



Council Meeting - Agenda
CITY COUNCIL CALENDAR
Chambers of the City Council Municipal Building
Thursday, May 23, 2013 - 7:00 p.m.

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

PRAYER LED BY: REVEREND CONRAD SALACH, OUR LADY OF PERPETUAL HELP PARISH

PLEDGE OF ALLEGIANCE

CITATIONS

1. CITATIONS, Councillors Gonsalves and Gomes, honoring New Bedford Police Officers and Paramedics who assisted other Municipal, State and Federal Law Enforcement agencies in the aftermath of the Boston Marathon Bombing.
2. CITATION, Councillor Gomes, honoring LT. JEFFREY P. SILVA, New Bedford Police Department, in recognition of his twenty-two years of Dedicated and Committed service to the City of New Bedford.

HEARINGS

3. HEARING, on NSTAR ELECTRIC COMPANY, Inc., for the location of two (2) 4" Conduits and one (1) 45"x45"x36" Handhole in COTTAGE STREET, North of Court Street.
 - 3a. AN ORDER,
4. HEARING, on NSTAR ELECTRIC COMPANY, Inc., for the location of one (1) 45"x45"x36" Handhole in STATE STREET, South of Maxfield Street.
 - 4a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, ***Amending*** the Order adopted by the City Council on June 28, 2012, and signed by the Mayor on July 03, 2012, which in accordance with M.G.L. Chapter 44, Section 53E½, authorized the Revolving Fund under the control of the Department of Public Facilities, known as the QUEST CENTER REVOLVING FUND, whose purpose is a focus for entrepreneurial training and location for business start-up activities, etc., to be limited at ***\$104,507.00***, is hereby authorized at ***\$120,507.00*** for FISCAL YEAR 2013.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$3,500,000.00 from FREE CASH to SCHOOL, SALARIES & WAGES. (This ORDER replaces the Order submitted on 3/27/13 in the amount of \$2,000,000.00., and addresses the School Department's projected FY 2013 deficit in its entirety. TABLED 3/27/13.)

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$500.00 from COMMUNITY SERVICES, SALARIES & WAGES, to COMMUNITY SERVICES, SUPPLIES & MATERIALS.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$4,000.00 from COMMUNITY SERVICES, SALARIES & WAGES, to COMMUNITY SERVICES, CHARGES & SERVICES.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$1,200.00 from ELECTIONS, CHARGES & SERVICES, to ELECTIONS, SUPPLIES & MATERIALS.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$172,000.00 from GENERAL GOVERNMENT UNCLASSIFIED, CHARGES & SERVICES, to SNOW, CHARGES & SERVICES.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$150,000.00 from GENERAL GOVERNMENT UNCLASSIFIED, CHARGES & SERVICES, to EMS, SALARIES & WAGES.

M7a. AN ORDER,

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

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$1,903,112.00 from FREE CASH, to STABILIZATION FUND.

M9a. AN ORDER,

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$2,300.00 from FIRE CODE ENFORCEMENT, RESERVE FOR APPROPRIATION, to FIRE, SUPPLIES & MATERIALS.

M10a. AN ORDER,

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$700.00 from FIRE CODE ENFORCEMENT, RESERVE FOR APPROPRIATION, to FIRE, CAPITAL OUTLAY.

M11a. AN ORDER,

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$300.00 from ASSESSORS, CHARGES & SERVICES to ASSESSORS, SUPPLIES & MATERIALS.

M12a. AN ORDER,

M13. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 20, Planning and Development, by striking said Chapter in its entirety and inserting a new Chapter 20, Department of Planning and Community Development.

M13a. AN ORDINANCE,

M14. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, Amending Chapter 2, Article XX, by striking Article XX in its entirety and inserting in place thereof, Article XX, Department of Facilities and Fleet Management.

M14a. AN ORDINANCE,

M15. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, Amending Chapter 2, Article XXI, Department of Public Infrastructure, by striking the Article in its entirety and inserting in place thereof, Article XXI, Public Infrastructure Department.

M15a. AN ORDINANCE,

M16. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, Amending Chapter 22, Article I, Section 22, Streets, Sidewalks and Other Public Ways; Public Works, by striking “public facilities” from the end of the first sentence and inserting in place thereof “public infrastructure”.

M16a. AN ORDINANCE,

M17. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, Amending Chapter 19, Section 19-7(c) PERSONNEL, by striking “Commissioner of Public Infrastructure M-14” and inserting in place thereof “Commissioner of Public Infrastructure M-17” and inserting “Deputy Commissioner Public Infrastructure M-14”, “Director of Facilities and Fleet Management M-14”, Director of Planning and Community Development M-16”, “Life Support Specialist M-C’ at the end of the Section.

M17a. AN ORDINANCE,

M18. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for JAMES BRAMWELL, 469 Sawyer Street, New Bedford, MA, Account Number 026837A, in the amount of \$298.80.

M19. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for DR. PATRICIA L. ANDRADE, South Dartmouth, MA 02748, to the BOARD OF HEALTH; Dr. Andrade’s current waiver expired March 11, 2012.

M20. COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of DR. PATRICA L. ANDRADE, South Dartmouth, MA 02748, to the BOARD OF HEALTH; this term will expire February 2016.

M21. COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of JAMES MATHES, New Bedford, MA 02740, to the ZONING BOARD OF APPEALS; this term will expire in December 2017.

M22. COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of MARTHA BOUCHARD, New Bedford, MA 02740, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire in May 2016.

M23. COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of KERI COX, New Bedford, MA 02740, to the HISTORICAL COMMISSION; this term will expire in February 2016.

M24. COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of PATRICIA A. COSTA, New Bedford, MA 02745, to the COUNCIL ON AGING; this term will expire November 2015.

M25. COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of CELESTE PALEOLOGOS, New Bedford, MA 02746, to the ELECTION COMMISSION; this term will expire April 2017.

M26. COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of WILLIAM DO CARMO, New Bedford, MA 02740, to the ELECTION COMMISSION; this term will expire April 2017.

M27. COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of INEZ MELLO, New Bedford, MA 02745, to the COUNCIL ON AGING; this term will expire November 2013.

M28. COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of STANLEY OCIESA, New Bedford, MA 02740, to the COUNCIL ON AGING; this term will expire November 2015.

M29. COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of LIONEL DUARTE, East Freetown, MA 02717, as a SPECIAL POLICE OFFICER.

M29a. APPLICATION,

NEW BUSINESS

5. AN ORDINANCE, Amending Chapter 2, Section 2-61 – RELATIVE TO THE CLERK OF COMMITTEES AND THE CITY CLERK. (Passed to a Second Reading, as amended May 09, 2013.)

6. REPORT, Committee on Ordinances, recommending to the City Council, that it REJECT the Mayor's request for AN ORDINANCE, amending Chapter 9, Section 4000, by adding a new Section 4700A, Interim Regulations for Medical Marijuana Dispensaries, which will establish a moratorium to allow New Bedford time to consider whether to allow facilities associated with the medical use of marijuana.

6a. AN ORDINANCE,

7. REPORT, Committee on Ordinances, recommending to the City Council, ADOPTION of the ORDINANCE, Relative to Pawnbrokers – Establishment. This Ordinance is subject to the Planning Board holding a Public Hearing.

7a. AN ORDINANCE,

8. REPORT, Special Committee on the Feasibility of Creating a Dog Park, relative to recommending to the City Council the Criteria and Rules for a potential Dog Park in the City of New Bedford for approval and affirmative recommendation to the Mayor for an executive decision and action. (Suggested Criteria and Rules for a Dog Park in the City of New Bedford enclosed.)

9. WRITTEN MOTION, Council President Duarte, requesting, that the City Council WAIVE RULE 27, IN ORDER TO HOLD BUDGET INTERVIEW SESSIONS on TUESDAY, JUNE 04, 2013, WEDNESDAY, JUNE 05, 2013 and THURSDAY, JUNE 06, 2013.

10. WRITTEN MOTION, Councillor Bousquet, requesting, that the City Council place a moratorium on citing anything student centered at the Parker Street Waste site and encourage green space development in the interest of public safety. (To be Referred to the Mayor's Office and the Committee on Ordinances.)

11. WRITTEN MOTION, Councillor Lopes, requesting that the State of Massachusetts Registry of Motor Vehicles update the current Moped Law, that would require all owners and operators of a Moped/Scooter registered in the Commonwealth of Massachusetts to carry liability insurance; and further, requesting that the State of Massachusetts Registry of Motor Vehicles amend the current fine for riding an unregistered moped from \$100.00 that

it is currently, to \$250.00. (To be Referred to the Massachusetts Department of Transportation (MassDOT), Attention Richard A. Davey, Secretary of Transportation, and Chief Executive Officer.)

12. WRITTEN MOTION, Councillors Lopes, Martins, Lawrence, Bousquet, Gonsalves, Alves, Saunders, Coelho, Council President Duarte, and Councillor Gomes, requesting, that the New Bedford School Committee and/or New Bedford School Department provide the New Bedford City Council with a complete listing of each School Department account that is currently in a deficit or will be in a deficit by the end of the 2013 Fiscal Year; and further, requesting that said information be presented to the New Bedford City Council within five (5) business days.

13. WRITTEN MOTION, Councillor Coelho, requesting, that in light of the two recent incidents where the theft of copper resulted in dangerous house fires, that the Committee on Ordinances revisit the existing Ordinances, Chapter 15, Licenses and Permits; Business Regulations, Sections 33-51, in order to strengthen the guidelines and the enforcement of same; and further, requesting that a representative from the Police Department attend a Committee on Appointments and Briefings meeting to inform the Council as to what is being done in other communities regarding this problem. (To be Referred to the Committee on Appointments and Briefings.)

14. WRITTEN MOTION, Councillor Coelho, requesting, that after the recent vandalism to the historic century old Whaleman statue in front of the Downtown Main Public Library, that the City move to install surveillance cameras at the Downtown Bus Station, City Hall and the Main Public Library and that these cameras should be equipped with a live feed to the Police Station, in an effort to provide higher security to the Downtown area. (To be Referred to the Mayor's Office, the Police Department and the Committee on Public Safety and Neighborhoods.)

15. WRITTEN MOTION, Council President Duarte, requesting, on behalf of Bill Lacey, that the following street(s) be CLOSED: WILLIAM STREET, from North Second Street to Bethel Street / Johnny Cake Hill, ON FRIDAY, JUNE 14, 2013, from 9:00 A.M. to 12:00 P.M. (NOON), for the purpose of a Flag Day Ceremony and a School Band Concert.

16. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Feast of the Blessed Sacrament Committee, that the following street(s) be CLOSED: BROOKLAWN STREET, from Ashley Boulevard to Acushnet Avenue; ACUSHNET AVENUE, from Wood Street to Earle Street; EARLE STREET, from Acushnet Avenue to Madeira Avenue; MADEIRA AVENUE, from Earle Street to Tinkham Street, ON SUNDAY, AUGUST 04, 2013, FROM 10:00 A.M. TO 4:00 P.M., for the purpose of THE FEAST OF THE BLESSED SACRAMENT ANNUAL PARADE.

17. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Feast of the Blessed Sacrament Committee, that the following street(s) be CLOSED: EARLE STREET, from Acushnet Avenue to Madeira Avenue, ON: THURSDAY, AUGUST 01, 2013, FROM: 5:00 P.M. TO 5:30 P.M., for the purpose of THE FEAST COMMITTEE TO MARCH FROM THE MADEIRA CLUB PARKING LOT TO THE IMMACULATE CONCEPTION CHURCH FOR BLESSING OF COMMITTEE MEMBERS PRIOR TO START OF FEAST.

18. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Feast of the Blessed Sacrament Committee, that the following street(s) be CLOSED: EARLE STREET, from Madeira Avenue to Belleville Avenue for a distance of 300 feet, ON SUNDAY, AUGUST 04, 2013, FROM 10:00 A.M. TO 4:00 P.M., for the purpose of: PARKING OF LARGE TRAILER TRUCKS, WHICH WILL BE USED IN THE FEAST OF THE BLESSED SACRAMENT PARADE, AND WHICH ARE UNABLE TO MAKE THE TURN ONTO MADEIRA AVENUE. NOTE: REQUESTING THAT THE DPF PROVIDE STREET CLOSURE BARRELS. (NOTE: CLOSURE TO BE "USED AS NEEDED".)

19. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Feast of the Blessed Sacrament Committee, that the following street(s) be CLOSED: EARLE STREET, from North Front Street to Belleville Avenue; MADEIRA AVENUE, from Davis Street to Tinkham Street; HATHAWAY STREET, from North Front Street to Funchal Place (Hope Street); FUNCHAL PLACE (Hope Street), from Hathaway Street to Tinkham Street; TINKHAM STREET, from Madeira Avenue to Funchal Place (Hope Street); BELLEVILLE AVENUE, from mid-way point in front of Ottiwell School Playground to Hathaway Street, ON THURSDAY, AUGUST 01, 2013, 8:00 A.M. THROUGH SUNDAY, AUGUST 04, 2013, MIDNIGHT, for the Purpose of: THE ANNUAL FEAST OF THE BLESSED SACRAMENT.

20. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Feast of the Blessed Sacrament Committee, that the following street(s) be CLOSED: BELLEVILLE AVENUE (starting at Hathaway Street – near Sunshine Donuts) North to Wood Street; WOOD STREET, West from Belleville Avenue to Acushnet Avenue; ACUSHNET AVENUE, South to Brooklawn Street; BROOKLAWN STREET, West to Ashley Boulevard; ASHLEY BOULEVARD, South to Irvington Street; IRVINGTON STREET, East to Acushnet Avenue; ACUSHNET AVENUE, South to Earle Street; EARLE STREET, East to Madeira Avenue; MADEIRA AVENUE, North to Madeira Field, ON SATURDAY, AUGUST 03, 2013 – FROM 10:00 A.M. TO 1:00 P.M., NOTE: REQUESTING THAT THE DPF PROVIDE STREET CLOSURE BARRELS AND THAT THE DPI SWEEP THE STREETS NOTED ABOVE PRIOR TO THE ROAD RACE IN THE INTEREST OF THE RUNNERS’ SAFETY, for the Purpose of: FEAST OF THE BLESSED SACRAMENT ANNUAL ROAD RACE. NOTE: TO BE IMPLEMENTED WHERE, WHEN AND AS REQUIRED TO ENSURE THE PUBLIC’S SAFETY AND TO EXPEDITE THE EVENT.

21. WRITTEN MOTION, Councillor Bousquet, requesting, on behalf of SouthCoast Equality Pride, that the following street(s) be CLOSED: KENYON STREET, from Belleville Avenue to North Front Street, ON SATURDAY, JUNE 22, 2013, FROM 12:00 P.M. (NOON) TO 10:00 P.M., for the purpose of the Fifth Annual SouthCoast Equality Pride Day Block Party.

22. WRITTEN MOTION, Council President Duarte, requesting, on behalf of the Zeiterion Theatre, that the following street(s) be CLOSED: SPRING STREET, from Purchase Street to Acushnet Avenue, (Alongside the Zeiterion Theatre), FROM: 6:00 A.M. ON THURSDAY, JUNE 27, 2013, THROUGH 2:00 A.M. ON FRIDAY, JUNE 28, 2013, for the purpose of unloading equipment for the performance of “David Byrne and St. Vincent”.

23. WRITTEN MOTION, Council President Duarte, requesting, on behalf of the Bisca Club, that the following street(s) be CLOSED: WING STREET, from Purchase Street to Acushnet Avenue, ON SATURDAY, JULY 06, 2013, FROM 8:00 A.M. TO 5:00 P.M., for the purpose of Cape Verdean Recognition Week Activities.

24. WRITTEN MOTION, Councillor Saunders, requesting, on behalf of Mr. John Silva, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Russell Street South to Bedford Street, ON SATURDAY, JULY 06, 2013, FROM 11:00 A.M. TO 6:00 P.M.; and further, that this area be closed as soon as the Cape Verdean Recognition Parade Passes said area and remain closed until 8:00 P.M., for the purpose of the Cape Verdean Recognition Day Basketball Shoot Out “Remembering Amilcar Cabral.”

25. WRITTEN MOTION, Councillor Alves, requesting, on behalf of The Cape Verdean-American Veterans, that the following street(s) be CLOSED: PURCHASE STREET, from Madison Street to School Street, ON SATURDAY, JULY 06, 2013, FROM 11:00 A.M. TO 11:00 P.M., for the purpose of A Block Party.

26. WRITTEN MOTION, Councillor Gomes and Council President Duarte, requesting, on behalf of the Cape Verdean Recognition Committee, that the following street(s) be CLOSED: PURCHASE STREET, between Madison Street and Walnut Street (In Front of Cape Verdean-American Veterans Hall – 561 Purchase Street) ON: SATURDAY, JULY 06, 2013, FROM: 11:00 A.M. TO 7:00 P.M., for the purpose of the Cape Verdean Recognition Day Festival.

27. WRITTEN MOTION, Councillor Gomes and Council President Duarte, requesting, on behalf of the Cape Verdean Parade Committee, that the following street(s) be CLOSED: JOLI GONSALVES WAY (formerly Cherry Street), from Sixth Street to Seventh Street, ON SATURDAY, JULY 06, 2013, FROM 8:00 A.M. TO 5:00 P.M. FURTHER NOTE: THAT NO PARKING BE ALLOWED ON BOTH SIDES OF THE STREET DURING THE SAME, and ACUSHNET AVENUE, between Wing Street and Grinnell Street, and WING STREET, between Purchase Street and Acushnet Avenue, ON SATURDAY, JULY 06, 2013, FROM 10:00 A.M. TO 9:30 P.M., for the purpose of Cape Verdean Recognition Week Activities.

28. WRITTEN MOTION, Councillor Gomes and Council President Duarte, requesting, on behalf of the Cape Verdean Recognition Committee, Inc., that the following street(s) be CLOSED: PLEASANT STREET, from Wing Street to Bedford Street, and BEDFORD STREET, from Pleasant Street to South Sixth Street, ON SATURDAY, JULY 06, 2013, from 8:00 A.M. to 10:00 P.M., for the purpose of the Cape Verdean Recognition Committee, Inc.’s Carnival.

29. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Noel P. Ciminello, 22 Shannon Way, North Dartmouth, MA 02747 d/b/a/ YES! WE VAN LLC., 167 Butler 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.

30. COMMUNICATION, Jean Fox, South Coast Rail Project Manager and Victoria Maguire, State Permit Ombudsman, Executive Office of Housing and Economic Development, to City Council, regarding FY2014 Technical Assistance funding to implement the goals and objectives of the South Coast Rail Land Use and Economic Development Corridor Plan. (Copy all Councillors 05/08/2013.)

31. COMMUNICATION, State Representative Christopher M. Markey, to City Council, submitting copy of amended House Bill 3415, "An Act Relative to Transportation Finance", regarding the South Coast Rail Project. (Copies provided to all Councillors 05/17/13 – To be Received and Placed on File.)

32. COMMUNICATION, Joseph Grivers, Vice-President, Massachusetts Development Finance Agency, to City Council, submitting letter notifying of the preliminary approval of a revenue bond on behalf of the High Point Treatment Center, Inc., project located in New Bedford. (Copies provided to all Councillors 05/20/13.)

TABLED BUSINESS

04/25/2013 REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, for the TRANSFER of \$2,000,000.00 from FREE CASH, to SCHOOL, SALARIES & WAGES.

04/25/2013 AN ORDER,

05/09/2013 RESOLUTION, Council President Duarte, honoring TEAM BUILDERS, INC./THE HOUSE OF MUSIC on the occasion of their 10th Anniversary.