



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, December 16, 2010 - 7:00 p.m.

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

PRAYER LED BY: REVEREND LEONA FISHER, PASTOR IN THE NAME OF JESUS CHURCH

PLEDGE OF ALLEGIANCE

CITATIONS

1. CITATION, Councillors Lopes & Gomes, recognizing the TEACHERS & STAFF of the ROOSEVELT MIDDLE SCHOOL, in recognition of their generous support of the Cove Street Neighborhood Tree Lighting and donating over 300 toys to the neighborhood children.
2. CITATION, Councillor Gomes, recognizing ALEX HARDMAN in recognition of his honesty and good citizenship in returning lost property.

RESOLUTIONS

3. RESOLUTION, Councillor Morad, honoring CHRISTINE'S STUDIO – Voices Within Group for being selected as the opening number at the Radio City Music Hall Christmas Spectacular Show with the World-Famous Rockettes.
- 3a. CITATIONS, Councillor Morad, honoring VOICES WITHIN for being selected as the opening number at the Radio City Music Hall Christmas Spectacular Show with the World-Famous Rockettes.
4. RESOLUTION, Council President Lawrence, honoring the GREATER NEW BEDFORD REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL FOOTBALL TEAM, THE BEARS, on winning the LARGE SCHOOL VOCATIONAL BOWL.
5. RESOLUTION, Council President Lawrence, honoring the NEW BEDFORD HIGH SCHOOL FOOTBALL TEAM, THE WHALERS, for winning the 100 year Thanksgiving Day Game against Durfee High School.

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting A LOAN ORDER, that \$1,000,000.00 be appropriated for the purpose of purchasing communication equipment.

M1a. LOAN ORDER,

M2. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER authorizing the City of New Bedford and the Town of Fairhaven to enter into the Intermunicipal Agreement between the City of New Bedford and the Town of Fairhaven for the Sale of Potable Water; this agreement is for an initial term of ten (10) years to December 31, 2020, under the terms of the Agreement, the City will set aside an allotment of water available if necessary, to Fairhaven annually with an initial allotment of up to 547,500,000.00 gallons.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER authorizing the City of New Bedford and the Town of Fairhaven to enter into an Agreement for Wastewater Services; this agreement is for an initial term of ten (10) years to December 31, 2020; under the terms of the Agreement, Fairhaven will process wastewater from Pope's Island and charge the City for processing; the City will then pass on the charges to the Pope's Island businesses that generated the wastewater.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Lang, to City Council, submitting THREE ORDINANCES, amending CHAPTER 18-PARKS & RECREATION; CHAPTER 2 – ADMINISTRATION* and CHAPTER 2, Article XVI – DEPARTMENT OF COMMUNITY SERVICES, which will effect dissolution of the Recreation Commission and consolidation of the Recreation Commission's duties with those of the Board of Park Commissioners.

M4a. AN ORDINANCE, Amending Chapter 18 – PARKS & RECREATION.

M4b. AN ORDINANCE, Amending Chapter 2 – ADMINISTRATION.

M4c. AN ORDINANCE, Amending Chapter 2, Article XVI – DEPARTMENT OF COMMUNITY SERVICES.

M5. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDINANCE, amending CHAPTER 9, Section 5700 by adding new Section 5720 – Planning Moratorium on the construction of residential and commercial wind turbines.

M5a. AN ORDINANCE,

M6. COMMUNICATION, Mayor Lang, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for ANDREA LAGUE, R.N., B.S.N., Fairhaven, MA 02719 as a PUBLIC HEALTH NURSE with the Health Department; this waiver will expire December 2011.

M7. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of JAMES D. OLIVEIRA, New Bedford, MA to the AIRPORT COMMISSION; this term will expire December 2013.

M8. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of RAYMOND L'HEUREUX, New Bedford, MA to the VETERANS ADVISORY BOARD; this term will expire December 2013.

M9. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of OLIVER E. MOREAU, SR., New Bedford, MA to the VETERAN'S ADVISORY BOARD; this term will expire December 2013.

M10. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of HOWARD PRESCOTT, New Bedford, MA to the VETERAN'S ADVISORY BOARD; this term will expire December 2013.

M11. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT OF MARIA HERNANDEZ, New Bedford, MA to the COUNCIL ON AGING; this term will expire December 2013.

M12. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of DUANE HOUGHTON, New Bedford, MA to the HISTORICAL COMMISSION, replacing Anne Brengle who resigned January 08, 2008; this term will expire February 2011.

M13. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for CARLOS ANTAO, 26 Gisele's Way, New Bedford, MA 02745, and account number 033003A, in the amount of \$78.85.

M14. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for ANTONIO VIERA, 124 Hemlock Street, New Bedford, MA 02740, and account number 006631A, in the amount of \$709.65.

M15. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for JOHN LIMA, 141 Union Street, New Bedford, MA 02740, and account number 21969, in the amount of \$3,989.70.

NEW BUSINESS

6. REPORT, Committee on Appointments and Briefings, recommending that the City Council APPROVE the APPOINTMENT of MARIA HERNANDEZ, New Bedford, MA 02740, to the COUNCIL ON AGING, replacing Howard Prescott, Jr., who resigned July 2010; this term will expire December 2010.

7. REPORT, Committee on Appointments and Briefings, recommending that the City Council APPROVE the APPOINTMENT of MARTHA BOUCHARD, New Bedford, MA 02740, to the COMMISSION FOR CITIZENS WITH DISABILITIES, replacing Tammy Canastra-Callahan, who will be resigning January 01, 2011; this term will expire May 2013.

8. WRITTEN MOTION, Councilor Lopes and Gomes, requesting on behalf of the residents on Seymour Street, that the City's Department of Environmental Stewardship conduct random soil samples on both the north and south side of Seymour Street, due to the residents inability to grow or maintain grass on their properties.

9. WRITTEN MOTION, Councillors Gonsalves, Lopes, Saunders, Morad and Martins, requesting that the Committee on Finance meet with representatives from the Greater New Bedford Regional Refuse Management District to discuss the details of their operating budget, specifically, the salary and benefits line item to review same, whether it is comparable to City employees benefits packages; and further, said discussion to be the next in a series of discussions intended to provide information for us to eventually reduce our assessment at the landfill. (To be Referred to the Committee on Finance.)

10. WRITTEN MOTION, Councillor Coelho, Council President Lawrence, Councillors Gomes, Saunders and Alves, requesting that Police Chief Teachman provide the City Council with a list of any reports regarding the theft of copper/metals; and further, requesting information as to how the Ordinance, Relative to Second Hand Dealers, Chapter 15, Section 34, is being enforced by the Police Department. (To be Referred to the Committee on Ordinances.)

11. WRITTEN MOTION, Councillor Gonsalves, requesting that the Committee on Environmental Affairs, meet with consultant Glen Barkman to discuss sustainability issues for the City of New Bedford. (To be Referred to the Committee on Environmental Affairs.)

12. WRITTEN MOTION, Council President Lawrence, requesting that the City Council contact the State urging the Commonwealth to turn their attentions to Southcoast and complete the SouthCoast Commuter Rail Project as soon as possible. (Copy of December 07, 2010 Standard-Times Article enclosed "Full Steam ahead in Rhode Island")

13. WRITTEN MOTION, Councillor Gonsalves, requesting on behalf of the Rockdale Avenue Neighborhood Group, that the Park Board approve the dedication of the children's playground area at the Hathaway Courts in memory of Owen Simmons. (To be Referred to the Park Board.)

14. WRITTEN MOTION, Councillor Gonsalves, requesting that the City Zoning Code, Table of Principal Uses, Appendix A, be amended in the following section, Section C, Commercial, #22, to allow indoor recreational uses in districts zoned Industrial A, as it already exists in Industrial B and C districts. (To be Referred to the Committee on Ordinances.)

14a. COMMUNICATION, Councillor Gonsalves, submitting a Draft of an AN ORDINANCE, amending Chapter 9, Table of Principal Uses, Appendix A, to allow indoor recreational uses in districts zoned Industrial A. (To be Referred to the Committee on Ordinances.)

15. WRITTEN MOTION, Councillor Duarte, requesting that the City Council take immediate action in the Committee on Ordinances to establish an Ordinance that would ban the sale of substances called K2, K4 and K9, which are being sold in smoke shops, package stores, head shops and other entities as an incense, but the findings are that K2, K4 and K9 are actually synthetic man made marijuana and young teenagers and children are smoking these substances which may cause brain damage, they are five times the potency of marijuana and can kill, therefore, immediate action needs to be taken to have these removed from store shelves in our City and in this Councillor's opinion K2, K4 and K9 needs to be banned immediately from our City and from surrounding communities and that a letter be sent to the Board of Selectman of the Towns of Fairhaven, Acushnet, Dartmouth, Westport and Mattapoisett and to the City Council of the City of Fall River requesting their support for our effort to take K2, K4 and K9 off store shelves, so that our young people do not have the opportunity to obtain these dangerous and life threatening synthetic man made smoking materials and further, that Senators Kerry and Brown and Congressman Frank are requested to take immediate action on the Federal level to ban the sale and purchase of these products across the country; and further, that this request also go to our State Delegation, including Senator Montigny and all local State Representatives to assist us by passing legislation on a Statewide level that would ban the sale of these products in stores, these products may harm, even kill our young people who have taken it upon themselves to use them, K2, K4 and K9 are dangerous to your heart rate and can also cause hallucinations; and further, requesting the Board of Health investigate the use and availability of these products and that Rule 40 be Waived. (To be Referred to the Committee on Ordinances, the Board of Health and to the aforementioned Cities and Towns, along with our State and Federal Delegations.)

16. WRITTEN MOTION, Councillor Duarte, requesting, on behalf of AHA! and Mayor Lang, that the following street (s) be CLOSED: ACUSHNET AVENUE, from William Street to Barker's Lane; BARKER'S LANE, from Acushnet Avenue to Second Street; SECOND STREET, from William Street to Barker's Lane and PURCHASE STREET, from Spring Street to Union Street, ON FRIDAY, DECEMBER 31, 2010, FROM 3:00 P.M. THROUGH 9:00 P.M., for the purpose of: A CITY CELEBRATES! NEW YEAR'S EVE.

17. COMMUNICATION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW OF 375 TARKILN HILL ROAD, MAP 127C, PARCEL 10, advising that "the structure is found to be historically significant because of its context to the development of northern New Bedford and the Head of the River area therefore, "the NBHC has determined that the building is historically significant structure and preferably preserved."

18. COMMUNICATION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW OF 1107 PELLETIER STREET – A SINGLE FAMILY, WOOD FRAMED BUILDING, advising that "the structure is not located in a National Register Historic District 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."

19. COMMUNICATION, New Bedford Historical Commission, to City Council, regarding the EMERGENCY DEMOLITION of 20 SEVENTH STREET, pursuant to M.G.L. Chapter 143, the Building Inspector has deemed the structure to be dangerous and to be taken down for the purpose of making safe.

20. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Anthony F. Lopes, Jr., 159 Arnold Street, New Bedford, MA 02740, d/b/a LIKE NEW, 344 Ashley Boulevard, New Bedford, MA 02746**, 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.)**

21. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Pedro Medeiros d/b/a PETER'S BUS, INC., 1629 Padanaram Avenue, 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 December 17, 2010.)**

22. COMMUNICATION, Legislative Counsel to the City Council David Gerwatowski, to City Council, informing them of his position with the New Bedford Housing Authority as the Director of Leased Housing and requesting their approval of the exemption of the financial interest in the employment contract with the Housing Authority, approval of the exemption is required pursuant to subsection (d) of Section 20 of Chapter 268A of the General Laws.

23. COMMUNICATION, Fire Chief Brian Faria, to Councillor Gomes, regarding the amounts spent on overtime since the layoffs of Firefighters on February 28, 2009. (To be Referred to the Committee on Public Safety and Neighborhoods.)

24. COMMUNICATION, Chief of Police Ronald Teachman, to Councillor Gomes, Chairman of Public Safety and Neighborhoods, responding to a Written Motion on October 14, 2010, Councillors Morad and Martins, regarding the number of tickets issued to Motor Vehicle Operators for violations of the Text Messaging Ordinance.

25. COMMUNICATION, Robert C. Bromley, Chairman, Veterans Advisory Board, to City Council, responding to a Written Motion, In City Council, October 14, 2010, regarding Veterans on the current Police Appointment list, informing “that the Veteran’s Advisory Board stands behind and in support of the City Council’s commitment that the City does not bypass qualified veterans when the City hires Police Cadets.” (To be Received and Placed on File.)

26. COMMUNICATION, Public Employee Retirement Administration Commission (PERAC) to New Bedford Retirement Board regarding the required Fiscal Year 2012 Appropriation. (Copy all Councillors December 02, 2010.)

27. COMMUNICATION, Mary L. Peterson, Executive Secretariat, MA DOT, to Rita D. Arruda, City Clerk/Clerk of the City Council, responding to a Written Motion, by Councillors Gomes & Saunders, In City Council, November 09, 2010, regarding that a visit to the site where the Federal Stimulus money has been appropriated to replace the Coggeshall, Sawyer and Deane Streets railroad passings to evaluate investment aspects.

TABLED BUSINESS

NO ITEMS ON THE TABLED AGENDA AT THIS TIME.