



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, August 20, 2009 - 7:00 p.m.

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

PRAYER LED BY: REVEREND KEVIN HARRINGTON, PASTOR, ST. FRANCIS OF ASSISI PARISH

PLEDGE OF ALLEGIANCE

PLEASE NOTE: DUE TO THE LABOR DAY HOLIDAY ON MONDAY, SEPTEMBER 07, 2009, THE CITY COUNCIL AGENDA FOR THURSDAY, SEPTEMBER 10, 2009, WILL CLOSE AT 10:00 A.M. ON FRIDAY, SEPTEMBER 04, 2009.

CITATIONS

1. WITHDRAWN.
2. CITATIONS, Councillor Gomes, honoring Suzanne Braga and 14 other recipients for the NATIONAL NIGHT OUT Event.

RESOLUTIONS

3. RESOLUTION, Councillor Alves, honoring and congratulating "CLUBE RECORDACOES DE PORTUGAL" ON THE OCCASION OF THE 80TH ANNIVERSARY OF ITS FOUNDING.
4. RESOLUTION, Councillor Morad, honoring ROSE TOMCZEWSKI, AS MASSACHUSETTS STATE BOWLING COACH OF THE YEAR.
5. RESOLUTION, Councillor Martins and Gonsalves, honoring SCOTT PAIVA – NBHS CLASS OF 2009, FIRST PLACE WINNER OF THE NATIONAL FOUNDATION FOR TEACHING ENTREPRENEURSHIP, REGIONAL FINAL BUSINESS PLAN COMPETITION.

HEARINGS

6. HEARING, NSTAR Electric Company for location of two (2) 4" Conduits and two (2) 45" x 45" x 36" Handholes in RUSSELL STREET, East of Pleasant Street.
- 6a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, accepting, on behalf of the City of New Bedford, five (5) easements over and through the United Front Nine Preservation Associates Limited Partnership property, which will accommodate five (5) PUBLIC WAYS to be constructed by the City, named Emerson Street North, Middle Street, Ash Street, Emerson Street South and Elm Street; Easements Metes and Bounds described on Grant of Easement from United Front Nine to the City (also attached as "EXHIBIT A".)

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER BETTERMENT ABATEMENT for FRANCES D. MOTTA, 1084 Marlborough Street, New Bedford, MA 02745 – Vacant Land – northwest corner of Bartlett Street and Monterey Street, New Bedford, MA 02745, Plot 132H, Lots 403-405, in the amount of \$7,751.36.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER BETTERMENT ABATEMENT for JOSE and AMELIA CRUZ, 1074 Marlborough Street, New Bedford, MA 02745 – Vacant Land – northeast corner of Bartlett and Monterey Street, New Bedford, MA 02745, Plot 132H, Lots 400-402 in the amount of \$7,751.36.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Lang, to City Council, requesting a ONE-YEAR WAIVER OF RESIDENCY for ANA ROSA, 52 Buttonwood Road, South Dartmouth, MA 02748, as an ASSISTANT CIVIL ENGINEER; this waiver will expire AUGUST 2010.

M5. COMMUNICATION, Mayor Lang, to City Council, requesting a ONE-YEAR WAIVER OF RESIDENCY for MICHELE SIMS, DVM, 12 Birch Street, Wareham, MA 02751, as a ZOO VETERINARIAN; this waiver will expire AUGUST 2010.

M6. COMMUNICATION, Mayor Lang, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for ANA M. POEIRA, 22 Snowberry Drive, North Dartmouth, MA 02747, as a LEGAL SECRETARY with the Office of the City Solicitor; this waiver will expire AUGUST 2010.

M7. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of ATTORNEY PETER PAULL, 49 Orchard Street, New Bedford, MA 02740, to the REDEVELOPMENT AUTHORITY, replacing Emilio E. Cruz who resigned July 2009; this term will expire JULY 2011.

M8. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of TERENCE G. LEWIS, SR., 27 Centre Street, New Bedford, MA 02740, to the REDEVELOPMENT AUTHORITY, replacing Leo Poineau, now deceased; this term will expire JULY 2012.

M9. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of JOHN BULLARD, 19 Irving Street, New Bedford, MA 02740, to the ENERGY RESOURCE COMMISSION, replacing James Mendoza whose term has expired; this term will expire DECEMBER 2010.

M10. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of SCOTT ALFONSE, 57 Briarwood Drive, New Bedford, MA 02745, to the ENERGY RESOURCE COMMISSION; this term will expire DECEMBER 2009.

M11. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of DAVID A. KENNEDY, 52 Moss Street, New Bedford, MA 02744, to the ENERGY RESOURCE COMMISSION; this term will expire DECEMBER 2009.

NEW BUSINESS

7. REPORT, Committee on Ordinances, relative to The Zoning Change of Plot 130F, Lot 6 (737 Wildwood Road) to be changed from Residence A to Residence B in its entirety, advising the City Council that the motion to Grant the Zoning Change FAILED in Committee by a Roll Call vote of Yeas 2, Nays 4.

8. REPORT, Committee on Ordinances, recommending that the City Council APPROVE and ADOPT the ORDINANCE, Amending Chapter 9, Section 4400, Flood Hazard Overlay District, (FHOD) to comply with the requirements of the National Flood Insurance Program (NFIP).

9. AN ORDINANCE, Amending Chapter 9, Section 4400 – Flood Hazard Overlay District (FHOD) – to Comply with NFIP/FEMA Regulations. (To be Passed to a **Second Reading**.)

10. **LOAN ORDER, ORDERED:** that the sum of FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$5,500,000) is appropriated for the purpose of financing the construction of energy efficiency infrastructure improvements at the Quittacas Water Treatment Plant, including replacement of the existing skylights and sloped metal roofing, replacement of existing flat roofing and expansion joint system, replacement of exterior window frames and single glazing with aluminum frames and insulating glass, and other related building and facility upgrades, including without limitation all costs thereof as defined in G. L. c.29C, §1; that to meet this appropriation the Treasurer, with the approval of the Mayor and Committee on Finance, is authorized to borrow \$5,500,000 and issue bonds or notes therefore under G. L. c.44 and/or G. L. c.29C or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer, with the approval of the Mayor and the Committee on Finance, determines that they should be issued as limited obligations and may be secured by local system revenues as defined in G.L. c.29C, §1; that the Treasurer with the approval of the Mayor and the Committee on Finance is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to G.L. c.29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any Federal or State aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under G.L. c.44A 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 there not being any spending of this authorization until such time as the stimulus money is guaranteed. (Passed to a Second Reading on July 16, 2009 – to be **ADOPTED**.)

11. **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. (Veto submitted July 09, 2009, at 3:29 p.m.) (Veto Received and Spread on the Records July 16, 2009.)

11a. **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.) (Received and Spread on the Records July 16, 2009.)

12. **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.) (Received and Spread on the Records July 16, 2009.)

12a. **SUBSTITUTE CITY COUNCIL ORDER, ORDERED**, that the McCoy Field House Project be suspended and all work be stopped on the Field House Project until such time as written documentation is received from the Massachusetts School Building Assistance Program confirming that the project is reimbursed at 90%. (**NOTE: ORIGINAL CITY COUNCIL ORDER – RETURNED UNSIGNED.**)

13. **WRITTEN MOTION**, Councillor Gonsalves, requesting that the Department of Inspectional Services, and whomever else is involved, provide the City Council with a breakdown of the enforcement of the trash/garbage

Ordinances, including how many visits have been made, how many tickets have been written, how many warnings have gone out, and how much money has been collected. (To be Referred to the Committee on Public Safety and Neighborhoods.)

14. WRITTEN MOTION, Councillor Duarte, requesting, on behalf of Downtown New Bedford, Inc., that the following street(s) be CLOSED: WILLIAM STREET, from Purchase Street to Water Street; ACUSHNET AVENUE, from Elm Street, to Union Street; BARKER'S LANE, from Acushnet Avenue to South Second Street, on SUNDAY, SEPTEMBER 13, 2009, FROM 11:00 A.M. TO 5:00 P.M., for the purpose of the 4th Annual NEW BEDFORD SEAPORT CHOWDER FESTIVAL at the Custom House Square Parking Lot.

15. WRITTEN MOTION, Councilor Alves, requesting, in an effort to maximize the financial return to the City and to provide an opportunity to the Seniors living in the Downtown area, that the Traffic Commission allow the elderly residents of the Olympia Towers Elderly Housing facility the opportunity to park in the Zeiterion Parking lot at a reduced monthly fee (similar to the program provided to the students at the Downtown University of Massachusetts Campus) in an effort to provide our Downtown elders with a safe, secure and affordable parking location.

16. WRITTEN MOTION, Councillor Alves, asking that the City Council Committee on Appointments and Briefings meet with representatives of "SEA GAS" Company of Mattapoisett, to include the General Manager James Neville, to discuss the benefits and savings to the City of New Bedford of converting a limited number of City vehicles to propane gas operation, and the potential for a Federal Grant to assist with the conversion, giving New Bedford the opportunity to lead the area in the Nation's efforts to become a more "GREEN Community," and to set the standard for other communities in the region. (To be Referred to the Committee on Appointments and Briefings.)

17. WRITTEN MOTION, Councillor Alves, asking that the City Council request the New Bedford Economic Development Council provide the City Council with information as to the status of any Tax Incentive Financing that may have been provided to the Vertex Motorcycle Company, that has recently announced that it will be filing for bankruptcy and closing its facility in the New Bedford Business Park; and further, if there is a "Claw Back" clause anticipated to return any monies back to the City of New Bedford. (To be Referred to the New Bedford Economic Development Council, requesting that they respond to the City Council, in writing, with requested information within 30 days, and that the City Council Office log the request for follow up with NBEDC if no response received in 30 days.)

18. WRITTEN MOTION, Councillor Alves, requesting that the City Council consider authorizing a limited number of Park Department Personnel as "Special Police" to monitor and ensure the safety of those who use the park facilities and/or disrespect the park facilities, and the older and younger individuals who use the park for enjoyment; and further, that we authorize them in the same manner and with the same authority and powers similar to what we do with/for St. Luke's Hospital Personnel, Store Guards/Security and local Church Staff to are hired to protect the properties. (To be Referred to the Committee on Appointments and Briefings.) (Please Note: A copy of this proposed motion was sent to Kevin Amaral {DPF Superintendent Park Maintenance} and Larry Worden {DPF Commissioner} requesting comment/input prior to the August 20th Meeting – see below-listed Communication.)

18a. COMMUNICATION, Councillor Alves, to Department of Public Facilities Commissioner Lawrence Worden and Superintendent of Park Maintenance Kevin Amaral, DATED JULY 22, 2009, requesting comment/input PRIOR TO THE AUGUST 20, 2009, CITY COUNCIL MEETING. (To be Referred to the Committee on Appointments and Briefings, with request that an invitation be sent to Commissioner Worden and Superintendent Amaral, to attend the meeting when items appear on the agenda for discussion.)

19. WRITTEN MOTION, Councillor Gonsalves, requesting that the Superintendent of Park Maintenance, Director of Recreation, Director of Community Development and the Auditor meet with the Committee on Appointments and Briefings to address the status of the money donated to the City by constituents for the purposes of construction of a Skate Board Park. (To be Referred to the Committee on Appointments and Briefings.)

20. WRITTEN MOTION, Councillors Coelho and Martins, requesting that the City Council send a letter to the State and Federal Delegations, that the Post Office not close down any inner-neighborhood branches, due to the poverty level of many New Bedford residents, many of whom are retirees, and do not have access to transportation to the Main Downtown

Post Office, and closing down neighborhood branches would also cause a delay in people receiving their monthly Government checks that they depend upon to survive.

20a. COMMUNICATION, Councillor Lawrence, to Federal and State Delegations, and responding to South Shore Area Local No 3844, American Postal Workers Union, AFL-CIO letter from President Don Sheehan, re: Postal Service plan to DISCONTINUE stations and branches in the City of New Bedford, supporting their request not to discontinue present postal service in our City. (Note: See Communication from APWU copied all Councillors 07/23/09, enclosed – and listed below.)

20b. COMMUNICATION, South Shore Area Local No. 3844, American Postal Workers Union, AFL-CIO, to City Council, informing that Postal Service plans to DISCONTINUE stations and branches in the City of New Bedford, and requesting that the City Council ask for information of how discontinuances would affect New Bedford Mail Service and economy, such as reducing/delaying mail pickup and delivery and postal services, and increasing job losses in the community. (Copy all Councillors 07/23/09.)

20c. COMMUNICATIONS (3), Diane L. Sturgis, 6 Rocky Woods Road, Lakeville, MA 02347, to City Clerk Arruda and Stephen Burden, 2 Ransom Street, Carver, MA 02330 and Gloria Charamonte, 36 Church Street #2, Whitman, MA 02382-2424, to Council President Saunders, regarding the closing of stations and branches of the United States Postal Service. (Sturgis-Copy all Councillors 08/07/09; Burden and Charamonte-Copy all Councillors 08/13/09.)

24. WRITTEN MOTION, Council President Saunders, requesting that the City allow Mr. Jeff Dolinsky, owner of Davy's Locker, 1480 East Rodney French Boulevard, to become a tenant-at-will to lease thirty-five (35) parking spaces behind the hurricane dike for employee parking, due to the success of the restaurant's and Tiki Hut's business – all improvements will be made and paid for by Mr. Dolinsky; and again, that Mr. Dolinsky be a tenant-at-will and able to leave with a 10-day notice – all in compliance with the City Solicitor's Office.

25. WRITTEN MOTION, Councillor Gomes, requesting that the City of New Bedford, the Mayor and the Police Chief authorize all patrols throughout the City to strictly enforce the Heavy Truck Ordinance on the books within the City; at the present time, we have too many tractor trailers and overweight trucks parking in neighborhoods throughout the City, not only damaging sidewalks, but becoming a nuisance in some areas, impeding the safety of motorists and pedestrians within the neighborhoods throughout the City; and further, that immediate action be taken to enforce this law and send a clear message that heavy trucks being left in neighborhoods that are over the weight limit will not be tolerated, and that ticketing and fining take place immediately throughout the City.

26. WRITTEN MOTION, Councillor Gomes, asking that the City Council go on record and request the Administration to look into funding for the Department of Public Facilities night time streetlight repairman to be put back on duty, due to the amount of lights that are out across the City, and because, at present, the one person that is doing that job cannot do other various jobs throughout the City as far as electrical repair, and is not able to provide the time that is needed for streetlight repairs throughout the City, which, in some areas, create havens for problems due to the darkness, not only for motorists, but for the pedestrians and neighborhood residents throughout the City.

27. WRITTEN MOTION, Councillor Gomes, asking, that the City Council once more go on record, and request that the City of New Bedford, along with its School Department, enforce the Responsible Employees Act within the City on any contracted job, be it Federal, State or City funded, and that the Responsible Employees Act be enforced throughout the City; and further, if companies are not in compliance, that immediate action be taken so it can be corrected and we can put our residents to work; this Ordinance was put in place to ensure that a percentage of our City residents are employed on these contracts, and it is requested that the City Council go on record in support of seeing this Act enforced on all job sites throughout the City.

28. WRITTEN MOTION, Councillor Coelho, due to the many complaints from constituents about tickets and fines received pertaining to garbage regulations, requesting that the Administration send out a SECOND NOTICE with their water/sewer bills to inform City residents of the rules; and further, that the Department of Inspectional Services issue a warning for first violations and allow residents thirty (30) days to comply with regulations before issuing a SECOND NOTICE AND FINE. (To be Referred to the Mayor and the Department of Inspectional Services.)

29. COMMUNICATION/LIVERY LICENSE, City Clerk/Clerk of the City Council, to City Council, on behalf of JOHN MIGUEL, d/b/a John's Taxi, 24 Tallman Street, New Bedford, MA 02746, hereby submit a copy of the Application requesting a **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. (Current License expired August 17, 2009.)
30. COMMUNICATION, Council President Saunders, to City Councillors and Mayor Lang, re: FY2010 Budget ADOPTED, SPECIAL MEETING, IN CITY COUNCIL, August 11, 2009, on a roll call vote of Yeas 10, Nays 0, stating that, due to a procedural and calculation error during the City Council meeting, the amount cut in Item 10 – Community Service 400 Account has been reduced by \$1,200 to \$2,600 and, with the calculation adjustment, the FY2010 Budget has been corrected and is \$248,909,214.37, submitted to (and approved by) Mayor Lang on August 12, 2009.
31. COMMUNICATION, Councillor Morad, submitting her copy of letter, dated July 13, 2009, from Tom Davis, Executive Director of the Greater New Bedford Industrial Foundation, detailing a Progress Report of activities, including new purchases and expansions within the New Bedford Business Park during the first six months of 2009. (To be Received and Placed on File.)
32. COMMUNICATION, Councillor Morad, submitting her copy of letter sent to Council President Saunders and Councillor Morad as the Chair of the Airport Committee, from Airport Commissioners, re: Director of Operations position eliminated in FY10 Budget, once again reiterating their request 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.)
33. COMMUNICATION, Councillor Morad, submitting her copy of letter from New Bedford Pilots Association, re: New Bedford Airport – Director of Operations Position, stating that the Association is in full support of the Airport Commission's request of the City Council to allow the Director of Operations position to be filled, and further supporting that the position be granted to Tony Lebre. (To be referred to the Special Committee on the Airport and to the Quasi Committee of the Whole that is reviewing the 2010 Budget.)
34. COMMUNICATION, Councillor Gomes, submitting a copy of a Standard-Times article dated August 03, 2009, titled "Despite cracks, Keith 'sound,' school official says." (To be Referred to the Committee on Appointments and Briefings.)
35. COMMUNICATION, Councillor Gomes, submitting a letter to Mayor Lang, requesting that all Members of the City Council be notified of any urgent/emergency public matters occurring Citywide. (Copy all Councillors August 05, 2009.)
36. COMMUNICATION, Councillor Morad, submitting her copy of letter from Maria Tomasia, Chairwoman of the Board of Election Commissions, in response to a Council Motion regarding the number of Police Officers to be assigned to various polling locations during the City's primary and general elections. (To be Referred to the Committee on Finance.)
37. COMMUNICATION, State Representative Cabral, to City Council, responding to Written Motion, IN CITY COUNCIL, July 16, 2009, regarding Governor's recommendation to close the Registry of Motor Vehicles Office in the City of New Bedford, and confirming Office will remain open with limited services. (Copy all Councillors August 03, 2009.)
38. COMMUNICATION, Governor Patrick, to Municipal Leaders, Announcing the release of the 2010 Commonwealth Capital Policy – an initiative that uses State funding as an incentive for Municipalities to work toward achieving consistency with the Commonwealth's Sustainable Development Principles. (Copy all Councillors 07/17/09.)
39. COMMUNICATION, NSTAR Electric & Gas, to Fire Chief Leger, copied to City Council President and Police Chief, informing of uniform **Emergency Response Protocol** to respond to emergency calls from Fire and Police Departments. (Copy all Councillors 07/31/09.)

40. COMMUNICATION, New Bedford Pilots Association, Inc., Nor East Aviation Center, New Bedford Municipal Airport, New Bedford, MA 02746, to Council President Saunders and Councillor Morad, Chair, Special Committee on The Airport, submitting follow-up letter to previous letter dated July 19, 2009, re: Director of Operations position in FY2010 Budget, stating that, during the August 5th NBPA meeting, the previous letter, was unanimously ratified as representing the position of the NBPA Membership. (Copy all Councillors 08/18/09.)

TABLED AGENDA

07/16/09 CITATIONS, Councillors Gomes and Duarte, honoring MARLENA JOHNSON, the WINNER of New Bedford Idol, FIRST RUNNER-UP KELCI JOHNSON, SECOND RUNNER-UP KAITLYN CORREIA, and all of the 28 PARTICIPANTS in the NEW BEDFORD IDOL COMPETITION.

07/16/09 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 is hereby amended to read as follows, 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.)