



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, November 14, 2013 - 7:00 p.m.

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

PRAYER LED BY: REVEREND JASON B. LUCAS, ASSISTANT PRIEST, GRACE EPISCOPAL CHURCH

PLEDGE OF ALLEGIANCE

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting A VETO of the Home Rule Petition regarding the Residency of Applicants for the Harbormaster position, a waiver clause would preserve the appropriate flexibility as Harbormaster Applicants are considered, for that reason, enclosed is a proposed revised Home Rule Petition which provides for the waiver and moves us forward to our shared goal of hiring a new Harbormaster with a defined tenure.

M1a. AN ACT, 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 must be a resident and 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. (Adopted as Amended – October 10, 2013; VETOED by Mayor Mitchell- October 25, 2013.)

M1b. REVISED ACT, relating to the Harbormaster of the City of New Bedford, the proposed Act authorizes the Mayor with the approval of the City Council to appoint a Harbormaster, who shall be a resident and registered voter of the City, unless a Residency Waiver is requested by the Mayor and approved by the City Council, said appointment shall be for a term of not more than five years.

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting A VETO to the proposed amendment to Chapter 9, Zoning – Relative to Waterfront Economic Development and Revitalization Overlay District (WEDROD), which purports to open the door to a casino development in the City's central waterfront area.

M2a. AN ORDINANCE, amending Chapter 9, ZONING – Relative to Waterfront Economic Development and Revitalization Overlay District – WEDROD. (Passed to be Ordained – October 24, 2013; VETOED by Mayor Mitchell – November 04, 2013.)

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER, that \$12,594,000.00 be appropriated to pay the costs of Airport Improvements, and for the payment of all costs incidental and related thereto.

M3a. LOAN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER, that \$5,935,760.00 be appropriated to pay for capital improvements and renovation projects at New Bedford High School, and attached letter from the Massachusetts School Building Authority (MSBA) indicates, these projects will be eligible for reimbursement from the MSBA at a rate of 90%.

M4a. LOAN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER, that \$410,000.00 be appropriated for the purpose of acquiring the Haskell property, the appropriation will be funded by a combination of a \$205,000.00 grant from the Land and Water Conservation Fund; \$100,000.00 in designated Community Block Grant funding, and \$105,000.00 in private fundraising, the Order authorizes the City to borrow up to the full amount to accommodate short-term cash flow needs that may occur due to grant reimbursement procedures.

M5a. LOAN ORDER,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER, that \$5,867,000.00 be appropriated for the purpose of making critically-needed repairs to City-owned buildings, including, but not limited to, projects for the repair and renovation of public safety facilities, school buildings, recreational facilities and general office space, and all costs incidental and related thereto.

M6a. LOAN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER to sell vacant land located off of East Chipaway Road, Freetown, MA, to Pentecostal Assembly, 215 Sawyer Street, New Bedford, MA 02746, for the amount of \$23,000.00.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$165,000.00 from OVERLAY RESERVE, to FACILITIES & FLEET MANAGEMENT, OTHER CHARGES.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$6,000.00 from COMMUNITY SERVICES, SALARIES & WAGES, to COMMUNITY SERVICES, CHARGES & SERVICES.

M9a. AN ORDER,

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$6,500.00 from COMMUNITY SERVICES, OTHER CHARGES, to COMMUNITY SERVICES, CHARGES & SERVICES in the amount of \$3,000.00 and COMMUNITY SERVICES, SUPPLIES & MATERIALS in the amount of \$3,500.00.

M10a. AN ORDER,

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$2,500.00 from RECREATION AND PARKS, OTHER CHARGES, to RECREATION AND PARKS, CHARGES & SERVICES.

M11a. AN ORDER,

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$120,000.00 from OVERLAY RESERVE, to TOURISM & MARKETING, CHARGES & SERVICES.

M12a. AN ORDER,

M13. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 9, Section 1200 by updating the definition of Wireless Communication Service and updating Chapter 9, Section 4900 by revising and modernizing the requirements for future wireless communication facilities in the City by amending Sections 4946, 4951 and 4952.

M13a. AN ORDINANCE,

M14. COMMUNICATION, Mayor Mitchell, to City Council, submitting a request on behalf of the Massachusetts Clean Energy Center, which is currently in the process of redeveloping the South Terminal, that Lot 234, on Assessor's

Map 31, be rezoned in its entirety to Waterfront Industrial, the proposed zoning change will bring consistency in the zoning on the lot and in the South Terminal Area, the plan along with the metes and bounds for the proposed zoning map change is being prepared by the DPI-Engineering Division and will be forwarded upon completion to the City Council, Clerk of Committees and Planning Board for filing. (To be Referred to the Committee on Ordinances and the Planning Board.)

M15. COMMUNICATION, Mayor Mitchell, to City Council, submitting a request from DPI Commissioner Ronald Labelle, to hire an Assistant Superintendent Industrial Pretreatment Program Coordinator at Grade M-10, Step 7, salary of \$65,660.00.

M16. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT for Chris Dumont, 197 Potter Street, New Bedford, MA, and account number 028930A, in the amount of \$394.25.

M17. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for Catherine Verdadeiro, Fall River, MA, for Administrative Assistant in the Department of Community Services; Ms. Verdadeiro's current waiver expires November 2013.

M18. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of KEVIN THOMAS, New Bedford, MA 02740, to the HUMAN RELATIONS COMMISSION, replacing Reverend Richard Wilson whose term has expired; Mr. Thomas' term will expire December 2014.

M19. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of KEVIN LAVOIE, Swansea, MA as a SPECIAL POLICE OFFICER.

M19a. APPLICATION,

M20. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JOHN ARAUJO, New Bedford, MA, as a SPECIAL POLICE OFFICER.

M20a. APPLICATION,

NEW BUSINESS

1. AN ORDINANCE, Amending Chapter 9, Zoning of the Code of Ordinances, 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 the Appendix B. (Passed to a Second Reading 10/24/2013.)

2. AN ORDINANCE, Rezoning of Land on Map 125, Lot 29 and Map 123, Lots 109 & 43 on the east side of King's Highway from Planned Business to INDUSTRIAL "A." (Passed to a Second Reading 10/24/2013.)

3. REPORT, Committee on Finance, recommending to the City Council ADOPTION of 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.

3a. AN ORDER,

4. REPORT, Committee on Finance, recommending to the City Council ADOPTION of 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.

4a. AN ORDER,

5. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the 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 equipment 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.

5a. AN ORDER,

6. WRITTEN MOTION, Council President Duarte, requesting, on behalf of Downtown New Bedford Inc., that the following street(s) be CLOSED: PLEASANT STREET, from Union Street to Elm Street; MARKET STREET, from North Sixth Street to Pleasant Street; WILLIAM STREET, from North Sixth Street to Water Street and WATER STREET, from Union Street to Elm Street, ON SATURDAY, DECEMBER 07, 2013, FROM 4:00 P.M. TO 6:00 P.M., for the purpose of The Downtown Christmas Tree Lighting.

7. WRITTEN MOTION, Council President Duarte, requesting, on behalf of The Santa Sightings Fun Run/Geoffrey Smith, that the following street(s) be CLOSED: PLEASANT STREET AT CITY HALL, North to Octopus/Route 6 intersection proceeding along Purchase Street toward Clasky Common Park/left on Pope Street to County Street/left on County Street, left on Pearl Street/right at Pleasant Street to Maxfield Street/right at Purchase Street heading towards the Octopus/right onto Kempton Street to the intersection of County Street, left on County Street to School Street/left on South Water Street to North Water Street/left on Elm Street, right on Acushnet Avenue/left on Middle Street, left on Pleasant Street, returning to CITY HALL, ON SATURDAY, DECEMBER 07, 2013, FROM 6:00 A.M. TO 3:00 P.M., for the purpose of The Santa Sightings 5K Road Race.

8. WRITTEN MOTION, Councillors Coelho, Alves, Gonsalves, Oliveira, Council President Duarte and Gomes, requesting, that the City Council sponsor a fact finding trip to Bethlehem, Pennsylvania, to study the impact the Bethlehem Sands Casino has had on that City and to determine whether a similar casino would be a viable option for the City of New Bedford; and further, that New Bedford Government Cable Access be included in the fact finding trip so that the Citizens of New Bedford will have a better opportunity to view the effect a casino would have on New Bedford.

9. WRITTEN MOTION, Councillors Bousquet, Lopes, Gomes, Lawrence and Alves, requesting, that the City Council send a letter to our State Legislative Delegation and to the Department of Conservation and Recreation Chief, Edward M. Lambert, Jr., so that the Council may go on record in opposition to the CMR restricting lawful gun owners and hunters access to taxpayer funded and State owned land, parks, beaches and conservation areas, this is a personal affront to LAWFUL gun owners, those that carry concealed weapons for personal protection and those that pay to hunt on State land; and further, this regulation will do nothing to curb violent crime, it will only infringe on the rights of law abiding Citizens.

10. WRITTEN MOTION, Councillors Lopes, Gomes, Alves and Gonsalves, requesting that the School Committee and the School Department provide this body with a full cost analysis of what it would cost to reinstate the School Nursing program at each of the affected schools who either lost their school nurse or are currently sharing a nurse with another school.

11. WRITTEN MOTION, Councillors Bousquet and Gomes, requesting, that the Committee on Public Safety and Neighborhoods invite the Mayan community leaders to a Committee meeting to share their concerns with the Council and Station Headquarters Captains Flood and Cordeiro, it is our feeling that with increased patrols and bilingual Officers placed in targeted areas, better witness accounts can make an impact on the hostile climate these individuals face, and as Citizens of New Bedford legal or not, they do not deserve to be victims of hate crimes.

12. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Ana Varela, 208 Ashley Boulevard, New Bedford, MA 02746 d/b/a/ CAPE VERDEAN ASSOCIATES DELIVERY, 1709A Acushnet Avenue, New Bedford, MA 02746**, 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.

13. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Robert J. Neves, 420 Huttleston Avenue, Fairhaven, MA 02719 d/b/a/ WHALING CITY TRANSIT INC., 16 Shore 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 October 25, 2013.)**

14. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Tanya DePina, 47 Lauren Drive, New Bedford, MA 02745 d/b/a COMFORT TRANSPORTATION, LLC, 47 Lauren Drive, New Bedford, MA 02745**, hereby submit a copy of the Application requesting a **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 January 26, 2013.)**

15. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW, 1309 SASSAQUIN AVENUE, A CIRCA 1898 TWO-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 a historically significant building or structure and not preferably preserved.”

16. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 1131-1145 ACUSHNET AVENUE, MAP 92, PARCEL 106, advising that “the structure is a two-story brick Art Deco-style commercial building constructed in 1940 to house a F.W. Woolworth Company store with a decorative terra cotta façade, the front façade is bent to follow the street alignment and the bend serves to divide the building into two nearly equal sections, stepped parapets are spaced along the roof line, one in the center of the wide Woolworth’s store front, which contains two recessed entries, and two others above the entries into the subsidiary store fronts, an Art Deco-style cast stone frieze decorates the roof line; as the only surviving national chain store located on Acushnet Avenue, the building is architecturally and historically significant in the context of the mid-20th Century commercial development of the North End business district and its abandoned and altered condition diminishes its individual significance; however it is an important contributing component of a potential Acushnet Avenue historic district” and therefore, “the NBHC has determined that 1131-1145 Acushnet Avenue is a historically significant structure and preferably preserved.”

17. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW, 460 SOUTH FRONT STREET, MAP 25A, PARCEL 10, advising that“ a circa 1882 office building constructed for the Acushnet Mills Corporation, this one-story brick structure has a painted façade and flat roof, evidence of the Italianate style presents itself in the deep cornice with decorative brackets as well as the segmented arch window opening; the structure once had a partial second story (now removed) and has had several structural additions; the structure is in poor condition because of fire damage and its interior is completely gutted, the building is vacant with its windows and entries boarded with plywood; organized in 1882 the Acushnet Avenue Mills Corporation manufactured cotton cloth and by 1889 employed about 1,000 operatives and provided rental tenement housing to its workers on Front and Blackmer Streets, the mill buildings were demolished in the early 1950’s much of the affiliated operative housing was demolished with the construction of the JFK Boulevard (Route 18), a 1946 building permit identified the property owner as the Santo Christo Club and its most recent affiliation has been with the United Social Club a Cape Verdean community organization; and therefore, “the NBHC has determined that 460 South Front Street is not a historically significant structure and not preferably preserved.”

18. COMMUNICATION, Buzzards Bay Coalition Inc., to University of Massachusetts/Dartmouth, regarding the University’s failure to deliver Apponagansett Bay Nutrient Threshold Technical Report. (Copy all Councillors 10/22/2013.)

19. COMMUNICATION, LEC Environmental Consultants, Inc., to Massachusetts Executive Office of Energy and Environmental Affairs, submitting an expanded Environmental Notification Form and EIR Waiver Request for the Braley Road Solar Project, located at 1600 Braley Road.

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.