



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, July 18, 2013 - 7:00 p.m.

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

PRAYER LED BY: REVEREND EDWARD A. MURPHY, ST. ANTHONY OF PADUA CHURCH

PLEDGE OF ALLEGIANCE

NOTE: The next regularly scheduled City Council Meeting will be held on TUESDAY, AUGUST 13, 2013, due to the Holy Day on Thursday, August 15, 2013. The agenda will close on THURSDAY, AUGUST 08, 2013 at 10 a.m. and be released on FRIDAY, AUGUST 09, 2013.

CITATIONS

1. CITATION, Councillor Bousquet, honoring MICHAEL R. SHEA, Interim Superintendent – New Bedford Public Schools, in recognition of his hard work, honesty and dedication to the Children of the City of New Bedford and with Sincere Gratitude.
2. CITATIONS, Councillor Gomes, honoring HAWTHORN MEDICAL ASSOCIATES, DEMOULAS SUPERMARKETS, LLC/MARKET BASKET and CONRAD ROY, TUCKER-ROY MARINE TOWING AND SALVAGE, INC., in recognition of their contributions to the City of New Bedford's Annual July 4th Fireworks Display.

RESOLUTIONS

3. RESOLUTION, Councillor Bousquet, honoring MARCIA FAUCHER on the occasion of her retirement as the PRINCIPAL of the CARLOS PACHECO ELEMENTARY SCHOOL.

HEARINGS

4. HEARING, on NSTAR ELECTRIC COMPANY, for location of one (1) 13"x 24"x18" Handhole in COUNTY STREET, North of Kempton Street.
 - 4a. AN ORDER,

MAYOR'S PAPERS

- M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting an ORDER for the TRANSFER of \$195,000.00 from FACILITIES AND FLEET MANAGEMENT, CHARGES & SERVICES, to FACILITIES AND FLEET MANAGEMENT, SUPPLIES & MATERIALS.
 - M1a. AN ORDER,
- M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting a recommendation to dedicate the newly built work bay to former employee Carlos Tabares; Mr. Tabares worked as a diesel engine repair man in the Department of Public Infrastructure for nine years and passed away on the job on November 30, 2012.

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting a WAIVER OF RESIDENCY for part-time Associate Solicitor, ATTORNEY THOMAS J. MATHIEU, Raynham, MA; Attorney Mathieu owns and operates his business in New Bedford and is also a former City of New Bedford employee.

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ADAM SIMMONS, New Bedford, MA 02740, to the AIRPORT COMMISSION, replacing Luis Bartolomey, whose term has expired; this term will expire December 2015.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of COLLEEN PINA-GARRON, New Bedford, MA 02740, to the CONSERVATION COMMISSION, replacing Robert Morris, whose term has expired; this term will expire June 2015.

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of LEO SCHICK, New Bedford, MA 02740, to the ZONING BOARD OF APPEALS, as an ASSOCIATE (ALTERNATE) MEMBER, replacing Arthur Glassman who has resigned; this term will expire December 2017.

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of DAVID PEIXOTO, New Bedford, MA 02745, to the PARK COMMISSION; this term will expire May 2018.

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

M8a. APPLICATION,

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of DANIEL DUCLOS, New Bedford, MA, as a SPECIAL POLICE OFFICER.

M9a. APPLICATION,

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CALIB TIMOTHY LARUE, Rochester, MA, as a SPECIAL POLICE OFFICER.

M10a. APPLICATION,

NEW BUSINESS

5. WRITTEN MOTION, Councillor Lopes, requesting that the City of New Bedford Contributory Retirement Board review the number of City Employees who have retired with 25 years or more of service and have a minimum retirement less than what was approved by the Massachusetts State Legislatures during the 2011 - 2012 Session, and provide this body with said information because it has come to this Councillor's attention that Chapter 156 of the Acts of 2012, establishes a Local Option Minimum Pension.

6. WRITTEN MOTION, Councillor Lopes, requesting that the Traffic Commission approve the installation of ONE-WAY STREET signs at the intersection of Bonney Street and Cove Road, and at the intersection of Bonney Street and Nelson Street. (To be Referred to the Traffic Commission.)

7. WRITTEN MOTION, Councillor Gomes, requesting, that the following street(s) be CLOSED: COTTAGE STREET, between Mill Street and North Street, ON SATURDAY, AUGUST 03, 2013, FROM 9:00 A.M. TO 6:00 P.M., for the purpose of A Basketball Tournament "The Power of Three Tourney", on behalf of Edward J. Rogers/The Brothers of Union Lodge #4 and A. M. (In conjunction with the Elk's Lodge.)

8. WRITTEN MOTION, Councillor Bousquet, requesting, on behalf of Crystal Oliver, that the following street(s) be CLOSED: COLLINS STREET, from Glover Street to Cedar Street, ON SUNDAY, JULY 28, 2013, from 11:00 A.M. to 5:00 P.M., for the purpose of A Birthday Celebration.

9. WRITTEN MOTION, Council President Duarte, requesting, on behalf of Our Lady of the Assumption Church, that the following street(s) be CLOSED: SEVENTH STREET, from Joli Gonsalves Way to Madison Street, **AND** JOLI GONSALVES WAY, from South Sixth Street to County Street, ON SUNDAY, AUGUST 18, 2013, FROM 8:00 A.M. TO 4:00 P.M., for the purpose of a Mass.

10. WRITTEN MOTION, Council President Duarte, requesting, on behalf of Eric S. Britto, True Bounce, Inc., that the following street(s) be CLOSED: PLEASANT STREET, from Union Street to the Entrance of SRTA Bus Terminal; WILLIAM STREET, from North Sixth Street to Purchase Street, and MARKET STREET, from North Sixth Street to Pleasant Street, ON FRIDAY, AUGUST 09, 2013, FROM 10:00 A.M. THROUGH SATURDAY, AUGUST 10, 2013, 10:00 P.M., for the Purpose of True Bounce 3 on 3 Basketball Event, A Two Day Basketball Tournament.

11. WRITTEN MOTION, Councillor Lawrence, requesting, that language be added to the existing Ordinance, Amending Chapter 23, Traffic, Article I, stating that any tow truck found in violation of the oversize vehicle Ordinance will be removed from the City of New Bedford Police Call List; and further, that violators will be unable to conduct business in New Bedford until such time that they adhere to the Ordinance guidelines about parking oversize vehicles on City streets.

12. WRITTEN MOTION, Councillor Lopes, requesting that the Traffic Commission approve the installation of a Crosswalk at the intersection of Dolphin Street and West Rodney French Boulevard. (To be Referred to the Traffic Commission.)

13. WRITTEN MOTION, Councillor Alves, requesting, on behalf of residents in the vicinity of the intersection of Campbell Street and County Street, that Department of Public Infrastructure immediately inspect, mark and schedule for repair the sidewalk on the south side of Campbell Street (east of County Street), a number of the cement squares have been cracked and raised by trees in the area, causing a dangerous situation for the pedestrians using the sidewalk, especially the residents of the Savoy Nursing and Rehabilitation Center across the street, two residents have fallen due to the condition of the sidewalk, presenting a potential liability to the City. (To be Referred to the Department of Public Infrastructure.)

14. WRITTEN MOTION, Councillors Gonsalves and Oliveira, requesting, that the Committee on Finance meet with a Representative of the Health Department regarding their Dental Hygiene Program and its benefits to the City of New Bedford.

15. WRITTEN MOTION, Councillor Lopes, on behalf of area residents, requesting an update from the School Department and the Administration on the status of the Sea Lab/Taylor School project, as well as a description of the new uses of the combined facility.

16. WRITTEN MOTION, Councillor Alves, requesting, that the Police Department take the appropriate action to investigate (and remove if warranted) the two vehicles that have been parked and/or abandoned at the intersection of Pleasant Street and Franklin Street, it has been reported that the vehicles have been in the same location for over three months and have not been moved, the tires are flat and they are a public safety concern to the residents of the area and a disgrace to the neighborhood; and further, requesting that the Police Department report back to the Council as to the action taken or the resolution to the problem. (To be Referred to the Police Department.)

17. WRITTEN MOTION, Councillor Lopes, requesting on behalf of the Community Boating Center, that the Traffic Commission consider installing the following signs, "NO PARKING HERE TO CORNER" and "NO TRAILER PARKING", starting at the intersection of Rogers Street and Padanaram Avenue, and concluding at the intersection of Norwell Street and Padanaram Avenue. (To be Referred to the Traffic Commission.)

18. WRITTEN MOTION, Councillors Gonsalves and Gomes, requesting, that Department of Public Infrastructure replace the plaque which was stolen from Carney Academy property approximately three years ago, which commemorated the original site of the Bethel AME Church, the Church members have requested a replacement several times in the past without success. (To be Referred to the Department of Public Infrastructure and the Special Committee on Memorials and Dedications.)

19. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Pastor and the congregation of the Our Lady of Purgatory Church, 11 Franklin Street, that the Traffic Commission approve two (2) Handicap Parking spaces on the north side of Franklin Street, starting at Pleasant Street, moving twenty feet west, to provide space for handicapped individuals to attend functions and services and to be able to use the building entrance without steps. (To be Referred to the Traffic Commission.)

20. WRITTEN MOTION, Councillors Lopes, Lawrence, Alves, Bousquet and Gonsalves, requesting that the City of New Bedford hire an Independent Auditing firm to conduct an Audit of the City's finances, before the hiring of a new City Auditor; and further, requesting that the firm contracted to complete said Audit, is not currently working on or has not worked on the City's finances within the last six Fiscal years.

21. WRITTEN MOTION, Councillor Gomes, requesting, that the City Council go on record in support of the Federal Emergency Management Agency Firefighters' Grant being awarded to the City of New Bedford; and further, that a letter be sent to FEMA on behalf of the City of New Bedford in support of the grant due to many factors, such as many thickly settled neighborhoods and several chemical companies that would put New Bedford in a real crisis situation should we lay off seventy firefighters; and further, that the letter sent to FEMA be signed by every City Councillor in support of receiving that grant in order to hold the minimum required number of firefighters in order to protect the City.

22. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Ryan R. Lord, 154 Apple Tree Lane, New Bedford, MA 02740 d/b/a/ SIGNATURE LIMOUSINE CO., 154 Apple Tree Lane, 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.

23. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Antonio B. Escobar, 38 Kearsarge Street, New Bedford, MA 02745 d/b/a/ ESCOBAR TRANSPORTATION LLC., 120 Glennon Street, New Bedford, MA 02745**, hereby submit a copy of the Application requesting **RENEWAL** of a 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. **(Current License expired September 07, 2011.)**

24. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **David A. Bizarro, 50 Larch Street, New Bedford, MA 02740 d/b/a/ BIZARRO'S TRANSPORTATION, 50 Larch Street, New Bedford, MA 02740**, hereby submit a copy of the Application requesting **RENEWAL** of a 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. **(Current License expired April 26, 2013.)**

25. COMMUNICATION, City Councillors to the Buzzards Bay Coalition submitting a signed Statement in Support of Buzzards Bay Coalition's Opposition to Enter Supplemental Consent Decree in United States of America et al. v. AVX regarding the \$366 million to clean up the PCB contamination in New Bedford Harbor and Acushnet River. (Received and Placed on File.)

26. COMMUNICATION, Tom Davis, Executive Director of the Greater New Bedford Industrial Foundation, to City Council, regarding Job Growth in Southeastern Massachusetts Cities and Towns. (Copy all Councillors 07/02/2013.)

27. COMMUNICATION, Jim Houghton, Director of Grants and Finance, New Bedford Police Department, submitting the Byrne JAG Grant Application. (Copy all Councillors 07/10/2013.)

TABLED BUSINESS

06/27/2013 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.

06/27/2013 AN ACT,

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.