



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, September 24, 2009 - 7:00 p.m.

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

**PRAYER LED BY: REVEREND ROBERT A. OLIVEIRA, PASTOR
HOLY NAME OF THE SACRED HEART OF JESUS PARISH**

PLEDGE OF ALLEGIANCE

CITATIONS

1. CITATIONS, Councillor Morad, honoring JOE JESUS, PARTICIPANTS and VOLUNTEERS of the Annual 50's Night Celebration in recognition of their Volunteer Services and Dedication to our City.
2. CITATION, Councillor Gomes, honoring OPERATION CLEAN SWEEP at its LAST CLEANUP OF THE YEAR 2009, on Saturday, September 19, 2009, in Ward Four.

HEARINGS

3. HEARING, NSTAR Electric Company, for the location of two (2) 4" conduits and three (3) 45" x 45" x 36" Handholes in COUNTY STREET, North of Sycamore Street.
 - 3a. AN ORDER,
4. HEARING, NSTAR Electric Company and Verizon New England, Inc., for location of one (1) Pole in ROCKDALE AVENUE, East of Dartmouth Street.
 - 4a. AN ORDER,

MAYOR'S PAPERS

- M1. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$48,544.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to POLICE, SALARIES & WAGES.
 - M1a. AN ORDER,
- M2. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$22,045.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to EMS, SALARIES & WAGES.
 - M2a. AN ORDER,
- M3. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$17,467.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to FIRE, SALARIES & WAGES.
 - M3a. AN ORDER,

M4. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$13,100.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to DEPARTMENT OF PUBLIC FACILITIES, SALARIES & WAGES.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$9,836.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to LIBRARY, SALARIES & WAGES.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$7,301.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to DEPARTMENT OF INSPECTIONAL SERVICES, SALARIES & WAGES.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$3,338.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to LABOR RELATIONS, SALARIES & WAGES.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$2,927.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to TREASURERS, SALARIES & WAGES.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$2,564.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to DEPARTMENT OF PUBLIC INFRASTRUCTURE, SALARIES & WAGES.

M9a. AN ORDER,

M10. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$1,593.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to SOLICITORS, SALARIES & WAGES.

M10a. AN ORDER,

M11. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$1,349.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to CITY COUNCIL, SALARIES & WAGES.

M11a. AN ORDER,

M12. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$1,234.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to CLERK OF COMMITTEES, SALARIES & WAGES.

M12a. AN ORDER,

M13. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$1,059.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to AUDITORS, SALARIES & WAGES.

M13a. AN ORDER,

M14. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$1,030.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to CEMETERY, SALARIES & WAGES.

M14a. AN ORDER,

M15. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$959.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to HEALTH DEPARTMENT, SALARIES & WAGES.

M15a. AN ORDER,

M16. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$786.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to VETERANS, SALARIES & WAGES.

M16a. AN ORDER,

M17. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$328.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to MAYOR'S, SALARIES & WAGES.

M17a. AN ORDER,

M18. 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 PURCHASING DEPARTMENT, CHARGES & SERVICES ACCOUNT is hereby approved to be expended in FISCAL YEAR 2010, in the amount \$17,679.00.

M18a. AN ORDER,

M19. 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 WASTEWATER ENTERPRISE FUND is hereby approved to be expended in FISCAL YEAR 2010, in the amount of \$4,000.00.

M19a. AN ORDER,

M20. 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 SOUTH EASTERN REGIONAL POLICE REVOLVING FUND, under the control of the PURCHASING DEPARTMENT, is hereby approved to be expended in FISCAL YEAR 2010, in the amount of \$1,538.00.

M20a. AN ORDER,

M21. 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 EMERGENCY MEDICAL SERVICES DEPARTMENT is hereby approved to be expended in FISCAL YEAR 2010, in the amount of \$400.00.

M21a. AN ORDER,

M22. 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 INSPECTIONAL SERVICES DEPARTMENT is hereby approved to be expended in FISCAL YEAR 2010, in the amount of \$60.00.

M22a. AN ORDER,

NEW BUSINESS

5. REPORT, Committee on Ordinances, recommending that the City Council APPROVE the Zoning Change on the North Side of Belleville Road, between Church Street and King Street, Assessors Plot 107, Lots 31, 32, 184 and 185, from Current Zoning to Mixed-Use Business.

5a. AN ORDINANCE,

5b. COMMUNICATION, Acting City Engineer Duarte M. Andrade, to Clerk of Committees, submitting Metes and Bounds Description (and map) for Zoning Change – North Side of Belleville Road, between Church Street and King Street – Assessors Plot 107, Lots 31, 32, 184 and 185. (Submitted to City Council by Clerk of Committees.)

6. REPORT, Committee on Ordinances, recommending that the City Council refer the Proposed Ordinance, Amending Chapter 9, Section 2755, Relative to Driveway and Side Yard Requirements, to the Planning Board and the Committee on Ordinances for Public Hearings.

6a. AN ORDINANCE,

7. REPORT, Committee on Ordinances, recommending that the City Council refer the Proposed Ordinance, Amending Chapter 9, Section 3421, Relative to Unregistered Vehicle Storage, to the Planning Board and the Committee on Ordinances for Public Hearings.

7a. AN ORDINANCE,

8. WRITTEN MOTION, Councillor Duarte, on behalf of OCEAN EXPLORIUM AT NEW BEDFORD SEAPORT and Mayor Lang, requesting that PURCHASE STREET, from Spring Street to Union Street, be CLOSED from SUNDAY, OCTOBER 04, 2009, AT 7:00 P.M. TO MONDAY, OCTOBER 05, 2009, AT 7:00 P.M., for the purpose of unloading two (2) tractor-trailers transporting THE NASA TRAVELING EXHIBIT ON THE HUBBLE TELESCOPE “NEW VIEWS OF THE UNIVERSE,” which will remain until Monday, January 18, 2010. (Please Note: If applicable, Priority snow removal on the Street and Sidewalks is also requested.)

9. WRITTEN MOTION, Council President Saunders, requesting, on behalf of the New Bedford High School Marching Band, that the following street(s) be CLOSED: PARKER STREET, from Hathaway Boulevard to Liberty Street, on SATURDAY, OCTOBER 17, 2009, FROM 5:00 P. M. TO 11:00 P. M., for the purpose of the New Bedford High School’s Annual Band Competition.

10. WRITTEN MOTION, Councillors Alves, Dehner, Gonsalves, Lawrence, Martins, Morad, Pimental and Council President Saunders, asking that the City Council send a letter to the Planning Board, requesting, when and if the Board is considering the site plan for any other business(es) at 929 Kempton Street, at Mill Street, just west of Rockdale Avenue (the present location of a Hess Gas Station/ Honey Dew Donuts,) that they not allow any business with a drive-thru to locate in that area, in light of the fact that the City Council passed an Ordinance stating that there must be a site plan review of “Any new construction or expansion of existing construction where a window for any service including self-service is proposed; and any expansion of a structure presently containing a drive-thru” and because of the numerous problems occurring at that location, including litter, traffic congestion, accidents/violations, etc., many of which result from the present drive-thru.

11.) WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Public Safety and Neighborhoods meet with the Mayor, or a representative from the Administration, along with Police Chief Teachman and Leonard Baillargeon, President of the New Bedford Police Association, to discuss the possibility of reinstating the Auxiliary Police within the City of New Bedford for the purposes of patrolling our parks, playgrounds and cemeteries, and possibly to assist during public events and/or whenever needed as requested by the New Bedford Police Department; and further, that the Auxiliary Police Officers be made up of retired Police Officers that would work side by side with other volunteers that would be required to complete classes and CORI checks, and that some sort of credit, whether it be a percentage of their taxes being cut in some way or some other incentive, be given to these retired Police Officers, for their volunteer work on behalf of the City of New Bedford.

12. COMMUNICATION, City Clerk/Clerk of the City Council Rita D. Arruda, to City Council, requesting that the City Council set the Annual Bond for 2009/2010, for the City Clerk, at \$35,000.00, and enclosing Renewal Certificate.

12a. AN ORDER

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

13a. 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.)

13b. COMMUNICATION, Greater New Bedford Industrial Foundation Executive Director Thomas G. Davis, to City Councillors, providing informational packet and requesting SUPPORT for ten-year TIF Agreement for MORGAN ADVANCED CERAMICS, INC., 225 Theodore Rice Boulevard, New Bedford, MA 02745. (Copies provided to all Councillors 09/09/09.)

14. COMMUNICATION, Secretary of the Commonwealth of Massachusetts William Francis Galvin, to New Bedford City Council, informing of Census 2010 Regional Complete Count Committee Workshop, (for this area) to be held at Bristol Community College, 777 Elsbree Street – Building H, Jackson Arts Center, Room H209, Fall River, MA 02720, on Wednesday, October 14, 2009, from 2:00 p.m. – 4:00 p.m., and requesting R.S.V.P. (Copy all Councillors 09/18/09.)

TABLED AGENDA

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