



Council Meeting - Agenda
CITY COUNCIL CALENDAR
Chambers of the City Council Municipal Building
Thursday, September 26, 2013 - 7:00 p.m.

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

***PRAYER LED BY: REVEREND DAVID LIMA,
PASTOR NEW SEASONS WORSHIP CENTER***

PLEDGE OF ALLEGIANCE

RESOLUTIONS

1. RESOLUTION, Councillor Lawrence, honoring PETER SYLVANUS BARNEY, Administrative Assistant to the Board of Assessors on the Occasion of his Retirement after many years of service to the City of New Bedford.

HEARINGS

2. HEARING, on petition of NSTAR ELECTRIC COMPANY for location of one (1) 2" Conduit in RUSSELL STREET, East of County Street.

2a. AN ORDER,

3. HEARING, on petition of NSTAR ELECTRIC COMPANY for location of one (1) 4" Conduit and one (1) 22"Wx32"Lx15"D Handhole in COTTAGE STREET, North of Kempton Street.

3a. AN ORDER,

4. HEARING, on petition of NSTAR ELECTRIC COMPANY for location of one (1) 4" Conduit in KEMPTON STREET, Corner of County Street.

4a. AN ORDER,

5. HEARING, on petition of NSTAR ELECTRIC COMPANY for six (6) 5" Conduits in SAWYER STREET, West of Veteran's Memorial Way.

5a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$120,000.00 from CEMETERY, SALE OF LOTS, to DPI/HIGHWAYS, CHARGES & SERVICES.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$110,000.00 from WATER STABILIZATION FUND, to WATER, CHARGES & SERVICES.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$1,500.00 from RECREATION AND PARKS, OTHER CHARGES, to RECREATION AND PARKS, CHARGES & SERVICES.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that the City Council and Mayor hereby approve the policy entitled "Debt Issuance and Management" for the purpose of establishing a policy for management of the City's debt.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that the City Council and Mayor hereby approve the policy entitled "Fund Balance Management" for the purpose of establishing a policy for management of the City's fund balances.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E ½, the Revolving Fund, known as the TANGIBLE SUPPLY DISPOSITION REVOLVING FUND, whose purpose is to fund replacement fund and vehicles utilizing proceeds from the disposition of tangible supply in accordance with Massachusetts General Law Chapter 30B, Section 15, and whose revenue and amount limited to be spent in FY14 is restricted to revenue deposited into the fund, is hereby authorized for FISCAL YEAR 2014.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, requesting that the attached list of locations be designated as polling precincts for the upcoming Preliminary Election being held on Tuesday, October 08, 2013 and the Municipal Election on Tuesday, November 05, 2013; the polls will open at 7:00 a.m. and close at 8:00 p.m.

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JILL MACLEAN, New Bedford, MA, to the position of CITY PLANNER.

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ESTELLA RIBEIRO, Fairhaven, MA 02719, to the HUMAN RELATIONS COMMISSION; the term will expire April 2016.

NEW BUSINESS

6. AN ORDINANCE, Amending Chapter 9, Section 1200 to insert a 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." (Passed to a Second Reading 09/12/2013.)

7. 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", "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. (Passed to a Second Reading 09/12/2013.)

8. 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." (Passed to a Second Reading 09/12/2013.)

9. 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. (Passed to a Second Reading 09/12/2013.)

10. 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. (Passed to a Second Reading 09/12/2013.)
11. 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. (Passed to a Second Reading as AMENDED 09/12/2013.)
12. AN ORDINANCE, Rezoning of Assessors Map 100, Lots 29 & 47 (Whalers Place) along South side of Collette Street, West side of Riverside Avenue and North side of Phillips Avenue from Mixed-Use Business to RESIDENTIAL. (Passed to a Second Reading 09/12/2013.)
13. AN ORDINANCE, Rezoning of Assessors Map 105, Lots 132, 169, 180, 213 and 216 (Cliftex Lofts) along West side of riverside Avenue, North side of Hathaway Street and Belleville Avenue from Mixed-Use Business to RESIDENTIAL (Passed to a Second Reading 09/12/2013.)
14. AN ORDINANCE, Rezoning Assessors Map 136, Lot 322 (209 Theodore Rice Boulevard) – along West side of Braley Road and North side of Theodore Rice Boulevard be Rezoned from Industrial C to MIXED-USE BUSINESS. (Passed to a Second Reading 09/12/2013.)
15. WRITTEN MOTION, Council President Duarte, requesting, on behalf of the Marion Institute, that the following street(s) be CLOSED: PURCHASE STREET, from Walnut Street to Union Street; SPRING STREET, from Pleasant Street to Acushnet Avenue and SCHOOL STREET, from Pleasant Street to Acushnet Avenue, ON THURSDAY, OCTOBER 24, 2013, AT 8:00 A.M. THROUGH SUNDAY, OCTOBER 27, 2013, AT 7:00 P.M., for the purpose of Bioneers by the Bay Conference: Connecting for Change.
16. WRITTEN MOTION, Councillor Gonsalves, requesting, on behalf of The Greater New Bedford Track Club, that the following street(s) be CLOSED: LAKE STREET and LT. WALTER E. FULLER MEMORIAL PARKWAY, from 6:00 A.M. THROUGH 12:30 P.M., on SUNDAY, OCTOBER 27, 2013, for the purpose of THE 35th ANNUAL SPOONER 10K RUN AND SPOOKY 5K RUN/WALK. NOTE: ALSO REQUESTING THAT THE DPI PROVIDE STREET CLOSURE BARRELS.
17. WRITTEN MOTION, Councillor Saunders, requesting, on behalf of the New Bedford High School Marching Band, that the following street(s) be CLOSED: PARKER STREET, from Hathaway Boulevard to Liberty Street, ON SUNDAY, OCTOBER 06, 2013, FROM 10:00 A.M. TO 7:00 P.M., for the purpose of the ANNUAL BAND COMPETITION.
18. WRITTEN MOTION, Council President Duarte, requesting, on behalf of the Zeiterion Theatre, that the following street(s) be CLOSED: PURCHASE STREET, from School Street to Spring Street, (Alongside the Zeiterion Theatre), ON SATURDAY, SEPTEMBER 28, 2013, FROM 3:00 P.M. TO 11:00 P.M., for the purpose of A Gleeeful Gala and Evening with Glee Star Matthew Morrison and the New Bedford Symphony Orchestra; and further requesting, that “NO PARKING” Signs be installed.
19. WRITTEN MOTION, Council President Duarte, requesting, that signage reading “NO TRESPASSING FROM DUSK TO DAWN” be installed at the Serenity Gardens, at South Sixth Street and Bedford Street; and further, that similar signage be installed at Magnet Park. (To be Referred to the Traffic Commission and the Department of Parks and Recreation.)
20. WRITTEN MOTION, Council President Duarte, requesting, that the Traffic Commission install a “WELCOME TO NEW BEDFORD” Sign at Rt. 6 and Rt. 140, which motorists entering the City can easily read. (To be Referred to the Traffic Commission.)
21. WRITTEN MOTION, Councillor Lopes, ONCE MORE 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.

22. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 35 BELLEVUE STREET, CIRCA 1932 ONE-STORY WOOD FRAMED STRUCTURE, advising that “the structure is not located in a National Register Historic District and the structure is of no notable historic significance either recorded or found with the existing condition of the structure” and therefore, “the NBHC has determined that the building is NOT historically significant building and not preferably preserved.”

23. COMMUNICATION, Harbor Development Commission, to City Council, notifying that the Harbor Development Meeting on September 12, 2013, a vote was taken to send a letter to the City Council setting forth the Commissioners strong support for the Home Rule Petition relative to the Harbormaster in the City of New Bedford. (Copy all Councillors 09/20/2013.)

24. COMMUNICATION, US Army Corps of Engineers, submitting the Final Environmental Impact Statement/Final Environmental Impact Report on the South Coast Rail Project proposed by the Massachusetts Department of Transportation. (Copy all Councillors 09/23/2013.)

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.