



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, March 11, 2010 - 7:00 p.m.

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

**PRAYER LED BY: REVEREND DAVID LIMA, PASTOR – NEW SEASONS WORSHIP CENTER
EXECUTIVE MINISTER – INTER-CHURCH COUNCIL**

PLEDGE OF ALLEGIANCE

RESOLUTIONS

1. RESOLUTION, Councillors Gonsalves, Coelho, Morad and Dehner, in Recognition and Celebration of NATIONAL WOMEN'S HISTORY MONTH-MARCH 2010.

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of JAMES SCHWEIDENBACK, D. M. D., 402 County Street, New Bedford, MA 02740, to the BOARD OF HEALTH; this term will expire February 2012.

M2. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of PATRICIA L. ANDRADE, M. D., 585 Elm Street, South Dartmouth, MA 02748, to the BOARD OF HEALTH; this term will expire February 2013. A WAIVER OF RESIDENCY IS ALSO REQUESTED.

M3. COMMUNICATION, Mayor Lang, to City Council, submitting request for A WAIVER OF RESIDENCY for ATHENA XIFARAS, M. D., 59 Berkley Street, North Dartmouth, MA 02747, from February 2010 through end of term on February 2011. (BOARD OF HEALTH)

M4. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of PAUL L. BARTON, 28 Schofield Street, New Bedford, MA 02740 to the AIRPORT COMMISSION, replacing James W. Burgess, who resigned in January 2008; this term will expire December 2012.

M5. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of JOSEPH C. LATIMER, 68 Davis Road, Westport, MA 02790, as a CONSTABLE.

M5a. APPLICATION,

M6. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$259,920.00 from SCHOOL STABILIZATION to TREASURER'S DEBT, OTHER CHARGES.

M6a. AN ORDER,

NEW BUSINESS

2. REPORT, Committee on Ordinances, recommending to the City Council, ADOPTION of the ORDINANCE Amending Chapter 9, Section 3421, Relative to Unregistered Vehicle Storage.

2a. AN ORDINANCE, (To be Passed to a Second Reading.)

3. REPORT, Committee on Ordinances, recommending to the City Council, ADOPTION of the ORDINANCE Amending Chapter 9, Section 2755, Relative to Driveway and Side Yard Requirements.
 - 3a. AN ORDINANCE, (To be Passed to a Second Reading.)
4. REPORT, Committee on Ordinances, recommending to the City Council, ADOPTION of the proposed recommendations to the City of New Bedford's ORDINANCE, Relative to Responsible Employers.
 - 4a. AN ORDINANCE, (To be Passed to a Second Reading.)
5. REPORT, Committee on Ordinances, recommending that the City Council ask Mayor Lang to issue an immediate Executive Order to all City employees, stating that NO City employee shall text while operating any City vehicle (when necessary to conduct City business, they can pull over to a safe area to do so, with the vehicle in the park position).
6. WRITTEN MOTION, Council President Lawrence, asking that the Committee on Public Safety and Neighborhoods meet with the appropriate member of the Administration to discuss the \$2.6 million grant received by the City from the State, specifically designed to retain those Firefighters who had been laid off due to budget constraints; in light of the fact that the Grant received comes to an end on November 14, 2010, the said Committee would like to know what budgetary and/or procedural steps are being taken in order to absorb these Firefighters back into the fold without having to execute layoffs after said date that the Grant ends.
7. WRITTEN MOTION, Council President Lawrence, asking that the City Council go on record in support of the City's attempt to secure the remaining funds in the New Bedford Harbor Trust to be allocated to City projects; and that the Council agrees that most of the money, if not all of it, should have been, and should be, spent as close as possible to where the damage from the long-running contamination of the harbor has occurred; and further, that the Committee on Finance move forward with their request in securing an audit of the Harbor Trust and its expenditures.
8. WRITTEN MOTION, Council President Lawrence, Councillors Lopes, Alves, Dehner and Coelho, asking that an advisory commission, ("Blue Ribbon Commission") appointed by the Mayor and President of City Council, be created, and that this Commission shall be charged with reviewing all aspects of the City's projected financial resources and expenses including, but not limited to, a review of each City Department, its staffing and its needs, so that Citizens and Officials alike may have a better idea of what to expect in the next few years; further, that this Commission submit recommendations to the Office of Mayor, the New Bedford City Council, the City Auditor, the School Superintendent and the School Committee, and, in carrying out its duties, the Commission is expected to look at the forecasted assumptions concerning the City's revenues, expenditures and Departmental Staffing, including, but not limited to, public services provided by the City; and, if adjustments should be made, the Commission shall identify the basis for change, as well as what responses might be appropriate so as to help the City plan for the future as best as it can; further, as part of its overall review, the Commission should look at the assumptions about revenues and expenditures to determine if the forecast for the next five (5) years is within the range of reasonable projections, and/or if adjustments should be made, and, if so, on what basis; further, the Commission should examine whether the appropriate balance is being anticipated for allocations between operational expenses and capital investment in the City and School Department, to also include, future facilities and equipment over the next five (5) years, in order to avoid more expensive capital investments in the future; further, the Commission should also review what measures might be feasible to close any gap between anticipated expenses and anticipated revenues over the next five (5) years, and, if the measures are needed, to determine what they might be; further, the Commission should also be charged with determining what adjustments in the forecast might usefully be made to have it serve as a guide for projecting revenues and expenses beyond ten (10) years; and further, when the advisory commission's mission and duties have been completed, that a completion date should be established by the appointing entities (Mayor and Council President,) and, at that point in time, the advisory commission may be dissolved.
9. WRITTEN MOTION, Councillor Gonsalves, requesting that the following street(s) be CLOSED: ONEIDA STREET AND BUTTWOOD STREET, from Lake Street to Fuller Memorial Parkway, ON SUNDAY, APRIL 18, 2010, FROM 7:00 A.M. TO 1:00 P.M., for the purpose of **The Seventh Annual "Louie's Run"** – A 5K Road Race and Fundraiser in memory of Louis M. Xifaras, to benefit Massachusetts General Hospital's Parkinson's Research. (Said Closing to Ensure the Safety of the Participants in the Race.)
10. WRITTEN MOTION, Councillor Lopes, Council President Lawrence, Councillors, Saunders, Gonsalves, Alves, Morad, Duarte, Martins, Gomes and Dehner, requesting that the New Bedford School Department and the City of

New Bedford adhere to the State of Massachusetts LEED Plus Green Building Standards in regard to the planning and construction of new public schools in the City of New Bedford.

11. WRITTEN MOTION, Councillor Gomes, requesting that the City Council send a letter to Thomas Menino, Mayor, City of Boston and Boston City Council President, Michael Ross, asking for a copy of the newly implemented Ordinance pertaining to trash and housing violations on personal and business properties throughout the City of Boston; and further, requesting that, once the Ordinance is received, said copy be forwarded to our Legislative Counsel David Gerwatowski for review and recommendation as to how it can be implemented in the City of New Bedford in order to address, not only the problem of sloppy home and business owners that just leave debris and garbage littering their properties, but other City violations as well, which would make the home and business owners responsible for all tickets for violations and liens on properties, in order for the City of New Bedford to recoup all monies owed to the City, and if not paid, that said amounts be placed on the property owners' tax bill.

12. WRITTEN MOTION, Councillor Gomes, requesting that Governor Patrick, along with our Local Delegation, including Senator Montigny, address the issue with the Registry of Motor Vehicles' customer service, due to the fact that, in recent years, the service received at the Registry of Motor Vehicles has slowly declined in a manner that often shows no consideration for the Citizens of this City and the Commonwealth, making it harder for anyone doing business with the Registry of Motor Vehicles; the Registry is one of the biggest revenue generators in the Commonwealth of Massachusetts, and should provide the customer service that is needed in order to run a non-flawed Registry of Motor Vehicles that makes the people feel good about going to the Registry; and further, requesting that Rule 40 be Waived, so we can contact the Governor and our Delegation on this issue and request a response back from the respective parties as to whether they will correct this long-standing problem with the Registry, which is affecting people across the Commonwealth.

13. WRITTEN MOTION, Councillor Gomes, requesting that the Mayor and the Commissioner of Public Infrastructure Ronald Labelle, provide the City Council with information regarding monies received through grants and/or stimulus money for roadwork in the City; and further, that the City do whatever is possible to begin to apply seal crack on the streets throughout the City, in order to maintain some of the side streets or main roads that are in deplorable conditions for another 5, 10 or 15 years; and further, that Commissioner Labelle research if there are any monies available for said repairs due to the upcoming weather, and report back to the City Council with the findings.

14. WRITTEN MOTION, Councillors Gonsalves, Gomes, Morad, Dehner, Saunders, Council President Lawrence, Councillors Lopes, Alves and Coelho, asking that the City Council request LaFrance Hospitality Company to defer further gutting of the Baker-Robinson Candleworks Building until the remaining artifacts on the premises can be salvaged by the proper preservation organizations; and further, asking Mayor Scott W. Lang to intercede with LaFrance Hospitality Company in this regard, and also, in asking that the remaining tryworks remain intact in the hotel development. (To be Referred to Mayor Lang.)

15. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Carol Gonzalez, 57 Phillips Avenue, New Bedford, MA 02746, d/b/a/ UPTOWN TRANSPORTATION, 494 Wood Street, New Bedford, MA 02745**, hereby submit a copy of the Application requesting **RENEWAL** of a 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. (Please Note: Current Livery License expires March 26, 2010.)

16. COMMUNICATION/**BUILDING DEMOLITION REVIEW**, New Bedford Historical Commission, to City Council, re: **BUILDING DEMOLITION REVIEW: 64 TINKHAM STREET; A MULTI-FAMILY, WOOD-FRAMED BUILDING**, advising that, the structure is not located in a National Register Historic District; the structure has been examined and, although in good physical condition, it has been altered, and no longer retains its original materials; therefore, "The NBHC has determined that the building is NOT a historically significant building or structure and NOT preferably preserved." (Copy of Building Demolition Review to Councillor Martins, Signee for Permit, on 03/05/10.)

TABLED BUSINESS

Nothing on Table as of 02/24/10.