



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, February 25, 2010 - 7:00 p.m.

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OPENING OF SESSION BY: CITY COUNCIL PRESIDENT DENIS LAWRENCE, JR.

***PRAYER LED BY: THE REVEREND DR. ROBERT R. N. ROSS, INTERIM MINISTER
FIRST UNITARIAN CHURCH***

PLEDGE OF ALLEGIANCE

HEARINGS

1. HEARING, on Petition of NSTAR Electric Company for location of one (1) 45" x 45" x 36" Handhole in MERRIMAC STREET, West of Chestnut Street.

1a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting AN APPROPRIATION, for the transfer of \$485,884.00 from FREE CASH to STABILIZATION FUND.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for Wendy Barros, 39 Charlotte Street, New Bedford, MA 02740, Account #033341A, in the amount of \$210.60.

M3. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of EDWARD ILSLEY, 79 Brownell Street, New Bedford, MA 02740, to the HARBOR DEVELOPMENT COMMISSION; this term will expire December 2010.

M4. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of DR. BRIAN ROTHSCHILD, 98 Madison Street, New Bedford, MA 02740, to the HARBOR DEVELOPMENT COMMISSION; this term will expire December 2010.

M5. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of ATTORNEY TIMOTHY WALSH, 186 Reed Street, New Bedford, MA 02740, to the AIRPORT COMMISSION replacing Jennifer Vasques Gomes, who resigned January 2010; this term will expire December 2011.

M6. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of WHITNEY WHITE, 63 Ash Street, New Bedford, MA 02740, to the HUMAN RELATIONS COMMISSION, replacing Beth L. Sylvia, who resigned December 2008; this term will expire December 2010.

M7. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of POLICE CAPTAIN JOSEPH CORDEIRO, 8 Sable Avenue, Dartmouth, MA 02747, to the HUMAN RELATIONS COMMISSION, replacing Sgt. Frank Eccleston who resigned in October 2009; this term will expire April 2010.

M8. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of SHAWN MAC FARLAND, 125 Bonney Street, New Bedford, MA 02740, as a SPECIAL POLICE OFFICER.

M8a. APPLICATION

CHARTER RULED ITEMS

CR-2. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$4,975.00 from COMMUNITY SERVICES, CHARGES AND SERVICES, to COMMUNITY SERVICES, CAPITAL OUTLAY. (Motion by Councillor Morad to Refer to the Committee on Finance FAILED – NO SECOND. Motion to Adopt and Seconded ---- Charter Ruled by Councillor Morad, IN CITY COUNCIL, February 11, 2010.)

CR-2a. AN ORDER, (Motion by Councillor Morad to Refer to the Committee on Finance FAILED – NO SECOND. Motion to Adopt and Seconded ---- Charter Ruled by Councillor Morad, IN CITY COUNCIL, February 11, 2010.)

END OF CHARTER RULED ITEMS

NEW BUSINESS

3. WRITTEN MOTION, Councillors Coelho, Dehner, Alves, Duarte and Lopes, requesting, that the Committee on Ordinances again meet to revisit possible changes in the provisions of Chapter 17, Section 17-17 of the City Code, and possible changes to other provisions of the City Code dealing with noise; and further, when this matter is heard, that the Chairman invite all the same invitees that appeared the last time this issue was discussed in this Committee on December 15, 2009, including, but not limited, to Reverend David Lima, Arthur Bennett, Carol Maslanka and others, in order to determine if some compromises and results can be reached that assists those seeking to reduce noise interfering with their peace, while not interfering with the reasonable activity of others that is incidentally being heard by some people.

4. WRITTEN MOTION, Councillor Lopes, requesting that the Traffic Commission install “No Littering” Signs around Victory Park, from Ricketson Street south to Freedom Boulevard, and that said signs inform violators of the consequences of littering, both in English and Spanish.

5. WRITTEN MOTION, Councillors Gonsalves and Morad, requesting, in an effort to keep the residents of the City of New Bedford informed regarding the finances of the City during these difficult times, that the Mayor authorize New Bedford Cable Access to begin televised coverage of the City Council’s Committee on Finance. (To be Referred to the Mayor.)

6. WRITTEN MOTION, Councillors Gonsalves and Morad, requesting that Commissioner of Public Facilities Lawrence Worden, appear before the Committee on Finance to provide an update of monies expended and projects completed under the \$3,000,000.00 Loan Order granted at the July 16, 2009, City Council meeting, for the purpose of remodeling, reconstruction and making extraordinary repairs to City-owned buildings. (To be Referred to the Committee on Finance.)

7. WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Ordinances meet for the purpose of drafting an Ordinance implementing a fine and/or action to be taken on individuals, who own property in the City, but bring their trash from their properties in surrounding towns, for disposal by the City as well; and further, that the fine and/or action be imposed to send a clear message that anyone participating in this kind of behavior will have their trash pickup terminated and/or also fined for violating said Ordinance.

8. WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Ordinances meet with Department of Public Facilities Commissioner Lawrence Worden, for the purpose of reviewing the present Ordinance, Section 22-17, that prohibits residents and businesses of the City from throwing snow back into the streets after the area has been plowed; and further, that the Committee look into increasing the fine, which now stands at \$50.00 or instituting some other type of penalty for this action after the streets have been cleared by the City plows, which only hampers the plowing situation and creates unsafe conditions.

9. WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Appointments and Briefings meet with the School Department’s Chief Administrator of Finance & Operations Lawrence Oliveira and Purchasing Agent Debra Travers, IMMEDIATELY, to discuss the present construction conditions of the new Lincoln Elementary School

located on Ashley Boulevard; and further, that the Committee invite the Engineering firm, or any other responsible parties that take part in constructing said school, to discuss any type of construction flaws that have occurred, so that the City Council will be well informed of the situation; and further, that the discussion also find out whether the flaws would be detrimental to the building structure in the coming years following the construction completion.

10. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Maria F. Reina, 7 Pinewood Court, East Freetown, MA 02717, d/b/a/ REINA TRANSPORTATION, 1877 Acushnet Avenue, New Bedford, MA 02746**, hereby submit a copy of the Application requesting a **NEW** 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.

11. COMMUNICATION, University of Massachusetts/Dartmouth Chancellor MacCormack, to City Clerk/Clerk of the City Council Arruda, thanking the City Council for endorsing the planned merger of the Southern New England School of Law with the University of Massachusetts, (University of Massachusetts School of Law-Dartmouth) and requesting the Councillors continued support for the law school's success. (Copy all Councillors 02/16/10.)

12. COMMUNICATION, The Bristol County Commission on the Status of Women, to City Council, informing of establishment of a permanent commission on the status of women in Bristol County, consisting of nine (9) women appointed by the Massachusetts Commission on the Status of Women; also informing of Regional Public Hearing on Women's Issues and presentation for women on "Tips for Negotiating Your Salary" on Tuesday, March 30, 2010, 7:00 p.m. – 9:00 p. m. at Family Services Association, 101 Rock Street, Fall River, MA. (Copy all Councillors 02/19/10.)

TABLED BUSINESS

02-11-10 RESOLUTION, Council President Lawrence, Councillors Coelho, Morad, Martins, Dehner, Duarte, Gonsalves, Lopes, Saunders, Gomes and Alves, honoring FIRE CHIEF PAUL LEGER on the Occasion of his Retirement as Chief of the New Bedford Fire Department.