



# **Council Meeting - Agenda**

## **CITY COUNCIL CALENDAR**

Chambers of the City Council Municipal Building

**Thursday, January 10, 2013 - 7:00 p.m.**

View Consent Agenda

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**OPENING OF SESSION BY: CITY COUNCIL PRESIDENT BRUCE DUARTE, JR.**

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

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**PLEDGE OF ALLEGIANCE**

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### **CITATIONS**

1. CITATIONS, Councillor Martins, honoring New Bedford High School's MIKE RAPOZA, JOSE SOLANO, CODY MEDEIROS, AMANDA FLETCHER, THAI LE, and ALEXIS ALMEIDA, in recognition of their First Place Finish in the Underwater Robotics Competition at the Massachusetts State SeaPerch Challenge.
2. CITATION, Councillor Martins, honoring New Bedford High School Teacher CHRISTOPHER PARKER, in recognition of his Dedication and Commitment to his students and his successful First Place Finish at the Underwater Robotics Competition at the Massachusetts State SeaPerch Challenge.
3. CITATION, Councillor Martins, honoring WILLIAM FERREIRA, in recognition of his Dedication and Commitment to the Students of New Bedford High School in the Underwater Robotics Competition at the Massachusetts State SeaPerch Challenge.
4. CITATION, Councillor Martins, honoring MIKE DESOUSA, in recognition of his Dedication and Commitment to the Students of New Bedford High School in the Underwater Robotics Competition at the Massachusetts State SeaPerch Challenge.
5. CITATION, Councillor Martins, honoring CANDIDA DESJARDINS, Massachusetts State SeaPerch Challenge, in recognition of her Dedication and Work on behalf of the students of the New Bedford Public Schools.
6. CITATION, Councillors Gomes and Gonsalves, honoring OFFICER NATHAN MONTEIRO, New Bedford Police Department, in recognition of his fast response resulting in the safe delivery of Baby Amyiah Angel Jones-Rivera on New Year's Day - 2013.

### **RESOLUTIONS**

7. RESOLUTION, Councillor Gomes, honoring DARCY FERNANDES, Principal, Roosevelt Middle School Standard-Times 2012 New Bedford Woman of the Year.
8. RESOLUTION, Councillor Gomes, honoring the late THOMAS DENNIS LOPES, Standard-Times 2012 New Bedford Man of the Year.

### **HEARINGS**

9. HEARING on NSTAR ELECTRIC COMPANY for location of three (3) 4" Conduits and one (1) 45"x45"x36" Handhole in UNION STREET, Corner of John F. Kennedy Memorial Highway.

9 a. AN ORDER,

9 b. COMMUNICATION, DPI Commissioner Ronald Labelle, to City Council, notifying that NSTAR Electric has permission to start the work prior to City Council approval; said decision was rendered by DPI on the basis that this work needs to be completed prior to the winter shutdown on Route 18 JFK reconstruction project.

**MAYOR'S PAPERS**

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting LOAN ORDER for \$504,000, to support the total project cost of creating a multipurpose path on the New Bedford Hurricane Barrier this action is required under the State's PARC (Parkland Acquisitions and Renovations for Communities) grant program regulations, the State's Executive Office of Energy and Environmental Affairs recently awarded the City a \$325,800 PARC grant which will cover 70% (state share) of the total \$504,000 project cost, and which will reduce the City's share of the cost to 30% (local share).

M1a. LOAN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$12,000.00 from CITY COUNCIL, CHARGES & SERVICES, to CITY COUNCIL, SALARIES & WAGES.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ARI J. SKY as CHIEF FINANCIAL OFFICER although not required by our City Ordinances, Mr. Sky will be a New Bedford Resident and Mr. Sky's salary will be \$120,000.00, consistent with the salary level established by the City Council earlier this year.

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JAMES HARTNETT as CITY PLANNER, since Mr. Hartnett has been a homeowner in Westport for twenty years and presently has several children enrolled in the Westport School System, also requesting a WAIVER OF RESIDENCY; and further, requesting to place Mr. Hartnett at \$73,831.00, Grade M-12, Step 7.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting the draft of the Housing Development Incentive Program (HDIP) Zone Plan for the City; and also, submitting AN ORDER, requesting that the City Council authorize and forward the plan for certification to the Massachusetts Department of Housing and Community Development (DHCD) for its approval and endorsement.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of CELIA BRITO, New Bedford, MA 02740, to the REDEVELOPMENT AUTHORITY, replacing Jenny Fialho, who has resigned; this term will expire July 2017.

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of DAVID M. MILLER, Fairhaven, MA 02719, as a CONSTABLE.

M7a. APPLICATION,

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JOSE FURTADO, New Bedford, MA, as a SPECIAL POLICE OFFICER.

M8a. APPLICATION,

**CHARTER RULED ITEM**

CR1. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ARTHUR GLASSMAN, New Bedford, MA 02745, to the PLANNING BOARD; this term will expire November 2015. (CHARTER RULED – December 20, 2012.)

**NEW BUSINESS**

10. AN ORDINANCE, Rezoning of Assessors Plot 105, Lot 103 (45 Nash Road) – Corner Lot at West Side of Hope Street and North Side of Nash Road, from Residence “C” to MIXED- USE BUSINESS. (Passed to a Second Reading – December 20, 2012.)
11. AN ORDINANCE, Rezoning of Assessors Plot 105, Lot 80 (64 Tinkham Street) – Along the South Side of Tinkham Street, from Residence “C” to MIXED- USE BUSINESS. (Passed to a Second Reading – December 20, 2012.)
12. AN ORDINANCE, Amending Chapter 9, Section 9-2753 of the City Code, RELATIVE TO STORAGE SHEDS. (Passed to a Second Reading – December 20, 2012.)
13. WRITTEN MOTION, Councillor Lawrence, requesting, that the Traffic Commission install arrowed lights at the corner of Tarkiln Hill Road and Ashley Boulevard, east to west, to make the traffic pattern easier for motorists taking a left turn onto Ashley Boulevard and a right turn onto Ashley Boulevard, in both directions. (To be Referred to the Traffic Commission and the Department of Public Facilities).
14. WRITTEN MOTION, Councillor Lopes, requesting that Mayor Mitchell work with the Fire Chief to replace the fifteen year old inflatable boat that is housed at Fire Station Number 11 on Brock Avenue, the inflatable boat in question has been decommissioned by the New Bedford Fire Department due to its current condition, which now leaves the southend of New Bedford without immediate rapid response water service by the New Bedford Fire Department.
15. WRITTEN MOTION, Councillor Bousquet, requesting, that Mayor Mitchell supply the City Council with the names, qualifications and primary residential addresses of the individuals that were interviewed to be selected as City Planner.
16. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with Lee Heald, from AHA! and representatives from the Downtown Art Community and those responsible for working with the City to put on A City Celebrates! New Year’s Eve, for the purposes of discussing what the City can possibly do to improve what is already in place and what is a good program for New Year’s Eve, but what can be done to make it more festive for the City, including possibly a big name group for the Downtown celebration, this is the only City on the Southcoast that holds such a celebration and should be attracting those from a 25 to 30 mile radius to the City for the festivities that have been put on for years.
17. WRITTEN MOTION, Councillor Gomes, requesting, that the City look into purchasing more Christmas decorations for the Downtown area; and further, look into replacing some of the older decorations in the north end and south end for the purposes of putting a beautiful display of Christmas decorations not only on Union Street and Pleasant Street, but in areas that have long been without any decorations, such as South Sixth Street, the upper part of Pleasant Street, which should include the entire Downtown area in an effort to bring a more festive look for the Christmas season.
18. WRITTEN MOTION, Councillors Gomes and Oliveira, requesting, that Mayor Mitchell immediately notify the City Council as to what his Administration is doing to replace the front line cruisers of the New Bedford Police Department, along with the vehicles of the Commanding Officers and the Canine Unit, this request has been made several times before but to no avail, the City Council has never received any information or plans from the Administration to address this issue which has become urgent to the New Bedford Police Department and the men and women that serve the City on the front line in those vehicles in every sector of this City 24/7.
19. WRITTEN MOTION, Councillor Gomes, requesting, that Mayor Mitchell, along with our State Delegation, including Senator Montigny, our Federal Delegation, including Congressman Keating and Senator Warren, look at the proposed fifty million dollar South Terminal Project that has been granted to the City of New Bedford to see if the contract can be amended in any way to provide local jobs to local residents, this contract has no provisions to hire local workers and should be looked at to see if it can be amended to guarantee at least a percentage of jobs to local residents in this area. (To be Referred to Mayor Mitchell, our State Delegation, Senator Montigny, our Federal Delegation, Congressman Keating and Senator Warren and also that Rule 40 be Waived.)
20. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on City Property look into the lot located at the southwest corner of Potomska Street and South Second Street, for the purpose of making this lot, which is part of the Abutters Lot Program available to the residents at 419 South Second Street, and the owner of 102 Potomska Street; and further, that all parties be brought in along with legal counsel to explain why it has taken so long for this parcel of land to be split or granted to one of the abutters in order to put it on the tax rolls which is something we have

been trying to do for several years, I would like to remind the Council that this is one of the first lots to be put up as part of the Abutters Lot Program way back in the late 90's.

21. WRITTEN MOTION, Councillors Gonsalves, Alves, Lopes and Martins, requesting, that the Economic Development Council meet with the City Council and provide us with the loan documents relative to the loans made to Andrew Rocket d/b/a Rocket Enterprises, for the purchase of properties in New Bedford and that we review those loans, their terms and conditions including whether there is a clawback provision in light of recent events relative to Mr. Rocket.

22. WRITTEN MOTION, Councillor Gomes, requesting, that a Representative from the Mayor's Office, Department of Public Infrastructure Commissioner, Ronald Labelle and a Representative from the Treasurer's Office meet with businesses in the Coggeshall Street area, including the Golden Greek Restaurant, the Dog House Restaurant, Hair Stylists and many other businesses in that area for the purpose of updating them as to where the International Marketplace project is at this time and to clarify what the plans are on said project, given that the businesses in this area have suffered so greatly during the past eight months, not only losing thousands of dollars but whether they should make future investments at this time; and further, that at said meeting the City address plans for the parking lot to consider including a public parking lot not to include meters and also to see if there is some type of tax relief that can be given to the businesses due to the fact that they have lost a lot of money.

23. WRITTEN MOTION, Councillor Gomes, requesting, that the City Council go on record in support of our local Legislators and their request to the Environmental Protection Agency along with the Army Corps of Engineers, requesting that their impact statement and study on the Commuter Rail - Stoughton Route, be completed as soon as possible due to the fact that the Lawmakers are making an appeal through the Legislative body to bring the rail on a fast track to the City of New Bedford; and further, that a letter be sent to EPA's Administrator, H. Curtis Spalding stating our support of our local Legislators in fast tracking the impact study and statement on the Commuter Rail to the City of New Bedford.

24. WRITTEN MOTION, Councillor Gomes requesting that Mayor Mitchell and Police Chief Provencher increase patrols in the area of the Hetland Skating Arena on Hathaway Boulevard, due to the fact that there have been numerous breaks into the building over the past month or so, sometimes being hit twice a week and if patrols are increased an arrest might be made, the damage done to this skating arena not only affects the quality of our play time, but the building itself as these burglaries continue.

25. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Valerie Torres, 53 Ruth Street, New Bedford, MA 02744, d/b/a PONCE USED FURNITURE, 239 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 M.G.L., Chapter 140, Sections 202-205 as amended, and as provided in the Code of the City of New Bedford, Chapter 15 and all Ordinances amending the same or in addition thereto, and further avers that he or she has been a resident of the City of New Bedford for at least six months next preceding the date of the application for such license; or that he or she has been a resident for at least six months in one of the towns next adjoining the limits of the City or that he or she has applied for a waiver of said residence requirement by the New Bedford City Council.

26. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Khalil B, Arsanios, 1220 Pleasant Street, New Bedford, MA 02740 d/b/a/ INTERNATIONAL TRANSPORTATION, 308 Mill Street, New Bedford, MA 02740**, hereby submit a copy of the Application requesting a **NEW** Private Livery License, under the provisions of M.G.L. Chapter 159A, Section 1 and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation, to carry passengers for hire over the streets of New Bedford.

27. COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting **RECOMMENDATION OF ACCEPTANCE**, for the **LAYOUT AND ACCEPTANCE of ELM STREET, 50 feet wide, from Chancery Street easterly 405.41 feet to Ash Street**; reporting that owner(s), United Front Nine Preservation Associates Limited Partnership have conformed to all Rules & Regulations as required by City Code, Section 22-35, relative to the acceptance of new streets.

27a. COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting **REQUEST TO TAKE LAND**, for the **LAYOUT AND ACCEPTANCE of ELM STREET, 50 feet wide, from Chancery Street easterly 405.41 feet to Ash Street** for easement or fee for highway purposes in land belonging to New Bedford Housing

Authority, in accordance with City Code, Section 22-35.

27b. COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting AWARD OF DAMAGES, for the LAYOUT AND ACCEPTANCE of **ELM STREET, 50 feet wide, from Chancery Street easterly 405.41 feet to Ash Street** to the owners, United Front Nine Preservation Associations Limited Partnership because the remainder has appreciated in value as a result of the layout to an amount which exceeds the value of the land dedicated and taken.

27c. COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting METES AND BOUNDS for the LAYOUT AND ACCEPTANCE of **ELM STREET, 50 feet wide, from Chancery Street easterly 405.41 feet to Ash Street.** (Map Included.)

27d. AN ORDER, for Hearing on THURSDAY, FEBRUARY 14, 2013 AT 7:00 P.M. in City Council Chambers, City Hall, for acceptance of proposed **ELM STREET, 50 feet wide, from Chancery Street easterly 405.41 feet to Ash Street.**

27e. AN ORDER, requesting the City Solicitor to prepare a LAYOUT ORDER for acceptance of **ELM STREET, 50 feet wide, from Chancery Street easterly 405.41 feet to Ash Street.** (Hearing on said matter has been ordered for Thursday, February 14, 2013, at 7:00 p.m., in City Council Chambers, City Hall.)

28. COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting RECOMMENDATION OF ACCEPTANCE, for the LAYOUT AND ACCEPTANCE of **EMERSON STREET (SOUTHERLY SEGMENT), 40 feet wide, from Court Street northerly 415.63 feet to Elm Street;** reporting that owner(s), United Front Nine Preservation Associates Limited Partnership have conformed to all Rules & Regulations as required by City Code, Section 22-35, relative to the acceptance of new streets.

28a. COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting REQUEST TO TAKE LAND, for the LAYOUT AND ACCEPTANCE of **EMERSON STREET, 40 feet wide, from Court Street northerly 415.63 feet to Elm Street** for easement or fee for highway purposes in land belonging to United Front Nine Preservation Associates Limited Partnership, in accordance with City Code, Section 22-35.

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29. COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting RECOMMENDATION OF ACCEPTANCE, for the LAYOUT AND ACCEPTANCE of **EMERSON STREET, 50 feet wide, from Middle Street northerly 301.09 feet to Kempton Street;** reporting that owner(s), United Front Nine Preservation Associates Limited Partnership have conformed to all Rules & Regulations as required by City Code, Section 22-35, relative to the acceptance of new streets.

29a. COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting REQUEST TO TAKE LAND, for the LAYOUT AND ACCEPTANCE of **EMERSON STREET, (NORTHERLY SEGMENT) 50 feet wide, from Middle Street northerly 301.09 feet to Kempton Street** for easement or fee for highway purposes in land

belonging to United Front Nine Preservation Associates Limited Partnership, in accordance with City Code, Section 22-35.

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30. COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting RECOMMENDATION OF ACCEPTANCE, for the **LAYOUT AND ACCEPTANCE of ASH STREET, 50 feet wide, from Court Street northerly 203.12 feet to Morgan Street;** reporting that owner(s), United Front Nine Preservation Associates Limited Partnership have conformed to all Rules & Regulations as required by City Code, Section 22-35, relative to the acceptance of new streets.

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31. COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting RECOMMENDATION OF ACCEPTANCE, for the **LAYOUT AND ACCEPTANCE of MIDDLE STREET, variable width, from Chancery Street easterly 403.90 feet to Ash Street;** reporting that owner(s), United Front Nine Preservation Associates Limited Partnership have conformed to all Rules & Regulations as required by City Code, Section 22-35, relative to the acceptance of new streets.

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33. COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting RECOMMENDATION OF ACCEPTANCE, for the LAYOUT ALTERATION of **MIDDLE STREET, from Ash Street easterly 240.00 feet to Cedar Street**; reporting that owner(s), United Front Nine Preservation Associates Limited Partnership have conformed to all Rules & Regulations as required by City Code, Section 22-35, relative to the acceptance of new streets.

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Limited Partnership, in accordance with City Code, Section 22-35.

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34. COMMUNICATION, Councillor Lawrence, submitting Request for Proposal to provide management services for the Jefferson Performing Arts Center, Gretna, Louisiana. (To be Referred to the Committee on Ordinances.)

#### ***TABLED BUSINESS***

***12/20/2012*** RESOLUTION, 2012 Council President Martins, honoring the Centennial Celebration of ST. ANTHONY OF PADUA CHURCH.