



# ***Council Meeting - Agenda***

## ***CITY COUNCIL CALENDAR***

Chambers of the City Council Municipal Building

***Thursday, October 10, 2013 - 7:00 p.m.***

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

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***PRAYER LED BY: REVEREND PAMELA J. COLE, PRESIDENT,  
GREATER NEW BEDFORD CHAPTER OF THE WOMEN UNITED***

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***PLEDGE OF ALLEGIANCE***

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### ***RESOLUTIONS***

1. RESOLUTION, Councillors Lawrence and Gonsalves, honoring PETER SCHMIDT, former Auditor of the City of New Bedford for his nineteen years of service.
2. RESOLUTION, Councillors Coelho and Gonsalves, honoring THE WOMEN'S CENTER, INC., in recognition of the occasion of their 40<sup>th</sup> Anniversary.
3. RESOLUTION, Councillor Martins, honoring MATTHEW MORRISSEY, Director of the Economic Development Council, in recognition of his promotion to Director of the new Wind Energy Center.

### ***HEARINGS***

4. HEARING, on petition of NSTAR Electric Company, for location of one (1) 2" Conduit in CEDAR STREET at Mill Street.
  - 4a. AN ORDER,
  - 4b. COMMUNICATION, Department of Public Infrastructure Commissioner Ronald Labelle, to NSTAR Electric Company Right of Way Representative Donna Rosa, granting advance authorization in an effort to install this utility prior to final paving scheduled for the Mill Street Roadway Improvement Project.
5. HEARING, on the Layout Alteration of the NORTHWEST CORNER OF SAWYER STREET AND ACUSHNET AVENUE.
  - 5a. AN ORDER,

### ***MAYOR'S PAPERS***

- M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the APPROPRIATION of \$106,775.00 from ORDINARY REVENUE AND MUNICIPAL RECEIPTS, to PLANNING AND COMMUNITY DEVELOPMENT'S, SALARIES & WAGES ACCOUNT, in the amount of \$21,775.00 and CHARGES & SERVICES ACCOUNT, in the amount of \$85,000.00.
  - M1a. AN ORDER,
  - M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$10,000.00 from FIRE CODE ENFORCEMENT, RESERVE FOR APPROPRIATION, to FIRE'S, CHARGES &

SERVICES ACCOUNT, in the amount of \$7,500.00 and SUPPLIES & MATERIALS ACCOUNT, in the amount of \$2,500.00.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting a renewal of a ONE-YEAR WAIVER OF RESIDENCY for SHANNON C. SHREVE, Sandwich, MA, as Counsel II with the Office of the City Solicitor; Mr. Shreve has been a Solicitor's Office employee since November 2007.

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting a renewal of a ONE-YEAR WAIVER OF RESIDENCY for JAMES HOUGHTON, Franklin, MA 02038, as Director of Grants and Finance with the New Bedford Police Department; Mr. Houghton has been a member of the New Bedford Police Department since January 2005.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting a renewal of a ONE-YEAR WAIVER OF RESIDENCY for KERI A. LEBEAU, Tiverton, RI 02878, as NIBRS Administrator with the New Bedford Police Department, Ms. Lebeau has worked for the New Bedford Police Department since December 2006.

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting a renewal of a ONE-YEAR WAIVER OF RESIDENCY for MARK BLACKBURN, Acushnet, MA 02743, as a Paramedic with the Emergency Medical Services Department; Mr. Blackburn has been a full-time New Bedford Paramedic since December 2012.

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of PATRICK WALSH, 114 Palmer Street, New Bedford, MA, to the GREATER NEW BEDFORD REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL DISTRICT COMMITTEE, replacing Norman Bergeron who has resigned; this term will expire May 2014.

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JOSEPH LATIMER, Westport, MA, as a CONSTABLE.

M8a. APPLICATION,

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JEFFREY KING, New Bedford, MA, as a CONSTABLE.

M9a. APPLICATION,

#### ***NEW BUSINESS***

6. WRITTEN MOTION, Councillor Saunders, requesting, on behalf of the New Bedford High School Class of 2014/Gridiron Club, that the following street(s) be CLOSED: LT. WALTER E. FULLER MEMORIAL PARKWAY, from Rockdale Avenue to the Monument in Veteran's Memorial Buttonwood Park, on WEDNESDAY, NOVEMBER 27, 2013, FROM 6:00 P.M. TO 9:00 P.M., for the purpose of the New Bedford High School Thanksgiving Rally and Bonfire; also requesting that the Traffic Commission post "No Parking" Signs because fire engines and floats will be parked on this section of Fuller Memorial Parkway. (Please Note: Parade Route from New Bedford High School to Buttonwood Park via Hathaway Boulevard, to Rockdale Avenue, to Buttonwood Park.)

7. WRITTEN MOTION, Councillor Alves, requesting, on behalf of Veteran's Day participants, that the following street(s) be CLOSED: PLEASANT STREET, from Union Street to William Street and WILLIAM STREET, from North Sixth Street to Pleasant Street, ON MONDAY, NOVEMBER 11, 2013, FROM 8:00 A.M. TO 2:00 P.M., for the purpose of The Annual Veterans Day Parade Ceremonies in front of the Downtown Main Library.

8. WRITTEN MOTION, Councillor Bousquet, requesting, on behalf of the residents of Taber Mill Apartments and the Coffin Avenue and Brook Street neighborhood, that Police Chief Provencher establish daily patrols and aggressively begin ticketing the busses, cars and trucks that run the Stop Sign on Brook Street and Coffin Avenue routinely; and further, that the Traffic Commission review the area for the possibility of a Stop Sign or pedestrian crossing aid of some kind before one of the neighborhood residents gets killed by oncoming traffic.

9. WRITTEN MOTION, Councillor Lopes, requesting that the Morgan Celebration Committee meet with the Committee on Appointments and Briefings to provide the Committee with an overview of the celebratory plans for her return visit to New Bedford. (To be Referred to the Committee on Appointments and Briefing)
10. WRITTEN MOTION, Councillor Gonsalves, requesting that the Committee on Appointments and Briefings meet with Tourism Director Dagny Ashley and other community partners in the Arts Inc, New Bedford Symphony Orchestra and the Zeiterion Theatre to discuss the installation of public pianos in New Bedford, following the example of the City of Boston.
11. WRITTEN MOTION, Councillors Bousquet and Oliveira, requesting, that an update be provided to the City Council from to Sarah Porter, Conservation Agent regarding the status of the grant to repair the water shed at Sassaquin Pond. (To be Referred to the Special Committee on Environmental Affairs.)
12. WRITTEN MOTION, Councillor Gomes, requesting, on behalf of the residents on Rodney Street abutting the Roosevelt Middle School Athletic Field, that the School Department take immediate action to stop any activity on the Athletic Field at the School by persons or organizations who are not permitted to use the field by the School Department, due to the fact that the field is being used by adults who have no regard for the neighborhood, the abutting neighbors are reporting inappropriate behavior and language by adults and those using the Athletic Field which is in violation of the sign posted that reads “NO TRESPASSING – FIELD IS FOR SCHOOL ACTIVITIES ONLY POLICE TAKE NOTICE”; and further, requesting, that the Police take appropriate action when called by the neighbors to remove those who are not permitted on the field or who are in violation of said sign; and further, that the gate be locked once the school day is over and that the School Department and the Police Department take immediate action on this matter.
13. WRITTEN MOTION, Councillor Gomes, requesting, that the Superintendent of Schools, Dr. Pia Durkin or a member of her staff meet with the Committee on Appointments and Briefings for the purpose of discussing the shortage of books throughout the school system after the City Council awarded the School Department one million dollars for book replacement; and further, to provide the City Council with an explanation as to why there is still a shortage of books and materials for classroom teaching.
14. WRITTEN MOTION, Councillor Alves, requesting the Department of Inspectional Services, investigate and address the unauthorized JUNK yard which has been allowed to be established in the lot at the east end of Phillips Avenue (end of the street), which is now filled with damaged or junk cars, trailers, and other metal items, in violation of current zoning codes, and that they also seek access to the second floor of the building which has been reported to being used as living space in violation of the building code and which usage has been denied by the Department of Inspectional Services in the past, and that Commissioner Romanowicz and Health Department report back to the Council as to the action taken within (30) thirty days. (To be Referred to the Department of Inspectional Services and the Board of Health.)
15. COMMUNICATION, City Clerk/Clerk of the City Council Rita D. Arruda, to City Council, requesting that the City Council set the Annual Bond for 2013-2014, for the City Clerk at \$35,000.00, and enclosing Renewal Certificate.
- 15a. AN ORDER,
16. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Gabriel N. DaRosa, 56 Westwood Drive, North Dartmouth, MA 02747 d/b/a/ BLUEBIRD TRANSPORTATION LLC., 1551 Purchase 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.
17. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 2 HICKS STREET, CIRCA 1830 ONE-STORY BRICK UTILITY WAREHOUSE 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.”
18. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 4080 ACUSHNET AVENUE, CIRCA 1922 ONE-STORY CINDER-BLOCK

CONSTRUCTED GARAGE 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.”

19. COMMUNICATION, Jean C. Fox, Project Manager, South Coast Rail, MassDOT, submitting correction of South Coast Rail Open Houses on the Final Environmental Impact Statement/Report, scheduled for Tuesday, October 08 and Thursday, October 17, 2013. (Copy all Councillors 10/07/2013.)

20. COMMUNICATION, City Clerk Arruda, submitting letter from Richard Verville, Chief, Hazard Mitigation Assistance Branch, FEMA Region I, to Mayor Mitchell, relative to the Preliminary Flood Insurance Rate Maps (FIRMs) for Bristol County. (Copy all Councillors 10/01/2013.)

#### ***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.