommending that the City Council ask the School Committee to revisit its plans for the Taylor and Hannigan Schools, given the fact that the City Council has no appetite to build two schools instead of one and that the City Council also has no appetite to see Sea Lab turned into an elementary school; and further, that the School Committee consider the parcel of City-owned land, which is currently a parking lot located across from Billy Woods Wharf on East Rodney French Boulevard, as an alternative and potentially better site to build the new school. (Please Note: Loan Orders TABLED in Committee on Finance.)

13. REPORT, Committee on Finance, recommending that the City Council ADOPT the LOAN ORDER, Appropriating \$5,500,000, to qualify the City for receipt of a State Revolving Fund Loan to construct energy efficient infrastructure improvements at the Quittacas Water Treatment Facility, and that the authorization is contingent on there not being any spending of this authorization until such time as the stimulus money is guaranteed.

13a. LOAN ORDER, (To be Passed to a Second Reading.)

14. LOAN ORDER, ORDERED, That **\$3,000,000.00** is appropriated for the purpose of remodeling, reconstruction and making extraordinary repairs to City-owned buildings; that to meet this Appropriation, the Treasurer, with the approval of the Mayor and the Committee on Finance, is authorized to borrow **\$3,000,000.00** under Chapter 44 of the General Laws or any other enabling authority; that the Mayor is authorized to take any other action necessary to carry out this project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the Bonds and to provide such information and execute such documents as the Board may require for these purposes; and that the authorization is contingent on the funds being spent as detailed in EXHIBIT A and for no other purposes. (LOAN ORDER was passed to a Second Reading by the City Council on June 25, 2009.)

14a. **EXHIBIT A**, \$3,000,000.00 Bonding Request, **Itemized Project Appropriation**, dated July 2009. (Copied all Councillors 07/06/09 – to be placed on City Council Agenda for July 16, 2009, for Adoption with LOAN ORDER.)

15. LOAN ORDER, ORDERED, ORDER, amending the Order of the City Council, approved by the Mayor on August 17, 2001, as amended by the Orders of the City Council approved by the Mayor on February 15, 2002, and the Order of the City Council, approved by the Mayor on June 07, 2004, authorizing a borrowing of \$11,784,000.00, to pay a portion of the costs of the Keith Middle School Project and the Order of the City Council, approved by the Mayor on December 01, 2006, authorizing a borrowing of \$46,348,165.00, appropriated for acquiring land for, constructing, equipping and furnishing a new Keith Middle School and cleaning up contamination caused by the closed landfill at the site of the new Keith Middle School and the surrounding area; that to meet this appropriation, the Treasurer, with the approval of the Mayor and the Committee on Finance, is authorized to borrow \$46,348,165.00 under Chapter 44 of the General Laws, Chapter 70B of the General Laws or any other enabling authority; that the Mayor is authorized to contract for and expend any Federal or State aid available for the project; that the Mayor is authorized to take any other action necessary to carry out this project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds and to provide such information and execute such documents as the Board may require for these purposes; provided, however, that the amount of the authorized borrowing under this Order shall be reduced by any amounts recovered by the City from responsible parties for the contamination clean up portion of the project prior to the issuance of bonds or notes hereunder.” IS HEREBY AMENDED TO READ: “ORDERED: that \$41,848,165 is appropriated for acquiring land for, constructing, equipping and furnishing a new Keith Middle School and cleaning up contamination caused by the closed landfill at the site of the new Keith Middle School and the surrounding area; that to meet this appropriation, the Treasurer, with the approval of the Mayor and the Committee on Finance, is authorized to borrow \$41,848,165 under Chapter 44 of the General Laws, Chapter 70B of the General Laws or any other enabling authority; that the Mayor is authorized to contract for and expend any Federal or State aid available for the project; that the Mayor is authorized to take any other action necessary to carry out this project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds and to provide such information and execute such documents as the Board may require for these purposes; provided, however, that the amount of the authorized borrowing under this Order shall be reduced by any amounts recovered by the City from responsible parties for the contamination clean-up portion of the project prior to the issuance of bonds or notes hereunder.” (ORDER reducing the Loan Order Amount of \$46,348,165 by \$4.5 million, to \$41,848,165, was passed to a Second Reading by the City Council on June 25, 2009.)

NOTE: See Items 10./10a.

16. WRITTEN MOTION, Councillor Alves, on behalf of NUCLEO SPORTINGUISTA CLUB, requesting that a HOME RULE PETITION be approved by the City Council and Mayor, so that it may be submitted to Representative Antonio F. D. Cabral for presentation and approval at the State Level; said Home Rule Petition will AMEND the original Petition in Chapter 451 of the Acts of 2006, by striking out the Club’s previous location of 6 Hathaway Street and inserting their new location of 1561-1563 Acushnet Avenue.

16a. AN ACT/HOME RULE PETITION, RELATIVE TO NUCLEO SPORTINGUISTA CLUB OF NEW BEDFORD. (Amending location.)

17. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the SENHOR DA PEDRA CLUB AND FEAST COMMITTEE, that the following street(s) be CLOSED: TINKHAM STREET, from Madeira Avenue to Funchal Place (Hope Street); WEBSTER COURT, from Madeira Avenue to Funchal Place (Hope Street); on FRIDAY, AUGUST 14, 2009, FROM 6:00 P.M. TO 11:45 P.M.; SATURDAY, AUGUST 15, 2009, FROM 6:00 P.M. TO 11:45 P.M.; SUNDAY, AUGUST 16, 2009, FROM 10:00 A.M. TO 11:45 P.M., for the ANNUAL SENHOR DA PEDRA FEAST, PROCESSION and STREET DECORATING for the PROCESSION; further requesting, that the following streets be CLOSED as follows; SATURDAY, AUGUST 15, 2009, FROM 9:00 A.M. TO 6:00 P.M. – EUGENIA STREET, between North Front Street and Madeira Avenue; SUNDAY, AUGUST 16, 2009, FROM 8:00 A.M. TO 4:00 P.M. (in order to decorate the streets for the Procession) – NORTH FRONT STREET, between Earle Street and Hathaway Street; EUGENIA STREET, between North Front Street and Funchal Place (Hope Street); SUNDAY, AUGUST 16, 2009, FROM 8:00 A.M. TO 6:00 P.M. (also for the decorating of streets for the Procession and the Procession held in conjunction with the FEAST) – NORTH FRONT STREET, between Earle Street and Tinkham Street; FUNCHAL PLACE (HOPE STREET), between Whitman Street and Eugenia Street (with parking on both sides.)

18. WRITTEN MOTION, Councillor Gonsalves, requesting, on behalf of Anna Fidalgo, that the following street(s) be CLOSED: ATLANTIC STREET, from Maple Street to Arnold Street, on SATURDAY, SEPTEMBER 05, 2009,

FROM 12:00 NOON TO 7:00 P.M., FOR THE PURPOSE OF A NEIGHBORHOOD BLOCK PARTY ON LABOR DAY WEEKEND.

19. WRITTEN MOTION, Councillors Alves, Coelho, Lawrence, Saunders, Morad, Martins, Dehner, Duarte, Gonsalves and Pimental, asking that the City Council request the Mayor, Senator Montigny and the entire Local State Delegation, to join with the City Council on behalf of our constituents and the residents of the entire Greater New Bedford area, in appealing the Governor's recommendation to close the Registry of Motor Vehicles Office in the City of New Bedford.

20. WRITTEN MOTION, Councillors Gomes, Alves, Council President Saunders, Councillors Pimental, Gonsalves, Coelho, Martins, Dehner, Duarte and Morad, requesting that the City Council go on record in opposition to the decision to close the New Bedford Registry of Motor Vehicles Office located on Union Street; further, that the City Council join the Mayor, Senator Montigny, and the State Delegation, in requesting that the Governor reverse the decision to close this Office due to the fact that the City of New Bedford and the surrounding areas deserve to have a Registry of Motor Vehicles available to them in the City of New Bedford, as they have had for so many, many years, going back to the days when the Registry was located on Acushnet Avenue in the North End of the City; further, that the City Council request that the surrounding towns of Acushnet, Mattapoisett, Marion, Dartmouth and Fairhaven join New Bedford in the effort to keep the Registry of Motor Vehicles located in nearby New Bedford; and further, that the City Council go on record that anything less than the decision being reversed is unacceptable, and, due to the City of New Bedford's, as well as, surrounding Towns' longtime history with the Registry of Motor Vehicles, which has served for so many years, that the City Council should settle for nothing less than this Office being left open in the City of New Bedford, and that, hopefully, when we join in a strong and united opposition to the closure of this Office, the Registry and State Officials will hear our voices loud and clear and continue to provide this service to our area Citizens.

21. WRITTEN MOTION, Councillor Coelho, asking that DPF address the sidewalks on Herman Melville Boulevard, starting in the area of the Wamsutta Loft Apartments to the end of the Boulevard, where they painted the whale mural; the sidewalks are covered with debris and litter, and there is an overgrowth of weeds.

22. WRITTEN MOTION, Councillor Coelho, asking that the Special Committee on Environmental Affairs look into the New Bedford Environmental Justice and Open Government Policy that mandates the best practices for providing opportunities for awareness, openness, equity and participation among New Bedford residents and other stakeholders in decisions regarding siting facilities, enacting polices, remediation/cleanup and City advisory functions that affect the environment of the City of New Bedford.

23. WRITTEN MOTION, Councillor Coelho, asking that the Planning Department look at incorporating into any future developments, including the Hicks-Logan project, funding for a bike path connecting the North End and South End New Bedford Waterways, from Coggeshall Street and North Front Street, connecting Wamsutta Street to Herman Melville Boulevard, to MacArthur Drive to Fisherman's Wharf, and also, the State Pier to Potomska Street to South Front Street, to Cove Street to East Rodney French Boulevard, connecting to the existing bike path and walking trail around South and West Rodney French Boulevard; and further, to also look into any Federal Grants available to fund such projects, especially since this area is one that is already heavily traveled by workers riding on bikes to the fish plants and other employees in these and surrounding areas.

24. WRITTEN MOTION, Councillor Gomes, asking that the City Council, once more, go on record in support of the 350 employees that will be laid off at Eagle Industries, offering their assistance to, and requesting that, the Administration give their best effort to bring in new businesses to the City that will hire workers with the skills of these employees who so badly need jobs; and further, that the City again request Congressman Frank's assistance and aid, in any way possible, to encourage that Government Contracts are given to businesses in the City of New Bedford, and, if practicable, with a stipulation included that the jobs and work will remain in New Bedford until the contract or contracts are completed.

25. WRITTEN MOTION, Councillor Alves, requesting that the Administration aggressively and immediately pursue erecting a sign in front of City Hall, stating 133 William Street and/or place the letters back on the building reading "City Hall," in light of the fact that several residents or visitors have asked City Hall Personnel and this Councillor "Is this City Hall?"

26. WRITTEN MOTION, Councillor Coelho, requesting that the Department of Public Facilities address the north side of the Greater New Bedford Career Center, located at 618 Acushnet Avenue, where there is an overgrowth of weeds; and further, that the Andrew Lopes Korean War Veterans Overpass that is now defaced with graffiti be cleaned.
27. WRITTEN MOTION, Councillor Alves, asking that the Department of Public Infrastructure, take immediate action to check and clean the sewer interceptors at the intersection of River Road and Sylvia Street to relieve the flooding that occurs during heavy rains, causing water levels to rise to a level that causes flooded basements of homes in the area; and further, that DPI advise the City Council as to the action taken to relieve the problem affecting the residents of this area. (To be Referred to the Department of Public Infrastructure.)
28. WRITTEN MOTION, Councillor Alves, asking that the Traffic Commission consider the addition of cab stands at the following locations: two (2) additional cab stations at the Corner of Sixth Street, just South of Elm Street, two (2) additional cab stations on the North Side of Elm Street just West of Pleasant Street, as well as increasing the cab station on Pleasant Street, at the Corner of Elm Street, from a two (2) cab station to a three (3) cab station. (To be Referred to the Traffic Commission.)
29. WRITTEN MOTION, Councillor Alves, requesting, in an effort to address the on-going concern by the Portuguese Community regarding the promised/proposed Cultural Center that was never completed, and is still of interest and concern to a number of local residents, that the City Council recommend that the Administration seek to take the Sarah D. Ottiwell School (located in the middle of the City, close to the site of the largest Portuguese Feast in the United States, the Museum of Madeiran Heritage and used by other Portuguese Cultural Groups for their Feasts, etc. as well) that is scheduled to be closed in the next couple of years, for the development as a larger, more accessible Portuguese Cultural Center. (To be Referred to the Committee on Appointments and Briefings.)
30. WRITTEN MOTION, Councillor Alves, asking that the City Council Committee on Appointments and Briefings work with local community groups to explore the potential for the development of a "Community Benefits Agreement (CBA)," as has been done in numerous communities throughout the United States to take advantage of the President's Economic Stimulus Package funding to ensure that the wages/community standard wages are paid and enforced for work performed, supply permanent affordable housing and provide improvements to the community in the areas of parks, recreation, safety and parking; the benefits achieved through a successful CBA negotiation can pave the way for municipal economic development and justify local developers' interests.
31. WRITTEN MOTION, Councillor Gomes, requesting that the Mayor and Police Chief immediately initiate speed patrols in the area of Braley Road, north of the entrance of the Industrial Park, due to the speeding that is going on, from the Freetown line to this intersection, around the condominiums and the residential areas; and further, that these speed traps be put into place as soon as possible, to guarantee the safety of the residents by slowing down the traffic speeding throughout this residential area.
32. WRITTEN MOTION, Councillor Gomes, requesting that the Mayor, Police Chief and the Commanding Officer of the South End Station, once more increase the patrols in the area of Purchase Street, between South Street and Washington Street, and around that general area, for the purposes of moving along many non-residents of this area who are using this area for criminal activity.
33. WRITTEN MOTION, Councillor Gomes. requesting that the Mayor and the Police Chief authorize the Commanding Officer of the Downtown Station to request that the Patrol Officers in the area of City Hall, the Public Library and the Post Office keep all areas clear of persons who continue to hang around various areas of Downtown, on City Hall steps on William Street, and at the Library and the Post Office, due to the fact of what it looks like, and this is not the impression that the City wants to convey, especially during the Summer tourism months; and further, that the Police take swift action to keep these people from loitering, hanging around panhandling throughout Downtown, but especially in the three areas requested in this petition, where it has become a grave problem.
34. WRITTEN MOTION, Councillor Gomes, requesting that the City Council along with the Mayor, reverse their decision to cut out of the Budget the \$20,000.00 appropriated every year for the purposes of Walecka Movers providing storage, repairs and set-up for City elections since A. Walecka and Son Movers has done this for some 70 years here in the City with no problems, and this appropriation should be reinstated due to the fact that this work has been done with

professionalism and with no worries to the City about set-up; and further, this Councillor feels that, if the monies are not reinstated, that the costs to the City will be much greater by having City workers set up and take down the equipment, etc., where, in the past, we have the convenience of this company taking care of this work for the City for all these years and they should be able to continue to provide their services and experience to the City due to the importance of each and every election running smoothly.

35. WRITTEN MOTION, Councillors Coelho and Dehner, asking that the Traffic Commission look into the four-way traffic problem at the intersection of Sawyer and Mt. Pleasant Streets, where the Quick Pic Mini Mart is located, since there have been grave concerns by neighbors that the store's customers are driving right into oncoming traffic, the motorists are also driving on the sidewalks of both sides of the streets, entering and exiting the Quick Pic Mini Mart; and further, this business is located in the middle of a residential zone, and the residents have been complaining about the noise from the 24-hour self-service car vacuum; lastly, there are additional safety concerns regarding the heavy pedestrian foot traffic and bicycle traffic in that area.

36. WRITTEN MOTION, Council President Saunders, requesting that zoning designation of Parcels known as Plot 107, Lot 32, West Side of Church Street; Plot 107, Lot 31, 321 Belleville Road; Plot 107, Lot 184 and Lot 185, 59 King Street, be AMENDED to change the current zoning of said Parcels to MIXED-USE BUSINESS. (To be Referred to the Committee on Ordinances and the Planning Board.)

37. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **MICHAEL EDWARDS, d/b/a EDWARDS TRANSPORTATION, 1399 Phillips Road, New Bedford, MA 02745**, 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.

38. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **ELIZABETH JONES & ANTHONY SNOW, 574 Maxfield Street, New Bedford, MA 02740, d/b/a/ CAB TRANSPORTATION, 3131 Acushnet Avenue, New Bedford, MA 02745**, 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.

39. COMMUNICATION, **EXECUTIVE ORDER No. 121-2009-13-1, FY2010 SALARY FREEZE, MAYOR LANG**, to all Department Heads and Personnel, Effective July 1, 2009 for the 2010 Fiscal Year that begins on July 01, 2009, and concludes on June 30, 2010, all employees of the City of New Bedford who are not represented by an Employee Organization, as defined in M.G.L. c. 150E. §1, shall forgo all increases in salary and step advancement. This Executive Order shall remain in force and effect until revoked or amended by a subsequent Executive Order, Given the 7th day of July in the year Two Thousand and Nine. (Copy all Councillors 07/08/09.)

40. COMMUNICATION, Councillor Morad, submitting her copy of letter sent to All Councillors, from Airport Commissioners, re: Director of Operations position eliminated in FY10 Budget, providing information about the position and need, and requesting that the City Council allow the position to be filled. (To be referred to the Special Committee on the Airport and to the Quasi Committee of the Whole that is reviewing the 2010 Budget.)

41. COMMUNICATION, Councillor Morad, submitting her copy of letter from New Bedford Regional Pilots Association, re: Filling Director of Operations position, stating that the Association is "frustrated and dismayed that the Airport Commission is attempting to fill an unnecessary and costly position of Operation Manager" and "urges the City Council to block funding to the Airport Commission for the appointment of another manager at the airport." (To be referred to the Special Committee on the Airport and to the Quasi Committee of the Whole that is reviewing the 2010 Budget.)

42. COMMUNICATION, Mayor Lang, to Richard Zingarelli, NFIP State Coordinator, Massachusetts DCR, Flood Hazard 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, Attorney Gerwatowski and Clerk of Committees July 07, 2009.) NOTE: THIS IS A FOLLOW-UP LETTER AND SECOND REQUEST FOR THE EXTENSION.

TABLED AGENDA

Nothing on the Table at this time.