



# *Appointments and Briefings*

November 10, 2009 - 7:00 p.m. – **Agenda**

City Council Chamber, Room 214, Municipal Building

View Minutes

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1. CITIZENS INPUT TIME – Not to exceed the first thirty (30) minutes of the meeting.
  - 1a. Alan Duarte, 2120 Phillips Road, New Bedford, MA, 02745, speaking on Clips of Reality, and the New World Order.

***INVITEES: Alan Duarte***

2. Communication, Mayor Lang, to City Council, submitting AN APPLICATION for the REAPPOINTMENT of GEORGE H. GREW, 223 Hathaway Road, New Bedford, MA 02746, as a CONSTABLE. (Ref'd 6/11/09, tabled 8/18/09)
  - 2a. Communication, Judith McMullen, to the City Council, re: Appointment of George Grew as Constable. (8/19/09)
  - 2b. Communication, George Grew, to Councillor Lawrence, Chairman, Committee on Appointments & Briefings, submitting documents relative to the disposition of the McMullen vs. McGlome case that went before the United States District Court. (10/26/09)

***INVITEES: George H. Grew; Judith McMullen***

3. 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. (Ref'd 8/20/09)

***INVITEES: John Bullard***

4. Written Motion, Councillor Gomes, requesting that the Administration advise the City Council as to what is being done to bring back the City workers from DPI, DPF, and building workers, such as sign installers, due to fact that much of this work is now falling behind, and will only get worse as time passes, in providing these types of services and protecting the best interests of the taxpayers, the public buildings and facilities throughout the City. (Ref'd 6/25/09)

***INVITEES: Chief of Staff William Burns***

5. Written Motion, Councillor Gomes, requesting that the Committee on Appointments & Briefings meet with Tax Title Attorney Blair Bailey, as soon as possible, so that 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 rolls as soon as possible; and that Attorney bring a list of properties on tax title, not just Plot and Lot, but by address as well. (Ref'd 9/10/09)

***INVITEES: Tax-Title Attorney Blair S. Bailey***

6. 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 find this item as soon as possible due to the imminent local Elections that are taking place in the City of New Bedford. (Ref'd 9/10/09)

***INVITEES: Chief of Staff William Burns; W & W Moving and Storage Owner Al Walecka; Elections Commissioner Maria Tomasia***

7. Written Motion, Councillors Alves, Coelho, Dehner, Duarte, Gomes, Gonsalves, Lawrence, Martins, Morad, Pimental, and Saunders, requesting, in consideration of the City of New Bedford employee layoffs which occurred this spring, and the recently implemented employee furloughs, that both Commissioners Ronald Labelle and Lawrence Worden be invited to appear before the Committee on Appointments and Briefings to review the City's plan for snow removal and/or road sanding/treatment in the upcoming winter months. (Ref'd 10/8/09, **TO BE ADDRESSED ASAP**)

***INVITEES: DPI Commissioner Ronald Labelle; DPF Commissioner Lawrence Worden***

***Chairman suggests "No Further Action", on the following items:***

8. Written Motion, Councillor Gomes, requesting that the City Council Committee on Appointments & Briefings meet with Officials of the Sovereign Bank, bank of America and all of the Banks with offices in the City of New Bedford, to discuss the possibility of constructing an ice skating rink somewhere in the City of New Bedford, similar to the ice rink installed in Newport, RI, that was established with the assistance of the Sovereign Bank. (Ref'd 1/12/06, 5/16/06 – Related Motion Councillor Gomes, 3/10/09 –severed from NFA remain in Committee)
- 8a. Related Motion, Councillor Gomes, requesting that the Committee on Appointments & Briefings meet with the Economic Development Commission for discussion of possible support of bringing a multi-purpose stadium to the City of New Bedford or an Ice Skating Rink. (5/16/06, 3/10/09 – severed from NFA remain in Committee)
9. Written Motion, Councillor Gomes, asking that the New Bedford City Council go on record in support of requesting our State Delegation to file a Bill, along with the Senate President and Speaker of the House, banning the sale of pellet guns/BB guns and replicas of such handguns as Glocks, 9 mm's and sawed-off shotguns; further, that the ban request that no replica gun/pellet gun/BB gun be sold in the Commonwealth of Massachusetts, unless of a florescent color such as blue, green, yellow or orange, with no sale of these guns replicating the black, brown or silver of real guns; further asking, that our neighboring New England States - Connecticut, Rhode Island, New Hampshire, Vermont and Maine - be sent a letter requesting them to follow suit in filing this Legislation, thereby making New England an area free of pellet guns/BB guns that look and replicate real handguns or shotguns; further, that a grace period be given to the people of the Commonwealth, once the law is passed, to turn in all guns that are replicas of real handguns or shotguns, as well as a grace period that also gives an opportunity to those that have those guns to paint them a florescent color; further, that the Legislation also include licensing for all pellet guns/BB guns in the Commonwealth; and further, that a grace period be given for a "buy-back" type of approach to those that have pellet guns/BB guns, requesting and encouraging parents to take immediate action to remove these guns from their homes through this "buy-back" program. (Ref'd 11/9/06, 3/10/09 – severed from NFA remain in Committee)
10. Written Motion, Councillors Gomes, and Pinheiro, that the Committee on Appointments and Briefings meet with representatives of Allegheny Rodney Metals to discuss several environmental problems that

are affecting the neighborhood and have for years, and the Company's failure to implement the necessary improvements to address numerous outstanding and long overdue quality of life issues such as noise and various safety issues; further, that this meeting be held at Hazelwood Park Warming House for the benefit of residents, and that the following people be invited: the City's Health Director, the Massachusetts Commissioner of Public Health, our Environmental Planner, State Environmental Officials and State Representative Antonio Cabral. (Ref'd 5/24/01, 2/27/02 tabled, 4/11/05 remain on the table, 7/18/06 tabled, remain in committee 2/12/07, 3/10/09 – severed from NFA remain in Committee)

11. Written Motion, City Council President David Alves, requesting that the Committee on Appointments and Briefings meet with the representatives of the Administration and Park Department to discuss the development of one adult and one youth soccer field on the land under Route 195, West of Route 18, with access from the Cedar Grove Street Railroad underpass; in the light of the increasing demand and limited access to soccer fields, this land area, once planned and developed, would provide a valuable resource to the community and take advantage of an area that is available and will not present a noise problem to neighborhood residents. (Ref'd 11/8/07)
12. Written Motion, Councillor Gomes, requesting that the Committee on Appointments & Briefings meet with the Administration and the owners of the building located behind the CVS on Acushnet Avenue, between Harwich and Brewster Street, on the East side of said property and plaza, to, first of all, discuss what is being done with this building, and, second of all, requesting that the owners of this building board up the entire building as soon as possible before anyone enters this building or gets hurt or causes more damage to the building than it already has; further, that the City look into the ownership of this building for the purpose of possibly making a Youth Center in this area, which will bring a resource to the area that is desperately needed, (such as a Boys and Girls Club Youth Center); and further; that we work with the Boys and Girls Club to see if this building can be used or obtained for that purpose. (Ref'd 4/10/08)
13. Written Motion, Councillor Gomes, requesting that the Police Chief and the Mayor immediately implement the Taser and the beanbag shotgun concept within the Police Department; and further, that immediate training for Sergeants/Supervisors within the Department take place, certifying them as Training Officers for the purpose of training the entire Department on the use of Taser and beanbag shotguns; and further, that the training of these Commanding Officers begin within the next sixty (60) days, and the training for the entire Department occur within six (6) months, for the purpose of implementing 21<sup>st</sup> Century Police equipment in the City's Police Department; and to be referred to the Committee on Appointments and Briefings as well. (Ref'd 5/22/08)
14. Written Motion, Councillor Gomes, requesting that the Committee on Appointments and Briefings meet with Verizon officials to discuss what the company could bring to the table if a contract were awarded to Verizon to provide cable TV service to the area. (Ref'd 6/26/08)
15. Written Motion, Councillor Gomes, requesting that the Committee on Appointments and Briefings meet with Tom Derosier and the residents of the Colby Village Development, in the City's North End, and representative(s) from the School Department (Pulaski Elementary School) for the purposes of discussing the status of the project at this time, and what remedies have been put in place, and also to give residents an opportunity to express their concerns about the time it is taking to complete this project, as well as to implement any of the City's requests; and further, requesting that the developer take immediate action to correct all violations that have occurred within that development. (Ref'd 7/17/08)
- 15a. Communication, Thomas Derosier, to all Councillors, mainly At Large Councillors, submitting a status report as to what has been completed and addressed at Colby Village Development. (Ref'd 7/17/08)

16. Communication, Employees of the New Bedford Cemetery Department (AFSME 851 Members), to City Council regarding Personal Issues/Employee Furloughs. (Ref'd 9/11/08)
- 16a. Communication/Email, Angela Natho, Personnel Director to Council President Gonsalves, regarding a meeting with Ms. Hathaway, Staff Representative for Council 93, Local 851, concerning a letter sent from the Employees of the Cemetery Department, addressed to the City Council. (Ref'd 10/25/08)
17. Written Motion, Councillor Gomes, requesting that the City of New Bedford and the Department of Public Infrastructure take immediate action to cut the weeds that are growing wild at some of our major intersections throughout the City, which, in this Councillor's opinion, does not look good to tourists coming to the City; further, if the City does not have the manpower to get these corners and areas, such as Rockdale Avenue and Cove Road, Rockdale Avenue and Dartmouth Street, Rt. 195 on-ramp (Cedar Grove Street), and many others across the City cleared, that we ask for assistance of the Sheriff's Department to clean up these intersections; and further, next year, that a plan of action be put in place to address these intersections on a regular basis, so we don't have another summer where these weeds detract the appearance of our business districts where we try to attract tourism, instead of putting on the City's "Best Face" throughout each and every neighborhood. (Ref'd 9/11/08)
18. Written Motion, Councillor Gomes, requesting that the City Council send a letter to our Federal & State Delegations, asking for the opportunity to go on record and state their position on the present crisis on Wall Street; and further, voice our concerns regarding the financial ability of Massachusetts to continue to provide services throughout the Commonwealth, especially to our City of New Bedford, in view of the worsening financial crisis that is spreading across the Nation; it is the opinion of this Councillor that it is only right that we take the time, even on the local level of Municipal Government, to address the issues and concerns regarding the fiscal uncertainty in our Nation and the effect on all its people. (Ref'd 10/07/08)
19. Written Motion, Councillor Lawrence, requesting that the Committee on Appointments and Briefings contact a representative of Verizon to discuss their ability to provide communities with cable television; further, that we contact the communities of Marion and Mattapoisett to ascertain what the guiding factors were which led to their decision to award their cable contracts to Verizon. (Ref'd 9/14/06, tabled 3/12/07)
20. Written Motion, Councillor Gomes, requesting that the Mayor and the Planning Department look at a Master Plan for the City of New Bedford to include the possibility of designating an area to be called "Downtown North," from Rt. 6 to the Weld Square area, thereby giving an opportunity to that area to revitalize and rebirth its Business District, which would be referred to as "Downtown North." (Ref'd 11/9/06, 3/12/07 - tabled until April)
21. Written Motion, Councillor Lawrence, requesting that the City Council go on record in support of Governor Deval Patrick's plan to assess a safety fee for inmates within the prison system in the Commonwealth of Massachusetts; and further, that this letter also be sent to our local State Delegation stating that the New Bedford City Council supports this initiative, and should it come to a vote, we are requesting that they vote in favor; and further, that the City Council goes on record in support of the plan, that we partner with the Town of Acushnet and their plan to seek that those fees be returned to the Cities and Towns. (Ref'd 1/25/07, tabled 3/12/07, tabled 2/19/08)
22. Written Motion, Councillor Gomes, requesting that the New Bedford Engineering Department provide the City Council with information on what happened to, and where the location is, of over 125 years of records on Climatological weather observations for the City of New Bedford; and further, when the records are located, that they be placed in the New Bedford Public Library, preferably at the Downtown location, so that this historic information can be accessed by Historians, Researchers and readily available to the public-at-large as well as preserved for our future generations. (Ref'd 12/21/06, tabled 5/9/07 - invite Anne Lauro)

- 22a. Communication, Engineering Department, submitting a Record of River and Climatological Observations. (Ref'd 12/21/06, tabled 5/9/07 - invite Anne Lauro)
23. Written Motion, Councillor Saunders, asking the City Council what their intentions are in regard to Wind Turbine Power, Solar Power, Wave Bobs or any other alternative energy source. (Ref'd 4/26/07, tabled 6/13/07, remain tabled - 3/11/08)
24. Written Motion, Councillor Gomes, requesting that the State Delegation work with Duval Patrick and those responsible for the State Armory, located at Sycamore and Pleasant Streets, to look into what steps need to be taken for the city to request that the State turn over that building to the City of New Bedford for possible use as a Youth Community Center. (Ref'd 5/24/07, tabled 7/18/07)
25. Written Motion, Councillor Gomes, asking that the City of New Bedford send a letter, from the City Council, the Administration, and Economic Development, to Google Officials, requesting that they meet with the Administration to discuss the possibility of locating one of Google's operating sites here in the City of New Bedford, possibly in the Industrial Park. (Ref'd 4/12/07, 7/18/07 – tabled until Google Rep. can be present)
26. Written Motion, Councillor Gomes, requesting that Mayor Lang authorize the Board of Health to give notice to all fast food restaurants and coffee shops in the City, of the City Ordinance requiring that trash receptacles be installed at every fast food restaurant and coffee shop across the City, and giving the authority to the Board of Health to assist the City in getting the law enforced to get these receptacles in place, in an effort to help ease the burden of trash on our City streets that comes from fast food and coffee shops located throughout the City. (Ref'd 7/19/07, tabled 9/10/07)
27. Written Motion, Councillor Gomes, asking that the Committee on Appointments & Briefings meet with the City Planner, Conservation Agents and Representative(s) of Parks/Recreation to discuss the overall plans for the East Beach area, including the design for new lifeguard/rest room building(s), and to brief the Councillors on exactly what has taken place at the site so far; further, to discuss the potential of adding/designating space for a Snack Bar to be located in the building(s) for the Beach goers and residents of the area, which, through its rental, would also bring in revenue that could be used as upkeep and maintenance of the new building(s) and facilities; and further, that nothing takes place at that location until the said meeting with the Committee on Appointments and Briefings takes place.(Ref'd 8/16/07, tabled 9/10/07)
28. COMMUNICATION, the Coalition for Buzzards Bay, to City Council, requesting to appear before Council to discuss 2007 State of the Bay. (Ref'd 8/16/07, tabled 9/10/07; ***Mr. Rasmussen from the Coalition said he could be available for the 12/11/07 meeting***)
29. Written Motion, Councillor Gomes, requesting once more, as this petitioner did in the 1990's, that the City of New Bedford take immediate action to POST throughout the City and in the City's Public Buildings and Schools, a Mission Statement addressing the issue of Hate Crimes and Discrimination and the Zero Tolerance that the City takes on these issues; further, that this document be signed by the entire City Council, the Mayor, District Attorney, School Committee, and Police Chief firmly showing that they are unified and committed in their support of Zero Tolerance against Hate Crimes or discrimination of any type in the City of New Bedford; and further, that the City Council, Administration, School and Police Departments follow the city's Ordinance relative to the "Bias Crimes", also instituted in the 1990's, and refer all incidents/occurrences/crimes relating to Discrimination, Bias or Hate Crimes to the Police Department, to be referred to the Executive Director of the Human Relations Commission, with the information stipulated in the Bias Crime Ordinance, Chapter 2, Article IX, Commission on Human Relations; Section 2-136. (Ref'd 2/9/06, remain in committee 2/12/07, referred to Legal Counsel for drafting a Zero Tolerance mission statement for adoption by the City Council W/I 30 days, also to review current Bias Ordinance and it be referred to the Ordinance Committee 7/18/07, tabled 9/10/07)

30. Communication, Attorney David J. Gerwatowski, Legal Counsel to Councillor Denis Lawrence, Jr., Chairman, submitting a draft policy on Hate Crimes for the Committee's review. (Ref'd 7/26/07, tabled 9/10/07)
31. Written Motion, Councillors Gomes & Pimental, requesting that the Department of Inspectional Services ensure that the two buildings at Hazelwood Park are secured and steps have been taken to stop the damage and/or vandalism to said buildings; further, that the City take immediate action to stop the buildings from further deterioration, as well as to initiate repairs to the buildings as soon as possible, and that they also request help from the various shops at New Bedford Regional Vocational Technical High School, Youth Build, the Sheriff's Department and any other entity who could lend assistance and manpower needed to restore these Historical Buildings; and further, that the City Council send a letter asking Home Depot and Lowe's if they could assist with the historic preservation of these buildings, by providing building materials for the project and/or help in any other way they can. (Ref'd 1/24/08, tabled 2/19/08 – Sent letters to Sheriff, Youth Build, Voc, Home Depot, Lowe's, WHALE, 4/15/08 - tabled)
32. AN ORDER, submitting the **Proposed Language for 43D Priority Development Sites**, as follows: Ordered, that the City of New Bedford approve the filing of applications with the Commonwealth of Massachusetts Interagency Permitting Board for the designation of the following parcel(s) of land as a Priority Development Sites pursuant to Chapter 43D of the MA General Laws or take any additional action necessary to further set applications: Sawyer Street (Map 93, Parcels 213, 167, 245, 262, 263) *Fairhaven Mills Site*. (Ref'd 4/24/08, tabled 5/20/08)
33. Written Motion, Councillor Saunders, asking that the Director of Marketing/Tourism Ann Marie Lopes appear before the Committee on Appointments & Briefings to update the City Council as to what is going on in the City of New Bedford with respect to Tourism, and what the City can expect regarding marketing activities/tourism in the near future and beyond. (Ref'd 3/13/08, tabled 5/20/08 until NOVEMBER, 11/18/08 - tabled to next meeting, send letter requesting her presence at next meeting)
34. Written Motion, City Council President Pimental, asking that a member of the Administration meet with the Committee on Appointments and Briefings to inform the Councillors as to who and/or what department/account is being charged for the Parking Spaces in the SRTA Parking Garage that were newly allotted for the private vehicles of Police Officers assigned to the Downtown Police Substation. (Ref'd 9/11/07, tabled 3/11/08, remain tabled 6/24/08, ***11/18/08 - tabled to next meeting***)
35. Written Motion, Councillors Gonsalves, and Pimental, requesting that the City Council investigate why the South Terminal still does not have underground cable service. (Ref'd 1/10/08, tabled 9/23/08)
36. Written Motion, Councillor Gonsalves, requesting that Dr. William Langbauer, Director of the Buttonwood Park Zoo be invited to the Committee on Appointments and Briefings to update the City Council regarding the City Council regarding the accreditation process. (Ref'd 3/27/08, tabled 11/18/08)
37. Written Motion, Councillor Gomes, requesting that the Committee on Appointments & Briefings meet with the City's Tax Title Attorney, Blair S. Bailey, to discuss the Abutters Lot Program, which was instituted in the 1900's, to see where we are in moving along some of these vacant lots that have been vacant for some time, dating back to the 1900's, and what is being done to make these lots available to the Abutters Lot Program and to residents throughout the City. (Ref'd 4/10/08, tabled 11/18/08)

38. Written Motion, Councillor Gomes, requesting that Mayor Lang and Police Chief Teachman keep Community Policing in place with supplemental funding, in light of Governor Deval Patrick's emergency State budget balancing cuts to the State Community Policing Program here in the City; and further, that the City Council go on record in support of having the Governor restore the monies to the programs that are so vital to our City and neighborhoods in fighting crime in community partnership with Crime Watch Groups across the City; and further, that a letter be sent to our State Delegation to request our Representatives and Senator Montigny's assistance in restoring the monies to the budget in order to maintain a Community Policing Program across the State that is so vital to this City and many others. (Ref'd 10/23/08, tabled 11/18/08)
- 38a. COMMUNICATION/EMAIL, Suzanne Braga of Neighborhoods United to Councillor Gomes, regarding Community Policing. (Ref'd 10/23/08, tabled 11/18/08)
39. Written Motion, Councillor Gomes, requesting that, if the City accepts the plan to pave a pathway on the Hurricane Dike, that the Mayor also include a provision in the budget for the installation on this pathway, of flagpoles representing the cultures of people who have made a contribution to the City of New Bedford, along with markers giving a brief description of their contributions to this City and its history. (Ref'd 1/10/08, tabled 5/12/09)
40. Written Motion, Councillor Gomes, requesting that the lights south of the Hayden-McFadden School, under the I-195 overpass, be repaired; there are presently four light poles that need to be checked out to see if new bulbs need to be installed, or if major repairs need to be made, in light of the area being used by the area youth for skateboarding. (Ref'd 1/10/08, tabled 5/12/09)
41. Written Motion, Councillor Alves, asking that the Committee on Appointments & Briefings meet with Representatives of the City Solicitors Office, New Bedford Economic Development Corporation and Office of Community Development/Housing to get an update as to the current status of the Lease with Option to Purchase Agreement with Sherwood Brands, and what is being done to recover the unpaid taxes, still in question and continuing to compound, that are currently due to the City from either the awarding agency or Sherwood Brands; and further, what we are doing to ensure that tax payments are received for the remainder of this lease. (Ref'd 8/21/08, 5/12/09 - tabled request the EDC what the status of the TIF is w/ Sherwood Brands, and what it is doing to recoup any monies owed)
42. Written Motion, Councillor Lawrence, requesting that Eric Caldeira, (631) 455-8007, be invited to the Committee on Appointments and Briefings to discuss his Meters for Charity initiative. (Ref'd 9/11/08, 5/12/09 – tabled until Mr. Caldeira is ready)
43. Written Motion, Councillor Martins, requesting that the Committee on Appointments and Briefings meet with Police Chief Teachman to ask for his assistance with a vagrant long known to “reside” on the sidewalk at the intersection of Coffin Avenue and Acushnet Avenue, on the side of The Portuguese Times; this individual has been defecating and urinating on the Portuguese Times Building, to the point where clients are reluctant to enter the building, shouting obscenities and vulgarities to anyone who crosses his path, and has been seen engaged in illegal drug activities with his “friends” in full view of everyone on numerous occasions; this situation, which has been ongoing for **YEARS**, must be dealt with once and for all. (Ref'd 9/11/08, 5/12/09 - **tabled for 45 days - JULY**)
- 43a. Communication/Fax, Councillor Martins, on behalf of Manuel A Ferreira, Publisher, Portuguese Times, submitting a faxed copy of a letter sent to Mayor Lang requesting assistance with a local vagrant who has become a serious nuisance. (Ref'd 9/11/08, 5/12/09 - **tabled for 45 days - JULY**)
44. Communication, John King, to Councillor Gomes, requesting that the City adopt MGL Chapter 59, Section 5K, as amended by Chapter 184, Section 52 of the Acts of 2002, to establish property tax work-off program for taxpayers over 60 years of age to grant an abatement on property taxes of up to \$750.00; also enclosing a copy of MGL and Standard-Times article indicating Selectmen in Wareham taking steps to adopt same. (Ref'd 5/22/08, 5/12/09 – Referred to the Mayor, and remain in committee, 6/16/09 - tabled)