



# ***Council Meeting - Agenda***

***CITY COUNCIL CALENDAR***

***Thursday, November 12, 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: REVEREND PAMELA J. COLE, PRESIDENT  
GREATER NEW BEDFORD CHAPTER OF CHURCH WOMEN UNITED***

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***PLEDGE OF ALLEGIANCE***

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***DUE TO THE THANKSGIVING DAY HOLIDAYS, THE NEXT MEETING OF THE CITY COUNCIL WILL BE ON  
TUESDAY, NOVEMBER 24, 2009.***

***THE CITY COUNCIL AGENDA WILL CLOSE AT 10:00 A. M. ON THURSDAY, NOVEMBER 19, 2009,  
AND WILL BE DISTRIBUTED ON FRIDAY, NOVEMBER 20, 2009.***

## ***RESOLUTIONS***

1. RESOLUTION, Councillors Martins, Gonsalves and Duarte, honoring 3<sup>rd</sup> EyE UNLIMITED on the Occasion of their 10<sup>th</sup> ANNIVERSARY.
2. RESOLUTION, Councillor Morad, honoring THE INTER-CHURCH COUNCIL, on the Occasion of the Celebration of their 70<sup>th</sup> ANNIVERSARY of Serving our Community.

## ***HEARINGS***

3. HEARING, NSTAR Electric Company, for location of two (2) 4" Conduits and one (1) 45" x 45" x 36" Handhole in CHESTNUT STREET, South of Robeson Street.

3a. AN ORDER,

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

M1. COMMUNICATION, Mayor Lang, to City Council, submitting the RE-APPOINTMENT of JESSICA FERNANDES, 112 North Street, New Bedford, MA 02740, to the STEAMSHIP AUTHORITY PORT COUNCIL; this term will expire September 12, 2010.

M2. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for JOSE MONTEIRO, 1521 Acushnet Avenue, New Bedford, MA 02746, Account No. #6809, in the amount of \$102.20.

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 LINCOLN SCHOOL; Metes and Bounds of the Easement described on Grant of Easement from the City to NSTAR (Enclosed).

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, TRANSFERRING CUSTODY AND CONTROL of the CAMARA FIELD SITE, shown as Plot 24, Lot 335, TO THE BOARD OF PARK COMMISSIONERS.

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 MARKETING/TOURISM DEPARTMENT is hereby approved to be expended in FISCAL YEAR 2010, in the amount of \$3,524.00.

M5a. AN ORDER,

M6. 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(Enclosed) and on/with the ORDER, accepting the Grant of Easements.

M6a. AN ORDER, (Also Enclosed, 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.)

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

4. REPORT, Committee on Finance, recommending that the City Council ADOPT the Resolution Approving Certified Project Application and Authorizing the Mayor to enter into a TAX INCREMENT FINANCE AGREEMENT with PARALLEL ENVIRONMENTAL SERVICES CORPORATION and PARALLEL PRODUCTS of NEW ENGLAND.

4a. RESOLUTION, Approving Certified Project Application and Authorizing the Tax Increment financing Agreement with PARALLEL ENVIRONMENTAL SERVICES CORPORATION and PARALLEL PRODUCTS OF NEW ENGLAND.

5. WRITTEN MOTION, Councillor Duarte, requesting, on behalf of Downtown New Bedford, Inc., that the following street(s) be CLOSED: PLEASANT STREET, from Union Street to Elm Street; MARKET STREET, from North Sixth Street to Pleasant Street; WILLIAM STREET, from North Sixth Street to Water Street, and WATER STREET, from Union Street to Elm Street, on SATURDAY, DECEMBER 05, 2009, FROM 4:00 P.M. TO 6:00 P.M., for the purpose of the DOWNTOWN CHRISTMAS TREE LIGHTING.

6. WRITTEN MOTION, Councillor Gomes, on behalf of the Cove Street Neighborhood Association President Loretta Bourque, requesting that RUTH STREET, between Salisbury Street and Ashley Street, be CLOSED on FRIDAY, DECEMBER 04, 2009, FROM 5:30 P.M. TO 7:30 P.M. for the Annual Tree Lighting and Party.

6a. COMMUNICATION, Cove Street Neighborhood Association President Loretta Bourque, to Councillor Gomes, requesting STREET CLOSING for FRIDAY, DECEMBER 04, 2009, for the Cove Street Neighborhood Association's Annual Tree Lighting and Party.

7. WRITTEN MOTION, Councillors Dehner, Lawrence, Gomes and Alves, requesting, if a City Councillor should submit a letter to be read into the record at a City Council Meeting or a Committee Meeting, that the letter must be publicly read into the record verbatim and not ad-libbed by the City Council President or the Committee Chair.

8. WRITTEN MOTION, Councillors Dehner, Gonsalves, Alves, Martins, Gomes, Lawrence, Duarte, Pimental and Coelho, requesting that the appropriate steps be taken to have the official portrait of former City Councillor Rosalind Poll Brooker hung in City Council Chambers; and further, requesting that former Councillor Brooker be notified and invited to attend said Ceremony.

9. WRITTEN MOTION, Councillor Coelho, requesting that Scott Downing, Executive Secretary to the Traffic Commission, go before the City Council's Committee on Appointments and Briefings to explain why the Custom House Square Parking Lot Ticket Machine has not been working properly since this summer; and further, requesting that Mr. Downing explain to the Committee the City's plans or ideas to elevate the current parking situations in the City, especially the Downtown Area, and the amount of revenue the Traffic Commission collects from the parking meters throughout the City.

10. WRITTEN MOTION, Councillor Alves, asking that, as part of the City of New Bedford Water Department new meter reading system that will rely on the internet that they seek to implement a program by which property owners can obtain their current readings (not billing cost) to give property owners the ability to check water usage, monitor potential levels, and abuse by tenants and be in a position to better control and conserve water use. (To be Referred to the Department of Public Infrastructure.)

11. WRITTEN MOTION, Councillors Alves and Martins, at the request of the residents and businesses in the area of Acushnet Avenue and Hathaway Street, asking that the City Council request the Police Chief to assign personnel to monitor and patrol the area to discourage the increased activities of the drug dealers and prostitutes that have been seen working in those areas; and further, due to the increase in illegal activities, also requesting the Police Chief to consider having police on foot patrol during the upcoming Holiday Season, all along Acushnet Avenue and any other neighborhoods that have been targeted these last couple of months. (To be Referred to the Police Chief.)

12. WRITTEN MOTION, Councillor Alves, on behalf of the owner of the property at 963 Strafford Street, requesting that the Conservation Commission and the Department of Infrastructure, review, investigate and address the need for the drainage culvert located behind his property on Elliot Street, that needs to be cleaned out and unblocked, to address the problem of flooding during rainstorms of the house lots in the area, which causes the homes to be flooded and yards to remain under water for days after the storms subside. (To be Referred to Conservation and Department of Public Infrastructure.)

13. WRITTEN MOTION, Councillor Alves, on behalf of Ms. Patricia Reynolds, 189 Durfee Street, requesting that the Department of Facilities, take immediate action to address the light poles across the street from 189 Durfee Street, and fix the light on pole # 07/36, that has been off for some time and of a concern to the residents in the neighborhood who are worried about vandalism to their vehicles because of the darkness; and further, that the crew also check the next pole down the street, which turns off and on, and stays on part of the day and off part of the night.

14. WRITTEN MOTION, Councillors Gomes and Dehner, requesting that the Committee on Appointments and Briefings meet with the City Solicitor and the Lessee of the Whaling City Golf Course for the purpose of seeing if there have been any violations of the contract, and to determine whether the Lessee has kept his word as far as making improvements to the golf course; further, that the City Solicitor look into re-acquiring control of the golf course, due to the fact that the Lessee, Mr. Johnson, is in violation of the original contract that required improvements and certain conditions that went along with leasing the golf course; further, that Mr. Johnson also report to the City as to how much money he has forwarded to the City for the golf carts; further, and most importantly, that an investigation be made of the overall condition of the entire Whaling City Golf Course, including the restaurant area that is also leased by Mr. Johnson, and that the City Solicitor expedite the court proceedings so that control of the golf course revert back to the City of New Bedford due to Mr. Johnson's continuous violations since obtaining the lease. (To be Referred to the Committee on Appointments and Briefings.)

15. WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Ordinances meet for the purpose of enacting an Ordinance that would pertain to the City, when any type of electrical malfunction or wires fall from City poles, so that if companies like Verizon, or NSTAR Electric cannot immediately address the issue, that a Police detail would be placed in the area until the work has been completed and the area is determined to be safe for the neighborhood and City residents.

16. WRITTEN MOTION, Councillor Gomes, requesting that the Executive Director of the Economic Development Council Matthew A. Morrissey meet with the City Council's Committee on Appointments and Briefings and provide an update as to what is being done at this time through that Office to stimulate the City's economy, and to bring jobs to the City; if the City Council has any prospective owners or business people looking at the City, this would be of assistance so that their efforts will not be duplicated by the Economic Development Council, and the City Council will not approach any company that may already be in talks with Mr. Morrissey and the Economic Development Council.

17. WRITTEN MOTION, Councillor Gomes, requesting that the City Council once more go on record in support of District Attorney Sutter's Dangerousness Hearings that have been held and have kept criminal elements off the streets, making them much safer due to lessening the illegal possession of firearms, and that letters of support be sent not only to our State Delegation, but also to the Committee from the Massachusetts Supreme Court that heard the Hearings; and further, that the letters in support of District Attorney Sutter and his Office indicate a job well done and that we know he and his team have made a major impact in keeping some of our major criminals and gang members off the street for ninety days, once arrested by our local or State Police, or any other agency, through these Hearings, and so that the criminal justice proceedings continue keeping these people off the streets as long as possible.

18. WRITTEN MOTION, Councillor Gomes, due to the fact that it was reported that Councillor Gomes "made a claim" that the overtime that has been spent on Commanding Officers throughout the New Bedford Police Department, which in this Councillor's opinion was not a claim, but was a fact, nothing but the facts are now being requested, in asking that the City Council request the Police Chief to provide a breakdown of every Commanding Officer that received overtime between August 1, 2009, and October 21, 2009, and that this information, be forwarded to the City Council, as soon as possible, before hearings are held to discuss whether there are vacant positions within the Department or not, and whether these vacant positions have been creating an unusually large amount of overtime; and further, that, if possible, from October 21, 2009, to the present date, that the overtime breakdown be provided by individual Officer and by shift to the City Council, so it can be proven that this was not a claim, but, that this was a fact, and it is nothing but a fact, that large amounts of overtime and taxpayer dollars are being spent because the City chooses not to make the appropriate promotions amongst the ranking Officers, such as the two positions that are open in Booking and Detectives Gang Squad, and the Commanding Officers of other entities such as a ranking Captain or Lieutenant.

19. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of DAVID BIZARRO, d/b/a BIZARRO'S TRANSPORTATION, 50 Larch Street, New Bedford, MA 02740, hereby submit a copy of the application requesting RENEWAL of a 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 Laws applicable to such operation, to carry passengers for hire over the streets of New Bedford. (Current License expires November 25, 2009.)

***TABLED BUSINESS***

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