



Council Meeting – Agenda

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, May 08, 2014 – 7:00 p.m.

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

PRAYER LED BY; RABBI RAPHAEL KANTER

TIFERETH ISRAEL CONGREGATION

PLEDGE OF ALLEGIANCE

CITATIONS

1. CITATION, Councillor Martins and Council President Lopes, honoring CARL ALVES, Executive Director, Positive Action Against Chemical Addiction (PAACA) in recognition of his receiving the Sister Rose Award for his dedication and compassion for people in need.
2. CITATIONS, Councillors Carney and Gomes, honoring, Our Lady of Mt. Carmel Church Boys A Basketball Team Members, ADRIEL PACHECO, BRENDAN MONIZ, BARON HILTON, BRYCEN GOODINE, EMANIZAIA ALVES, MARCUS RITA, KYLE CABRAL, ALEX POLANCO, ANTHONY SOARES, ANDREW VINAGRE, COLIN DACOSTA and BOYS HEAD COACH, MANNY DEBRITO, BOYS ASSISTANT COACHES, MATT RODRIGUES AND TIFFANY RODRIGUES, in recognition of their Winning the New Bedford CYO and Diocesan Championships.
3. CITATIONS, Councillors Carney and Gomes, honoring, Our Lady of Mt. Carmel Church, Girls A Basketball Team Members, JAYDA FORTIN, EMMA FERLAND, KYARA SYLVIA, MONICA EIRES, KATE FRAZEE, MCKAYA RODRIGUEZ, KYLIE MORIN, LEIGHANN PIRES and GIRLS HEAD COACH, JAY FORTIN, in recognition of their Winning the New Bedford CYO and Diocesan Championships.
4. CITATIONS, Councillors Martins and Morad, honoring ABBEY SPARGO AEVALELIZ, NICK FRANCIS, CHRISTIAN FARLAND, NATHAN ARAUJO and KERRY BALDWIN, in recognition of being honored as a SOUTHCOAST 5 EMERGING LEADER.
5. CITATION, Councillor Bousquet, honoring MACKENZEE BORGES, Greater New Bedford Regional Vocational Technical High School, in recognition of her winning the Walter J. Markham Award.
6. CITATION, Councillor Gomes, honoring PATRICIA GOMES, on being named POET LAUREATE of the City of New Bedford, Massachusetts.

RESOLUTION

7. RESOLUTION, Council President Lopes, honoring NATIONAL FOSTER CARE AWARENESS MONTH.

8. RESOLUTION, Councillors Morad and Martins, honoring NEAL WEISS the First Recipient of the Irwin M. and Joan K. Jacobs Leadership Award.

HEARING

9. COMMUNICATION, First Assistant City Solicitor Jane Medeiros Friedman, to City Council, submitting AN ORDER, pursuant to City Council Order dated April 10, 2014, for the ACCEPTANCE of TORI LYNN DRIVE, Variable Width, from Chaffee Street, 399.34 feet south to cul-de-sac (terminus.)

9a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting VETO of a Written Motion submitted by Council President Lopes and Councillor Martins at the April 10, 2014 City Council Meeting, regarding that the City accept M.G.L. Chapter 32, Section 90D ½, which would increase certain pension allowance. (VETO Received and Ordered Spread on the Records – April 24, 2014.)

M1a. WRITTEN MOTION, Council President Lopes and Councillor Martins, asking, that the City accept the request from the New Bedford Contributory Retirement System under the provisions of M.G.L., Chapter 32, Section 90D1/2, Retirement Systems and Pensions, to increase the allowance of members retired on superannuation accidental disability or ordinary disability with at least twenty-five years of creditable service. (VETO Received and Ordered Spread on the Records – April 24, 2014.)

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER granting NSTAR ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC., an Easement to locate Poles at 132B Herman Melville Boulevard (Atlantic Red Crab Company), to upgrade transmission in this industrial area in accordance with the diagram attached to the proposed Grant of Easement.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting the RESOLUTION, authorizing the Mayor to apply for Federal Financial Assistance from the United States of America and also submitting the Final Fiscal Year 2015 Office of Housing and Community Development Action Plan, for the period of July 01, 2014 through June 30, 2015.

M3a. RESOLUTION,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$233,305.00 from VETERANS CHARGES AND SERVICES, to SNOW REMOVAL.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$200,000.00 from POLICE SALARIES AND WAGES, to DFFM CHARGES AND SERVICES in the amount of \$100,000.00 and DFFM SUPPLIES AND MATERIALS in the amount of \$100,000.00.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$73,869.00 from POLICE SALARIES AND WAGES, to ZOO CHARGES AND SERVICES in the amount of \$19,719.00 and ZOO SUPPLIES AND MATERIALS in the amount of \$54,150.00.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$50,000.00 from DPI/HIGHWAYS, SALARIES AND WAGES, to DPI CHARGES AND SERVICES.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$50,000.00 from WATER, SALARIES AND WAGES, to WATER SUPPLIES AND MATERIALS.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$3,420.00 from ASSESSORS SALARIES AND WAGES, to ASSESSORS CHARGES AND SERVICES in the amount of \$2,100.00 and ASSESSORS SUPPLIES AND MATERIALS in the amount of \$1,320.00.

M9a. AN ORDER,

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of \$1,950.00 from SOLICITORS CHARGES AND SERVICES, to SOLICITORS SALARIES AND WAGES.

M10a. AN ORDER,

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting a request from Director of Zoological Services, Keith Lovett for a Waiver of Residency for Ms. Caroline Hawthorne of Fairhaven, MA 02719; and further, requesting that Ms. Hawthorne's salary be set at Grade M4, Step 7, \$51,290 for the Education Curator.

M12. COMMUNICATION, Mayor Mitchell to City Council, requesting a SIX-MONTH WAIVER OF RESIDENCY for MARK CHAMPAGNE, for the position of CLERK OF THE WORKS/CAPITAL PROJECTS MANAGER, in the Department of Facilities and Fleet Management; this will allow time for him and his family to relocate to the City.

M13. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, Amending Chapter 15, Licenses and Permits, Business Regulations, by amending Section 15-103 "Exceptions" pertaining to wetlands protection.

M13a. AN ORDINANCE,

M14. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for DONALD DESROCHES, 1042 Phillips Road, New Bedford, MA 02745, Account No. 025175A, in the amount of \$174.30.

M15. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for ARTHUR MOTTA/NOMINEE TRUST, 4045 Acushnet Avenue, New Bedford, MA 02745, Account No. 022820A, in the amount of \$261.45.

M16. COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of HERVE WILLIAM VANDAL, JR., New Bedford, MA, 02740, as a CONSTABLE.

M16a. APPLICATION,

M17. COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of JOSEPH M. GOULART, North Dartmouth, MA, 02747, as a CONSTABLE.

M17a. APPLICATION,

M18. COMMUNICATION Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of JUSTIN DION, East Taunton, MA, as a SPECIAL POLICE OFFICER.

M18a. APPLICATION,

M19. COMMUNICATION Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of LIONEL DUARTE, East Freetown, MA, as a SPECIAL POLICE OFFICER.

M19a. APPLICATION,

NEW BUSINESS

10. REPORT, Committee on Ordinances, recommending that the City Council grant permission for George Almeida to WITHDRAW his request to Rezone his property at 232 Dartmouth Street, Plot 28, Lot 50, from RESIDENCE "B" TO MIXED-USE BUSINESS.

11. REPORT, Committee on Ordinances, referring to the City Council the ORDINANCE, Amending Chapter 9, Section 4400, Flood Hazard Overlay District (FHOD) without a recommendation from the Committee on Ordinances.

11a. AN ORDINANCE,

12. WRITTEN MOTION, Councillor Carney, on behalf of Arnold Oliveira and Antonio Almeida, requesting that 175-177 Ash Street, Plot 45, Lot 85, be REZONED, from Residence "B" to MIXED-USE BUSINESS. (To be Referred to the Committee on Ordinances and the Planning Board; resubmitted due to time lapse.)

13. WRITTEN MOTION, Councillors Winterson and Morad, requesting, that the following street(s) be CLOSED: FULLER MEMORIAL PARKWAY, from Rockdale Avenue, westerly through Buttonwood Park, to Brownell Avenue, FROM: 8:00 A.M. THURSDAY, JULY 10, 2014, THROUGH: 9:00 P.M., MONDAY, JULY 14, 2014, for the purpose of THE ANNUAL WHALING CITY FESTIVAL.

14. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the St. Michael Social Club, that the following street(s) be CLOSED: MADEIRA AVENUE, between Eugenia Street and Whitman Street, FROM 5:00 P.M. TO MIDNIGHT ON THURSDAY, JULY 24, 2014 (TO ALLOW FOR SET-UP), AND FROM 5:00 P.M. TO MIDNIGHT ON FRIDAY, JULY 25, 2014, AND FROM 2:00 P.M. TO MIDNIGHT ON SATURDAY, JULY 26, 2014, for the purpose of The Annual St. Michael Social Club Festival-Festa Do Chicharro.

15. WRITTEN MOTION, Council President Lopes, requesting, on behalf of the Whaling Museum, that the following street(s) be CLOSED: NORTH WATER STREET, from Rose Alley to Union Street, ON MONDAY, MAY 19, 2014, FROM 1:00 P.M. TO 6:00 P.M., for the purpose a Groundbreaking Ceremony for the new Education Center and Research Library.

16. WRITTEN MOTION, Councillor Rebeiro, requesting, that the following street(s) be CLOSED: PURCHASE STREET, from Spring Street to School Street, (In Front of the Zeiterion Theatre) ON SATURDAY, MAY 24, 2014, FROM 8:00 A.M. TO 3:00 P.M., for the purpose of The New Bedford Market.
17. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Dagny Ashley, Director of Tourism and Marketing, that the following street(s) be CLOSED: UNION STREET, from North Water Street to Front Street (with no access from Route 18), FROM 4:00 P.M. TO 9:00 P.M., ON SATURDAY, JUNE 21, 2014, for the purpose of A Summer Block Party for the Summer Sound Series.
18. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Day of Portugal Committee, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Beetle Street to Coffin Avenue; SAWYER STREET, from North Front Street to Ashley Boulevard; HOLLY STREET, from North Front Street to Ashley Boulevard; TALLMAN STREET, from North Front Street to Ashley Boulevard; NYE STREET, from North Front Street to Ashley Boulevard; BULLARD STREET, from North Front Street to Ashley Boulevard; DEANE STREET, from Ashley Boulevard to Acushnet Avenue, **FROM 6:00 A.M., THURSDAY, JUNE 05, 2014, THROUGH 10:00 A.M., MONDAY, JUNE 09, 2014;** and further, that the following streets or intersections be designated NO PARKING AND ENFORCED AS A TOW ZONE: ACUSHNET AVENUE, from Beetle Street to Coffin Avenue (both sides); THE NORTH SIDE OF SAWYER STREET, EASTERLY APPROXIMATELY 150 feet, ending at a line parallel to the eastern most property line of the Howard Street Parking Lot (both sides); HOLLY STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); TALLMAN STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); NYE STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); BULLARD STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); DEANE STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); for the purpose of **THE 17TH ANNUAL DAY OF PORTUGAL CELEBRATION. (PLEASE NOTE: OPENING DATE HAS BEEN REVISED.)**
19. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Bus Riders United, that the following street(s) be CLOSED: WILLIAM STREET, from North Sixth Street to Pleasant Street, FROM 2:00 P.M. TO 4:00 P.M., ON TUESDAY, MAY 20, 2014, for the purpose of A Rally to Show Public Support to Continued Evening Bus Service.
20. WRITTEN MOTION, Councillors Coelho, Morad and Alves, requesting, that the City remind, educate and enforce Chapter 23, Sections 10 and 11, relative to bicycle riding laws due to constituent complaints of people riding their bicycles on sidewalks, especially in commercial areas, making it difficult for elderly pedestrians.
21. WRITTEN MOTION, Councillor Alves, requesting, that the Committee on Ordinances meet with Michael Patenaude to discuss the potential benefits of allowing bee keepers to operate in the City of New Bedford.
22. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the elderly parishioners of Our Lady of Perpetual Help Parish, 235 North Front Street, that the Department of Public Infrastructure repaint the crosswalk to allow the elderly to cross the street safely.
23. COMMUNICATION, Council President Lopes, submitting a copy of the Citistat/Performance Measurement Update from CFO Sky, dated April 18, 2014. (To be Referred to the Committee on Finance.)
24. COMMUNICATION, Councillor Morad, submitting letter from DPI Commissioner Ronald Labelle, relative to work done by NSTAR at Mill Road and the current underground utility authorization.

25. COMMUNICATION, City Planner Jill Maclean, to City Council, regarding a Zoning Request Changes, associated with fees and Abutter Notification. (To be Referred to the Committee on Ordinances; Copy all Councillors via email 05/06/2014.)

26. COMMUNICATION, City Clerk Arruda to City Council, submitting letter from Mary-Jo Perry, Highway District Director, Mass DOT, responding to a Written Motion from the City Council Meeting of March 27, 2014, submitted by Councillors Winterson, Rebeiro and Bousquet, relative to the Trial Court Community Service Program assisting with roadside maintenance. (Copy all Councillors 04/29/14.)

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.

03/27/2014 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.