



Council Meeting - Agenda
CITY COUNCIL CALENDAR
Chambers of the City Council Municipal Building
Tuesday, August 13, 2013 - 7:00 p.m.

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

PRAYER LED BY: REVEREND LEONA FISHER, PASTOR IN THE NAME OF JESUS CHURCH

PLEDGE OF ALLEGIANCE

CITATIONS

1. CITATION, Councillors Bousquet and Lopes, honoring PAULINE C. HAMEL, Ed.D. PT, Project Coordinator, Mass in Motion, in recognition of her successful efforts in nutrition education, establishing the New Bedford Bicycle Committee and in combating childhood obesity in New Bedford.
2. CITATION, Councillor Gomes, honoring NICOLE MATTHEWS, YOUNG IMAGINATIONS DAY CARE CENTER, in recognition of her providing quality care to the Children of the City of New Bedford.

HEARINGS

3. HEARING, on petition of NSTAR ELECTRIC COMPANY, for location of two (2) 4" Conduits and one (1) 45"x45"x36" Handhole in COTTAGE STREET, North of Bedford Street.

3a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting ORDERS for the APPROPRIATION of \$83,000.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS to the HEALTH DEPARTMENT, Charges & Services and Capital Outlay Accounts.

M1a. AN ORDER, Charges & Services \$78,000.00

M1b. AN ORDER, Capital Outlay \$5,000.00

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 6, Article VII, Prevention and Abatement of Nuisances, by adding Section 6-125, CHRONIC PROBLEM PROPERTIES, which is designed to hold accountable the small number of irresponsible landlords who flagrantly neglect their responsibilities to their tenants, neighborhoods and the City.

M2a. AN ORDINANCE,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 15, Licenses and Permits; Business Regulations by adding Article VIII, RENTAL HOUSING LICENSING, which assist law abiding landlords by certifying the condition of their rental units while at the same time holding the scofflaw absentee landlords accountable.

M3a. AN ORDINANCE,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for an Easement, between the City of New Bedford, NSTAR Electric Company and Verizon New England, Inc., for property located on MacArthur Drive/Steamship Wharf, the Easement is needed for the electrification of Steamship Wharf and Coal Pocket Wharf.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for an Easement, between the City of New Bedford and NSTAR Electric Company, for property located at Quittacas in Rochester, the Easement is to facilitate development of the City's solar power initiative.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for an Easement, between the City of New Bedford, Verizon New England, Inc. and NSTAR Electric Company, for property located at Quittacas in Rochester, the Easement is to facilitate development of the City's solar power initiative.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, awarding BWC Origination 4, LLC the attached Solar (PV) Generation Net Metering Power Sales Agreement for the purpose of procuring the solar electricity credits generated by a photovoltaic system in Plymouth, MA.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, awarding BWC Origination 4, LLC the attached Solar (PV) Generation Net Metering Power Sales Agreement for the purpose of procuring the solar electricity credits generated by a photovoltaic system at Sullivan's Ledge.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MARIA PINA-ROCHA, New Bedford, MA 02740, as DIRECTOR OF MANAGEMENT INFORMATION SERVICES, Ms. Pina-Rocha will begin her service at the base salary for the MIS Director Classification of \$69,182.00, Grade M-13, Step 1.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of PATRICK DAY, Providence, RI, as STAFF PLANNER, in the Department of Planning and Community Development, and requesting a six-month WAIVER OF RESIDENCY to allow time for him and his family to relocate to the City.

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for ANA POEIRA, North Dartmouth, MA, as LEGAL SECRETARY in the Office of the City Solicitor; current waiver will expire August 2013.

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for DR. MICHELE SIMS, Wareham, MA, as STAFF VETERINARIAN; Dr. Sims has been employed by the Buttonwood Park Zoo since October 2008.

M13. COMMUNICATION, Mayor Mitchell, to City Council, submitting legal constraints faced by the City under the current Home Day-Care Facilities Ordinance and the Special Permit requirements.

M14. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of RICHARD PIMENTAL, New Bedford, MA, as a SPECIAL POLICE OFFICER.

M14a. APPLICATION,

NEW BUSINESS

4. WRITTEN MOTION, Councillor Oliveira, requesting, on behalf of Paul Dupont, Scout Master, Troop 24, that the following street(s) be CLOSED: CHEROKEE STREET, between Acushnet Avenue and Morton Avenue, on SATURDAY, SEPTEMBER 28, 2013, FROM 7:00 A.M. THROUGH 3:00 P.M., for the purpose of The Annual Soap Box Derby Race Event; and further, requesting that DPI provide street closure barrels and that Cherokee Street be swept before said event. (Rain Date: Sunday, September 29, 2013.)

5. WRITTEN MOTION, Council President Duarte, requesting, that the following street(s) be CLOSED: STATE STREET, from Hazard Court to Austin Court AND HAZARD STREET, from Hazard Court to Austin Court, ON THURSDAY, AUGUST 22, 2013, FROM 9:00 A.M. TO 4:00 P.M., for the purpose of The Wamsutta Apartments Health Fair.

6. WRITTEN MOTION, Councillors Gonsalves and Lopes, requesting, on behalf of the Beckwith-Wiedemann Children's Foundation, that the following street(s) be CLOSED: EAST RODNEY FRENCH BOULEVARD, from Fort Taber Community Center to Frederick Street; FREDERICK STREET, from East Rodney French Boulevard to Brock Avenue; BROCK AVENUE, from Frederick Street to Dudley Street; DUDLEY STREET, from Brock Avenue to West Rodney French Boulevard; WEST RODNEY FRENCH BOULEVARD, from Dudley Street to South Rodney French Boulevard and SOUTH RODNEY FRENCH BOULEVARD, from West Rodney French Boulevard to Fort Taber Community Center, on SUNDAY, OCTOBER 06, 2013, FROM 7:00 A.M. TO 2:00 P.M., for the purpose of their 6TH Annual 5K Walk/Run.

7. WRITTEN MOTION, Councillor Bousquet, requesting, that the following street(s) be CLOSED: VINE STREET, from Mt. Vernon Street to Mt. Pleasant Lane, ON SATURDAY, AUGUST 17, 2013, FROM 12:00 P.M. (NOON) TO 10:00 P.M. for the purpose of the Vine Street Block Party. ALTERNATE RAIN DATE: SATURDAY, AUGUST 24, 2013, FROM 12:00 (NOON) TO 10:00 P.M. PLEASE NOTE: FURTHER REQUESTING THAT DPI PROVIDE STREET CLOSURE BARRELS.

8. WRITTEN MOTION, Councillor Bousquet, requesting, that the following street(s) be CLOSED: BEETLE STREET, from Acushnet Avenue to Ashley Boulevard, ON SATURDAY, AUGUST 24, 2013, FROM 3:00 P.M. TO 10:00 P.M., for the purpose of A Block Party.

9. WRITTEN MOTION, Councillors Coelho, Oliveira and Martins, requesting that the Committee on Ordinances and the Commissioner of Buildings and Inspectional Services, review zoning laws, specifically Chapter 9 §2300 through §2325 regarding accessory uses, as such Sections that relate to the operation of Day Care Facilities, and determine the purpose of said Ordinance and whether the purpose is being served by the enforcement of the Ordinance on the various Day Care Facilities throughout the City; and further, that the review also include an analysis of any public impact that repealing the requirement for Day Care Operators to acquire a Special Permit through the Zoning Board of Appeals would have on City residents and neighborhoods, or if any other adverse effects would result from such a repeal.

10. WRITTEN MOTION, Councillor Gomes, requesting, that a meeting be held with Library Director Stephen Fulchino, the Board of Library Trustees, the Committee on City Property and a representative from the Administration to discuss an inventory of art work that is being stored in the City and how much that art is worth; and further, that the Library Trustees and Director Fulchino provide the City Council with an exact value of the art being stored in the City; and further, if an abundance of art is being stored in the City, it should be under the right temperatures and conditions that would not cause further damage to the millions of dollars of art that belongs to the City. (To be Referred to the Committee on City Property.)

11. WRITTEN MOTION, Councillors Coelho and Oliveira, requesting, due to constituent complaints, that a letter be sent to the Massachusetts Highway District 5, asking that the maintenance and security of the Park and Ride located on Mt. Pleasant Street, be re-evaluated and the following problems be addressed; asking for the installation of two (2) garbage barrels, that the garbage that is continually dumped at that location be removed, the immediate removal of graffiti covering the Bus Stop shelter, that the overgrown bushes and vegetation that line Mt. Pleasant Street directly in front of the Park and Ride be trimmed down to allow visibility from the street; and further, that said location be monitored on a

regular basis, to prevent the vandalism, trash buildup and overgrowth from re-occurring; and further, we are requesting a response within fifteen (15) days as to what action has been taken.

12. WRITTEN MOTION, Councillor Martins, asking, that Committee on Ordinances amend the Ordinance titled “Committee on Veterans Affairs, Elderly, Health, Housing and Disability Issues”, pursuant to Chapter 2, Section 2-56, to read the “Committee on Veterans Affairs, Elderly, **Youth**, Health, Housing and Disability Issues”, for the purpose of giving youth a seat at the table and giving them a voice on issues; and further, this would give all City youth an opportunity to present their ideas, concerns and questions to each of us and be invited to the Committee Meetings to present their views; and further, as a member of the Committee and a member of many youth programs and a strong advocate for City’s youth, I believe we should welcome all our young adults into our Council Chambers and establish a better partnership with them and our City government.

13. WRITTEN MOTION, Councillors Martins and Oliveira, requesting, that the City Council send a letter of support to Trader Joe’s Supermarket and Whole Foods Markets, expressing our interest in having them locate a store in our area, they would be a great fit for New Bedford and property at 500 Kings Highway is available and would be an excellent location for them.

14. WRITTEN MOTION, Councillors Martins, Lopes, Alves, Gonsalves and Bousquet, requesting that the Committee on Appointments and Briefings meet with the Administration, Tourism Director Ashley, New Bedford Economic Development Council and Downtown New Bedford, Inc., to follow up on a discussion designating New Bedford as a Cultural District.

15. WRITTEN MOTION, Councillor Oliveira, requesting, that 950 King’s Highway (Plot 123/Lot 43), 966 King’s Highway (Plot 123/Lot 109) and 1080 King’s Highway (Plot 125/Lot 29), be changed from PLANNED BUSINESS to INDUSTRIAL “A” in their entirety. (To be Referred to the Committee on Ordinances and the Planning Board.)

16. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Lisa F. DeFrias, 875 Old Plainville Road, Unit C, New Bedford, MA 02745 d/b/a/ BLUE MOON LIMOUSINE, 875 Old Plainville Road, Unit C, New Bedford, MA 02745**, 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. (License previously granted in 12/2011.)

17. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Edward M. Pacheco, 32 St. John Street, South Dartmouth, MA 02748, d/b/a PLACES TO GO, LLC, 651 Orchard Street, New Bedford, MA 02744**, 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 June 14, 2013.)

18. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **David J. Martinez, d/b/a 3-D TRANSPORTATION, 112 Hathaway Road, New Bedford, MA 02746**, 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. (License expired April 26, 2013.)

19. COMMUNICATION, Councillor Alves, submitting a DRAFT of an Ordinance, Waterfront Economic Development and Revitalization Overlay District (WEDROD), as it relates to Gaming and Casinos. (To be Referred Committee on Appointments and Briefings and to the Special Committee on Gaming and Casinos.)

20. COMMUNICATION, City Councillors to Mr. Gregory Bialecki, Secretary, Executive Office of Housing and Economic Development, submitting a letter of support relative to the City of New Bedford’s application to the MassWorks Infrastructure Program for the Acushnet Avenue International Marketplace.

21. 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, 929-937 Brock Avenue, Plot 15/Lot 179, Area of 3,869 sq. ft. (Former Owner: Estate Hughes Desautels); Total Amount due on the parcel as of the date of the transfer is \$12,387.06.

22. COMMUNICATION, Peter W. Teitelbaum, Esq., Chairman, Wareham Board of Selectmen, to City Council, regarding House Bill 1115, An Act relative to the definition of low and moderate income housing, said bill seeks to amend Massachusetts General Laws Chapter 40B, §20. (Copy all Councillors 07/16/2013.)

23. COMMUNICATION, Federal Emergency Management Agency (FEMA) submitting Preliminary copies of the revised Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Bristol County, Massachusetts. (Copy all Councillors 08/09/2013.)

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.