



# ***Council Meeting - Agenda***

## ***CITY COUNCIL CALENDAR***

Chambers of the City Council Municipal Building

***Thursday, February 28, 2013 - 7:00 p.m.***

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

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***PRAYER LED BY: REVEREND DALTON SAID, ST. LUKE'S HOSPITAL RELIGIOUS MINISTRIES***

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***PLEDGE OF ALLEGIANCE***

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### ***CITATIONS***

1. CITATIONS, Councillors Gomes & Oliveira, honoring AGNIESZKA E. CIARKA, BRIAN C. REI, JUSTIN J. FRIAS, ROBERTO F. NUNES, JACOB M. OLIVEIRA and KEVIN BARBOSA, in Recognition of their Appointments as NEW BEDFORD POLICE OFFICERS.

2. CITATION, Councillor Bousquet, honoring LEONARD C. BETTENCOURT, Greater New Bedford Regional Vocational Technical High School, in Recognition of his Retirement after a Thirty Year Career of Dedication and Commitment to his Students and in Sincere Appreciation for his Instruction and Guidance.

### ***HEARINGS***

3. HEARING, on NSTAR ELECTRIC COMPANY, for location of one (1) 4" Conduit in HATHAWAY STREET, corner of Riverside Avenue.

3a. AN ORDER,

4. HEARING, on NSTAR ELECTRIC COMPANY, for location of one (1) 4" Conduit in MANOMET STREET, corner of Riverside Avenue.

4a. AN ORDER,

5. HEARING, on NSTAR ELECTRIC COMPANY, for location of one (1) 2" Conduit in REED STREET, North of Arnold Street.

5a. AN ORDER,

### ***MAYOR'S PAPERS***

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting two (2) ORDINANCES, one amending Chapter 16 of the Code of Ordinances to include a Stormwater Management Ordinance which is necessary for the City to comply with the National Pollution Discharge Elimination Systems (NPDES) Storm Water Phase II Permit Program and two, amending Chapter 17, Section 17-18 (j) of the Code of Ordinances to enable the City the option of utilizing non-criminal citations for the enforcement of the Stormwater Management Ordinance and regulations.

M1a. AN ORDINANCE, amending Chapter 16 – Stormwater Management Ordinance.

M1b. AN ORDINANCE, amending Chapter 17 – Noncriminal Citations for Stormwater Management Ordinance.

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting an International Sister City Agreement between the City of New Bedford and the City of Cuxhaven, Germany, the City of Cuxhaven has a marine terminal facility for cargo and offshore wind components similar to those being developed in the City of New Bedford.

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CHRISTOPHER CLOUGH, New Bedford, MA as a SPECIAL POLICE OFFICER.

M3a. APPLICATION,

#### **NEW BUSINESS**

6. LOAN ORDER, ORDERED, that the \$2,100,000.00 be appropriated for the purpose of financing a wastewater planning project regarding the City's wet weather compliance requirements. (Passed to a Second Reading – February 14, 2013.)

7. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of PAUL R. PACHECO, New Bedford, MA 02740, to the CONSERVATION COMMISSION, replacing Bonita Cade, Esq., who has resigned; this term will expire June 2014.

8. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of COREY PACHECO, New Bedford, MA 02740, to the HISTORICAL COMMISSION, replacing Derek Santos, who has resigned; this term will expire February 2016.

9. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of JESSICA WILDMAN, New Bedford, MA 02740, to the HUMAN RELATIONS COMMISSION, replacing Whitney White, whose term has expired; this term will expire December 2013.

10. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of CARLOS A. DACUNHA, New Bedford, MA 02744, to the AIRPORT COMMISSION, replacing Pamela Bourgault, whose term has expired; this term will expire December 2014.

11. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of JAMES LOPES, New Bedford, MA 02740, to the HISTORICAL COMMISSION, as an ALTERNATE MEMBER, to replace Susan Rothschild, whose term has expired; this term will expire February 2015.

12. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of DAGNY ASHLEY, New Bedford, MA, as DIRECTOR OF TOURISM AND MARKETING, Step 6 of the Unit C Salary Schedule, Grade 10 at \$61,628.00.

13. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of MARY RAPOZA, New Bedford, MA, as DIRECTOR OF RECREATION AND PARKS, Step 5 of the Unit C Salary Schedule, Grade M-8 at \$52,195.00; Ms. Rapoza is a New Bedford Resident.

14. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of 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.

15. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of a ONE-YEAR WAIVER OF RESIDENCY for ANDREA LAGUE, Fairhaven, MA 02719, for the Health Department's Public Health Nurse; Ms. Lague's current waiver expired December 2012.

16. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL 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, of the Application for 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.

16a. 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.

17. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL 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, of the APPLICATION for a NEW LICENSE TO DEAL IN JUNK, OLD METALS OR ANY OTHER SECOND HAND ARTICLES** under the provisions of M.G.L. Chapter 140, Section 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 of 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.

17a. 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.

18. WRITTEN MOTION, Councillors Lopes, Alves, Oliveira, Gonsalves, Martins, Bousquet, Gomes, Coelho, Lawrence and Council President Duarte, requesting, that Angela Natho, Director of Personnel supply the City Council with copies of each job description and posting on an ongoing basis that the City Council has the authority to appoint.

19. WRITTEN MOTION, Council President Duarte, requesting, on behalf of several constituents, that SRTA remove the "Parking for SRTA Buses Only" signs on North Sixth Street so that the parking spots can be available to the general public. (To be Referred to the Mayor's Office, SRTA and the Traffic Commission.)

20. WRITTEN MOTION, Councillors Martins and Bousquet, requesting, an explanation from Mayor Mitchell and Department of Public Infrastructure Commissioner Ronald Labelle as to why the public wasn't immediately notified of the grant funding denial for the International Marketplace, despite the Administrations continued extolling of its importance and the necessity of its virtues to the Councillors and the City at large; and further, requesting, on behalf of the taxpayers, that a full account of why the grant application has failed this round and why the City failed to plan for such an outcome be provided to the City Council.

21. WRITTEN MOTION, Councillor Gomes, in light of prior requests to the Administration and on behalf of the Cape Verdean Recognition Parade Committee, Inc., under the direction of Mary Ann Rogers and Betty Rivera, asking that the Committee on City Property authorize permission for the use of the old Morse Twist Drill Lot, located on Bedford Street, abutting Wing, South Sixth and Pleasant Streets, for the purpose of holding a Carnival for raising money for the July Cape Verdean Recognition Parade, this request has been made to this Administration twice, last year for the 2012 Parade, and two weeks ago for the upcoming Parade, the Administration has not taken action, and due to the limited time that the Cape Verdean Recognition Parade Committee, Inc., has to book the Carnival, and have all the proper plans put in place, it is urgent that the Council take action to allow this property to be used for the Carnival, therefore, I am requesting that the Committee on City Property be DISCHARGED and that the Council take an affirmative vote to allow the Cape

Verdean Recognition Parade Committee, Inc., to use the former Morse Twist Cutting Tool site for the Carnival fundraiser for the Cape Verdean Recognition Parade Committee, Inc.

22. WRITTEN MOTION, Councillor Martins, requesting, that Fire Chief Michael Gomes be invited to the next Committee on Public Safety and Neighborhoods meeting to update the Committee members on the status of the 880 red fire alarm boxes, 809 of which need an upgrade; and further, the City owns about 100 properties, many of which connect to fire alarm boxes and the public should be informed of any new update to said fire alarm system, this Councillor would like to see this issue addressed, to see if this is a long-term capital plan.

23. WRITTEN MOTION, Councillors Martins and Gonsalves, requesting, that the Committee on Ordinances, amend the Residency Waiver requirement to add that prior to the City Council's approval of a Residency Waiver for a person being hired for a position subject to this session, the Director of Personnel, Angela Natho, shall make all applications and resumes submitted for a position to the Personnel Department available for the City Councillors to review; and further, that no copies of resumes or applications shall be removed from the Department of Personnel by City Councillors; and further, that any person reviewing resumes or applications shall not publicly reveal any names or details contained therein, other than the number of resumes or applications submitted regarding qualified individuals who reside within the City, unless information is revealed previously by the Administration or by the particular individual who submitted the resume or application; and further, this will allow the City Council the opportunity to better screen candidates who are selected for positions by the Administration and assist us in explaining their qualifications compared to other applicants to our constituents who as taxpayers deserve to be kept informed.

24. WRITTEN MOTION, Councillors Gonsalves, Lopes, Council President Duarte, Oliveira, Martins, Saunders, Coelho, Alves, Lawrence, Gomes, Bousquet, requesting, that the Committee on Finance meet with the CFO and the Auditor to review the status of each department's budget going into the 4<sup>th</sup> Quarter of Fiscal Year 2013, to determine which departments are running surpluses and which are running deficits. (To be Referred to the Committee on Finance.)

25. WRITTEN MOTION, Councillor Martins, requesting, that our local State Legislative Delegation sign onto a new bill that will spur business growth from "angel investors" that if approved, the legislation would allow investors to get up to 30 percent in tax credits for donations to Massachusetts start-up businesses, allowing donations up to \$125,000; and further, the bill would offer better credits to investors who put their money into businesses located in one of the Gateway Cities; and further, thanking Representatives Cabral and Schmid for signing onto the bill and asking Representatives Koczera, Markey, Straus and Senator Montigny to sign onto the bill that would help future business owners get off the ground running with the help of an "angel investor" that is literally the gasoline that gets the engine going for economic growth.

26. 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 31 Ashley Street, Plot 15/Lot 149, Area of 4,357 sq. ft. (Former Owner: John Pereira); Total Amount due on the parcel as of the date of the transfer is \$38,427.59.

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

**02/14/2013** CITATION, Councillor Lopes, honoring SOUTHEASTERN REGIONAL TRANSIT AUTHORITY, in recognition of their Dedication to the City and Commitment to Area Veterans with a Medical Transportation Vehicle.