



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, October 24, 2013 - 7:00 p.m.

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

PRAYER LED BY: RABBI RAPHAEL KANTER, TIFERETH ISRAEL CONGREGATION

PLEDGE OF ALLEGIANCE

NOTE: THE NEXT CITY COUNCIL MEETING WITH BE HELD ON THURSDAY, NOVEMBER 14TH, THE AGENDA WILL CLOSE ON FRIDAY, NOVEMBER 8TH,

DUE TO MONDAY, NOVEMBER 11TH IS VETERAN'S DAY THE OFFICE WILL BE CLOSED.

CITATIONS

1. CITATION, Councillors Lopes and Gomes, honoring ROBERT NEVES, WHALING CITY TRANSIT, in recognition of his donation of a school bus for the New Bedford Fire Department's Extraction Exercise held on October 11, 2013.
2. CITATION, Councillors Lopes and Gomes, honoring BIG WHEEL TOWING & RECOVERY, in recognition of their donation of a crane for the New Bedford Fire Department's Extraction Exercise held on October 11, 2013.

RESOLUTION

3. RESOLUTION, Councillors Bousquet, Lopes, Gonsalves and Gomes, honoring SUZANNE BRAGA, for her years of service as President of Neighborhoods United.

HEARINGS

4. COMMUNICATION, First Assistant City Solicitor Jane Medeiros Friedman, to City Council, submitting AN ORDER for the LAYOUT ALTERATION of the Northwest corner of Sawyer Street and Acushnet Avenue for the purpose of improving the turn radius at the subject intersection.
 - 4a. A HEARING on the LAYOUT ALTERATION of the NORTHWEST CORNER OF SAWYER STREET AND ACUSHNET AVENUE. (Continuation from October 10, 2013 City Council Meeting.)
5. HEARING, on petition of NSTAR Electric Company & Verizon New England, Inc. for joint location of one (1) Pole in BRANTWOOD STREET, corner of Upland Street.
 - 5a. AN ORDER,

MAYOR'S PAPERS

- M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$200,000.00 from WATER STABILIZATION FUND, to WATER, CHARGES & SERVICES.
 - M1a. AN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$100,000.00 from PUBLIC INFRASTRUCTURE, SALARIES & WAGES, to PUBLIC INFRASTRUCTURE, CAPITAL OUTLAY.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the City to enter into an eight (8) year Lease Agreement for the purchase of two pumpers, totaling \$1,189,634.00 at an extremely favorable interest rate, this purchase will reduce the average age of the fire apparatus fleet by more than three years, and will significantly enhance operational readiness.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for GLOBAL LEARNING CHARTER SCHOOL, 1359 Acushnet Avenue, New Bedford, MA, Account Number 019779A, in the amount of \$3,473.55.

M5. COMMUNICATION, Mayor Mitchell, to City Council, requesting a WAIVER OF RESIDENCY for ELIZABETH TREADUP PIO, Elizabeth was recently married and her husband owns a home in Acushnet, as you know Elizabeth has been employed since 2006 and is a dedicated employee.

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting a request from Purchasing Agent Debra Travers to hire an employee, Holly Loiselle, on the Unit C Salary Schedule above the first step.

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ALAN R. KENDALL, New Bedford, MA, as a SPECIAL POLICE OFFICER.

M7a. APPLICATION,

NEW BUSINESS

6. 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. (NOTE: Reappearing on the Council Agenda, due to a publication error, Council needs to vote on Adoption again.)

7. AN ORDINANCE, amending Chapter 2, Section 2-70, Relative to Committees of the City Council, Duties of the Committee on Veterans' Affairs, Elderly, Youth, Health, Housing and Disability Issues. (Passed to a Second Reading, 09/26/2013.)

8. AN ORDINANCE, amending Chapter 15, Section 15-72, Relative to Food Trucks. (Passed to a Second Reading 09/26/2013.)

9. AN ORDINANCE, amending Chapter 9, ZONING – Relative to WATERFRONT ECONOMIC DEVELOPMENT AND REVITALIZATION OVERLAY DISTRICT (WEDROD.) (Passed to a Second Reading 09/26/2013.)

10. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, amending Chapter 9, Zoning of the Code of Ordinances to adopt the revisions to Appendix B Table of Dimensional Regulations; this amendment is necessary to eliminate inconsistencies that currently exist between the text of the Zoning Ordinances and Appendix B.

10a. AN ORDINANCE, (To be Passed to a Second Reading.)

11. REPORT, Committee on Appointments and Briefings, recommending to the City Council for APPROVAL of the RESOLUTION to create a State Authorized Cultural District in the Downtown area of New Bedford for at least five (5) years.

11a. RESOLUTION,

12. REPORT, Committee on Appointments and Briefings, recommending to the City Council to APPROVE the DISCONTINUANCE of a portion of KENYON STREET, on the west side of North Front Street, running westerly to its' terminus along the side of Lots 113 and 112 as shown on the Assessor's Map 85.

12a. COMMUNICATION, David Fredette, City Engineer, to Clerk of Committees submitting the METES AND BOUNDS for DISCONTINUANCE of a Portion of KENYON STREET, from North Front Street westerly approximately 88.7 feet to its terminus. (Map enclosed.)

12b. AN ORDER, For Hearing on TUESDAY, NOVEMBER 26, 2013 AT 7:00 P.M. in City Council Chambers, City Hall, for **DISCONTINUANCE** of a portion of **KENYON STREET**, on the west side of North Front Street, running westerly to its' terminus along the side of Lots 113 and 112 as shown on the Assessor's Map 85.

12c. AN ORDER, That the City Solicitor be and is hereby requested to prepare an ORDER for the **Discontinuance of a Portion of KENYON STREET**, on the west side of North Front Street, running westerly to its' terminus along the side of Lots 113 and 112 as shown on the Assessor's Map 85. Hearing on said matter has been ordered for Tuesday, November 26, 2013, at 7:00 p.m., in City Council Chambers, City Hall.

13. WRITTEN MOTION, Councillor Lopes, requesting, on behalf of the Cove Street Neighborhood Association, that the following street(s) be CLOSED: RUTH STREET, from Salisbury Street to Ashley Street, ON FRIDAY, DECEMBER 06, 2013, FROM 5:00 P.M. TO 9:30 P.M., for the purpose of their Annual Christmas Tree Lighting.

14. WRITTEN MOTION, Councillors Bousquet and Gomes, due to the numerous close calls and multiple accidents a month at the intersection of Ashley Boulevard and Coggeshall Street at the start of Route 18, requesting, that the Traffic Commission and the Department of Public Infrastructure consider measures to direct traffic to slow down and recognize lane directions, residents in the area have called us down to the site on a number of occasions with concerns that someone someday may be seriously injured; and further, requesting that two large "ONE WAY ONLY" Signs be placed on the corner of Ashley Boulevard and Sawyer Street alerting drivers to the change in direction at said intersection, similar to the one at the Acushnet Avenue and Sawyer Street intersection; and further, requesting that the Traffic Commission install reflectors in the lane dividers from Beetle Street to Coggeshall Street on Ashley Boulevard. (To be Referred to Traffic Commission and Department of Public Infrastructure Commissioner Ronald Labelle.)

15. WRITTEN MOTION, Councillor Lopes, requesting that Governor Deval Patrick release the entire \$300 Million in Chapter 90 local road and bridges funding for Fiscal Year 2014, the \$100 Million that is being held back by Governor Patrick is essential to continuing the economic revitalization that is occurring across the Commonwealth.

16. WRITTEN MOTION, Councillor Gonsalves, on behalf of Joe and Ana Vinagre of 5 Bay Street, requesting that the portion of the property located at 44 Dartmouth Street (Plot 36/Lot 19) that is zoned Residential be rezoned to MIXED-USE BUSINESS so that the zoning is consistent for the entire property. (To be Referred to the Committee on Ordinances and the Planning Board.)

17. WRITTEN MOTION, Councillors Lopes, Martins, Gomes, Gonsalves, Bousquet and Lawrence, requesting that the City Council send a letter to our State Legislative Delegation expressing our approval of the new bill introduced by State Attorney General Martha Coakley and House Speaker Robert DeLeo, which would prohibit mortgage companies from requiring homeowners to purchase flood insurance in amounts that exceed the balance on their loans.

18. WRITTEN MOTION, Councillor Gomes, requesting, that Mr. Al Oliveira of the School Department and School Committee member Bruce Oliveira appear before the Committee on Appointments and Briefings to discuss policies and procedures for the permitting process at the Roosevelt Middle School Athletic Field.

19. WRITTEN MOTION, Council President Duarte, Councillors Lopes, Gomes, Oliveira, Coelho and Lawrence, requesting, on behalf of the good Citizens of New Bedford that are continuing to struggle and in conjunction with local charities, including the Department of Child and Family Services, "Hope for the Holidays", that boxes be placed at every Municipal Building in the City for the purpose of collecting non-perishable food items for the Holiday Season and to encourage Citizens and the employees of our City to give to the less fortunate during a time of year when we should all reflect on what we are thankful for.

20. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the residents on Desautels Street, that the Department of Public Infrastructure Commissioner inform the City Council when the residents on this short block from Nash Road to Whitman Street can anticipate when the City will upgrade the water line that runs in front of their homes, to eliminate the dirty water and low pressure problems that they face on a daily basis, and that the Department of Public Infrastructure Commissioner report back to the City Council on what action will be taken within the next thirty (30) days. (To Be Referred to the Department of Public Infrastructure.)

21. WRITTEN MOTION, Councillors Coelho and Lopes, requesting, that Police Chief Provencher increase Police patrols around the Viall/Ruth Street area of the South End of New Bedford, the residents in this area continue to express concerns relating to drug and gang activities and are asking for an increase in Police presence; and further, requesting, that the City of New Bedford consider installing additional surveillance cameras in the Viall/Ruth Street area. (To be Referred to Police Chief Provencher and Mayor Mitchell.)

22. WRITTEN MOTION, Councillor Gomes, requesting, ONCE AGAIN, that the School Department consider the implementation of school uniforms throughout the New Bedford Public School system; and further, requesting that members of the School Committee appear before the Committee on Appointments and Briefings for the purpose of discussing the implementation of school uniforms and to also discuss security measures proposed by the City Council, such as an emergency silent alarm system and what, if any security measures have been put in place throughout New Bedford Schools.

23. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Pedro A. Medeiros, 1629 Padanaram Avenue, New Bedford, MA 02740 d/b/a/ PETER'S BUS INC., 1629 Padanaram Avenue, 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 expires October 25, 2013.**)

24. 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, NS R Manomet Street, Plot 105/Lot 209, Area of 19,974 sq. ft. (Former Owner: Norseman Properties); Total Amount due on the parcel as of the date of the transfer is \$15,182.56.

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.