



# **Council Meeting** – Agenda

## **CITY COUNCIL CALENDAR**

Chambers of the City Council Municipal Building

**Thursday, May 22, 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 LEONA FISHER, PASTOR IN THE NAME OF JESUS CHURCH**

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### **PLEDGE OF ALLEGIANCE**

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### **CITATIONS**

1. CITATION, Councillor Gomes, honoring PATRICIA GOMES, Poet Laureate of the City of New Bedford.
2. CITATION, Councillors Morad and Winterson, honoring CLEM BLAIS, Owner of CITYSTYLE HAIR SALON in recognition of the 30<sup>th</sup> Year Anniversary Celebration.
3. CITATIONS, Councillors Morad and Oliveira, honoring DELANA BALDWIN, VICTORIA DUVERGE and KYLEIGH LOBO, in recognition of their commitment and dedication to their Skills USA Project, providing many homeless families in New Bedford with their basic everyday needs.
4. CITATIONS, Councillor Bousquet, Council President Lopes, Councillors Morad, Oliveira and Carney, honoring the Greater New Bedford Regional Vocational Technical High School winners of the 2014 MASSACHUSETTS SKILLS USA COMPETITION.
5. CITATIONS, Councillors Winterson, Martins and Morad, honoring EMMA YORK, KELSEY DEGOUVEIA, SKYLAH REIS, ASHLEY SOUZA, RACHEL NEVES, HIMALI PATEL, ALANNA GRACIA, JACINDA MCCARTNEY, CHENYU CHEN, GEORGIA KYRIAKIDIS, KAYLIA CLARK, ARIANNA BEDOYA, SERENA MARQUES, KELSEY SANTOS, ALLIE SIMOES AND SHANYAH CUNHA, New Bedford High School Girls Varsity Tennis Team, in recognition of their outstanding academic achievements and impressive athletic skills.
6. CITATION, Councillors Winterson, Martins and Morad, honoring CHRIS SANTOS, Coach, New Bedford High School Girls Varsity Tennis Team, in recognition of his Dedication and Commitment to his Students at New Bedford High School.

### **MAYOR'S PAPERS**

- M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JOHN WALSH, New Bedford, MA 02740, to the ZONING BOARD OF APPEALS, as an ASSOCIATE MEMBER replacing Michael Amaral, whose term has expired; this term will expire in December 2016.
- M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CRAIG DIXON, New Bedford, MA 02740, to the CONSERVATION COMMISSION; this term will expire June 2017.
- M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of PAUL

PACHECO, New Bedford, MA 02740, to the CONSERVATION COMMISSION; this term will expire June 2017.

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CYNTHIA WALLQUIST, New Bedford, MA 02745, as the EXECUTIVE DIRECTOR of the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire April 2015.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of KIMBERLI BETTENCOURT, New Bedford, MA 02745, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire May 2017.

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of MARSHA F. FERNANDES, New Bedford, MA 02744, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire May 2017.

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of REVEREND PAMELA J. COLE, New Bedford, MA 02740, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire May 2017.

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of VINCENT RODRIGUES, New Bedford, MA 02745, as SPECIAL POLICE OFFICER.

M9a. APPLICATION,

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of NELSON MACEDO, New Bedford, MA 02740, as a CONSTABLE.

M10a. APPLICATION,

#### ***NEW BUSINESS***

7. REPORT, Committee on Finance, recommending to the City Council, ADOPTION of the ORDER, authorizing the Mayor to execute a lease amendment and lease extension between the City and the Commonwealth (on behalf of Bridgewater State University) the purpose being to extend the current lease (which expired last summer) an additional (5) five years and provide a rent reduction, Bridgewater Flight Academy pays the highest rate of any tenant at the Airport and also services and fuels its fleets of aircraft at the Airport creating additional revenue.

7a. AN ORDER,

8. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER for the TRANSFER of \$207,000.00 from FREE CASH to ELECTIONS, CAPITAL OUTLAY.

8a. AN ORDER,

9. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER for the TRANSFER of \$235,000.00 from FREE CASH to GENERAL GOVERNMENT UNCLASSIFIED.

9a. AN ORDER,

10. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER for the TRANSFER of \$133,000.00 from FREE CASH to GENERAL GOVERNMENT UNCLASSIFIED, contingent on a Member of the City Council sitting on the Steering Committee.

10a. AN ORDER,

11. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER for the TRANSFER of \$500,000.00 from FREE CASH to STABILIZATION FUND.

11a. AN ORDER,

12. WRITTEN MOTION, Council President Lopes, requesting that the City Council WAIVE RULE 27, in order to hold Budget Interview Sessions on TUESDAY, JUNE 03, 2014 and THURSDAY, JUNE 05, 2014.

13. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Ms. Payton Riley, that the following street(s) be CLOSED: PLEASANT STREET, from Grinnell Street to Wing Street, FROM 12:00 P.M. (NOON) TO 5:00 P.M., ON MONDAY, JUNE 30, 2014, for the purpose of A Block Party.

14. WRITTEN MOTION, Council President Lopes, requesting, on behalf of Sun Multisport Events, that the following street(s) be CLOSED: the East Side lane of East Rodney French Boulevard (i.e. the lane closest to the water) from Fort Taber Park to David Street; we will place cones down the yellow line of East Rodney French Boulevard in this section and then divide this lane with a second row of cones so we can have cyclists travel in both directions on the East Side lane of East Rodney French Boulevard; the West Side lane of East Rodney French Boulevard would remain open to traffic; Close one lane on sections of David Street, Cleveland Street and Mott Street; cyclists will go left on David Street from East Rodney French Boulevard, then left on Cleveland Street, then left on Mott Street and then right back onto East Rodney French Boulevard; they will be traveling on David, Cleveland and Mott Streets against the normal flow of traffic; Close South Rodney French Boulevard in both directions between East and West Rodney French Boulevards; Close the West Side lane of West Rodney French Boulevard (i.e. the lane closest to the water) from Fort Taber Park, to just past Woodlawn Street, where a turnaround point would be established; we will place cones down the yellow line of West Rodney French Boulevard in this section and then divide this lane with a second row of cones so we can have cyclists travel in both directions on the West Side of West Rodney French Boulevard; the East Side lane of West Rodney French Boulevard would remain open to traffic; Race crews would be setting out cones down the yellow line of East Rodney French Boulevard, David, Cleveland and Mott Streets and West Rodney French Boulevard, from 5:30 A.M. until 7:00 A.M., and during this time traffic will be able to travel in both directions on the above mentioned roads. Starting at 7:00 A.M. race crews will start to divide the lanes of East and West Rodney French Boulevards in order to be ready for the race to start at 8:00 A.M., and concluding with all roads open to traffic in all directions at 10:30 A.M., ON SUNDAY, JULY 06, 2014, FROM 7:00 A.M. TO 10:30 A.M., for the purpose of The Whaling City Triathlon.

15. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Mayor Mitchell and the New Bedford Folk Festival 2014, that the following street(s) be CLOSED: NORTH WATER STREET, from Centre Street to Elm Street; JOHNNY CAKE HILL AND BETHEL STREET, from Union Street to Elm Street; SECOND STREET, from Union Street to Elm Street; ACUSHNET AVENUE, from Spring Street to Elm Street; WILLIAM STREET, from Purchase Street to North Water Street and SPRING STREET, from Acushnet Avenue to Purchase Street, ON FRIDAY, JULY 04, 2014, FROM 6:00 P.M. THROUGH 11:00 P.M., ON SUNDAY, JULY 06, 2014. **PLEASE NOTE: CLOSINGS ARE "AS NEEDED" AND INCLUDE AREAS FOR CRAFT BOOTHS.**

16. WRITTEN MOTION, Councillor Gomes requesting, that the following street(s) be CLOSED: PLEASANT STREET, from Wing Street to Bedford Street and WING STREET, from Pleasant Street to South Sixth Street, ON SUNDAY, JULY 06, 2014, FROM 9:00 A.M. TO 9:30 P.M., for the purpose of Cape Verdean Recognition Day Carnival.

17. WRITTEN MOTION, Councillor Gomes, requesting, on behalf of the Cape Verdean Recognition Committee, that the following street(s) be CLOSED: PURCHASE STREET, between Madison Street and Walnut Street (In Front of Cape Verdean-American Veterans Hall – 561 Purchase Street) ON: SATURDAY,

JULY 05, 2014, FROM: 11:00 A.M. TO 11:00 P.M., for the purpose of the Cape Verdean Recognition Day Festival.

18. WRITTEN MOTION, Councillor Gomes, requesting, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Union Street to Grinnell Street, PURCHASE STEET, from Grinnell Street to Walnut Street and WING STREET, at South Sixth Street, ON SATURDAY, JULY 05, 2014, FROM 9:00 A.M. TO 9:30 P.M., for the purpose of the Cape Verdean Day Parade.

19. WRITTEN MOTION, Councillor Gomes, requesting, on behalf of the Cape Verdean Parade Committee, that the following street(s) be CLOSED: JOLI GONSALVES WAY (formerly Cherry Street), from Sixth Street to Seventh Street, ON SATURDAY, JULY 05, 2014, FROM 8:00 A.M. TO 5:00 P.M. FURTHER NOTE: THAT NO PARKING BE ALLOWED ON BOTH SIDES OF THE STREET DURING THE SAME, and ACUSHNET AVENUE, between Wing Street and Grinnell Street, and WING STREET, between Purchase Street and Acushnet Avenue, ON SATURDAY, JULY 05, 2014, FROM 10:00 A.M. TO 9:30 P.M., for the purpose of Cape Verdean Recognition Week Activities.

20. WRITTEN MOTION, Councillor Gomes, requesting, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Madison Street to Grinnell Street, at Monte's Park, ON FRIDAY, JULY 04, 2014, FROM 8:00 A.M. TO 8:00 P.M., for the purpose of the ATA (Albina Tavares Association) Celebration of an Independence Day Festival.

21. WRITTEN MOTION, Councillor Gomes, requesting, on behalf of Mr. John Silva, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Russell Street South to Bedford Street, ON SATURDAY, JULY 05, 2014, FROM 11:00 A.M. TO 8:00 P.M.; and further, that this area be closed as soon as the Cape Verdean Recognition Parade Passes said area and remain closed until 8:00 P.M., for the purpose of the Cape Verdean Independence Day Basketball Tournament.

22. WRITTEN MOTION, Council President Lopes, requesting that the Committee on Appointments and Briefing invite a local representative from Viridian Power to discuss their municipal green energy program. (To be Referred to the Committee on Appointments and Briefings.)

23. WRITTEN MOTION, Councillor Bousquet and Council President Lopes, requesting, that the Committee on Ordinances draft an Ordinance encouraging food services, supermarkets, and other users of expanded polystyrene foam to discontinue their use of the product and move to recyclable or recycled paper based materials, expanded polystyrene foam is a tremendous threat to our oceans and its ecosystems, and as a community who makes its living from the ocean we should be concerned for its health. (To be Referred to the Committee on Ordinances, the Chamber of Commerce and our State Legislative Delegation.)

24. WRITTEN MOTION, Councillors Rebeiro and Alves, asking, that the City Council request that the City Solicitor review the April 14, 2014, letter from Karen G. Courtney, Director of the Foundation for Fair Contracting of Massachusetts to Debra Travers, the Purchasing Agent for the City of New Bedford and review the circumstances related to the contents of the letter, to determine if the City may properly consider or award the bid of P.A. Landers, Inc., with respect to the Bituminous Concrete/Sidewalk Renovation Project referenced in the letter, pursuant to the bidding laws and regulations of the Commonwealth and any applicable local Ordinances.

24a. COMMUNICATION, Councillor Rebeiro, submitting copies of letters from Ms. Karen G. Courtney, Director, Foundation for Fair Contracting of Massachusetts, to Debra L. Travers, Purchasing Agent, City of New Bedford, relative to P.A. Landers bid on the Bituminous Concrete/Sidewalk Renovation Project and Ms. Travers responding letter.

25. WRITTEN MOTION, Councillor Gomes, requesting, that Legal Counsel Gerwatowski draft an Ordinance requiring confirmation by the City Council of any person employed by the City Council Office or Clerk of Committees Office; and further, that the City Council President, or his or her designee participate in the interviewing process of any candidates. (To be Referred to the Committee on Ordinances.)

26. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW, 2992 ACUSHNET AVENUE, Map 132, Parcel 510, advising that “the structure was built circa 1830 and retains some of its original exterior architectural features including setting and massing; the structure is associated with members of the Spooner family who were descendants of William Spooner, one of the fifty-six original proprietors of Dartmouth; the subject structure is found to be historically significant because of its historical integrity as the homestead of one of the area’s earliest settlers and as a representative of New Bedford’s early rural character” and therefore, “the NBHC has determined that 2992 Acushnet Avenue is a historically significant structure and preferably preserved.”

27. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW, 4026 ACUSHNET AVENUE, Map 136, Parcel 252, advising that “the structure was built circa 1800 and retains some of its original exterior architectural features including setting and massing; the structure is associated with members of the Tobey family who were early settlers of Old Dartmouth; the subject structure is reminiscent of a “Big House, Little House, Back House, Barn” farm complex found in many colonial American communities; the structure is found to be historically significant because of its historical representative of New Bedford’s early rural character and therefore, “the NBHC has determined that 4026 Acushnet Avenue is a historically significant structure and preferably preserved.”

28. COMMUNICATION, BOARD OF ASSESSORS’ MOTION, Board of Assessors, to City Council, submitting MOTION passed 3-0, at its open meeting on MAY 01, 2014, and requesting that the City Council ADOPT, and the Mayor APPROVE the THREE ORDERS relating to the Consumer Price Index, as determined by the Commissioner of Revenue, of a 1.37% increase for Clause 17’s, for the amount of exemption to be increased to \$294.08; to accept under Chapter 59, Section 5, Clause 17E to increase the amount of assets to \$59,961.00, to qualifying individuals; and under Chapter 59, Section 5, Clauses 41, 41B & 41C, raising the base limit of income for single taxpayers to \$19,486.00 and married taxpayers to \$22,487 and to raise the assets limits to \$41,972.00 for single taxpayers and \$44,971.00 for married taxpayers.

28a. AN ORDER, (ORDERED, That, pursuant to M.G.L. Chapter 59, Section 5, Clause 17E, the total value of assets, as set forth in M.G.L. Chapter 59, Section 5, Clause 17, 17C, 17C½ and 17D is hereby increased by 1.37% for Fiscal Year 2015; said increase is equal to the Consumer Price Index.)

28b. AN ORDER, (ORDERED, That, the exemption granted to persons qualifying under M.G.L. Chapter 59, Section 5, Clause 17, 17C, 17C½ and 17D is hereby increased by 1.37% for Fiscal Year 2015; said increase is equal to the Consumer Price Index.)

28c. AN ORDER, (ORDERED, That the base limit of income and the total value of assets of persons, qualifying under M.G.L. Chapter 59, Section 5, Clause 41, 41B, and 41C is hereby increased by 1.37% for Fiscal Year 2015; said increase is equal to the Consumer Price Index.)

29. COMMUNICATION/EMAIL, Councillor Morad, submitting Email from Ms. Margaret Burke, Plymouth, MA, regarding industrial wind turbines and the power purchase agreement with New Generation Wind of Plymouth, MA.

30. COMMUNICATION/EMAIL, Councillor Morad, submitting Email from A. Brito, regarding tax increases to fund education in the City of New Bedford. (Copy all Councillors 05/16/14, To be Received and Placed on File and Referred to Superintendent of Schools, Dr. Pia Durkin and the School Committee.)

***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.