



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, August 19, 2010 - 7:00 p.m.

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

PRAYER LED BY: RABBI RAPHAEL KANTER, TIFERETH ISRAEL CONGREGATION

PLEDGE OF ALLEGIANCE

PLEASE NOTE: OUR NEXT REGULARLY SCHEDULED MEETING IS TUESDAY, SEPTEMBER 07, 2010, DUE TO THE JEWISH HOLY DAY, ROSH HASHANAH.

THE AGENDA DEADLINE IS THURSDAY, SEPTEMBER 02, 2010 AT 10 A.M., FOR RELEASE OF THE AGENDA ON FRIDAY, SEPTEMBER 03, 2010.

CITATIONS

1. CITATION, Councillor Gomes, honoring NEW BEDFORD POLICE OFFICER CHARLIE PERRY, in recognition of his Dedication, Commitment and Leadership in fighting crime and his Service to our City's Neighborhoods.
2. CITATION, Councillor Gomes, honoring SUZANNE BRAGA, Neighborhoods United, in recognition of her Years of Dedication, Commitment and Leadership in fighting crime in our City's Neighborhoods.
3. CITATION, Councillor Gomes, honoring REVEREND DAVID LIMA, Inter-Church Council, in recognition of him bringing Prayer and Leadership in Fighting Crime in our City's Neighborhoods.
4. CITATIONS, Councillor Gomes, honoring the following participates for their Dedication and Contribution to New Bedford's National Night Out – August 3, 2010:
KYLE ANDREONI – TARGET – TAUNTON LOCATION
SHARON DEMELLO – TARGET – NORTH DARTMOUTH LOCATION
CARLY BEDFORD – TARGET – NORTH DARTMOUTH LOCATION
LT. JOHN FLAHERTY – MASSACHUSETTS STATE POLICE
RONNIE MAGNETT- DISC JOCKEY
NEW BEDFORD FIRE PREVENTION TEAM
NEW BEDFORD POLICE GANG UNIT
NEW BEDFORD POLICE PORT SECURITY UNIT
NEW BEDFORD POLICE PORT SECURITY K-9
NEW BEDFORD POLICE MOTORCYCLE TEAM
STEVEN PONTE, OPERATIONS OFFICER EMERGENCY MANAGEMENT
ANTHONY LESSA, EMERGENCY SUPPORT UNIT VOLUNTEER
ROGER DANIEL, EMERGENCY SUPPORT UNIT VOLUNTEER
PAUL TEIXEIRA, EMERGENCY SUPPORT UNIT VOLUNTEER
EMANUEL MACIEL, EMERGENCY SUPPORT UNIT VOLUNTEER
NEW BEDFORD HIGH SCHOOL JROTC

5. CITATION, Council President Lawrence and Councillor Gomes, honoring IAN SHAYNE NUSSMAN, in recognition of his receiving his Eagle Scout designation as a member of the Boy Scouts of America.

6. CITATION, Councillors Martins and Morad, honoring GERARD J. ARSENAULT, in recognition of his Retirement after seventeen years of service to the Visually Impaired of the Council on Aging.

RESOLUTIONS

7. RESOLUTION, Councillor Gonsalves, honoring GISELIA BRISSON, on becoming certified as an EMT while still a student at New Bedford High School.

8. RESOLUTION, Councillor Gonsalves, honoring STEPHEN TAYLOR in recognition of his completion of the Western States 100 Mile Ultra Marathon and his fundraising efforts on behalf of Spinal Muscular Atrophy.

9. RESOLUTION, Councillor Gonsalves & Council President Lawrence, Councillors Gomes and Martins, honoring DENNIS C. BRIGHTMAN, on the occasion of his Retirement as President and CEO of the New Bedford Credit Union.

HEARINGS

10. PETITION, NSTAR ELECTRIC COMPANY, for location of one (1) 5" Conduit and five (5) 5" Conduits in SAWYER STREET, East of Mitchell Street.

10a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, at the request of the Massachusetts Department of Transportation, authorizing the City of New Bedford to enter into a Land Damage Agreement with the Massachusetts Department of Transportation Highway Division as part of the Route 18 Reconstruction Project, the Commonwealth is acquiring City owned property, Plot 53, Lot 282, containing approximately 1,360 square feet, located adjacent to the State layout of Route 18.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that the City Council authorize the City of New Bedford to establish a WATER STABILIZATION FUND, for the purpose of payment of extraordinary and ordinary expenses for capital repairs, replacement and improvements to the City's Water Treatment Plant and/or City's Water Distribution System, pursuant to M.G.L. Chapter 40,§5B.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, that the loan order for the remodeling, reconstruction and making extraordinary repairs to City-owned buildings, in the amount of \$3,000,000.00 approved by the City Council on July 16, 2009, and signed by the Mayor on July 23, 2009, be amended by approving a NEW EXHIBIT A as attached.

M3a. AN ORDER,

M3b. NEW EXHIBIT A,

M3c. EXHIBIT A (In City Council – July 16, 2009.)

M4. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, authorizing the City of New Bedford and the New Bedford Housing Authority to enter into a Cooperation Agreement drawn in the standard format

used in previous Agreements from 1938 and 1966, this agreement addresses the needs of approximately 1,759 units of low-rent housing in the City of New Bedford through the New Bedford Housing Authority.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDINANCE, amending Chapter 15, Article III, CITY COUNCIL LICENSES, which refines and expands the categories of motor vehicle repair shop and motor vehicle auto body repair shop and increases the licensing fees for all of these; this proposed Ordinance is being submitted pursuant to a Licensing Board vote and was prepared by the City Solicitor's Office.

M5a. AN ORDINANCE,

M6. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$73,754.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS, to FIRE DEPARTMENT, OTHER CHARGES.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the APPROPRIATION of \$50,000.00 from AIRPORT ACCOUNT to AIRPORT, OTHER CHARGES.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$10,000.00 from HEALTH DEPARTMENT, SALARIES & WAGES, to HEALTH DEPARTMENT, CHARGES & SERVICES.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$3,022.00 from ZOO, CHARGES & SERVICES, to ZOO, SALARIES & WAGES.

M9a. AN ORDER,

M10. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of CHRISTOPHER GOMES of New Bedford as DIRECTOR OF VETERANS SERVICES, effective October 10, 2010, at a salary of \$53,636.00, Grade M, Step 5.

M11. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of DANNY ROMANOWICZ of New Bedford, MA 02740, as COMMISSIONER OF BUILDINGS AND INSPECTIONAL SERVICES.

M12. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of ANNE LOURO of New Bedford, MA 02740, to the HISTORICAL COMMISSION; this term will expire February 2011.

M13. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of DAVID KENNEDY of New Bedford, MA 02744, to the HISTORICAL COMMISSION; this term will expire February 2011.

M14. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of DIANE HENRY of New Bedford, MA 02740, to the HISTORICAL COMMISSION; this term will expire February 2011.

M15. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of BOYD A. ROURKE of New Bedford, MA 02740, to the HISTORICAL COMMISSION; this term will expire February 2012.

M16. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of KERI COX of New Bedford, MA 02740, to the HISTORICAL COMMISSION; this term will expire February 2013.

M17. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of PETER BOSWELL of New Bedford, MA 02745, to the PARK BOARD; this term will expire May 2015.

M18. COMMUNICATION, Mayor Lang, to City Council, submitting a request for a ONE-YEAR WAIVER OF RESIDENCY for ATTORNEY SHANNON C. SHREVE of Sandwich, MA 02563 as PROCUREMENT & COMPLIANCE ATTORNEY with the Office of City Solicitor; this waiver will expire October 2010. (Waiver Term - October 2009 – October 2010)

M19. COMMUNICATION, Mayor Lang, to City Council, submitting a request for a ONE-YEAR WAIVER OF RESIDENCY for MICHELE SIMS, DVM of Wareham, MA 02751 as ZOO VETERINARIAN; this waiver will expire August 2011.

M20. COMMUNICATION, Mayor Lang, to City Council, submitting a request for a ONE-YEAR WAIVER OF RESIDENCY for MARK D. MCGRAW of Mattapoisett, MA 02739 as DIRECTOR OF EMERGENCY MEDICAL SERVICES; this waiver will expire July 2011.

M21. COMMUNICATION, Mayor Lang, to City Council, submitting a request for a ONE-YEAR WAIVER OF RESIDENCY for ANA M. POEIRA of North Dartmouth, MA 02747 as LEGAL SECRETARY with the Office of City Solicitor; this waiver will expire August 2011.

M22. COMMUNICATION, Mayor Lang, to City Council, submitting SEWER ABATEMENT REQUEST for Mark D. Barnes, 1387 Purchase Street, New Bedford, MA 02740, Account No. #1947, in the amount of \$1,400.80.

M23. COMMUNICATION, Mayor Lang, to City Council, submitting for REAPPOINTMENT of JOSE FURTADO, New Bedford, MA 02745, as a SPECIAL POLICE OFFICER.

M23a. APPLICATION,

M24. COMMUNICATION, Mayor Lang, to City Council, submitting for REAPPOINTMENT of MARK A. FERMINO, New Bedford, MA 02740, as a SPECIAL POLICE OFFICER.

M24a. APPLICATION,

M25. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of WILLIAM T. CAMBRA, New Bedford, MA 02747, as a SPECIAL POLICE OFFICER.

M25a. APPLICATION,

NEW BUSINESS

11. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, Amending Chapter 19, Section 19-7.2 TEMPORARY DELAY IN STEP INCREASE and Amending Chapter 2, Section 2-24.1 MAYOR'S SALARY FOR FISCAL YEAR 2011.

11a. AN ORDINANCE, (Passed to a Second Reading and Referred to the Committee on Ordinances in its Second Reading Stage, June 24, 2010 – To be Passed, to be Ordained.)

12. REPORT, Committee on Environmental Affairs, recommending that the City Council inquire from the Department of Environmental Stewardship, the EPA, DEP, TRC Solutions and the Administration, the perimeter of the investigation at this time and why it is not being expanded to the City Yard.

13. REPORT, Committee on Environmental Affairs, recommending that the City Council ask the New Bedford Housing Authority, DEP and EPA, that when notifications are going to be sent out that they not go just to the Administration of the Housing Authority, but they also be passed out to the residents as well, of the effected housing developments, particularly Parkdale and Westlawn, and that they be sent out in three (3) languages.

14. WRITTEN MOTION, Councillor Martins, on behalf of the neighborhood residents, requesting that Mayor Lang and the School Committee revisit the Lincoln School plans for the bus situation on Query Street; where the street will be completely blocked off in the morning for drop off and in the afternoon for pick up; and further, that the residents and this Councillor are concerned with the street being blocked off, especially if there is a public safety emergency in the neighborhood; furthermore, that history must not repeat itself with what happened at the Normandin Middle School, regardless what traffic study has been done; this will be an issue since this school will be home to 600 students increasing the traffic in the area.

14a. COMMUNICATION, Councillor Martins, submitting email response from Mayor Lang regarding the bus situation at the Lincoln School. (To be Received and Placed on File.)

15. WRITTEN MOTION, Councillor Duarte, requesting, on behalf of Downtown New Bedford, Inc., that the following street(s) be CLOSED: WILLIAM STREET, from Purchase Street to Water Street; ACUSHNET AVENUE, from Elm Street to Union Street; NORTH SECOND STREET, from Elm Street to Union Street and BARKER'S LANE, from Acushnet Avenue to North Second Street, on SUNDAY, SEPTEMBER 12, 2010, FROM 11:00 A.M. TO 5:00 P.M., for the purpose of the 5th ANNUAL NEW BEDFORD SEAPORT CHOWDER FESTIVAL at the Custom House Square Parking Lot.

16. WRITTEN MOTION, Councillor Duarte, requesting, on behalf of the Mayor Lang, that the following street(s) be CLOSED: WILLIAM STREET, from Pleasant Street to Sixth Street, ON FRIDAY, SEPTEMBER 10, 2010, FROM 8:00 A.M. TO 12:00 NOON, for the purpose of A MEMORIAL SERVICE IN REMEMBRANCE OF THE VICTIMS OF SEPTEMBER 11, 2001.

17. WRITTEN MOTION, Councillor Gonsalves, requesting, on behalf of Anna Fidalgo, that the following street(s) be CLOSED: ATLANTIC STREET, from Maple Street to Ocean Street, on SUNDAY, SEPTEMBER 05, 2010, FROM 12:00 NOON TO 7:00 P.M, for the purpose of A Neighborhood Block Party. (NOTE: ALSO REQUESTING THAT THE DPF PROVIDE STREET CLOSURE BARRELS.)

18. WRITTEN MOTION, Councillor Gonsalves, requesting that the following street(s) be CLOSED: EAST RODNEY FRENCH BOULEVARD, from Fort Taber Community Center to Frederick Street; FREDERICK STREET, from East Rodney French Boulevard to Brock Avenue; BROCK AVENUE, from Frederick Street to Dudley Street; DUDLEY STREET, from Brock Avenue to West Rodney French Boulevard; WEST RODNEY FRENCH BOULEVARD, from Dudley Street to South Rodney French Boulevard and SOUTH RODNEY FRENCH BOULEVARD, from West Rodney French Boulevard to Fort Taber Community Center, ON SUNDAY, OCTOBER 03, 2010, FROM 7:00 A.M. TO 1:00 P.M., for the purpose of The 3rd Annual 5K Walk/Run on behalf of the Beckwith-Wiedemann Children's Foundation.

19. WRITTEN MOTION, Councillor Gonsalves, on behalf of Fernanda Moniz of 158 Allen Street and other constituents, that the Building Code, Chapter 9, Section 2755, 2756, Relative to Driveway and Side Yard Requirements, be amended to allow for the grandfathering of existing driveways where the concrete is being replaced but there is no change in the footprint of the driveway; and further, requesting that the petitioner be invited to attend the Committee on Ordinances meeting when the matter is heard. (To be Referred to the Committee on Ordinances.)

20. WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Mario Silveira, 51 Frederick Street, that the Traffic Commission install a "NO PARKING IN FRONT OF DRIVEWAY" Sign, at the above mentioned address.

21. WRITTEN MOTION, Councillor Lopes, requesting, that the Traffic Commission install "SLOW CHILDREN" Signs on Brock Avenue, starting on Ruth Street and continuing south on Brock Avenue to South Rodney French Boulevard.

22. WRITTEN MOTION, Councillor Lopes, requesting that the City of New Bedford recognize Herb Rego for his dedication and commitment to the residents of the City, by naming the bathhouse on West Rodney French Boulevard the "Herb Rego Memorial Lifeguard Center." (To be Referred to the Committee on Memorials and Dedications.)

23. WRITTEN MOTION, Councillor Gonsalves, requesting that Department of Public Infrastructure Commissioner Ronald Labelle, meet with the residents of the neighborhood surrounding the intersection of Chancery Street and Maple Street, to discuss ongoing drainage and flooding issues at that intersection. (To be Referred to the Committee on Appointments and Briefings.)
24. WRITTEN MOTION, Councillor Gonsalves, Council President Lawrence, Councillors Duarte, Martins, Alves, Lopes, Morad, Dehner, Saunders and Coelho asking that the Committee on Ordinances review Chapter 9, Section 34-10, Relative to Storage of Major Recreational Equipment in a Residential District, to consider an amendment to that Ordinance to allow certain small pieces of recreational equipment. (To be Referred to the Committee on Ordinances.)
25. WRITTEN MOTION, Councillor Alves, requesting, in light of the number of condominium developments and condominium conversions in the City, that the City Council request the Mayor to consider making the required appointments to the Condominium Review Board, this Board was created by City Ordinance on January 14, 1988, and to date the entire responsibility of this Committee has been handled only by City Council appointment and leaves the resolution of condominium issues to the City Council appointee. (To be Referred to the Mayor.)
26. WRITTEN MOTION, Councillor Lopes, requesting, on behalf of residents around Ashley Park, that the City of New Bedford and the Traffic Commission consider installing "NO PARKING HERE TO CORNER" signs on the corner of Orchard Street and Katherine Street and the corner of Orchard Street and Rivet Street.
27. WRITTEN MOTION, Council President Lawrence, requesting that the Committee on Finance meet with DPI Commissioner Ronald Labelle, and a representative from the Administration, to discuss why the Water Department/DPI, which is a fund unto themselves, an enterprise fully funded and employee operated through a separate budget, why said employees are required to take the recent furlough when their salaries do not fall under the purview of the budget itself.
28. WRITTEN MOTION, Councillors Coelho, Dehner, Council President Lawrence and Councillor Alves, requesting, on behalf of a constituent, that the Police Department increase patrols and enforce the Noise Ordinance along Sawyer Street, due to the loud motorcycles, cars and pocket bikes that race up the street at all hours of the night; and further, that law enforcement do something about the people that loiter and scream in the street, often until dawn, there is no reprieve from the noise, the disturbance is constant and unrelenting for the residents of this area.
29. WRITTEN MOTION, Council President Lawrence, requesting that the Committee on Ordinances review the City Code as it relates to the costs involved and how they are charged to a homeowner, particularly as it relates to the piping from a City main to the property line of a residence; and further, should said costs be borne by the City and not the homeowner. (To be Referred to the Committee on Ordinances.)
30. WRITTEN MOTION, Councillor Alves, requesting that the City Council ask that the Traffic Commission and the Police Department take a more aggressive approach in enforcing the City Ordinance against parking on City sidewalks, this violation is presenting a problem for pedestrians, (especially young children, the handicapped and mothers with baby carriages), attempting to stay on the sidewalk while walking and in some cases residents are forced to walk in the street in order to get around vehicles parked on the sidewalk, causing a dangerous inconvenience to these pedestrians; and further, another concern is damage to City sidewalks and the potential expense to repair these sidewalks in these difficult economic times.
31. WRITTEN MOTION, Council President Lawrence, requesting that the Southcoast Young Marines be allowed the use of the former St. Mary's Orphanage, currently being used as a performing arts center, now owned by the City of New Bedford, for meetings as well as for storing their computer projector, their colors, their lockers and any other small miscellaneous items; and further, that they also be allowed the use of a room to change from their physical training (PT) clothes into their uniforms and that this room be provided with a secure lock on the door. (To be Referred to the Committee on Appointments and Briefings.)
32. WRITTEN MOTION, Councillors Gomes and Alves, that the City Council go on record requesting that the Mayor halt all City Code and nuisance enforcement teams across the City pertaining to major recreational equipment and unauthorized vehicles on City streets, that action only be taken in an emergency situation by the City; and further requesting that the Ordinance Committee meet and review these Ordinances to address the issue of what can and cannot be stored in yards, and what vehicles may be allowed on City streets. (To be referred to the Committee on Ordinances.)

33. WRITTEN MOTION, Councillors Gomes and Lopes, requesting that the Mayor and the Recreation Department install netting on the left and center fields leading to the right side of the Ben Rose multi-purpose field in order to bring workman's softball back to one of its original locations, giving the adult men and women of this City an opportunity to have a field that is appropriate for softball playing, seeing that there is only one other site within the City at this time to accommodate all softball leagues and that netting should be installed in said areas.

34. WRITTEN MOTION, Councillor Gomes, requesting that the Mayor and the Police Chief take immediate action to put together a plan that would not only educate but also address the issue of graffiti in the City, due to the graffiti presently at Buttonwood Park, the Warming House, and several other places in the park which will not be tolerated, especially at the Fisherman's Memorial Monument located on Court Street in the middle of the park, which was vandalized with graffiti by unknown persons that decided to graffiti most of Buttonwood Park in different sections and causing hundreds of dollars in damage; and further requesting, that a plan of action be put into place not only to prosecute those to the fullest extent of the law, but also to possibly put a reward together for those who bring information forward that leads to the arrest and prosecution of anyone vandalizing City or personal properties with graffiti throughout New Bedford.

35. WRITTEN MOTION, Councillor Gomes, requesting that the Mayor and the Police Chief increase patrols in the area of Cottage Street between Austin and Locust Streets, and also in the area of Austin Street between Summer and Cottage Streets due to the fact of the increasing amounts of quality of life issues and criminal activities within this area; and further, requesting that immediate action be taken in this area so that the quality of life may resume as it always has been, after speaking to several residents in this area.

36. WRITTEN MOTION, Councillor Gomes, requesting that our local Health Department along with the State Health Department begin to survey all nursing homes throughout the City and the Commonwealth for appropriate air conditioning units within each facility, seeing that some facilities in this City are not appropriately air conditioned making it a very dangerous situation not only for the patients, but also for the workers that take care of our most vulnerable, our senior citizens that live in these healthcare facilities across the Commonwealth and that immediate action be taken to make sure that all nursing homes have the appropriate air conditioning systems, so that the quality of life within these facilities will be one that is healthy and not unhealthy due to the air quality.

37. COMMUNICATION, Councillor Duarte, submitting SENATE AND HOUSE OF REPRESENTATIVES HOME RULE PETITIONS, authorizing the City of New Bedford to issue a license for the sale of all alcoholic beverages to be drunk on the premises located at 185 MacArthur Drive known as Fairfield Inn and Suites Marriott.

38. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Anthony Snow & Elizabeth Jones, 576 Maxfield Street, New Bedford, MA 02740, d/b/a/ CAB TRANSPORTATION, LLC, 576 Maxfield 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 License expires August 20, 2010.)**

39. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **JOHN MIGUEL, d/b/a/ JOHN'S TAXI, 24 Tallman Street, New Bedford, MA 02746**, 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 License expires August 20, 2010.)**

40. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Rene L. Harding, 382 Church Street, New Bedford, MA 02745 d/b/a/ GRANDPA'S ACCESSORIES, 1443 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.)

41. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Kenneth Martin, 136 Adams Street, Fairhaven, MA 02719 d/b/a/ AW MARTIN, INC. 1080 Shawmut 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.)

42. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Kenneth Martin, 136 Adams Street, Fairhaven, MA 02719 d/b/a/ AW MARTIN, INC. 1200 Shawmut 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.)

43. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Richard Oliveira, 114 Alpha Street, North Dartmouth, MA 02747 d/b/a/ ADVANCED WIRELESS, 1834 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.)

44. COMMUNICATION, City Solicitor Schall, to City Council, submitting a proposed amendment to Chapter 2, Section 2-24.1 providing for a freeze in the Mayor's salary; the amendment that has been proposed by the City Council uses at the Mayor's salary basis the salary "paid" during the 2009 fiscal year, the salary "paid" to the Mayor in 2009 included a voluntary furlough of six and one half days to ensure that the Mayor is treated in a manner that is fair and consistent with other City employees; respectfully request that you consider the proposed amendment.

44a. AN ORDINANCE,

45. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: **BUILDING DEMOLITION REVIEW OF 445 ASHLEY BOULEVARD – A CIRCA 1900 BRICK SCHOOL BUILDING – ABRAHAM LINCOLN SCHOOL**, advising that "the structure is not located in a National Register Historic District, the building type is common and in existence elsewhere within the City and the structure is of no notable historic significance either recorded or found with the existing condition of the structure," therefore, "the NBHC has determined that the building is NOT a historically significant building or structure and not preferably preserved.

46. COMMUNICATION, Councillor Gonsalves, submitting petition of Brigham Street Residents for "RESIDENT ONLY PARKING", from the corner of Carroll and Brigham Streets, heading north toward Hawthorn Street. (To be Referred to the Traffic Commission.)

47. COMMUNICATION, Councillor Gonsalves, submitting letter from the Tate Family, regarding the group homes/sober homes and halfway houses in residential area. (To be Referred to the Committee on Ordinances.)

48. COMMUNICATION, Legislative Counsel David Gerwatowski informing Councillors that he will out of town on Thursday, August 19, 2010, and unable to attend the meeting. (Copy all Councillors 08/13/2010.)
49. COMMUNICATION, DPI Commissioner Ronald Labelle, to Property Owners on Portland Street, regarding the replacement of a water main this construction season on Portland Street from Brock Avenue to West Rodney French Boulevard. (Copy all Councillors 07/22/2010)
50. COMMUNICATION, Rebecca Duke, Vice President Distribution, TVL Broadcasting of Rhode Island, LLC to the Cities of New Bedford and Fall River and the Town of Easton, given notice that TVL Broadcasting of Rhode Island, LLC, licensee of WPRI, intends to purchased an independent professional audience survey to determine whether station WBZ (Boston, MA) is significantly viewed in these communities within the meaning of the Commission's Rules (To be Received and Placed on File and Copied to All Councillors 08/11/2010.)
51. COMMUNICATION, Grady Miller, Town Manager of Narragansett, Rhode Island, respectively requesting that the City Council support a Resolution for the suspension of the current catch share/sector management in the Northeast implemented by the National Oceanic and Atmospheric Administration. (Copy of Narragansett's Resolution attached and Copy all Councillors 07/27/2010.)
52. COMMUNICATION, NOAA Assistant Administrator Eric C. Schwaab, to City Council, responding to a Written Motion, In City Council, May 11, 2010, regarding the economic impacts of Amendment 16 to the Northeast Multispecies Fishery Management Plan on New England fishing communities. (Copy All Councillors August 12, 2010.)
53. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that the City has acquired the following property as Tax Possession: N.S. Sycamore Street, Plot 65/Lot 225, Area of 3,086 sq. ft. (Former Owner: Pamela B. Buzzell); Total Amount due on the parcel as of the date of the transfer is \$56,068.10.

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.)