



Council Meeting - Agenda

CITY COUNCIL CALENDAR
Thursday, July 15, 2010 - 7:00 p.m.

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

**PRAYER LED BY: REVEREND PAMELA J. COLE, PRESIDENT,
GNB CHAPTER OF CHURCH WOMEN UNITED**

PLEDGE OF ALLEGIANCE

CITATIONS

1. CITATION, Councillor Lopes, honoring JON GOMES, for Winning the 110-Meter High Hurdle at the New England Track and Field Championship.
2. CITATION, Councillor Lopes, honoring AARON ARAUJO, for Winning the 300-Meter Intermediate Hurdle at the New England Track and Field Championship.
3. CITATION, Councillor Lopes, honoring SGT. CHRISTOPHER GOMES, UNITED STATES ARMY, in recognition of his service to our Country from August 19, 2003 through July 19, 2010 and serving two tours of Duty in Iraq.
4. CITATION, Councillor Gomes, honoring HAWTHORN MEDICAL, LLC, in recognition of their generous contribution to the City of New Bedford's Spectacular July 04, 2010, Fireworks Display.
5. CITATION, Councillor Gomes, honoring DEMOULAS SUPERMARKETS, LLC/MARKET BASKET, in recognition of their generous contribution to the City of New Bedford's Spectacular July 04, 2010, Fireworks Display.
6. CITATIONS, Councillor Gomes, honoring the following Individuals, in recognition their Contributions to the Leo R. Pimental Memorial Dedication Ceremony, which was held on June 26, 2010:

Mayor Scott W. Lang
Manuel Amaral, Sunrise Bakery & Coffee Shop
DPF Superintendent Kenneth Blanchard
Robert Tetreault, Director MIS
Daniel Cabral, Program Director Cable Access
Pastor Leona Fisher, In the Name of Jesus Church
Raymond L'Heureux, Vietnam Veteran
Conrad Dupre, Vietnam Veteran
Kaylee Cotter

Sheriff Thomas Hodgson
DPF Commissioner Lawrence Worden
DPI Commissioner Ronald Labelle
Director of Veterans Services, Donat "Dan" Leblanc
Nelson Ostiguy, Executive Aide, Mayor's Office
Paul Koczera, Former Ward Two City Councillor
Jimmy Freitas, Vietnam Veteran
Ernie & Linda Ross

HEARINGS

7. HEARING, on Petition of NSTAR ELECTRIC COMPANY, for location of four (4) 4" Conduits, three (3) 4" Conduits, one (1) 6'x8'x7.5' Manhole and one (1) 6'x6'x5.5' Manhole in MANOMET STREET, East of Riverside Avenue
- 7a. ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting a WAIVER OF RESIDENCY for GEORGE TAVARES, 29 Crane Avenue, Westport, MA 02790, who is being considered by the Department of Public Infrastructure as a Ground Water Treatment Plant Operator.

M2. COMMUNICATION, Mayor Lang, to City Council, submitting a WAIVER OF RESIDENCY for MARK LOWNEY, 12 Riverbend Lane, Mattapoisett, MA 02739, to the position of a summer lifeguard.

M3. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of POLICE CAPTAIN JOSEPH CORDEIRO, 8 Sable Avenue, Dartmouth, MA 02747, to the HUMAN RELATIONS COMMISSION, for a term to expire April 2013.

M4. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of LATISHA SILVA, 184 County Street, New Bedford, MA 02740, to the HUMAN RELATIONS COMMISSION, for a term to expire April 2013.

M5. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of CAROL F. WALSH, 111 Oaklawn Street, New Bedford, MA 02744, to the HUMAN RELATIONS COMMISSION, for a term to expire April 2013.

M6. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of ESTELLA I. RIBEIRO, 22 Timothy Street, Fairhaven, MA 02719, to the HUMAN RELATIONS COMMISSION, for a term to expire April 2013.

M7. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of JANICE BAPTIST, 32 James Street, New Bedford, MA 02740, to the HUMAN RELATIONS COMMISSION, for a term to expire April 2013.

M8. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of JOHN G. RADCLIFFE, 573 Rockdale Avenue, New Bedford, MA 02740, to the CONSERVATION COMMISSION, for a term to expire June 2013.

M9. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of JOHN P. GURNEY, 84 Long Plain Road, Mattapoisett, MA 02739, to the CONSERVATION COMMISSION, for a term to expire June 2013.

M10. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of MICHAEL BAKER, INSPECTOR OF WIRES, 213 Aquidneck Street, New Bedford, MA 02744, to the TRAFFIC COMMISSION.

M11. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of LEE BLAKE, 29 Bonney Street, New Bedford, MA 02740, as a LIBRARY TRUSTEE, replacing Barry Trahan, whose term has expired; this term will expire April 2013.

M12. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of THOMAS J. RINGUETTE, 213 Highland Street, New Bedford, MA 02746, as a CONSTABLE.

M12a. APPLICATION,

NEW BUSINESS

8. WRITTEN MOTION, Councillors Lopes, Gomes, and Martins, requesting that the New Bedford School Committee and Superintendent of Schools, Mary Louise Francis, Ed.D, provide each member of the New Bedford City Council with the same detailed Fiscal Year 2011 Budget Book that members of the New Bedford School Committee and Mayor Lang were provided with; and further, requesting that the City Council be provided with the same detailed Budget Book moving forward. (To be Referred to the New Bedford School Committee.)

9. WRITTEN MOTION, Councillor Alves, requesting, that the City Council's Committee on Gaming/Casinos meet with representatives of the Foundation Gaming Group, to discuss their plans for the development of a proposed Casino in the City of New Bedford at the site formally proposed for development by the Northeast Resorts Group and what the City can do to support their efforts.

10. WRITTEN MOTION, Councillor Lopes, requesting, on behalf of LIBAD'S BAR AND GRILLE, 578 BROCK AVENUE, that the following street(s) be CLOSED: BROCK AVENUE, from Butler Street to Clara Street, ON SUNDAY, AUGUST 29, 2010, FROM 9:00 A.M. TO 11:00 P.M., for the purpose of their Annual Bike Run, held to benefit the New Bedford Women's Crisis Center. (PLEASE NOTE: RE-SUBMITTED WITH NEW DATE, previously on City Council Agenda of February 11, 2010.)

11. WRITTEN MOTION, Councillor Dehner, requesting that the following street(s) be CLOSED: VINE STREET, from Durfee Street to Mt. Pleasant Lane, ON SATURDAY, JULY 31, 2010, FROM 10:00 A.M. TO 10:00 P.M., for the purpose of A Neighborhood Block Party. ALTERNATE RAIN DATE: SATURDAY, AUGUST 07, 2010, FROM 10:00 A.M. TO 10:00 P.M. (PLEASE NOTE: FURTHER REQUESTING THAT DPF PROVIDE STREET CLOSURE SAWHORSES.)

12. WRITTEN MOTION, Council President Lawrence, requesting, that the Administration provide the following breakdown on our health insurance costs as follows: what were the total amounts paid out to Blue Cross/Blue Shield during the last year City employees were covered under that carrier; and further, what total amounts broken down by the years 2008, 2009, and 2010, were paid out to Harvard Pilgrim Health Care. (To be Referred to the Committee on Finance.)

13. WRITTEN MOTION, Councillor Gonsalves, requesting that the Committee on Ordinances meet with the City Clerk, Planning Department and the Department of Inspectional Services, to discuss the procedure by which the Department of Inspectional Services is notified of re-zoning changes and whether that can be improved. (To be Referred to the Committee on Ordinances.)

14. WRITTEN MOTION, Councillor Martins, requesting, that that a letter be sent to Senator Kerry, Senator Brown, Governor Patrick, Congressman Frank, State Senator Montigny and our Legislative Delegation, asking that the City of New Bedford be included in the next round of stimulus money being delivered for Broadband expansions and services and requesting their participation in obtaining these funds.

14a. COMMUNICATION, Councillor Martins, submitting article dated July 02, 2010, from The Berkshire Eagle Online, regarding Federal and State stimulus funding for Broadband Internet expansion for Western Massachusetts.

15. WRITTEN MOTION, Councillor Gonsalves, requesting that the Committee on Appointments and Briefings meeting with the Planning Department, in particular the Preservation Planner, a representative from WHALE and a representative from the Preservation Society, to ask about creating an inventory of historic buildings in the City of New Bedford similar to the Mill Inventory Project that was recently completed. (To be Referred to the Committee on Appointments and Briefings.)

16. WRITTEN MOTION, Councillor Coelho, requesting that the Parks and Recreation Departments and Animal Control Director Emanuel Maciel, address the areas of Hazelwood Park where the picnic tables are tied down and secured to prevent removal; many dogs are roaming loose and are defecating by these picnic tables creating an very unpleasant environment.

17. WRITTEN MOTION, Councillors Coelho and Lopes, requesting that the Parks and Recreation Departments address the complaints made by constituents regarding the West Beach Bathing Houses and Restrooms; they are too dark and require better lighting; they are not easily handicap accessible; they are closed at 5:00 p.m., when there are still many people visiting West Beach and they are in generally bad condition and should be remodeled.

18. WRITTEN MOTION, Councillor Coelho, requesting that the Traffic Commission address the location of 508 Mt. Pleasant Street, the guardrail at that residence has been struck several times this year and twice was actually torn off from its post; motorists repeatedly ignore the traffic lights at the intersection of Nash Road and Mt. Pleasant Street,

continuing to speed along Mt. Pleasant Street; on March 04, 2010, a woman was critically injured using a crosswalk in the area, vehicles race by the Nashmont Housing Development area without any regard for pedestrians or property; and further, requesting that the Police Department/Traffic Division install a speed-trap at pertinent locations and use any and all methods available to law enforcement to bring this situation under control. (To be Referred to the Traffic Commission and the Police Department/Traffic Division.)

19. WRITTEN MOTION, Councillors Coelho and Martins, requesting, that the Department of Public Facilities install garbage receptacles along North Front Street on every block on each side starting on Coggeshall Street, heading north all the way to Phillips Avenue, specifically four (4) garbage receptacles per block to cover all four corners due to the high population of families and three to six family tenement homes, the amount of garbage and discarded food in the streets is a threat to the public health of our entire community. (To be Referred to the Department of Public Facilities, Mayor's Office and the Board of Health.)

20. WRITTEN MOTION, Councillor Lopes, requesting that the City of New Bedford and the New Bedford School Department contact Jim Carlson, President of Clay Mathematics Institute, located in Cambridge, Massachusetts, regarding establishing a mathematic after-school program in the City of New Bedford, similar to the Excel New Bedford Initiative, funds for said program could come from the million-dollar Perelman Millennium Prize which is going unclaimed.

21. WRITTEN MOTION, Councillors Lopes and Alves, on behalf of the Senior Residents of Tripp Towers, requesting that the Traffic Commission place a "NO PARKING HERE TO CORNER" sign approximately 30 ft. from the northwest corner of Ruth Street, due to the angle at which Ruth Street enters the intersection of East Rodney French Boulevard, southbound traffic which many times exceeds the speed limit, is not visible to those turning north onto East Rodney French Boulevard, presenting a danger to the Seniors in said area.

22. WRITTEN MOTION, Councillors Lopes & Alves, on behalf of the Senior Residents of Tripp Towers and documented by the petition of residents in said building, requesting that the Traffic Commission place signs on East Rodney French Boulevard, in a north and south direction, just prior to the painted crosswalk, to advise traffic which speeds by the area to slow down and be aware of the upcoming crosswalk and Seniors in said area.

23a. PETITION, Councillors Lopes and Alves, submitting a Petition signed by Residents of Tripp Towers requesting signs on East Rodney French Boulevard advising traffic of the crosswalk in said area. (To be Received and Placed on File.)

24. WRITTEN MOTION, Councillors Alves and Lopes, on behalf of Mr. Robert Weeks, requesting that the Mayor waive the fees assessed to his Company by the City when Mr. Weeks applied for a permit from the Fire Department to legally have an oil tank removed, the tank was discovered as part of a potential building expansion project, which was installed over 29 years earlier by a previous company, Krim-Ko Corp. and the City had not billed the original company the annual permit fee for over 20 years and has recently proceeded with demand collection of the 20 year old "Annual Petroleum Storage Registration" fee, it is the contention of the City Council that local businesses doing what is legally correct should not be punished for the negligence of the City for not billing or collecting fees from the former company or owner.

25. WRITTEN MOTION, Councillor Gomes, requesting that the City Council call a Special Meeting to re-examine the issue of instituting a meal tax, which would generate \$750,000.00 in revenue for the City and eliminate the layoffs of thirty-two (32) City workers; and further, that the City Council call this Special Meeting as soon as possible, so these layoffs which would impact these City workers and their families may not occur, this will negatively effect taxpayers requests to have work done, especially by the Department of Public Facilities, which deals with many issues pertaining to the clean-up of lots and other matters which are important to the taxpayers of the City of New Bedford.

26. WRITTEN MOTION, Councillor Gomes, requesting, that the Police Chief along with the District Attorney's Office, the State Police, the DEA and any other public safety entity call an immediate meeting for the purposes of targeting the criminal players on the streets of New Bedford with everything that law enforcement has for the purposes of getting them off the streets and giving the City of New Bedford a breather from some of the crimes that are occurring within some neighborhoods, that a plan be put in place that would target every neighborhood and criminal across the City that has contributed to the violence in our streets, whether by gang or individual criminal action, that a sweep be put

together that we will call "Summer 2010 Sweep" in the City of New Bedford, making our streets a safer and better place with a better quality of life for all that live here.

27. WRITTEN MOTION, Councillor Gomes, requesting that the City Council, once again, go on record in support of the "Right to Repair" Bill and that letters be sent to our State Legislators, including Senator Montigny and our Legislative Delegation, the Representatives of the House, along with the Speaker of the House and the President of the Senate, stating that the City Council requests them to pass the legislation that has just passed in the Senate, the "Right to Repair" Bill, a Bill that has been worked on and supported by this City Council, that we feel it is the right Bill to be passed which gives the opportunity to neighborhood garages across this Commonwealth the ability to repair vehicles that at this moment cannot be repaired, due to automobile dealerships that are not forwarding the information or the tools or computer codes available to repair cars locally; and further, that the City Council is supporting this legislation and requests that this Bill be passed as soon as possible, which would be in the best interests of the consumers of the car repair industry in the Commonwealth and this area to have their cars repaired locally.

28. WRITTEN MOTION, Councillors Martins and Alves, requesting that the Department of Public Facilities install, as soon as staff is available, the banners along Acushnet Avenue and other City streets, advising residents and visitors to the City of the upcoming S.S. Sacramento Feast of the Blessed Sacrament, which is the largest Portuguese Festival in the World, to be celebrated in New Bedford, starting July 29th through August 1st, which draws thousands of visitors to our City on an annual basis.

29. WRITTEN MOTION, Councillor Martins and Alves, on behalf of the Feast of the Blessed Sacrament, requesting that the Department of Public Infrastructure repaint the Blue and Gold lane markers in the center of Earle Street and Madeira Avenue, prior to the annual parade as a compliment to the largest Portuguese Feast in the World, celebrating their event here in the City of New Bedford.

30. WRITTEN MOTION, Councillor Alves, on behalf of the City's Senior Resident Golfers, requesting that the Health Department and the City Solicitor investigate to see what medical code or health practices are required by the Course Operator to provide, and to ensure that golfers have proper access to water on the course during these hot and humid days so no one suffers from dehydration and requires medical attention, which is provided on all other golf courses in the area.

31. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Aaron Tetrault, 619 County Street, New Bedford, MA 02340 d/b/a/ FALL RIVER PAWNBROKERS, 1351 Acushnet Avenue, New Bedford, MA 02746**, hereby submit a copy of the Application requesting RENEWAL of **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, 2011.)**

32. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Aaron Tetrault, 619 County Street, New Bedford, MA 02740 d/b/a/ FALL RIVER PAWNBROKERS, 1351 Acushnet Avenue, New Bedford, MA 02746**, hereby submit a copy of the Application requesting a RENEWAL OF A 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. **(License will expire April 30, 2011.)**

33. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Benjamin Dos Santos, 230 County Street, New Bedford, MA 02340 d/b/a/ BENJY'S PAWN SHOP, 1956 Purchase Street, New Bedford, MA 02740**, hereby submit a copy of the Application requesting RENEWAL of **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, 2011.)**

34. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Benjamin Dos Santos, 230 County Street, New Bedford, MA 02740 d/b/a/ BENJY'S PAWN SHOP, 1956 Purchase Street, New Bedford, MA 02740**, hereby submit a copy of the Application requesting a **RENEWAL OF A 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. **(License will expire April 30, 2011.)**

35. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Jacob Kvietkauskas, 66 Robeson Street, New Bedford, MA 02740 d/b/a/ SOUTH COAST FLEA MARKET, 251 Brook Street, New Bedford, MA 02745**, hereby submit a copy of the Application requesting a **RENEWAL OF A 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. **(License will expire April 30, 2011.)**

35. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Jeffrey Costa, 49 Florence Street, New Bedford, MA 02740 d/b/a/ NEW BEDFORD ANTIQUES CO. AT WAMSUTTA PLACE, 61 Wamsutta Street, New Bedford, MA 02740**, hereby submit a copy of the Application requesting a **RENEWAL OF A 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. **(License will expire April 30, 2011.)**

36. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **George V. Macedo, 24 Irvington Street, New Bedford, MA 02745 d/b/a/ GEORGE'S APPLIANCE, 1601 Acushnet Avenue, New Bedford, MA 02746**, hereby submit a copy of the Application requesting a **RENEWAL OF A 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. **(License will expire April 30, 2011.)**

37. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Carlos Rocha, 148 Woodcock Road, Dartmouth, MA 02747, d/b/a/ A TO Z BROKERS, 700 Kempton Street, Unit 6, 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 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. **(License will expire April 30, 2011.)**

39. COMMUNICATION, Linda Thomas Lowe, Gloucester City Clerk, to Rita Arruda, City Clerk/Clerk of the City

Council, regarding the New Bedford City Council's support of Gloucester City Council's Letter to Massachusetts Congressional Delegation Concerning Opposition to Expanded Off-Shore Drilling (Copy all Councillors 06/26/2010.)

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.)