



# **Council Meeting - Agenda**

## **CITY COUNCIL CALENDAR**

Chambers of the City Council Municipal Building

**Thursday, April 11, 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 LEONA FISHER, PASTOR IN THE NAME OF JESUS CHURCH**

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**PLEDGE OF ALLEGIANCE**

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### **RESOLUTIONS**

1. RESOLUTION, Councillor Saunders, honoring the 2013 Greater New Bedford Regional Vocational Technical High School "LADY BEARS" Varsity Basketball Team on another Winning Year.

### **MAYOR'S PAPERS**

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$75,000.00 from WASTEWATER, CAPITAL OUTLAY, to WASTEWATER, SUPPLIES & MATERIALS.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$20,000.00 from POLICE, SALARIES & WAGES, to POLICE, SUPPLIES & MATERIALS.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$8,000.00 from COMMUNITY SERVICES, SALARIES & WAGES, to COMMUNITY SERVICES, OTHER CHARGES.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$3,500.00 from COMMISSION FOR CITIZENS WITH DISABILITIES, SALARIES & WAGES, to COMMISSION FOR CITIZENS WITH DISABILITIES, CAPITAL OUTLAY.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for UMASS/DARTMOUTH, 706 Rodney French Boulevard, New Bedford, MA, Account Number 032086A, in the amount of \$1,381.95.

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for LEONARDO BOTELHO, 490 Nash Road, New Bedford, MA, Account Number 031838A, in the amount of \$211.65.

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for ARTUR MOURAO, 366 Church Street, New Bedford, MA, Account Number 026475A, in the amount of \$145.25.

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, awarding to ConEd Solutions the attached Power Purchase Agreement for the purpose of installing a photovoltaic system on the ground of the New Bedford High School.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting for Confirmation the promotion of STEVEN BEAULIEU, to the position of DISTRICT FIRE CHIEF, effective April 14, 2013.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting locations to be designated as polling precincts for the upcoming Special Election for U.S. Senator for Massachusetts being held on Tuesday, April 30, 2013, the polls will open at 7:00 a.m. and close at 8:00 p.m.

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of RITA RIBEIRO, New Bedford, MA 02745, to the GREATER NEW BEDFORD REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL DISTRICT COMMITTEE; this term will expire May 01, 2017.

### ***NEW BUSINESS***

2. WRITTEN MOTION, Councillors Alves and Martins, requesting, that the Special Committee on the Airport look into the concerns addressed by Representatives of the New Bedford Regional Airport businesses as to the recommendation that at least one member (or more) of the Airport Commission be a General Aviation Pilot to insure the concerns and issues of general aviation pilots are considered, as discussions of future airport plans are negotiated. (To be Referred to the Special Committee on the Airport.)

2a. COMMUNICATION, Councillor Alves, submitting copies of letters to Mayor Mitchell from Colonial Air, Sandpiper Air, Inc. and Nor East Aviation Services, Inc., regarding concerns of the New Bedford Regional Airport Commission. (To be Referred to the Special Committee on the Airport.)

3. WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Our Lady of Mount Carmel Church, that the following street(s) be CLOSED: KATHERINE STREET, between Crapo Street and Bonney Street, ON SATURDAY, JULY 27, 2013, FROM 8:00 A.M. THROUGH SUNDAY, JULY 28, 2013, MIDNIGHT, for the purpose of the Annual Our Lady of Mount Carmel Church Feast; ALSO, that the following streets be CLOSED ON SUNDAY, JULY 28, 2013, FROM 8:00 A.M. THROUGH 5:00 P.M., for the Our Lady of Mount Carmel Church Feast PROCESSION, and so that the streets may be decorated for said Procession, as follows: RIVET STREET, between Crapo Street and Bolton Street; BONNEY STREET, between Rivet Street and Thompson Street; THOMPSON STREET, between Bonney Street and Hemlock Street; HEMLOCK STREET, between Thompson Street and Swift Street; SWIFT STREET, between Hemlock Street and Bolton Street and BOLTON STREET, between Swift Street and Rivet Street for the purpose of Our Lady of Mount Carmel Church Feast Procession.

4. WRITTEN MOTION, Councillor Lawrence, requesting, that the following street(s) be CLOSED: FULLER MEMORIAL PARKWAY, from Rockdale Avenue, westerly through Buttonwood Park, to Brownell Avenue, FROM: 8:00 A.M. THURSDAY, JULY 11, 2013, THROUGH: 12:00 P.M. (NOON) MONDAY, JULY 15, 2013, for the purpose of THE ANNUAL WHALING CITY FESTIVAL.

5. WRITTEN MOTION, Councillor Alves, requesting that the following street(s) be CLOSED: WILLIS STREET, from Purchase Street to Pleasant Street on MONDAY, MAY 27, 2013, FROM 11:00 A.M. TO 3:00 P.M., for the purpose of A VETERAN'S RECEPTION AFTER THE MEMORIAL DAY PARADE.

6. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Portuguese-American War Veterans, that ALLEN STREET, from Brownell Avenue to John Street, be CLOSED on MONDAY, MAY 27, 2013, FROM 8:30 A.M. TO 9:30 A.M. for THE ANNUAL MEMORIAL DAY SERVICES.

7. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Greater New Bedford Veterans Council, that the following street(s) be CLOSED: HUNTER STREET, from Parker Street to Maxfield Street; PARKER STREET, from Hunter Street to County Street; COUNTY STREET, from Parker Street to Pope Street; and POPE STREET, from County Street to Purchase Street, on MONDAY, MAY 27, 2013, FROM 8:00 A.M. TO 2:00 P.M. for the purpose of THE ANNUAL MEMORIAL DAY CEREMONIES.

8. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the New Bedford Day of Portugal Committee, that the following street(s) be CLOSED: WILLIAM STREET, from Sixth Street to Pleasant Street, ON THURSDAY, JUNE 06, 2013, FROM 5:30 P.M. TO 7:00 P.M., for the purpose of The Annual Day of Portugal Opening Ceremonies.

9. WRITTEN MOTION, Councillors Alves and Martins, requesting, on behalf of the Day of Portugal Committee, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Beetle Street to Coffin Avenue; SAWYER STREET, from North Front Street to Ashley Boulevard; HOLLY STREET, from North Front Street to Ashley Boulevard; TALLMAN STREET, from North Front Street to Ashley Boulevard; NYE STREET, from North Front Street to Ashley Boulevard; BULLARD STREET, from North Front Street to Ashley Boulevard; DEANE STREET, from Ashley Boulevard to Acushnet Avenue, FROM 6:00 A.M., FRIDAY, JUNE 07, 2013, THROUGH 10:00 A.M., MONDAY, JUNE 10, 2013; and further, that the following streets or intersections be designated NO PARKING AND ENFORCED AS A TOW ZONE: ACUSHNET AVENUE, from Beetle Street to Coffin Avenue (both sides); THE NORTH SIDE OF SAWYER STREET, EASTERLY APPROXIMATELY 150 feet, ending at a line parallel to the eastern most property line of the Howard Street Parking Lot (both sides); HOLLY STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); TALLMAN STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); NYE STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); BULLARD STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); DEANE STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); for the purpose of THE 16<sup>TH</sup> ANNUAL DAY OF PORTUGAL CELEBRATION.

10. WRITTEN MOTION, Councillor Lopes, requesting, on behalf of the Cove Street Neighborhood Association that the following street(s) be CLOSED: RUTH STREET, from Salisbury Street to Ashley Street, ON SATURDAY, JUNE 15, 2013, FROM 7:00 A.M. TO 4:00 P.M., for their Annual Family Fun Day.

11. WRITTEN MOTION, Councillor Alves, requesting, that the Department of Inspectional Services, Health Department and the Mayor's Housing Task Force not limit their efforts in cleaning the City's Neighborhoods to just residential properties, that they make the same effort to ensure that Commercial facilities that violate the City health codes and display intentional disrespect to the neighborhood in which they are located be held to the same standard we are seeking to hold residential landlords and property owners, and that said departments immediately address the mess behind the former Fiber Leather facility, on Belleville Road (between Brook Street and Edison Street) where the property owner has allowed trash to collect and where they are cutting brush on their property and placing it on the sidewalk blocking passage, presenting a danger to pedestrians and a disgrace to the neighborhood. (To be Referred to the Department of Inspectional Services, Health Department and Mayor's Housing Task Force.)

12. WRITTEN MOTION, Councillor Alves, requesting, that the Special Committee on Soccer Fields ask Department of Public Infrastructure Commissioner Ronald Labelle and City Solicitor John Markey, to look into who owns the recreational area (that once housed swing sets and now has an abandoned basketball court), at the northwest corner of Washburn Street and Belleville Avenue, to determine if there is a potential for the development of an additional Soccer Field (youth or adult size) to address the need for more fields in the City of New Bedford. (To be Referred to the Special Committee on Soccer Fields.)

13. WRITTEN MOTION, Councillor Alves, that in an effort to address the extensive need for additional Athletic Soccer fields in the City of New Bedford, requesting that the Mayor consider the building of a regulation size Soccer field on the "City-owned land" located on Howe Street which is boarded by Hicks and Logan Streets, the area is not in a dense residential neighborhood to offend residents and would allow for parking on all three streets surrounding the field. (To be Referred to Mayor, Committee on City Property and the Special Committee on Soccer Fields.)

14. WRITTEN MOTION, Councillors Gomes and Alves, requesting, that the City Council along with Mayor Mitchell go on record in opposition to House Speaker DeLeo's decision to eliminate the monies that would facilitate Southcoast Rail to the Greater New Bedford Area, including Fall River and Taunton; and further, that a letter be sent to

House Speaker DeLeo requesting a meeting with City Council members, the Mayor, our local Representatives and Senator Mark Montigny for the purposes of discussing what rail means to the Southcoast and how important it is that action be taken now to bring rail to the Southcoast; and further, that a letter be sent to Congressman Keating, along with Senator Warren, requesting their assistance in obtaining any federal monies that may be available through transportation bills or amendment to any bill presently in Washington for the purpose of bringing Federal assistance and making Southcoast Rail a reality; and further, that letters be sent to the Cities and Towns affected by House Speaker DeLeo and the Legislators actions, requesting that a bond be created between all Cities and Towns to fight for Southcoast Rail to come to this area due to the fact that this may be the only chance for the Southcoast to see rail, which would stimulate its economy and revitalize the City of New Bedford and requesting that Governor Patrick veto any Transportation Bill that does not include the Southcoast Rail Project.

15. WRITTEN MOTION, Councillor Lawrence, requesting, that in light of the SouthCoast Rail project debacle currently taking place in our State Legislature, that the City Council's Legislative Counsel David Gerwatowski, review and provide this body with his opinion as to whether or not the City Council through his representation as our Attorney, can take any legal action to ensure that funding be provided to support the rail service to New Bedford.

16. WRITTEN MOTION, Councillors Coelho and Gonsalves, requesting, that the City Council support Standard-Times reporter Steve Urbon's suggestion to rename Custom House Square "Frederick Douglass Park" in honor of the famed abolitionist who played such a large part in this City's history; and further, requesting, that the monument of Mr. Douglass currently in front of City Hall be moved to the newly named "Frederick Douglass Park".

17. WRITTEN MOTION, Councillor Gomes, requesting, that a Representative from the Mayor's Office, Temporary City Planner, Jill Maclean and Preservation Planner, Anne Louro, meet with the Committee on City Property to discuss exactly what the future plans are at this present time to address the Congdon House at Hazelwood Park that has for some time gone with no plan of action, which is only deteriorating more and more as years pass, there is a historical significance to this building that should be preserved for the City of New Bedford.

18. WRITTEN MOTION, Councillor Gonsalves, requesting, on behalf of the Buttonwood Park Zoo, that City Code Chapter 4, Section 4-5, Relative to Beekeeping, be amended to allow the Zoo to develop an exhibit on Beekeeping. (To be Referred to the Committee on Ordinances.)

19. WRITTEN MOTION, Councillor Gomes, on behalf of the Police Department and its men and women of the SRT Swat Team, requesting, that the City take immediate action and look for funding for the purchase of a tactical development vehicle for the City of New Bedford's Swat Team, this vehicle is very important to the deployment and actions taken in situations that call for this type of unit, it is imperative that the City make this purchase as soon as possible due to the increasing amount of calls coming in that rely on this tactical unit and for the purpose of giving the needed equipment to the SRT Swat Team to deal with situations that arise throughout our City.

20. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Public Safety and Neighborhoods meet with the Mayor and the Police Chief to view the Winnebago City Unit that was purchased some time ago, for the purpose of looking at the condition of said vehicle and to update the vehicle as far as its radio and camera status and anything else that is needed in order to make this vehicle up-to-date for 21<sup>st</sup> Century use, not only by the City for surveillance and emergency situations but also our Police Department. (To be Referred to the Committee on Public Safety and Neighborhoods.)

21. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to Councillor Martins, regarding Waiver of Fees for the Acushnet Avenue Business affected by Phase I of the Acushnet Avenue Project. (Copy all Councillors 04/05/2013.)

22. COMMUNICATION, Buzzards Bay Coalition, to the Department of the Army, New England District, Corps of Engineers regarding Disposal of Dredged Material from the Superfund CAD Cells. (Copy all Councillors 04/03/2013.)

23. COMMUNICATION, Lt. Michael J. Michno, Massachusetts State Police, North Dartmouth D-3, to City Clerk Arruda, responding to letter regarding the drag racing on Route 140, notifying that the State Police will be stepping up patrols in the area between the hours of concern. (Copy all Councillors 04/01/2013.)

24. COMMUNICATION, MassDevelopment, to City Council regarding that the Massachusetts Development Finance Agency gave preliminary approval to issue a revenue bond on behalf of Lifestream, Inc. to refinance assorted mortgages attached to residential and commercial properties owned and used by Lifestream, Inc. to support their charitable mission and purpose located in Acushnet and New Bedford. (Copy all Councillors 04/02/2013.)

***TABLED BUSINESS***

***NO ITEMS ON THIS AGENDA.***