



Council Meeting - Agenda

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, February 13, 2014 - 7:00 p.m.

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OPENING OF SESSION BY: CITY COUNCIL PRESIDENT JOSEPH P. LOPES

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

PLEDGE OF ALLEGIANCE

RESOLUTION

1. RESOLUTION, Councillors Gomes, Carney and Rebeiro, in Honor and Celebration of BLACK HISTORY MONTH – FEBRUARY – 2014.

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$75,000.00 from OVERLAY RESERVE, to GENERAL GOVERNMENT UNCLASSIFIED, CHARGES & SERVICES.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$25,000.00 from CFO, SALARIES & WAGES, to CFO, CHARGES & SERVICES.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$20,861.00 from POLICE, CHARGES & SERVICES, to POLICE, SUPPLIES & MATERIALS.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$4,400.00 from CITY COUNCIL, SALARIES & WAGES, to CITY COUNCIL, CAPITAL OUTLAY.

M4a. AN ORDER,

M5. 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, SUPPLIES & MATERIALS.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$300.00 from RECREATION AND PARKS, OTHER CHARGES, to RECREATION AND PARKS, CHARGES & SERVICES.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the Mayor to execute a Release of Easement with the First Church of the Nazarene, on behalf of the City of New Bedford and also

enclosed a second ORDER to accept an Easement from the First Church of the Nazarene, the purpose of the Release of Easement and Easement is to relocate the existing drainage easement due to the church's new school.

M7a. AN ORDER, Release of Easement

M7b. AN ORDER, Easement

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of CARLOS AMADO, New Bedford, MA as ADMINISTRATIVE ASSISTANT to the Board of Assessors.

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JASON OLIVEIRA, New Bedford, MA 02740, to the AIRPORT COMMISSION; replacing Peter Kortright who has resigned; this term will expire December 2016.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MATT CAMARA, New Bedford, MA 02745, to the CONSERVATION COMMISSION, replacing Robert G. Morris whose term has expired; this term will expire June 2015.

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of IRMA PEREZ, New Bedford, MA 02746, to the HUMAN RELATIONS COMMISSION, replacing Ine Ogagan whose term has expired; this term will expire April 2016.

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of ROBERT J. SCHILLING, New Bedford, MA 02740, to the ZONING BOARD OF APPEALS, replacing Jennifer Smith who has resigned; this term will expire December 2018.

NEW BUSINESS

2. WRITTEN MOTION, Council President Lopes, Councillors Martins, Bousquet, Winterson, Rebeiro, Morad, Gomes, Coelho and Carney, requesting that Mr. Joseph Mulvey, Real Estate Specialist with the United States Postal Service, meet with the Committee on Appointments and Briefings, to discuss the future of the Downtown New Bedford Post Office.

2a. COMMUNICATION, Mr. Joseph Mulvey, Real Estate Specialist to the United States Post Office, to and from Mayor Mitchell, regarding the future of the Downtown New Bedford Post Office. (Copy all Councillors via email 02/04/14 and to be Referred to the Committee on Appointments and Briefings.)

3. WRITTEN MOTION, Councillors Coelho, Alves, Gomes, Carney and Martins, requesting, that a representative of the Gang Unit appear before a Committee on Public Safety and Neighborhoods meeting to brief Committee members on the status of gang activity in the City, given the recent shooting of a New Bedford Police Officer, the location of the shooting has seen a recent increase in gang related graffiti; and further, to discuss the increasing number of criminals that are relocating to New Bedford, the reasons for that and the risk they pose to the City. (To be Referred to the Committee on Public Safety and Neighborhoods.)

4. WRITTEN MOTION, Councillor Alves, at the request of the Trustees of the Bethel AME Church and on behalf of our Pastor, Reverend Irma Thibodeaux, officers and members of this historic Church, that the City Council look into what action or assistance the City can provide to ensure the Church is not forced to close, and that the Council follow up on many of the promises that have been made to the Church Trustees and Pastor by former Administrations for assistance; and further, that the Committee on Appointments and Briefings invite Department of Public Infrastructure Commissioner, Ronald Labelle, Tax Title Attorney Blair Bailey, as well as representatives of Bethel AME Church to discuss the matter.

4a. COMMUNICATION/EMAIL, Councillor Alves, submitting, request from Toni Pires, Trustee, Bethel AME Church, requesting assistance with issues and concerns at Church.

5. WRITTEN MOTION, Councillor Gomes, requesting, that the City enforce ticketing for those individuals that throw snow back into the City streets that have already been plowed and cleared; and further, that an aggressive role in notifying residents of the City's position on said matter be taken, this notification should include information on parking bans, ticketing for violators of parking bans and under what conditions would a parking ban be lifted. (To be Referred to the Mayor, the Police Chief and Department of Public Infrastructure Commissioner Labelle.)

6. WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and Police Chief increase the Police patrols in the area of Serenity Gardens on Bedford and Sixth Streets, due to the criminal activity and inappropriate actions occurring within the neighborhood; and further, that the Narcotics Division take a look at this area for drug dealing, along with the Gang Unit for criminal activity.

7. WRITTEN MOTION, Councillor Gomes, requesting, that Carl Cruz and the Library Board of Trustees take immediate action to set a date for the unveiling of former Ward Four Councillor Mary Barros portrait at the Main Library. (To be Referred to the Library Board of Trustees.)

8. WRITTEN MOTION, Council President Lopes and Councillor Gomes, requesting that Mayor Mitchell provide this body with copies of the appeal that the City of New Bedford filed with the Department of Homeland Security's Federal Emergency Management (FEMA) as it relates to proposed modified Flood Hazard Determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) Report for the City of New Bedford.

9. WRITTEN MOTION, Councillor Winterson, on behalf of complaints from property owners, requesting that the Commissioner of the Department of Public Infrastructure Ronald Labelle, notify this Councillor if the City has any plans for the rerouting of sewer pipes that are currently going through private property and causing damage when the pipe cracks, burst or gets clogged; and further, requesting that the City Council send a letter to our State Delegation asking if there is any State or Federal monies for the rerouting of sewer pipes from private property to City-owned property or streets.

10. WRITTEN MOTION, Councillor Alves, requesting, that the Committee on Appointments and Briefings meet with representatives of Community Choice Aggregation to discuss implementing a municipal aggregation program in the City of New Bedford similar to the program being considered by the City of Brockton; and further, that members of the Brockton City Council be invited to share their input and outline the beneficial opportunity for our residents and businesses in the City. (To be Referred to the Committee on Appointments and Briefings.)

11. WRITTEN MOTION, Council President Lopes, requesting that the necessary departments across the City have the ice at Victory Pond prepared for winter sports including skating and ice hockey. (To be Referred to Mayor Mitchell, DPI Commissioner Labelle and Park, Recreation and Beaches Director Mary Rapoza.)

12. WRITTEN MOTION, Councillor Gomes, requesting, that The Massachusetts Department of Transportation take immediate action to inspect and make repairs to the Downtown Route 18 Exit off 195 West, this exit has significant damage to the right side of the curbing and foundation, this exit has been damaged in several places exposing cracks and damage done to the concrete; and further, requesting that this exit be cleaned and resurfaced due to the conditions which ultimately may cause serious structural damage to this exit; and further, that Route 18 Exit Off 195 East be inspected for the similar structural damage; and that the City Council send a letter to State Representative Christopher Markey and Senator Mark Montigny requesting their assistance in getting this work done as soon as possible, as these exit ramps are the first impression that visitors see coming into the City.

13. WRITTEN MOTION, Councillors Gomes and Martins, requesting, that the Committee on Public Safety and Neighborhoods meet with any teachers from New Bedford High School, or the three Middle Schools in the City for the purposes of discussing exactly what is going on in our schools, exactly how significant is the disruptive behavior and violence against students and teachers; and further, that the Committee also set up a meeting with the students for the purposes of getting their input on exactly what is their perspective on what is going on in our schools; and further, that Lou St. John, President, New Bedford Educator's Association, also be invited to attend said meeting; and further, that these meetings be held in Executive Session for the purposes of protecting teachers and students who feel that they want to come forth and be heard on the issue, and to protect them from retaliation for their comments or statements made on the issue of disruptive behavior and violence in our schools or any other issues that may pertain to the safety of the children and teachers in the City of New Bedford Public School system.

14. WRITTEN MOTION, Councillors Bousquet and Martins, requesting, an increased Police presence in Wards Two and Three, these are densely populated and impoverished areas of the City; and further, asking that directed patrols take place around the Acushnet Avenue business corridor as well as North Front Street, Davis Street, Belleville Avenue and Taber Mills Neighborhood, as it has been brought to our attention at Neighborhood Meetings that violence and petty theft have been on the rise in these areas.

15. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW OF 2161 ACUSHNET AVENUE, CIRCA 1890 TWO-STORY WOOD FRAMED STRUCTURE – advising that “the structure is not located in a National Register Historic District, the structure is of no notable historic significance, either recorded or found with the existing condition of the structure, therefore, “the NBHC has determined that 2161 Acushnet Avenue is NOT a historically significant building or structure and not preferably preserved”.

16. COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting REQUEST TO TAKE LAND, for the **LAYOUT ALTERATION OF A PORTION OF TARKILN PLACE AT THE SOUTHERN TERMINUS** for easement or fee for highway purposes in land belonging to Triple Horn, LLC, in accordance with City Code, Section 22-35.

16a. COMMUNICATION, City Engineer David J. Fredette, to City Council, submitting **METES AND BOUNDS** for the **LAYOUT ALTERATION OF A PORTION OF TARKILN PLACE AT THE SOUTHERN TERMINUS** (Map Included.)

16b. AN ORDER, for Hearing on THURSDAY, MARCH 13, 2014 AT 7:00 P.M. in City Council Chambers, City Hall, for the **LAYOUT ALTERATION OF A PORTION OF TARKILN PLACE AT THE SOUTHERN TERMINUS**.

16c. AN ORDER, requesting the City Solicitor to prepare AN ORDER for the LAYOUT ALTERATION of a **PORTION OF TARKILN PLACE AT THE SOUTHERN TERMINUS**.(Hearing on said matter has been ordered for Thursday, March 13, 2014, at 7:00 p.m., in City Council Chambers, City Hall.)

17. COMMUNICATION, City Clerk Arruda, submitting copy of letter to Mayor Mitchell, from Luis Rodriguez, P.E. Chief, Engineering Management Branch, Federal Emergency Management Agency (FEMA), relative to the proposed modified hazard determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) for the City of New Bedford. (Copy all Councillors 01/31/2014.)

18. COMMUNICATION, Korrin Petersen, Esq., Senior Attorney, Buzzards Bay Coalition, to John T. Hoey, Assistant Chancellor for Public Affairs, UMass Dartmouth, regarding Status of Apponagansett Bay Nutrient Threshold Technical Report and Final Payment for Slocum River Report. (Copy all Councillors 02/03/14.)

TABLED BUSINESS

01/23/2014 CITATION, Councillor Rebeiro, honoring **REVEREND RUSS CHAMBERLAIN**, Mercy Meals and More, in recognition of his hard work and dedication to the homeless during the recent snow storm of January 2 and 3, 2014.