



***Council Meeting - Agenda***  
***CITY COUNCIL CALENDAR***  
Chambers of the City Council Municipal Building  
***Thursday, June 27, 2013 - 7:00 p.m.***

View Consent Agenda

View Late File Agenda

View Minutes

\*\*\*\*\*

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

\*\*\*\*\*

***PRAYER LED BY: REVEREND KEVIN HARRINGTON, ST. FRANCIS OF ASSISI PARISH***

\*\*\*\*\*

***PLEDGE OF ALLEGIANCE***

\*\*\*\*\*

***CITATIONS***

1. CITATIONS, Councillors Martins and Lopes, honoring ADAM FINN, CHRISTIAN MCLEOD AND NATHAN ANDRADE, in recognition of their participation in the Saturday Academy Program and their emcee duties at the graduation ceremony.

***RESOLUTIONS***

2. RESOLUTION, Council President Duarte, honoring, PAUL D. FAY, on the occasion of his retirement as Principal of the John D. Parker Elementary School.

3. RESOLUTION, Councillor Martins, honoring EUGENE F. SLADEWSKI, on the occasion of his retirement as Principal of the Abraham Lincoln Elementary School.

***MAYOR'S PAPERS***

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a HOME RULE PETITION, relating to the Harbormaster in the City of New Bedford, the proposed Act authorizes the Mayor with the approval of the City Council to appoint a Harbormaster, who may, but need not, be a resident or registered voter of the City for a term of not more than five years, the Act also authorizes the Mayor with the approval of the City Council to reappoint an existing Harbormaster for a term of not more than five years.

M1a. AN ACT,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the Mayor to execute a Lease on behalf of the City, the proposed Lease between the City of New Bedford through its Airport Commission (NBAC) and Claremont Aviation, LLC for the purpose of construction and operating an aircraft storage and maintenance hangar for an initial term of twenty years (renewal option) this lease will expire August 01, 2033.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 9, Section 1200 to insert of definition for "alternative motor vehicle fuels" and a revised Appendix A Table of Principal Use Regulations to insert "alternative motor vehicle fuels" in D. Industrial #10.

M3a. AN ORDINANCE,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Recreation and Parks Department known as the **SUPPORTIVE RECREATION REVOLVING FUND**, whose purpose is to cover program instructors and supplies for programs, whose revenue and amount limited to be spent for FY14 is restricted to revenue deposited into the fund, is hereby authorized for **FISCAL YEAR 2014**.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Department of Public Infrastructure known as the **NEW BEDFORD ENERGY NOW REVOLVING FUND** whose purpose is to fund incidental costs of the NBEN Program as well as program development, whose revenues and amount limited to be spent for FY14 is restricted to revenue deposited into the fund, is hereby authorized for **FISCAL YEAR 2014**.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Purchasing Department known as the **PURCHASING REVOLVING FUND**, whose purpose is to provide office supplies, photocopy supplies, copier leases, etc., for City Departments, whose revenues and amount limited to be spent estimated at \$225,000.00 is hereby authorized for **FISCAL YEAR 2014**.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Inspectional Services Department known as the **VACANT BUILDING REVOLVING FUND** whose purpose is to provide salary expense for one full-time Building Inspector and two part-time clerks, office supplies, survey expenses, tipping fees, purchase materials and reimburse labor costs for emergency board-up of vacant buildings and monitor vacant buildings, whose revenues and amount limited to be spent estimated at \$200,000.00 is hereby authorized for **FISCAL YEAR 2014**.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Department of Facilities and Fleet Management, known as **QUEST CENTER REVOLVING FUND** whose purpose is to provide a focus on entrepreneurial training and location for business start-up activities focusing on marine/maritime technologies, life sciences and software development is hereby authorized at \$103,000.00 for **FISCAL YEAR 2014**.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Community Services Department, known as **SENIOR TRAVEL AGENCY REVOLVING FUND**, whose purpose is to support day trips for seniors, including reservations/tickets/meals, Recreation Leader's salary, clerical support and program supplies, whose revenues collected and amount limited to be spent estimated at \$120,000.00 is hereby authorized for **FISCAL YEAR 2014**.

M9a. AN ORDER,

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Community Services Department, known as **SENIOR TRANSPORTATION FUND**, whose purpose is to provide transportation for seniors to grocery and other shopping, general trips and medical appointments, whose revenues collected and amount limited to be spent estimated at \$14,000.00 is hereby authorized for **FISCAL YEAR 2014**.

M10a. AN ORDER,

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Community Services Department, known as **SENIOR ACTIVITIES FUND**, whose purpose is to support social activities and entertainment at all Senior Centers, etc., whose revenues and amount limited to be spent estimated at \$6,200.00 is hereby authorized for **FISCAL YEAR 2014**.

M11a. AN ORDER,

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Department of Public Infrastructure, known as **NEW BEDFORD RAILYARD AND RAIL CROSSING REVOLVING FUND**, whose purpose is maintenance and operation of the New Bedford Railyard and Rail Crossing Gates, whose revenue and amount limited to be spent are estimated at \$94,152.00 is hereby authorized for **FISCAL YEAR 2014**.

M12a. AN ORDER,

M13. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Purchasing Department known as the **SOUTHEASTERN REGIONAL POLICE REVOLVING FUND**, whose purpose is to support police communications networking for surrounding cities and towns, whose revenues and amount limited to be spent estimated at \$30,500.00 is hereby authorized for **FISCAL YEAR 2014**.

M13a. AN ORDER,

M14. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Planning and Community Development Department known as the **ZONING BOARD OF APPEALS REVOLVING FUND**, whose purpose is to provide supplies, postage and advertising costs, contract for technical and administrative support for ZBA and stipends for ZBA members, whose revenues and amount limited to be spent estimated at \$20,000.00 is hereby authorized for **FISCAL YEAR 2014**.

M14a. AN ORDER,

M15. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Library Department, known as **LIBRARY EQUIPMENT REVOLVING FUND**, whose purpose is to provide and maintain photocopying and printing equipment at the Main Library and the four branches, whose revenues and amount limited to be spent are estimated at \$9,000.00 is hereby authorized for **FISCAL YEAR 2014**.

M15a. AN ORDER,

M16. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the School Department, known as the **FOOD SERVICE CONCESSION**, whose purpose is to provide concession services during football games at the Paul Walsh field, whose revenues and amount limited to be spent estimated at \$5,000.00 is hereby authorized for **FISCAL YEAR 2014**.

M16a. AN ORDER,

M17. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Clerk of Committees Department, known as the **COUNCIL SPECIAL PERMIT REVOLVING FUND**, whose purpose is to cover the cost associated with processing/reviewing and granting applications for Special Permit hearings, whose revenues and amount limited to be spent estimated at \$5,000.00 is hereby authorized for **FISCAL YEAR 2014**.

M17a. AN ORDER,

M18. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Health Department, known as **FINES/FORFEITURES REVOLVING FUND – HEALTH**, whose purpose is for the collection of health-related fines originally paid to the State but now paid to the City due to the establishment of this fund, whose revenues and amount limited to be spent are estimated at **\$700.00** is hereby authorized for **FISCAL YEAR 2014**.

M18a. AN ORDER,

M19. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$216,400.00 from PUBLIC FACILITIES, CAPITAL OUTLAY, to PUBLIC FACILITIES, OTHER CHARGES.

M19a. AN ORDER,

M20. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$130,000.00 from ZOO, SUPPLIES & MATERIALS, to ZOO, OTHER CHARGES.

M20a. AN ORDER,

M21. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$34,000.00 from ZOO, CHARGES & SERVICES, to ZOO, OTHER CHARGES.

M21a. AN ORDER,

M22. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$33,000.00 from FIRE, SALARIES & WAGES, to FIRE, OTHER CHARGES.

M22a. AN ORDER,

M23. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$3,000.00 from RECREATION/PARKS, SALARIES & WAGES, to RECREATION/PARKS, SUPPLIES & MATERIALS.

M23a. AN ORDER,

M24. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$1,750.00 from MAYOR, SALARIES & WAGES, to MAYOR, CHARGES & SERVICES.

M24a. AN ORDER,

M25. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$1,100.00 from CITY COUNCIL, CHARGES & SERVICES, to CITY CLERK, SALARIES & WAGES.

M25a. AN ORDER,

M26. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of DAVID DETERRA, New Bedford, MA 02740, as a SHELLFISH CONSTABLE; this term will expire in June 2016.

M27. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JOSEPH EUGENIO, New Bedford, MA 02744, to the TRAFFIC COMMISSION; this term will expire December 2014.

M28. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JANICE BAPTIST, New Bedford, MA 02740, to the HUMAN RELATIONS COMMISSION; this term will expire April 2016.

M29. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JAMES SYLVIA, New Bedford, MA 02745, to the COUNCIL ON AGING; this term will expire November 2015.

M30. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of

ELAINE SAFIOLEAS, New Bedford, MA, to the PARK COMMISSION, replacing Randy Debrosse, whose has resigned; this term will expire May 2014.

**CHARTER RULED ITEMS**

CR1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$100,000.00 from FIRE, SALARIES & WAGES, to FIRE, OTHER CHARGES. (Charter Ruled – June 13, 2013.)

CR1a. AN ORDER, (Charter Ruled – June 13, 2013.)

**END OF CHARTER RULED ITEMS**

**NEW BUSINESS**

4. LOAN ORDER, that the City appropriate \$2,400,000.00 to pay costs of furnishing and installing all materials, equipment, software and appurtenances to make the new Supervisory Control and Data Acquisition (SCADA) system fully operational. (Passed to a Second Reading – June 13, 2013.)

5. WRITTEN MOTION, Councillor Alves, requesting, on behalf of residents, that the following street(s) be CLOSED: LAFAYETTE STREET, from Wood Street to Brooklawn Avenue, ON SATURDAY, JULY 06, 2013, FROM 10:00 A.M. TO 10:00 P.M. for the purpose of A BLOCK PARTY.

6. WRITTEN MOTION, Councillor Bousquet, requesting, on behalf of the Howland National Guard Veterans Chapter, that the following street(s) be CLOSED: MT. PLEASANT STREET, from Sawyer Street to Buchanan Street, ON SATURDAY, SEPTEMBER 14, 2013, FROM 11:30 A.M. TO 3:00 P.M., for the purpose of A Memorial Service at Howland Square.

7. WRITTEN MOTION, Councillor Martins, requesting, on behalf of Ms. Crystal Nadeau, that the following street(s) be CLOSED: ERIC'S WAY, from Nash Road to Tinkham Street, ON SATURDAY, SEPTEMBER 14, 2013, FROM 12:00 P.M. (NOON) TO 5:00 P.M., for the purpose of A Block Party.

8. WRITTEN MOTION, Council President Duarte, requesting, on behalf of Ms. Mary Ann Rogers, President, Cape Verdean Recognition Committee, Inc., that the following street(s) be CLOSED: WILLIAM STREET, from Pleasant Street to North Sixth Street, ON MONDAY, JULY 01, 2013, FROM 11:30 A.M. TO 1:30 P.M., for the purpose of the Cape Verdean Flag Raising on City Hall Steps.

9. WRITTEN MOTION, Council President Duarte, requesting, on behalf of AHA!, that the following street(s) be CLOSED: MARKET STREET, between Pleasant Street and North Sixth Street; PURCHASE STREET, between Union Street and Spring Street and NORTH SECOND STREET, between Barker's Lane and William Street, ON THURSDAY, JULY 11, 2013, FROM 5:00 A. M. THROUGH 9:00 P.M., for the purpose of: AHA! NIGHT/KIDS RULE.

10. WRITTEN MOTION, Councillors Coelho and Bousquet, requesting, that MassDOT Highway Division immediately address the condition of the Exit 15 sign on I-195 east bound, (Route 18 South/Downtown New Bedford), due to its disrepair, said signage needs to be removed and repaired due to the poor image that it brings to the people who are visiting the City of New Bedford; and further, requesting that the Highway Division include clean up and repairs to the off ramp due to the area being filled with litter and debris.

11. WRITTEN MOTION, Councillor Gomes, requesting, that the Department of Public Infrastructure take immediate action and seal crack and re-paint the parking space lines on all three parking lots at East Beach on Rodney French Boulevard, this action will preserve these lots for an additional ten years and prevent any further deterioration.

12. WRITTEN MOTION, Councillor Bousquet, requesting, that a letter be sent to our State Legislative Delegation urging them to vote NO on "Massachusetts Bill to Impose 45% Tax on E-cigarettes and Smokeless Tobacco", House Bill 2593, which would allow the law to include vapor cigarettes, these electronic cigarettes are used to aid in kicking the cigarette smoking habit, taxing the electronic cigarette will not encourage a change in behavior, but rather double tax an

item already subject to general merchandise sales tax. (To be Referred to our State Legislative Delegation and that Rule 40 be Waived.)

13. COMMUNICATION, Acting City Planner Jill Maclean, to City Council, providing a copy of the grant application for the Hurricane Barrier, which was requested by Councillors Martins, Saunders, Gomes and Alves at the City Council Meeting of April 11, 2013. (Copy all Councillor 06/24/2013.)

***TABLED BUSINESS***

**06/13/2013** COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JOHN RADCLIFFE, New Bedford, MA 02740, to the CONSERVATION COMMISSION, this term will expire June 2016.