



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, June 24, 2010 - 7:00 p.m.

View Consent Agenda

View Late File Agenda

View Minutes

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

PRAYER LED BY: REVEREND D. WILSON, OUR LADY OF GUADALUPE AT ST. JAMES CHURCH

PLEDGE OF ALLEGIANCE

CITATION

1. CITATION, Councillor Gomes, honoring SHERRIE & JOAQUIM (JACKIE) SANTOS, in recognition of their Wedding Day Celebration and with wishes of continued Love, Health and Happiness.

RESOLUTION

2. RESOLUTION, Council President Lawrence, honoring the FRANCO-AMERICANS and their contributions to the City of New Bedford.

HEARING

3. HEARING, on a APPLICATION of KEMPTON TERMINAL, LLC c/o Christopher Hendricks, Manager, 465 North Front Street, New Bedford, MA 02746, requesting a license to keep, store and/or sell products of CRUDE PETROLEUM or any of its products at 897 Kempton Street, being Plot 55, Lot 68; Application is for 55,000 of gasoline and diesel fuels underground. **(Per Fire Prevention Captain Scott Kruger, approval of license to expire on August 07, 2010, following a completed third party tank inspection, a new license and permit to obtain storage will be issued.)**

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting four (4) disclosure forms, one (1) by Historic Preservation Planner Anne Louro and three (3) by City Planner David Kennedy, disclosing in the case of Ms. Louro that she is an Alternate Member of the Historical Commission while at the same time holding the position of Historic Preservation Planner and in the case of Mr. Kennedy that he is a member of the Historical Commission, Sign Design Review Board, and Energy Resource Commission while at the same time holding the position of City Planner; and holding these Boards and Commission positions is required by our City Ordinances, the State Ethics Commission requires that Ms. Louro and Mr. Kennedy make the enclosed disclosures to the City Council pursuant to M.G.L. c.268A, § 20, and that the Council approve of their holding the Board and Commission positions while still being employed as the City's Historic Preservation Planner and City Planner.

M1a. DISCLOSURE OF FINANCIAL INTEREST BY SPECIAL MUNICIPAL EMPLOYEE AND APPROVAL BY OF EXEMPTION: ANNE LOURO – Historic Preservation Planner – Alternate Member of the Historical Commission.

M1b. DISCLOSURE OF FINANCIAL INTEREST BY SPECIAL MUNICIPAL EMPLOYEE AND APPROVAL BY OF EXEMPTION: DAVID KENNEDY – City Planner – Member of the Sign Design Review Board.

M1c. DISCLOSURE OF FINANCIAL INTEREST BY SPECIAL MUNICIPAL EMPLOYEE AND APPROVAL BY OF EXEMPTION: DAVID KENNEDY – City Planner – Member of the Historical Commission.

M1d. DISCLOSURE OF FINANCIAL INTEREST BY SPECIAL MUNICIPAL EMPLOYEE AND APPROVAL BY OF EXEMPTION: DAVID KENNEDY – City Planner – Member of the Energy Resource Commission.

M2. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER that the City Treasurer is authorized to enter into Compensating Balance Agreements with financial institutions for the period of July 01, 2010 –June 30, 2011.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER that the \$77,097.00 of unexpended proceeds of the portion of the City's Municipal Purpose Loan of May 2000, originally issued for the **Normandin Middle School Project**, which are remaining following the completion of such project and are no longer needed for that purpose, are hereby appropriated, in addition to other amounts previously appropriated therefore, for the **Keith Middle School Project** (acquiring land for, constructing, equipping and furnishing).

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Department of Public Facilities, known as **QUEST CENTER REVOLVING FUND**, whose purpose is to provide a focus for entrepreneurial training and location for business start up activities, etc., is hereby authorized at \$111,000.00 for **FISCAL YEAR 2011**.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Inspectional Services Department, known as the **VACANT BUILDING REVOLVING FUND**, whose purpose is to purchase materials for emergency board-up of vacant buildings, whose revenues and amount limited to be spent estimated at \$75,000.00 is hereby authorized for **FISCAL YEAR 2011**.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the School Department, known as the **FOOD SERVICE CONCESSION**, whose purpose is to provide concession services during football games at the Paul Walsh Field, whose revenues and amount limited to be spent estimated at \$10,000.00 is hereby authorized for **FISCAL YEAR 2011**.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Library Department, known as **LIBRARY EQUIPMENT REVOLVING FUND**, whose purpose is to provide and maintain photocopying and equipment at the Main Library and branches, whose revenues and amount limited to be spent estimated at \$9,000.00 is hereby authorized for **FISCAL YEAR 2011**.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Clerk of Committees Department, known as the **COUNCIL SPECIAL PERMIT REVOLVING FUND**, whose purpose is to cover the cost associated with processing/reviewing and granting applications for Special Permit Hearings, whose revenues and amount limited to be spent estimated at \$5,000.00 is hereby authorized for **FISCAL YEAR 2011**.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Health Department, known as the **FINES/FORFEITURES REVOLVING FUND**, whose purpose is for the collection of health-related fines originally paid to the State but now paid to the City due to the establishment of this fund, whose revenues and amount limited to be spent are estimated at \$1,000.00 is hereby authorized for **FISCAL YEAR 2011**.

M9a. AN ORDER,

M10. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Purchasing Department known as the **PURCHASING REVOLVING FUND**, whose purpose is to provide office supplies, photocopy supplies, etc., for City Departments, whose revenues are amount limited to be spent estimated at \$200,000.00 is hereby authorized for **FISCAL YEAR 2011**.

M10a. AN ORDER,

M11. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Purchasing Department known as the **SOUTHEASTERN REGIONAL POLICE REVOLVING FUND**, whose purpose is to provide regional police communications, whose revenues and amount limited to be spent estimated at \$26,900.00 is hereby authorized for **FISCAL YEAR 2011**.

M11. AN ORDER,

M12. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Community Services Department, known as **RECREATION SENIOR TRAVEL AGENCY REVOLVING FUND**, whose purpose is to support day trips for seniors, including reservations/tickets/meals, Recreation Leader's Salary, program supplies, van maintenance, fuel and driver for day trips, whose revenues collected and amount limited to be spent estimated at \$187,000.00 is hereby authorized for **FISCAL YEAR 2011**.

M12a. AN ORDER

M13. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Community Services Department, known as **SENIOR TRANSPORTATION FUND**, whose purpose is to provide transportation for seniors to grocery and other shopping, general trips and medical appointments, whose revenues collected and amount limited to be spent estimated at \$13,148.00 is hereby authorized for **FISCAL YEAR 2011**.

M13a. AN ORDER,

M14. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Community Services Department, known as **SENIOR ACTIVITIES FUND**, whose purpose is to support social activities and entertainment at all Senior Centers, etc., whose revenues and amount limited to be spent estimated at \$6,959.00 is hereby authorized for **FISCAL YEAR 2011**.

M14a. AN ORDER,

M15. COMMUNICATION, Mayor Lang, to City Council, submitting ONE-YEAR WAIVER OF RESIDENCY for FELICE MONTEIRO, 35 Agawam Lake Shore Drive, Wareham, MA 02751; this waiver will expire June 24, 2011.

M16. COMMUNICATION, Mayor Lang, to City Council, submitting SEWER ABATEMENT REQUEST for JAMES PONTE, 9 Mt. Pleasant Lane, New Bedford, MA 02740, Account No. 005977A, in the amount of \$354.90.

CHARTER RULED ITEMS

CR 1. COMMUNICATION, Mayor Lang, to City Council, submitting request of WAIVERS OF RESIDENCY for the appointment of the following individuals to lifeguard positions:

Matt Cabral,	8 Bow Drive,	Acushnet, MA 02743
Alex Desrochers,	25 Woodland Road,	Rochester, MA 02770
James Kearns,	14 Autumn Lane,	Marion, MA 02738
Max Kearns,	14 Autumn Lane,	Marion, MA 02738
Marcos Matheson,	54 Massasoit Avenue,	Fairhaven, MA 02719
Caitlyn Zielinski,	30 Butterfly Trail,	Dartmouth, MA 02747

(Charter Ruled IN CITY COUNCIL, June 10, 2010.)

CR 2. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Monica E. Tobin, 352 Cummings Road, Swansea, MA 02777 d/b/a/ CODY & TOBIN, INC., 516 Belleville Avenue, New Bedford, MA 02746**, hereby submit a copy of the Application requesting **RENEWAL OF LICENSE TO DEAL IN JUNK, OLD METALS OR ANY OTHER SECOND HAND ARTICLES** under the provisions of MGL, 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. **(Waiver of Residency granted April 10, 1987; License will expire April 30, 2011.)** (Charter Ruled, IN CITY COUNCIL, June 10, 2010.)

END OF CHARTER RULED ITEMS

NEW BUSINESS

4. AN ORDINANCE, Amending Chapter 2, Section 2-11 RELATIVE TO BOARDS AND COMMISSIONS. (In City Council, May 27, 2010, Passed to a Second Reading; To be Passed to be Ordained.)

5. WRITTEN MOTION, Council President Lawrence, requesting, on behalf of Steven L. Sylvia, 83 Trinity Street, New Bedford, that the Traffic Commission approve the placing of "NO PARKING BETWEEN SPACE" Signs in front of his driveway to widen the driveway, to allow his vehicle to be able to turn in a out of said driveway; and further, Mr. Sylvia was informed by Engineering that there was enough space to place those signs, and that the matter should be referred to the Traffic Commission.

6. WRITTEN MOTION, Councillor Alves, on behalf of Victoria Pontes and Residents of Cedar Street and Austin Street area, requesting that the Traffic Commission install a STOP SIGN on Cedar Street at the intersection of Austin Street, facing north and south due to the danger to the numerous children living in the area with the cars speeding through this very busy intersection. (To be Referred to the Traffic Commission.)

7. WRITTEN MOTION, Councillor Gonsalves, requesting that Kristina Egan of the Southcoast Rail Project and the planners who made the presentation at the recent public hearing, brief the City Council in the Committee on Appointments and Briefings Meeting on any plans on construction of a Rail Station in the vicinity of the Whale's Tooth Parking Lot. (To be Referred to the Committee on Appointments and Briefings.)

8. WRITTEN MOTION, Councillor Alves, requesting, on behalf of The Feast of the Blessed Sacrament Committee, the following street(s) be CLOSED: EARLE STREET, from Acushnet Avenue to Madeira Avenue, **ON THURSDAY, JULY 29, 2010, FROM 5:00 P.M. TO 5:30 P.M.**, for the purpose of A MARCH FROM THE MADEIRA CLUB PARKING LOT TO THE IMMACULATE CONCEPTION CHURCH FOR BLESSING OF COMMITTEE MEMBERS PRIOR TO START OF FEAST.

9. WRITTEN MOTION, Councillor Duarte, requesting on behalf of Mayor Lang, that the following street(s) be CLOSED: NORTH WATER STREET, from Hamilton Street to Cafe' Balena at 24 North Water Street, **ON SATURDAY, JUNE 26, 2010, FROM 2:45 P.M. TO 3:45 P.M.** for the purpose of A Ribbon Cutting Ceremony Celebrating the Opening of the new Entrance to the Whaling Museum and the Opening of the new Celtic Coffee Ice Cream Shop.

10. WRITTEN MOTION, Councillor Alves, requesting, that the following street(s) be CLOSED: MADEIRA AVENUE, between Eugenia Street and Whitman Street, from 6:00 P.M. TO MIDNIGHT ON THURSDAY, JULY 22, 2010, (TO ALLOW FOR SET-UP) AND 2:00 P.M TO MIDNIGHT ON FRIDAY, JULY 23, 2010, AND 2:00 P.M. TO MIDNIGHT ON SATURDAY, JULY 24, 2010, for the purpose of the St. Michael Social Club Festival-Festa Da Chicharro.

11. WRITTEN MOTION, Councillor Lopes, requesting on behalf of OCEAN (QVARIAN CANCER EDUCATION AWARENESS NETWORK) at Massachusetts General Hospital, that the following street(s) be CLOSED: WEST RODNEY FRENCH BOULEVARD, from Hazelwood Park to South Rodney French Boulevard; SOUTH RODNEY FRENCH BOULEVARD, from West Rodney French Boulevard to East Rodney French Boulevard; EAST RODNEY FRENCH BOULEVARD, from South Rodney French Boulevard to David Street; DAVID STREET, from East Rodney French Boulevard to Cleveland Street; CLEVELAND STREET, from David Street to Rodney Street; RODNEY STREET, from Cleveland Street to Brock Avenue and BROCK AVENUE, from Rodney Street to Hazelwood Park, FROM 9:45 A.M. TO 12:30 P.M., ON SUNDAY, SEPTEMBER 19, 2010, for the purpose of the 10th ANNUAL OCEAN 5K ROAD RUN/WALK RACE.

12. WRITTEN MOTION, Councillor Duarte, requesting, on behalf of RELAY FOR LIFE, that the following street(s) be CLOSED: HUNTER STREET, from Parker Street to Maxfield Street, FROM FRIDAY, JUNE 25, 2010, AT 8:00 A.M TO SATURDAY, JUNE 26, 2010, AT 12:00 (NOON), for the purpose of the RELAY FOR LIFE WALK AT PAUL WALSH ATHLETIC FIELD; and further, requesting that Rule 40 be WAIVED due to the short notice of the request. (PLEASE NOTE: ORIGINAL DATE OF EVENT, JUNE 18, 2010, AND JUNE 19, 2010, CANCELLED, submitted at City Council Meeting of January 14, 2010.)

13. WRITTEN MOTION, Councillor Saunders, requesting, on behalf of John Silva and Ivan Britto, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Russell Street South to Bedford Street, ON SATURDAY, JULY 03, 2010, AS SOON AS THE CAPE VERDEAN RECOGNITION DAY PARADE PASSES SAID AREA AND REMAIN CLOSED UNTIL 8:00 P.M., AND ACUSHNET AVENUE, from Russell Street South to Bedford Street, ON SUNDAY, JULY 04, 2010, FROM 11:00 A.M. TO 6:00 P.M., for the purpose of The Cape Verdean Recognition Day Basketball Shoot Out.

14. WRITTEN MOTION, Councillor Gonsalves, requesting, on behalf of Skylah Reis, that the following street(s) be CLOSED: ANTHONY STREET, from Bedford Street to Grove Street, ON SATURDAY, JULY 17, 2010, FROM 1:00 P.M. TO 7:00 P.M., for the purpose of The 2nd Annual Anthony Street Block Party.

15. WRITTEN MOTION, Councillors Gomes and Duarte, requesting on behalf of the Cape Verdean Recognition Committee, that the following street(s) be CLOSED: PLEASANT STREET, between Wing Street and Bedford Street, (Morse Twist Drill Lot), ON SATURDAY, JULY 03, 2010, FROM 11:00 A.M. TO 7:00 P.M., for the purpose of THE CAPE VERDEAN RECOGNITION DAY FESTIVAL.

16. WRITTEN MOTION, Councillor Saunders, requesting that the following street(s) be CLOSED: NINA STREET, from East Rodney French Boulevard to Seaview Terrace, to the West End of the intersection so traffic may not enter Seaview Terrace, ON SUNDAY, JULY 04, 2010, FROM 12:00 NOON TO 12:00 MIDNIGHT, for the purpose of A Neighborhood Block Party.

17. WRITTEN MOTION, Councillor Duarte, requesting, on behalf of Lee Heald, that the following street(s) be CLOSED: PURCHASE STREET, from Union Street to Spring Street, (alongside the Star Store Building), ON THURSDAY, JULY 08, 2010, FROM 4:00 P.M. TO 9:00 P.M., for the purpose of AHA! NIGHT "KIDS RULE".

18. WRITTEN MOTION, Councillor Duarte, requesting that the Department of Inspectional Services Commissioner Danny Romanowicz investigate the boat at 41 Bedford Street; which in this Councillor's opinion is a breeding ground for mosquitoes that could carry the West Nile virus.

19. COMMUNICATION, Councillor Gonsalves, submitting documentation from the National Canine Research Council Action Fund, to be Referred to the Committee on Ordinances and to be placed on the same Agenda as Motion to amend existing Dangerous Dog Ordinance.

20. COMMUNICATION, Councillor Gonsalves, submitting documentation from the Massachusetts Society for the Prevention of Cruelty to Animals, to be Referred to the Committee on Ordinances and to be placed on the same Agenda as Motion to amend existing Dangerous Dog Ordinance.

21. COMMUNICATION, David Gerwatowski, Legislative Counsel to the City Council, to Members of the City Council regarding Rules of Order/Reconsider/Intervening Business and Packaging Items. (To be Received and Placed on File.)

TABLED BUSINESS

05/27/10 COMMUNICATION/EMAIL, Jessica Fernandes, Harbor Development Commission Deputy Port Director, to City Councillors, submitting a Revision to HDC Rules and Regulations, pertaining to transient berthing and off-loading of commercial fishing vessels at the reserved berth located on the northwest face of Pier 3, as well as revisions to Mooring Markers and Mooring Regulations, changing the color of mooring markers that are named in HDC existing mooring regulations due to the possibility that existing colors may confuse vessels with navigation markers in the harbor, particularly those of the federal channel; these incorporate the voted changes from the Harbor Development Commission's April 08, 2010, and May 17, 2010, meetings, respectively; Please note: Rule changes will become valid 30 days after being submitted to the Mayor and City Council - email sent on 05/18/10. (Submitted by Councillor Martins.) (Tabled by Councillor Saunders.)