



Council Meeting - Agenda

CITY COUNCIL CALENDAR

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

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

***PRAYER LED BY: REVEREND CHRISTOPHER SANTANGELO, PASTOR
OUR LADY OF THE ASSUMPTION PARISH***

PLEDGE OF ALLEGIANCE

HEARINGS

1. HEARING, on Petition of NSTAR Electric Company for location of Five (5) 4" Conduits, One (1) 4" Conduit and Two (2) 45" x 45" x 36" Handholes in SUMMER STREET, North of Maxfield Street.

1a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that the City Council, with the Mayor's approval, that the City of New Bedford, as authorized by M.G.L. Ch. 44, Section 53A½, accept GIFTS of various items of tangible personal property, donated to the City of New Bedford to use as it sees fit, by Blue Wave Strategies, Boston, MA. (Please note: Blue Wave Strategies is merging with TRC Environmental, Inc., the City's environmental consultants on various projects, and the donation is office furniture from its recently closed office.)

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$50,000.00 from PENSION CONTRIBUTIONS, to CEMETERY, SALARIES AND WAGES.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$16,488.00 from PENSION CONTRIBUTIONS, to SOLICITORS, SALARIES AND WAGES.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$15,000.00 from PENSION CONTRIBUTIONS, to ASSESSORS, SALARIES AND WAGES.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$13,379.00 from PENSION CONTRIBUTIONS, to PURCHASING, SALARIES AND WAGES.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$13,372.00 from PENSION CONTRIBUTIONS, to LIBRARY, SALARIES AND WAGES.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of FRANK C. MONTEIRO, 79 Hunter Street, New Bedford, MA 02740, to the COUNCIL ON AGING; this term will expire November 2012.

M8. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of STANLEY OCIESA, 245 Chestnut Street, New Bedford, MA 02740, to the COUNCIL ON AGING; this term will expire November 2010.

M9. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of PATRICIA A. COSTA, 185 Milford Street, New Bedford, MA 02745, to the COUNCIL ON AGING; this term will expire November 2012.

M10. COMMUNICATION, Mayor Lang, to City Council, RESCINDING THE APPOINTMENT OF ATTORNEY TIMOTHY WALSH, 186 Reed Street, New Bedford, MA 02740, to the AIRPORT COMMISSION; Attorney Walsh has chosen not to accept the appointment at this time. (Please Note: Attorney Walsh's appointment was Referred to the Committee on Appointments and Briefings, IN CITY COUNCIL, February 25, 2010.)

NEW BUSINESS

2. REPORT, Committee on Internal Affairs, recommending that the City Council Grant permission to Waive the False Alarm Fees for TRUE GRIT ABRASIVES, INC., 59 Tarkiln Place, in the amount of \$175.00, shown on Bill #08-181, Permit #002520.

2a. AN ORDER,

3. REPORT, Committee on Finance, recommending that the City Council ADOPT the ORDER for the TRANSFER of \$23,312.00, from PENSION CONTRIBUTIONS to AUDITORS, SALARIES AND WAGES.

3a. AN ORDER,

4. REPORT, Committee on Finance, recommending that the City Council ADOPT the ORDER for the TRANSFER of \$19,565.00, from PENSION CONTRIBUTIONS to CITY CLERK, SALARIES AND WAGES.

4a. AN ORDER,

5. REPORT, Committee on Finance, recommending that the City Council ADOPT the ORDER for the TRANSFER of \$34,701.00 from PENSION CONTRIBUTIONS to MIS, SALARIES AND WAGES.

5a. AN ORDER,

6. REPORT, Committee on Ordinances, recommending that the City Council ADOPT the ORDINANCE, as AMENDED IN COMMITTEE, Amending Chapter 19, Section 19-135.2 (d) to establish Emergency Medical Services rates that are equal to the Medicare National Fee Schedule at +88.3% rate for ambulance services (striking 50%).

6a. AN ORDINANCE, (To be Passed to a Second Reading.)

7. REPORT, Committee on Ordinances, recommending that the City Council ADOPT the draft ORDINANCE Amending Chapter 23, Section 23-27, Relative to Text Messaging.

7a. AN ORDINANCE, (To be Passed to a Second Reading.)

8. WRITTEN MOTION, Councillor Lopes, requesting, on behalf of the South End Business Association, Inc., that the following street(s) be CLOSED: WEST RODNEY FRENCH BOULEVARD, from Valentine Street to Lucas Street, on SATURDAY, JUNE 05, 2010, FROM 4:00 P.M. TO 10:00 P.M., for the purpose of their ANNUAL FAIR AND FIREWORKS DISPLAY.

9. WRITTEN MOTION, Councillor Dehner, requesting on behalf of Christine Barbosa, that the following street(s) be CLOSED: REYNOLDS STREET, from Coggeshall Street to Peckham Street, on SATURDAY, APRIL 03, 2010, from 12:00 NOON to 6:00 P.M., for the purpose of A NEIGHBORHOOD BLOCK PARTY.

10. WRITTEN MOTION, Councillor Martins, requesting that Police Chief Teachman be invited to the next Committee on Public Safety and Neighborhoods Meeting to discuss the issue of people traveling on Acushnet Avenue with loud music blaring and that local businesses are frustrated that no action is being taken by the Police Department to combat the situation.

11. COMMUNICATION, New Bedford Economic Development Council Director of Business Development Derek Santos, to City Council, advising that the Tax Increment Financing Board has APPROVED the REVISED TIF Application for BAYLINE, INC. and DMD DEVELOPMENT, LLC for a (10) year Tax Increment Finance Agreement, submitting REVISED Resolution for such. (Copies submitted to all Councillors 03/15/2010.)

11a. RESOLUTION, Approving Certified Expansion Project Application and Authorizing the Mayor to enter into a Tax Increment Financing Agreement with Bayline, Inc. and DMD Development, LLC.

12. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Albert N. Leboeuf, 66 Gifford Lane, New Bedford, MA 02740, d/b/a/ LEBOEUF LIVERY SERVICES, INC., 416 West Elm Street, NEW BEDFORD, MA 02740**, 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. (Current Livery License Expired March 08, 2010.)

13. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Douglas F. Furtado, 39 Perry Street, South Dartmouth, MA 02748, d/b/a/ IDEAL MOTORS, INC., 439 Bolton Street, New Bedford, MA 02740**, 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.

14. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Aaron Tetrault, 619 County Street, New Bedford, MA 02740, Spindle City Pawnbrokers d/b/a/ FALL RIVER PAWNBROKERS, 268 Union Street, New Bedford, MA 02740**, hereby submit a copy of the Application requesting a **NEW PAWNBROKER'S LICENSE**, under the provisions of M.G.L. Chapter 140, Sections 70-85 and all Acts amending the same or in addition thereto, and Orders and Regulations of the New Bedford City Code, Chapter 15, Section 15-1 through Section 15-37 and the City, at his place of Business. (License will expire April 30, 2010.)

15. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Aaron Tetrault, 619 County Street, New Bedford, MA 02740, Spindle City Pawnbrokers d/b/a/ FALL RIVER PAWNBROKERS, 268 Union Street, New Bedford, MA 02740**, hereby submit a copy of the Application requesting a **NEW LICENSE TO DEAL IN JUNK, OLD METALS OR ANY OTHER SECOND HAND ARTICLES** under the provisions of M.G.L. Chapter 140, Sections 202-205 as amended, and as provided in the Code of the City of New Bedford, Chapter 15 and all Ordinances amending the same or in addition thereto, and further avers that he or she has been a resident of the City of New Bedford for at least six months next preceding the date of the application for such license; or that he or she has been a resident for at least six months in one of the towns next adjoining the limits of the City or that he or she has applied for a waiver of said residence requirement by the New Bedford City Council. (License will expire April 30, 2010.)

16. COMMUNICATION/PACKET, Councillor Lopes, submitting information received from NIXLE System Training requested at the February 11, 2010, City Council Meeting (To be Referred to the Committee on Public Safety and Neighborhoods.) (Copy all Councillors 03/12/10.)

17. COMMUNICATION, Mayor Lang, to City Council, submitting DRAFT Fiscal Year 2010, Office of Housing and Community Development Action Plan, funding CDBG, HOME, ESG Programs 07/01/10 – 06/30/10; also submitting DRAFT 2010 – 2014 Five-Year Consolidated Plan. (Public Comment Period 03/15/10 – 04/14/10.) (Copies provided to Councillors 03/15/10.)

17a. CITY OF NEW BEDFORD DRAFT CONSOLIDATED PLAN 2010 – 2014 Five-Year Consolidated Plan. (Scott W. Lang, Mayor and Patrick J. Sullivan, Director, Office of Housing and Community Development.)

18. COMMUNICATION AND FLYER, Department of Community Services Director Wallquist, to City Council, informing of new “Senior” chorus starting April 2010, at Ahavath Achim Hall, 385 County Street, New Bedford, MA 02740. (Copy all Councillors 03/18/10.)

TABLED BUSINESS

Nothing on Table as of 02/24/10.