



Council Meeting - Agenda

CITY COUNCIL CALENDAR
Thursday, September 10, 2009 - 7:00 p.m.

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

PRAYER LED BY: REVEREND ROGER J. LANDRY, PASTOR, SAINT ANTHONY OF PADUA CHURCH

PLEDGE OF ALLEGIANCE

1. COMMUNICATION, Police Chief Teachman, to City Council President, stating that STEVEN ALERS, 75 Wamsutta Street, New Bedford, MA 02740, will be sworn in as a Police Office on Wednesday, September 09, 2009, in the Ashley Room at City Hall, and inviting Honorable Members of the City Council to attend the Ceremony; also requesting to present POLICE OFFICER STEVEN ALERS as a new member of the New Bedford Police Department at the City Council Meeting on Thursday, September 10, 2009, at 7:00 p.m. (Copy all Councillors 09/04/09.)

RESOLUTIONS

2. RESOLUTION, Councillors Gonsalves, Gomes and Morad, honoring RELIABLE BUS LINES OWNER JEFFREY J. GRAHAM, and DRIVERS OSWALD A. HERNANDEZ and GARY ROMERO FOR THEIR COMMUNITY VOLUNTEERISM in responding to the HAZMAT Incident at 1245 Shawmut Avenue on 08/03/09, BY PROVIDING TRANSPORTATION TO AREA HOSPITALS FOR INDIVIDUALS IN NEED.

HEARINGS

3. HEARING, VERIZON NEW ENGLAND, INC., and NSTAR Electric Company, for location of one (1) jointly owned pole in COGGESHALL STREET.

3a. AN ORDER,

4. HEARING, VERIZON NEW ENGLAND, INC., and NSTAR Electric Company, for the location of two (2) jointly owned poles and one (1) jointly owned pole and removal of two (2) jointly owned poles in ACUSHNET AVENUE and BRALEY ROAD.

4a. AN ORDER,

5. HEARING, NSTAR Electric Company, for the location of nine (9) 6" Conduits and four (4) 8' x 14' x 8' Manholes in WING STREET, East of County Street.

5a. AN ORDER,

6. HEARING, NSTAR Electric Company, for the location of nine (9) 6" Conduits and two (2) 14' x 8' x 8' Manholes in COUNTY STREET, North of Wing Street.

6a. AN ORDER,

7. HEARING, NSTAR Electric Company, for the location of eight (8) 6" Conduits, twelve (12) 6" Conduits, nine (9) 6" Conduits and five (5) 14' x 8' x 8' Manholes in ROCKDALE AVENUE, North of Allen Street.

7a. AN ORDER,

8. HEARING, NSTAR Electric Company, for location of two (2) 6" Conduits, nine (9) Conduits, six (6) 6" conduits and four (4) 14' x 8' x 8' Manholes in HAWTHORN STREET, West of Rockdale Avenue.

8a. AN ORDER,

9. HEARING, NSTAR Electric Company, for the location of two (2) 6" Conduits, six (6) 5" Conduits, six (6) 6" Conduits and two (2) 14' x 8' x 8' Manholes in BROWNELL AVENUE, North and South of Hawthorn Street.

9a. 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, (between Kempton and Middle Streets) Middle Street, Ash Street, Emerson Street (between Court and Elm Streets); and Elm Street; Metes and Bounds of the Easements described on Grant of Easement from United Front Nine to the City and on the ORDER, accepting the Grant of Easements. (See also the attached "EXHIBIT A".)

M1a. COMMUNICATION/EXHIBIT A-EASEMENTS METES AND BOUNDS, Mayor Lang, to City Council, submitting METES AND BOUNDS for FIVE (5) PROPOSED EASEMENTS over and through the UNITED FRONT NINE PRESERVATION ASSOCIATES LIMITED PARTNERSHIP property (also described on Grant of Easement from United Front Nine to the City); the Public Ways to be constructed shall be named, Emerson Street (between Kempton and Middle Streets); Middle Street; Ash Street; Emerson Street (between Court and Elm Streets); and Elm Street and be constructed in compliance with City standards for street construction. (Note: Street Layout Plan is titled "STREET LAYOUT PLAN – PHASE II, UNITED FRONT HOMES, 285 ASH STREET, NEW BEDFORD, MASSACHUSETTS," dated July 20, 2009, and revised August 25, 2009, Scale: 1" = 40', prepared by Nitsch Engineering, Inc.)

M1b. AN ORDER,

M2. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for Lizzie Brown, 77 Thomas Street, New Bedford, MA 02745, Account No. 548A, in the amount of \$784.75.

M3. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for KIMBERLEE MACHADO, 150 Tallman Street, New Bedford, MA 02746, Account No. 12317, in the amount of \$244.55.

M4. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, to provide for the payment of unpaid bills of a previous fiscal year of the City of New Bedford, the sum set against the MARKETING/TOURISM DEPARTMENT is hereby approved to be expended in FISCAL YEAR 2010, in the amount of \$3,524.00.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, to provide for the payment of unpaid bills of a previous fiscal year of the City of New Bedford, the sum set against the CEMETERY DEPARTMENT is hereby approved to be expended in FISCAL YEAR 2010, in the amount of \$116.00

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, to provide for the payment of unpaid bills of a previous fiscal year of the City of New Bedford, the sum set against the DEPARTMENT OF COMMUNITY SERVICES, CHARGES AND SERVICES, is hereby approved to be expended in FISCAL YEAR 2010, in the amount of \$393.00

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$32,880.00 from the DEPARTMENT OF COMMUNITY SERVICES, CAPITAL OUTLAY to DEPARTMENT OF COMMUNITY SERVICES, OTHER CHARGES.

M7a. AN ORDER,

NEW BUSINESS

10. AN ORDINANCE, Amending Chapter 9, Section 4400 – Flood Hazard Overlay District (FHOD) – to Comply with NFIP/FEMA Regulations. (Passed to a Second Reading August 20, 2009; to be Passed, to be Ordained.)

11. WRITTEN MOTION, Councillor Duarte, requesting, on behalf of the Marion Institute, that the following street(s) be CLOSED: PURCHASE STREET, from School Street to Union Street (in front of the Zeiterion Theatre,) and SPRING STREET, from Pleasant Street to Acushnet Avenue, on THURSDAY, OCTOBER 22, 2009, FROM 8:00 A.M. THROUGH SUNDAY, OCTOBER 25, 2009, at 7:00 P.M., for the purpose of BIONEERS BY THE BAY: Connecting for Change event.

12. WRITTEN MOTION, Councillor Duarte, requesting, on behalf of the YWCA of Southeastern Massachusetts, that the following street(s) be CLOSED: SOUTH SIXTH STREET, from School Street to Spring Street, on SATURDAY, OCTOBER 24, 2009, FROM 10:00 A.M. TO 4:00 P.M., for the purpose of a YWCA “Replacing Violence with Sports, Recreation and Fun” BLOCK PARTY.

13. WRITTEN MOTION, Councillor Gonsalves, requesting that the Committee on Ordinances amend the Noise Ordinance, Chapter 11, Section 7, to include a buffer zone for commercial areas within one (1) City block of a residential zone. (To be Referred to the Committee on Ordinances.)

14. WRITTEN MOTION, Councillor Gonsalves, requesting that the Director of Public Health, Marianne DeSouza brief the City Council on the Board of Health’s plans for preparedness in the event of a Swine Flu epidemic.

15. WRITTEN MOTION, Councillor Gonsalves, on behalf of a constituent, requesting that the Committee on Ordinances draft an Ordinance to establish a user fee for properties that have frequent public safety calls exceeding the average of other properties in the neighborhood in a calendar year; and further, that those fees be attached to the property tax bills for those properties.

16. WRITTEN MOTION, Councillor Coelho, requesting that Police Chief Teachman increase patrols in the area of Coggeshall Street and Shawmut Avenue, due to the increased number of break-ins, in this neighborhood, which is highly populated with elderly citizens. (To be Referred to the Police Chief and the Committee on Public Safety and Neighborhoods.)

17. WRITTEN MOTION, Councillor Gomes, requesting that the Special Committee on Memorials and Dedication meet with the Administration for the purpose of discussing a suitable site for a Memorial honoring the late Senator Edward M. Kennedy, for his 47 Years of Service of Dedication and Representation to our Country, Commonwealth and our City while serving in the United State Senate, seeing that Senator Kennedy’s ties to the City of New Bedford were infused by his many actions to help this City and its Citizens and the people who were dedicated to and supported the Senator; further, in this Councillor’s opinion, a suitable location for a dedication would be the completion of the hurricane dike walkway reflecting the late Senator’s love for the City and for the ocean; further, that this recommendation be forwarded to the Special Committee on Memorials and Dedications to work with the Army Corp of Engineers; and further requesting that, if the hurricane dike walkway is not feasible, then the Committee, along with the Administration, look for another location to memorialize the late Senator Edward M. Kennedy.

18. WRITTEN MOTION, Councillor Coelho, requesting that the maintenance and security of the Park and Ride located on Mt. Pleasant Street be re-evaluated by various City Departments with jurisdiction over the following problems: requesting increased supervision by the local Police Department, especially at night; Department of Public Facilities to improve lighting in the area, provide the installation of two (2) garbage barrels and remove the garbage that is continually dumped at that location and that the Department of Inspectional Services cite the offenders; the immediate removal of graffiti covering the Bus Stop shelter by the Department of Public Facilities and that they also trim down the overgrown bushes that line Mt. Pleasant Street directly in front of the Park and Ride to allow visibility from the street; and further, that said location be monitored by these Departments, on a regular basis, to prevent the vandalism, trash buildup and overgrowth from re-occurring. (Photos will be submitted.)

19. WRITTEN MOTION, Councillors Martins and Morad, requesting that the City Council review the current procedure utilized to grant the Council's approval of new and/or renewal of Livery Licenses. (To be Referred to the Committee on Public Safety and Neighborhoods.)

20. WRITTEN MOTION, Councillor Gomes, requesting ONCE MORE, that the Administration take immediate action to restore and fund Walecka Movers to take care of setting up for our Elections, including, but not limited to, our Primary, Final and Special State Elections; further, that the Committee on Appointments and Briefings meet with Walecka Movers to discuss exactly what is involved with this process; and further, requesting that the Administration restore this funding soon, since the City cannot afford to release any department or personnel for the Election set up or to deal with any problems or mistakes that may be made while setting up; and due to the fact that Walecka Movers have been doing this for decades for the City, and are familiar with all the aspects of the set up; and further requesting, that the Committee on Appointments and Briefings AGAIN urge the Administration to fund this item as soon as possible due to the imminent local Elections that are taking place in the City of New Bedford.

21. WRITTEN MOTION, Councillor Gomes, requesting that the Mayor and the Police Department once more step up the efforts of patrolling the areas of Summer Street and Weld Street, due to the area being ridden with criminal activities that have affected the quality of life of the residents living in that neighborhood (To be Referred to the Mayor and Police Chief.)

22. WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Appointments and Briefings meet with Tax Title Attorney Blair Bailey, as soon as possible, so the Committee can be updated on the Abutters Lot Program, which was instituted by the City Council in the 90's, since there are many parcels of land still sitting idle that could be tax generators for the City; and further, requesting that the Administration and Tax Title Attorney Bailey get together with the abutters and make those lots available for purchase to get them back on the tax roll as soon as possible.

23. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **GEORGE M. VIVEIROS, 102 Durfee Street, New Bedford, MA 02740 , d/b/a/ Med First, Inc., P.O. Box 3001, New Bedford, MA 02741**, 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. (Current License expired August 17, 2009)

24. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **MAUREEN BURKE (Formerly Maureen Bussey), d/b/a/ Errands & More, 1471 Braley Road, New Bedford, MA 02745**, 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. (Current License expired August 17, 2009)

25. COMMUNICATION, Councillor Morad, dated August 23, 2009, to Chairperson Barry Sylvia and Members of the Zoning Board of Appeals, regarding Zoning Board of Appeals Case #3861, Petitioner 255 River Road. (To be Received and Placed on File.)

26. COMMUNICATION, New Bedford Economic Development Council Tax Increment Financing Board, to Council President Saunders, submitting TIF application for a ten- (10) year TIF Agreement for MORGAN ADVANCED CERAMICS, INC., 225 Theodore Rice Boulevard, New Bedford, MA 02745. (Copies provided to all Councillors 09/08/09.)

26a. RESOLUTION, Approving Certified Project Application and Authorizing the Mayor to enter into a TAX INCREMENT FINANCE AGREEMENT with MORGAN ADVANCED CERAMICS, INC. (Copies provided to all Councillors 09/08/09.)

27. COMMUNICATION, New Bedford Economic Development Council, to Councillor Alves, responding to his Written Motion, In City Council, August 20, 2009, requesting response in writing within 30 day of any TIF provided to Vectrix Motorcycle Company, stating they have reviewed all TIF Program files and have found that no such agreement was ever applied for, or executed between the City and Vectrix. (Copies provided to all Councillors 09/08/09.)

28. COMMUNICATION, New Bedford Economic Development Council Director of Business Development Derek Santos, to Council President Saunders, requesting, on behalf of the TIF Board, the status of the TIF application for a proposed ten-year TIF Agreement for Bayline, Inc. and DMD Development LLC, approved by the TIF Board April 07, 2009, and submitted to City Council on April 10, 2009; also, requesting it be placed on City Council Agenda for review. (Copies provided to all Councillors 09/08/09.)

TABLED AGENDA

No Items on Table at Present. (08/20/09)