



# ***Council Meeting - Agenda***

***CITY COUNCIL CALENDAR***

***Thursday, October 22, 2009 - 7:00 p.m.***

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

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

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***PLEDGE OF ALLEGIANCE***

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## ***CITATIONS***

1. CITATIONS, Councillor Gomes, honoring HAWTHORN MEDICAL ASSOCIATES, PRESIDENT JAMES P. TRACEY, M.D. and CEO JAMES GULAREK, in Recognition of their Generosity and Commitment to the City of New Bedford.

## ***RESOLUTIONS.***

2. RESOLUTION, Councillors Martins and Morad, honoring "Handy Andy's" on the Occasion of its 50<sup>th</sup> ANNIVERSARY.

## ***HEARINGS***

3. HEARING, NSTAR Electric Company, for location of one (1) 45" x 45" x 36" Handhole in ALLEN STREET, West of Orchard Street.

3a. AN ORDER,

4. HEARING, NSTAR Electric Company, for location of two (2) 4" Conduits, seven (7) 4" Conduits and two (2) 45" x 45" x 36" Handholes in STATE STREET, South of Sycamore Street.

4a. AN ORDER,

5. HEARING, NSTAR Electric Company, for location of one (1) 45" x 45" x 36" Handhole in ACUSHNET AVENUE, North of Brooklawn Avenue.

5a. AN ORDER,

6. HEARING, NSTAR Electric Company, for location of four (4) 5" Conduits in BELLEVILLE AVENUE, South of Hadley Street.

6a. AN ORDER,

## ***MAYOR'S PAPERS***

M1. COMMUNICATION, Mayor Lang, to City Council, submitting the Appointment of SHANNON SHREVE, Procurement and Compliance Attorney, as the City of New Bedford's Liaison to the State Ethics Commission; the Liaison

is responsible for the City's compliance with Ethics Reform Bill, Chapter 28 of the Acts of 2009, (M.G.L. Chapter 268A, Section 29,) and to develop procedures for the City to comply with new ethics training requirements and Conflict of Interest Law; also stating that the City is to notify the Ethics Commission, in writing, within 30 days of the designation vote.

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 Planning Department, known as the Zoning Board of Appeals Revolving Fund, whose purpose is to provide supplies, postage and advertising costs, technical and administrative support for the ZBA and stipends for ZBA Members, whose revenues and amount limited to be spent estimated at \$42,385.00, is hereby authorized for Fiscal Year 2010.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, granting, on behalf of the City of New Bedford, a UTILITY EASEMENT to NSTAR ELECTRIC COMPANY, to provide electrical services AT MCCOY FIELD; Metes and Bounds of the Easement described on Grant of Easement from the City to NSTAR. (Attached)

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, authorizing the City of New Bedford Health Department to enter into a 25-year Mutual Aid Agreement among Public Health Agencies in Emergency Preparedness Region 5; Agreement reviewed by Office of the City Solicitor, supported by the Board of Health who authorized the Director of Health Department's endorsement; 39 other Public Health Agencies have endorsed this Agreement, and several other Public Health Agencies are also expected to endorse this Memorandum of Understanding. (Note: Copy of Agreement attached.)

M4a. AN ORDER,

#### ***NEW BUSINESS***

7. REPORT, Committee on Appointments & Briefings, recommending to the City Council, APPROVAL of the APPOINTMENT of JAMES MATHES, 303 Brownell Avenue, New Bedford, MA, 02740, to the ZONING BOARD OF APPEALS, replacing Scott Lemieux, who resigned October 16, 2008; this term will expire December 2012.

8. REPORT, Committee on Appointments & Briefings, recommending to the City Council, APPROVAL of the APPOINTMENT of ATTORNEY PETER PAULL, JR. of 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.

9. REPORT, Committee on Appointments & Briefings, recommending to the City Council, APPROVAL of 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 DECEMBER 2010.

10. REPORT, Committee on Appointments & Briefings, recommending to the City Council, to Grant the RENEWAL of the Private Livery License, under 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 applicable laws under such operation, to carry passengers over the streets of New Bedford to **VIOLA M. RIGGINS, d/b/a DRIVE ME NUTS, 180 Summit Street, New Bedford, MA 02740.**

11. REPORT, Committee on Appointments & Briefings, recommending to the City Council, APPROVAL of the SPECIAL PERMIT FOR MOTOR VEHICLES – SALES, at 832 Rockdale Avenue, New Bedford, MA, d/b/a/ Eastern Auto Sales; this Motion passed on a roll call vote of Yeas 6, Nays 2, with Councillors Gonsalves and Martins opposed.

11a. APPLICATION/SPECIAL PERMIT,

12. AN ORDINANCE, Rezoning of 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. (Passed to a Second Reading, IN CITY COUNCIL, September 24, 2009; to be Passed, to be Ordained.)
13. WRITTEN MOTION, Councillor Gonsalves, requesting, on behalf of The Greater New Bedford Track Club, that the following street(s) be CLOSED: LAKE STREET and LT. WALTER E. FULLER MEMORIAL PARKWAY, from 8:30 A.M. THROUGH 12:30 P.M., on SATURDAY, OCTOBER 31, 2009, for the purpose of THE ANNUAL 10K ROAD RACE IN MEMORY OF O. GARDNER SPOONER. NOTE: ALSO REQUESTING THAT THE DPF PROVIDE STREET CLOSURE SAWHORSES.
14. WRITTEN MOTION, Councillors Gonsalves, Lawrence, Alves, Council President Saunders, Councillors Gomes, Dehner, Morad, Martins, Pimental, Duarte and Coelho, on behalf of Safe Zones, that the Committee on Ordinances consider drafting an Ordinance to create a monetary penalty for anyone who is found to violate the rules in a Safe Zone location. (To be Referred to the Committee on Ordinances.)
15. WRITTEN MOTION, Councillors Martins, Dehner, Gonsalves, Duarte, Council President Saunders, Councillors Pimental, Alves, Coelho, Gomes and Lawrence, due to the grave concerns outlined by Governor Deval Patrick regarding new FY10 shortfalls in the State, asking that the City Council send a letter to our State Delegation requesting that they immediately look into every possible means of finding additional funding for the City of New Bedford, since any further layoffs, furloughs or other means of reducing the State's shortfall, would reduce the already strained services in our City, and any more cuts would seriously compromise our public safety and further diminish our quality of life; and further, stating that, as they well know, New Bedford is already struggling to maintain its current services due to the previous sacrifices that have been made by our workers and constituents, and we simply cannot afford any more reductions.
16. WRITTEN MOTION, Councillor Gomes, requesting that the City Council and the Mayor go on record in support of funding for the Ernestina, a treasure of historical significance to the City of New Bedford, which at this time has had millions of dollars invested into it; since this ship is such a great part of the history of the City of New Bedford, we should do anything possible to ensure that this vessel receives the funding required to complete its restoration; further, requesting that we meet with the persons who have been put in charge of this vessel at this time for an explanation and a breakdown of where, exactly, the monies have gone that were provided for the refurbishing of the Ernestina; and further, that we ask Congressman Frank and our State Representatives, along with Senator Montigny, to do whatever is possible through either grant money or an appropriation to see that the Ernestina continues to be revitalized and its historical significance to the City of New Bedford and the Cape Verdean Community be preserved due to the tourism attraction that it is, and the educational opportunities that it provides for the City of New Bedford.
17. WRITTEN MOTION, Councillor Gomes, requesting that the City Council, as a whole, and the Mayor send a letter to the Postmaster requesting that the Postmaster move the two mailboxes presently located outside City Hall Square just to the west of the Washingtonian Pole, due to the fact that both mailboxes impede motorists from getting out of their cars, which are parked in a metered parking space; also, the moving of these mailboxes to the west on the other side of the Washingtonian Pole where there is enough space, would not inconvenience anyone, and would allow motorists to enter and exit their vehicles with more ease, especially during the inclement winter weather.
18. WRITTEN MOTION, Councillor Gomes, requesting that the Department of Public Infrastructure take immediate action to replace the poles and chains that have been damaged by the two accidents that occurred over the Summer on West Rodney French Boulevard near the parking lot by the Boat Ramp, and at another location in the general area, that have, by this point, taken away from the look and safety of the those chains and wooden pilings placed in the ground to protect the parking lot, and also to protect pedestrians walking along the South End walking path.
19. WRITTEN MOTION, Councillor Gomes, requesting that the City Council go on record, and that letters be sent to our State Delegation, including Senator Montigny, asking that a portion of the 400 Million Dollars or so that has been awarded to the Commonwealth, be used for the expansion of the Charter School concept within the City, due to the fact that the Charter School concept has worked thus far, and the City should take advantage of every opportunity to expand the Charter Schools within the City of New Bedford, and to receive a portion of the funds that are coming down through the Federal stimulus monies for the Commonwealth, for Charter Schools in the City of New Bedford.

20. WRITTEN MOTION, Councillor Gomes, requesting that the School Department immediately provide the City Council's Committee on Appointments and Briefings with the number of children that were affected this year by the School Department cuts to the "No Child Left Behind" transportation monies and exactly how many children did this affect throughout the City; further, that a Representative from School Department meet with the City Council's Committee on Appointments and Briefings, or this petitioner, to explain as to how these cuts to this funding occurred, and what resolution was made in order to provide transportation for the many children across the City that the cuts have affected; and further, that this issue be addressed by the School Committee and by the Mayor, as soon as possible, to bring resolution to the parents and children that have been affected by the cuts from this funding of "No Child Left Behind" transportation money.

21. WRITTEN MOTION, Councillor Gomes, on behalf of the surrounding area residents, requesting that signage be posted at the Renwick Field Soccer Grounds, 30 Brock Avenue, in the Far South End, that the field is to be used for Soccer games ONLY, and by permit, and that any other activities at the field, without the use being expressly authorized by permit, are NOT allowed. (To be Referred to the Parks and Recreation Departments.)

22. WRITTEN MOTION, Councillors Duarte, Dehner, Morad, Council President Saunders, Councillors Lawrence, Gomes, Pimental, Alves, Gonsalves, Martins and Coelho, requesting that the City Council go on record in support of the 2010 Census, given the fact that the receipt of various funds is dependent upon the number of City residents; and further requesting, that the City Council encourage all New Bedford residents to fill out the United States Census form "BE COUNTED, IT'S IN YOUR HANDS."

23. WRITTEN MOTION, Councillor Coelho, in preparation for the Census 2010, requesting that the Public Access Channel, record a Public Service Announcement, in English, Portuguese and Spanish, notifying residents of the upcoming Census along with the Census 2010 information phone number and/or website to answer any further questions.

24. COMMUNICATION, Director/Veterans' Agent Le Blanc, to Council President Saunders, providing copies to all Councillors of letter from Massachusetts Secretary of Veterans Services Tom Kelley, regarding the increases in Veterans Services in Massachusetts, specifically in New Bedford, and stating that the increased caseloads and costs of Veterans' Benefits, Healthcare, etc. are a National issue as well. (Copy of Secretary Kelley's letter enclosed.)

***TABLED BUSINESS***

10/08/09 RESOLUTION, Councillor Lawrence, honoring KATHERINE KNOWLES, in recognition of her FIFTH SEASON as EXECUTIVE DIRECTOR OF THE ZEITERION THEATRE.