



# **Council Meeting** – Agenda

## **CITY COUNCIL CALENDAR**

Chambers of the City Council Municipal Building

**Thursday, March 27, 2014 – 7:00 p.m.**

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

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***PRAYER LED BY: REVEREND KENNETH BERES, FIRST CONGREGATIONAL CHURCH/LUND'S CORNER***

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***PLEDGE OF ALLEGIANCE***

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### ***CITATIONS***

1. CITATIONS, Councillor Martins, honoring New Bedford High School Engineering Academy's Robotics Class Students, DAQUARI BRIDGES, MATHEW HAWK, JR., ANDY CRUZ, ANDREW GUILLOTTE, VICTORIA HATHAWAY, CAMEO LOBO, RICARDO MATIAS and KATHLEEN SPRING-CORNELL, in recognition of their winning the Massachusetts State Championship for FIRST Robotics Challenge - 2014.
2. CITATION, Councillor Martins, honoring New Bedford High School Teacher, CHRISTOPHER PARKER, in recognition of his Dedication and Mentoring of his Students, resulting in winning the Massachusetts State Championship for FIRST Robotics Challenge - 2014.
3. CITATION, Councillor Martins, honoring MIKE DESOUSA, in recognition of his Dedication and Mentoring of the Students, of New Bedford High School in the win of the Massachusetts State Championship for FIRST Robotics Challenge - 2014.
4. CITATION, Councillor Martins, honoring WILLIAM FERREIRA, in recognition of his Dedication and Mentoring of the Students, of New Bedford High School in the win of the Massachusetts State Championship for FIRST Robotics Challenge - 2014.
5. CITATION, Councillor Martins, honoring CANDIDA DESJARDINS, in recognition of her Dedication and Hard Work on behalf of the Students of New Bedford High School Engineering Academy's Robotics Class and New Bedford Public Schools.
6. CITATION, Councillors Winterson, Bousquet, Council President Lopes, and Councillor Rebeiro, honoring JAYDEN BURGO, for recognition of his calling of 911 which saved the lives of his mother and brother during a house fire on March 08, 2014.
7. CITATIONS, Council President Lopes, Councillors Winterson, Bousquet and Rebeiro, honoring FIRE DEPARTMENT LT. MARK RAPOSA AND FIREFIGHTER MATHEW FORAND, in recognition of their heroic actions during a house fire on March 8, 2014 which resulted in the saving of two lives.

8. CITATIONS, Council President Lopes, Councillors Winterson, Bousquet and Rebeiro, honoring FIRE DEPARTMENTS, ENGINE 6, ENGINE 1, ENGINE 11, ENGINE 7, LADDER 3, LADDER 1, UNIT 2 AND UNIT 1, in recognition of their contributions and actions during a house fire on March 8, 2014.

9. CITATIONS, Council President Lopes, Councillors Winterson, Bousquet and Rebeiro, honoring POLICE DEPARTMENT DETECTIVE ANTHONY ESTEVES, POLICE OFFICERS JUSTIN FRIAS, DANIEL SWEENEY, NORMAN DUCHESNEAU, PAUL SILVA AND JAMIE WOTTON, in recognition of their contributions and actions as Law Enforcement Officials during a house fire on March 8, 2014.

10. CITATIONS, Council President Lopes, Councillors Winterson, Bousquet and Rebeiro, honoring POLICE DEPARTMENT DISPATCHER ANNE MARIE DASILVA, in recognition of her role as dedicated public servants during a house fire on March 8, 2014, which resulted in the saving of two lives.

11. CITATIONS, Council President Lopes, Councillors Winterson, Bousquet and Rebeiro, honoring NEW BEDFORD PARAMEDICS JENNIFER CABRAL and WILLIAM SULLIVAN and ALERT AMBULANCE COMPANY PARAMEDICS, TODD CORREIA and TIFFANY ANDRE, in recognition of their role as a dedicated public servant during a house fire on March 8, 2014 which resulted in the saving of two lives.

### ***RESOLUTIONS***

12. RESOLUTION, Councillors Alves and Oliveira, commemorating Vietnam Veteran's Day and the Thirty-Ninth Anniversary of the End of the Vietnam War.

13. RESOLUTION, Councillor Coelho, Council President Lopes, Councillors Alves, Gomes, Martins, Winterson, Bousquet, Rebeiro, Carney and Oliveira, honoring THOMAS G. DAVIS, Executive Director of the Greater New Bedford Industrial Foundation on the occasion of his retirement.

14. RESOLUTION, Council President Lopes, honoring MARLENE CERRITOS-RIVAS, Outstanding Student Award Recipient 2014 – Greater New Bedford Regional Vocational Technical High School.

### ***HEARINGS***

15. HEARING, on NSTAR ELECTRIC COMPANY, for location of two (2) 4" Conduits in MILL ROAD, North of Jireh Street.

15a. AN ORDER,

15b. COMMUNICATION, DPI Commissioner Ronald Labelle, to NSTAR Electric Company, granting permission to start the work before City Council approval to install an underground connection below Mill Road and its right-of-way onto the Buzzards Bay Coalition Property to restore a former industrial site into a conservation property on the Acushnet River.

16. HEARING, on VERIZON NEW ENGLAND, INC. & NSTAR ELECTRIC COMPANY, for joint location of one (1) Pole in HATHAWAY ROAD.

16a. AN ORDER,

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

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER authorizing the City to enter into a Net Metering Power Purchase Agreement with Future Generation Wind, LLC for the purpose of purchasing wind-generated electricity at 10.8 cents per kWh for the next twenty years.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER granting an Easement to Verizon New England, Inc. and NSTAR Electric Company to locate poles 1255/1 and 1255/2 at Sullivan's Ledge, 458 Hathaway Road, which will be used to transmit electricity generated by the solar array to its various intended points of delivery.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER authorizing the Mayor to execute a Deed on behalf of the City of New Bedford to Finigan Property, LLC for \$75,000.00 in substantially the same form as attached hereto, for property located at 109 Hillman Street, shown as Lot 157 on City of New Bedford Assessor's Map 58.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$8,500.00 from TREASURER, CHARGES & SERVICES, to TREASURER, SALARIES & WAGES.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting copy of DRAFT of Fiscal Year 2014 Office of Housing and Community Development Action Plan, which sets forth activities to be funded through the Community Development Block Grant (CDBG) Program, the Home Investment Partnership (HOME) Program, and the Emergency Solutions Grant (ESG) Program for the period **July 01, 2014 through June 30, 2015.** (Copies provided to all Councillors 03/19/2014.)

M5a. BOOKLET, Fiscal Year 2014 DRAFT Action Plan & Certifications.

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting to approve DR. ELIZABETH ARNETT-CHINN, as Veterinarian, at a Grade of M9, Step 7 of the Unit C Salary schedule \$62,369.00.

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for EMS Paramedic KEVIN PORTER, Mattapoisett, MA; Mr. Porter has been a per diem New Bedford Paramedic since February 2009.

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for DR. ATHENA XIFARAS, Dartmouth, MA to the Board of Health; this waiver will expire on the last day of March 2015.

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of DR. ATHENA XIFARAS, Dartmouth, MA, to the BOARD OF HEALTH; this term will expire in February 2017.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of DIANA HENRY, New Bedford, MA, to the HISTORICAL COMMISSION; this term will expire February 2017.

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JILL MACLEAN, New Bedford, MA, to the HISTORICAL COMMISSION; this term will expire February 2017.

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JILL HORTON-SIMS, New Bedford, MA, to the LIBRARY BOARD OF APPEALS, replacing Dr. Joseph Silva, Jr., whose term has expired; this term will expire April 2017.

M13. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of SHAUN

MACFARLAND, New Bedford, MA, as a SPECIAL POLICE OFFICER.

M13a. APPLICATION,

***NEW BUSINESS***

17. REPORT, Committee on Appointments and Briefings, recommending to the City Council to Grant the APPLICATION of U-HAUL INTERNATIONAL, INC., for the SPECIAL PERMIT for MOTOR VEHICLES SALES & RENTALS, at 99 Rockdale Avenue, New Bedford, MA 02740.

17a. APPLICATION,

18. REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the REAPPOINTMENT of JOHN RADCLIFFE, New Bedford, MA 02740, to the CONSERVATION COMMISSION, this term will expire June 2016; and the APPROVAL of 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.

19. REPORT, Committee on Appointment and Briefings, recommending to the City Council that it go on record in opposition to the United States Postal Services' attempt to either close or relocate the Downtown New Bedford Post Office.

20. REPORT, Committee on Ordinances, recommending to the City Council, ADOPTION of AN ORDINANCE amending Chapter 23 – TRAFFIC, which is for the establishment of a Downtown Parking Enterprise Fund and a dedicated account for Acushnet Avenue parking improvements.

20a. AN ORDINANCE, (To Be Passed to a Second Reading.)

21. REPORT, Committee on Ordinances, recommending to the City Council, that it request from the Planning Board an explanation as to how a decision can be made to change the type of street lighting across the city without some type of briefing to the New Bedford City Council beforehand.

22. REPORT, Committee on Ordinances, forwarding the Ordinance, amending Chapter 19, Section 19-7 (c) the reclassification of the City Auditor, Assistant City Auditor and Library Director to the City Council without a recommendation.

23. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the United Way of Greater New Bedford and Mayor Mitchell, that the following street(s) be CLOSED: WILLIAM STREET, from North Sixth Street to Pleasant Street, ON FRIDAY, MAY 02, 2014, FROM 7:00 A.M. TO 9:00 A.M., for the purpose of the United Way's 20<sup>th</sup> Annual Youth Day of Caring Event on the Main Library's Steps and Parking for the Student's Buses.

24. WRITTEN MOTION, Councillors Winterson and Morad, requesting, on behalf of the Humane Coalition for Animals of Greater New Bedford, that the following street(s) be CLOSED: LT. WALTER P. FULLER MEMORIAL PARKWAY, from Rockdale Avenue West to the Monument, ON SUNDAY, MAY 18, 2014, FROM 8:00 A.M. TO 4:00 P.M., for the purpose of their 15<sup>th</sup> Annual Dog Walk and Pet Fest in Buttonwood Park.

25. WRITTEN MOTION, Council President 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 SATURDAY, JUNE 21, 2014, FROM 7:00 A.M. TO 4:00 P.M., for their Annual Family Fun Day.

26. WRITTEN MOTION, Council President Lopes, requesting, on behalf of Javier Rojas, that the following street(s) be CLOSED: RIVET STREET, between South Second Street and Acushnet Avenue, ON SATURDAY, MAY 03, 2014, FROM 9:00 A.M. TO 12:00 A.M., (MIDNIGHT) for the purpose of The Cinco De Mayo Celebration.

27. WRITTEN MOTION, Council President Lopes, requesting, that the following street(s) be CLOSED: CLEVELAND STREET, from David Street to Rodney Street, ON SUNDAY, MAY 18, 2014, FROM: 7:30 A.M. TO 12:30 A.M., for the purpose of the 35<sup>TH</sup> ANNUAL HAZELWOOD WOMEN'S 5K RUN/WALK.

28. WRITTEN MOTION, Councillor Coelho, requesting, ONCE AGAIN, in light of increasing interest, 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 the better opportunity to view the effect a casino would have on New Bedford.

29. WRITTEN MOTION, Councillor Gomes, requesting a cost evaluation of the security cameras and door lock system recently installed in City Hall be provided to the City Council. (To be Referred to the Mayor and the Department of Facilities and Fleet Management.)

30. WRITTEN MOTION Council President Lopes, Councillors Alves, Winterson, Morad, Oliveira, Martins and Bousquet, requesting that the Mitchell Administration provide the New Bedford City Council with any and all information and reports generated by City Stat.

31. WRITTEN MOTION, Councillors Bousquet, Gomes, Winterson, Morad, Alves and Council President Lopes, requesting, that the Committee on Ordinances consider drafting an Ordinance governing " pop up" or " roadside" memorials, the intent of the Ordinance is to make it known publicly that these memorials are appropriate for a short time only, thirty to sixty days perhaps, but beyond that time frame are often not maintained and become an eyesore in many cases. (To be Referred to the Committee on Ordinances.)

32. WRITTEN MOTION, Councillors Winterson and Rebeiro, requesting, that the Trial Court Community Service Program be asked to maintain on a regular basis, whether it be monthly, or every other month, the area starting at Rt. 6 and Pleasant Street, heading East to the exit that merges Rt. 18 North to Rt. 6 East towards Fairhaven, and Rt. 18 North, from Elm Street to Coggeshall Street, in collaboration with District 5 MassDOT Highway Division, this location is covered with litter and debris and needs to be addressed regularly.

33. WRITTEN MOTION, Councillor Gomes, requesting, that a joint letter be drafted from the City Council and Mayor Mitchell to His Holiness Pope Francis, requesting that the Pope consider a visit to the City of New Bedford during his visit to the United States, the letter should contain a description of the cultural diversity and of some of the problems facing our City, detailing everything from immigration to poverty, to how we struggle to regain a sense of pride and also, the possible reopening of St. John the Baptist Church; and further, requesting that a short Mass and Blessing on our City be held on the green at Buttonwood Park; and further, the letter should detail any other points of interest which would be given consideration for a visit from the Holy Father Pope Francis.

34. WRITTEN MOTION, Councillor Rebeiro, requesting, that the Department of Public Infrastructure which maintains the street lights provide the City Council with a report on the annual cost of upkeep including labor and materials; and further, whether it would be more cost efficient to contract the work to a private firm should be included in said report.

35. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with Dr. Michael J. Langworthy and a representative from the Mayor's office, representatives from the School Committee, a representative from the University of Massachusetts/Dartmouth and a

representative from Sea Lab, for the purposes of discussing a possible venture project of education and research with Dr. Langworthy and the Mars Project upon his research vessel to be docked here in the City of New Bedford.

36. WRITTEN MOTION, Councillors Carney and Gomes, requesting that the Mayor make a decision by the close of business on Friday, March 28, 2014, to allow the Whaling City Festival to operate until 9 p.m.

37. COMMUNICATION, State Representative Antonio F.D. Cabral, to City Council, responding to a Written Motion from the City Council Meeting held on February 27, 2014 submitted by Councillor Martins regarding the incorrect wait times displayed on the RMV's website. (Copy all Councillors 03/17/2014.)

***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.