



Council Meeting – Agenda

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, July 17, 2014 – 7:00 p.m.

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

PRAYER LED BY: REVEREND LEONA FISHER, PASTOR IN THE NAME OF JESUS CHURCH

PLEDGE OF ALLEGIANCE

CITATIONS

1. CITATION, Councillors Morad and Oliveira, honoring LILLIAN DONAGHY, in recognition of your 32 Years of Volunteer Service to the Council on Aging and with sincere appreciation for your Dedication to your fellow Seniors at the Buttonwood Senior Center.
2. CITATION, Councillors Morad and Oliveira, honoring BEATRICE FERREIRA, in recognition of your 12 Years of Volunteer Service to the Council on Aging and with sincere appreciation for your Dedication to your fellow Seniors at the Buttonwood and Hazelwood Senior Centers.
3. CITATION, Councillors Morad and Oliveira, honoring ISAURA SOUZA, in recognition of your 12 Years of Volunteer Service to the Council on Aging and with sincere appreciation for your Dedication to your fellow Seniors at the Buttonwood Senior Center.
4. CITATION, Councillors Morad and Oliveira, honoring JEANNETTE ST. DON, in recognition of your 17 Years of Volunteer Service to the Council on Aging and with sincere appreciation for your Dedication to your fellow Seniors at the Buttonwood Senior Center.
5. CITATION, Councillors Morad and Oliveira, honoring RAYMOND ST. DON, in recognition of your 15 Years of Volunteer Service to the Council on Aging and with sincere appreciation for your Dedication to your fellow Seniors at the Buttonwood Senior Center.
6. CITATION, Councillors Morad and Oliveira, honoring LUCY ZABOWSKI, in recognition of your 15 Years of Volunteer Service to the Council on Aging and with sincere appreciation for your Dedication to your fellow Seniors at the Brooklawn Senior Center.
7. CITATION, Councillor Gomes, honoring KENZI FARLAND, in recognition of her talent and imagination which led to her opening Princesses of New Bedford, an entertainment business for children.
8. CITATION, Council President Lopes, Councillors Martins, Winterson and Bousquet, honoring JR. LEADER “DREAM TEAM” CHRISTIAN MCLEOD in recognition of his Graduation from Saturday Academy on June 14, 2014 and being honored with the Excellence Award.

9. CITATION, Council President Lopes, Councillors Martins, Winterson and Bousquet, honoring JR. LEADER “DREAM TEAM” VUONG PHAN, in recognition of his Graduation from Saturday Academy on June 14, 2014 and being honored with the Perfect Attendance and Leadership Awards.
10. CITATIONS, Council President Lopes, Councillors Martins, Winterson and Bousquet, honoring JR. LEADER “DREAM TEAM” NATHAN ANDRADE, JEREMY CASTRO and ADAM FINN, in recognition of their Graduation from Saturday Academy on June 14, 2014.
11. CITATION, Council President Lopes, Councillors Martins, Winterson and Bousquet, honoring LEONARD BRADLEY, in recognition of his Graduation from Saturday Academy on June 14, 2014 and being named as the Most Improved Student.
12. CITATION, Council President Lopes, Councillors Martins, Winterson and Bousquet, honoring JASON AMARAL, in recognition of his Graduation from Saturday Academy on June 14, 2014 and being named as the Star Student of the Year.
13. CITATION, Council President Lopes, Councillors Martins, Winterson and Bousquet, honoring BRANDON DE LA ROSA in recognition of his Graduation from Saturday Academy on June 14, 2014 and being honored with the Perfect Attendance Award.
14. CITATION, Council President Lopes, Councillors Martins, Winterson and Bousquet, honoring DARIEN GIBSON, in recognition of his Graduation from Saturday Academy on June 14, 2014 and being honored with the Student of Year, Sportsmanship and Leadership Awards.
15. CITATIONS, Councillors Gomes and Rebeiro, honoring MARILYN L. GONSALVES, Chairperson; CARL J. CRUZ, NORMA BELAY, ATTORNEY SYLVIA GOMES, GAIL GONSALVES, CHARLES PERRY, CYNTHIA MORRIS, DR. ELEANOR PONTES, DR. BRUCE A. ROSE, DOROTHY GOMES and PETER SILVA, in recognition of their Commitment and Dedication to the 2014 Cape Verdean Recognition Scholarship Committee.
16. CITATIONS, Councillors Gomes and Rebeiro, honoring CAPE VERDEAN RECOGNITION COMMITTEE BOARD OF DIRECTORS, 2014 - MARY ANN ROGERS, PRESIDENT, MARILYN GONSALVES, VICE-PRESIDENT, NORMA BELAY, CLERK, DIANE GOMES, TREASURER, CARL J. CRUZ, GAIL GONSALVES, DOROTHY GOMES, JOANNA GOMES, ATTORNEY SYLVIA GOMES, CYNTHIA MORRIS, CHARLES PERRY, DR. BRUCE ROSE, PETER N. SILVA, HONORABLE MEMBERS EMMA GOMES and JULIANA HINES-BECK, in recognition of their continuing commitment to maintaining Cape Verdean Traditions in our City, Cape Verdean Recognition Week – 2014.
17. CITATIONS, Councillors Gomes and Rebeiro, honoring CAPE VERDEAN RECOGNITION WEEK 2014 PARADE COMMITTEE VOLUNTEERS, DIANE GOMES, CHAIRPERSON, SHANE BURGO, DANA DEBARROS, LORRAINE TELO, MARIE MONTEIRO, RENE LEDBETTER, DANA REBEIRO, JOHN DEPINA, JULIO BARBOSA, BETTY RIVERA, NORMA BELAY, CHARLES PERRY, JOANNA GOMES and PETER SILVA, in recognition of their dedication and commitment to the Cape Verdean Recognition Parade Committee and another successful year.
18. CITATIONS, Councillors Bousquet and Rebeiro, honoring BAREFOOT EVENTS, INC, JAMIE KELLEY, President/Event Technical Producer, JESSICA BAILEY, KELLY BENDIKSEN, BOB EATHERTON, ANNIE HUMISTON, GEORGE MORAN, CATHY ROONEY and BRIAN QUINN in recognition of your Dedication and Commitment in making the Visit of the Whaleship, Charles W. Morgan a successful event with your Logistic and Technical Talents.
19. CITATION, Councillor Alves, honoring WARING-SULLIVAN HOMES OF MEMORIAL TRIBUTE/ROCK FUNERAL HOME, in recognition of their Annual City Employee Appreciation Day.

20. CITATIONS, Councillor Gomes, honoring HENRY TURGEON, Police Union President, JAMES ESTRELLA, Detective, JOSHUA FERNANDES, Sergeant and the NEW BEDFORD POLICE UNION, in recognition of their sponsorship of the New Bedford Kids Weekend Carnival at Buttonwood Park.

RESOLUTIONS

21. RESOLUTION, Councillors Martins, Morad and Oliveira, honoring CHRISTOPHER J. DUMONT, Massachusetts State Trooper and Former New Bedford Police Officer for being selected as the 2014 National Trooper of the Year.

22. RESOLUTION, Councillors Alves, Coelho, Council President Lopes, Councillors Martins, Oliveira and Gomes, honoring THE 100TH FEAST OF THE BLESSED SACRAMENT, New Bedford, Massachusetts.

23. RESOLUTION, Councillors Gomes, Alves, Coelho, Council President Lopes, Councillors Martins and Oliveira, honoring the Members of the Committee of the 100th Feast of the Blessed Sacrament.

24. RESOLUTION, Councillors Morad and Oliveira, honoring The Oaks Nursing and Rehabilitation Center on the Commemoration of the Center's 25th Anniversary Celebration and Awards Ceremony.

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a VETO of a PRIVATE LIVERY LICENSE granted to Rafael Reyes d/b/a Road Runner Transportation by the City Council on June 12, 2014; due to Mr. Reyes not filling out his Livery License application completely.

M1a. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Rafael Reyes, d/b/a ROAD RUNNER TRANSPORTATION, 12 Roosevelt Street, New Bedford, MA 02744**, 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. (Referred to the Committee on Appointments and Briefings – April 24, 2014; License Granted – June 12, 2014; Vetoed by Mayor Mitchell – June 25, 2014.)

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with M.G.L. Chapter 44, Section 53E ½, the Revolving Fund under the control of the Department of Facilities and Fleet Management, known as QUEST CENTER REVOLVING FUND, whose purpose is to provide a focus on entrepreneurial training and location for business start-up activities focusing on marine/maritime technologies, life sciences and software development, is hereby authorized at **\$100,000.00** for **FISCAL YEAR 2015**.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$400,000.00 from OVERLAY RESERVE, to DPI/HIGHWAYS, CAPITAL OUTLAY.

M3a. AN ORDER,

M4. 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.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$50,000.00 from OVERLAY RESERVE, to TOURISM/MARKETING, CHARGES & SERVICES.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$50,000.00 from OVERLAY RESERVE, to INSPECTIONAL SERVICES, CHARGES & SERVICES.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, requesting to pay the Training Officer, ROSEMARY NUNES, above the first step of the Unit C salary schedule.

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for Associate Solicitor, ATTORNEY THOMAS J. MATHIEU, Raynham, MA; Atty. Mathieu's current waiver expires July 2014.

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JACOB GONSALVES, New Bedford, MA 02744, to the CONSERVATION COMMISSION, replacing Kenneth Motta who has resigned; this term will expire in June 2017.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of LAWRENCE D. WORDEN, New Bedford, MA 02745, to the GREATER NEW BEDFORD REFUSE MANAGEMENT DISTRICT COMMITTEE, replacing Jeffrey D. King, who has resigned; this term will expire June 2016.

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ANTHONY J. POENTE, JR., Dartmouth, MA, as a CONSTABLE.

M11a. APPLICATION,

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of CHRISTOPHER H. Truelson, East Taunton, MA as a SPECIAL POLICE OFFICER.

M12a. APPLICATION,

CHARTER RULED

CR1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$35,000.00 from LIBRARY, SALARIES & WAGES, to MAYOR, SALARIES & WAGES. (Charter Ruled 06/26/2014)

CR1a. AN ORDER, (Charter Ruled 06/26/2014)

NEW BUSINESS

25. REPORT, Committee on Finance, recommending that the City Council ADOPT the LOAN ORDER, appropriating \$15,000,000.00 for the purpose of financing the construction of transmission main improvements including installation and replacement of piping, main line valves, blow-off structures, and air releases along the 36-inch water transmission mains from High Hill Reservoir.

25a. LOAN ORDER, (To be Passed to a Second Reading.)

26. AN ORDINANCE, amending Chapter 19, Section 19-7 (c) PERSONNEL by reclassifying pay grades of the CITY AUDITOR, ASSISTANT CITY AUDITOR and LIBRARY DIRECTOR. (Passed to a Second Reading – 06/26/2014.)

27. AN ORDINANCE, amending Chapter 16, Article IV, SOLID WASTE COLLECTION AND DISPOSAL. (Passed to a Second Reading 05/22/2014.)

28. AN ORDINANCE, amending Chapter 17, Section 17-18, Noncriminal Disposition of Violations of Certain Ordinances, Rules and Regulations. (Passed to a Second Reading 05/22/2014.)

29. LOAN ORDER, appropriating \$250,000.00 for the creation of splash pad water play feature and appropriate site amenities including landscaping at Harrington Park, a 1.1 acre park located between Court Street, Tremont Street, Elm Street and Newton Street; said Loan Order is needed for the City to accept a grant in the amount of \$200,000.00 from the State Executive Office of Energy and Environmental Affairs and a match in the amount of \$50,000.00 from the Community Development Block Grant Program, said grant is structured as a reimbursable grant and grant conditions require that the City Council vote to appropriate and expend an amount equal to the grant amount and match requirements which total \$250,000.00. (Passed to a Second Reading 07/17/2014.)

30. WRITTEN MOTION, Council President Lopes, accepting nominations for the Election of the position of CITY CLERK for a statutory three (3) year term.

30a. NOMINATION by Councillors Morad, Bousquet, Winterson and Gomes of DENNIS W. FARIAS, for promotion to the position of City Clerk for a statutory three (3) year term.

30b. NOMINATION by Councillors Oliveira and Rebeiro of ELIZABETH NICHOLS, for the position of City Clerk for a statutory three (3) year term

31. WRITTEN MOTION, Council President Lopes and Councillor Winterson, requesting that our State Senator Mark Montigny oppose the passage of S. 2183 or any amendment to the Massachusetts State Senate Economic Development Bill, which is an industry sponsored bill that would strip Cities and Towns of our municipal zoning bylaws, Ordinances, or local authority as it relates to the installation and placement of wireless antennas and equipment on any building or structure in a community; Senate Bill S. 2183 is being sponsored by the Telecommunication Industry with the sole intention of getting ahead of the proposed FCC planned Nationwide Siting Standards for Wireless Antennas which is planned for passage later this year at the Federal level.

32. WRITTEN MOTION, Councillor Winterson, requesting that the Massachusetts Clean Energy Center hold a second public hearing and provide proper notification to the abutters in a 2000 foot radius of the construction of the 190-foot AM Radio Tower; and further, requesting that our State Delegation halt all construction plans on the AM Tower until all residents/abutters have a chance to voice their concerns to said construction and that at said meeting alternative sites be discussed. (To be Referred to Massachusetts Clean Energy Center, Matt Morrissey and the Committee on Appointments and Briefings.)

33. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Deborah Bastoni, Team Builders, Inc./House of Music, that the following street(s) be CLOSED: PURCHASE STREET, from Union Street to Spring Street, ON THURSDAY, AUGUST 14, 2014, FROM 5:00 P.M. TO 8:00 P.M., for the purpose of the 5th Annual Everybody Dance Contest.

34. WRITTEN MOTION, Council President Lopes, submitting a REVISED ORDER, for the Community Preservation Act, which adds exemption for \$100,000 of the value of each taxable parcel of Class Three,

Commercial property, all Class Four, Industrial property and requesting that the ORDER Adopted on June 12, 2014, be RESCINDED.

34a. REVISED ORDER,

34b. ORIGINAL ORDER, adopted June 12, 2014.

35. WRITTEN MOTION, Council President Lopes, Councillors Carney, Martins, Bousquet, Winterson, Morad and Rebeiro, requested that the City Council send a letter to the Massachusetts Department of Public Health expressing our support for Coastal Compassions, Inc.'s Application to operate a Registered Medical Marijuana dispensary in New Bedford, MA.

36. WRITTEN MOTION, Councillors Coelho and Rebeiro, requesting that the Police Chief increase patrols and install surveillance cameras in the area of the Quick Pic Mini Mart at 452 Cottage Street, due to the suspected drug activity in the area and that speed traps be set up at said location, also that the Traffic Commission install "NO LOITERING" signs in said area to curb customers congregating in the parking lot and around residential homes; and further, requesting that the Health Department send an Inspector out to investigate the amount of debris and garbage littering the parking lot of said store.

37. WRITTEN MOTION, Councillor Coelho, Council President Lopes, Councillors Winterson, Alves, Oliveira, Carney, Martins and Rebeiro, in light of the United States Postal Service's final decision to relocate the Downtown Post Office, requesting that Mr. Joseph Mulvey, Real Estate Specialist with the United States Postal Service, be invited to the next Committee on Appointments and Briefings meeting to update the Council on plans for the building, when will the Post Office be moved, and where will the Downtown Post Office be located. (To be Referred to the Committee on Appointments and Briefings.)

38. WRITTEN MOTION, Councillors Oliveira, Gomes, Morad and Alves, requesting that Plot 124/Lot 162 (NS Shawmut Avenue) be rezoned from Mixed-Use Business, to RESIDENTIAL B, said lot lies between two residential properties and is considered inconsistent with the contour of the current neighborhood on the east side of Shawmut Avenue. (To be Referred to the Committee on Ordinances and the Planning Board.)

39. WRITTEN MOTION, Councillor Alves, requesting, that Mayor Mitchell personally meet with representatives of the Whaling City Festival and the City Council to discuss keeping the Whaling City Festival in New Bedford; and further, that this meeting take place immediately prior to representatives from the Festival signing an agreement with Mayor Flanagan of Fall River to move the location of the Whaling City Festival to Fall River for the upcoming year.

40. WRITTEN MOTION, Councillor Gomes, requesting, that a meeting be held with Health Department Director Dr. Brenda Weis, and a representative of the Massachusetts Department of Public Health, to discuss what is being done to address the present bedbug problem that has plagued many housing complexes throughout the City; and further, to discuss strategies that have been put in place to address this issue which has affected many elderly and families across New Bedford. (To be Referred to the Committee on Appointments and Briefings.)

41. COMMUNICATION, Acting City Clerk, to City Council, on behalf of **David Bizarro, d/b/a BIZARRO'S TRANSPORTATION, 50 Larch Street, New Bedford, MA 02740**, 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 expires July 18, 2014.)**

42. COMMUNICATION, Acting City Clerk, to City Council, on behalf **Noel Ciminello d/b/a YES! We Van, LLC, 167 Butler 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 expires July 18, 2014.**)

43. COMMUNICATION, Acting City Clerk, to City Council, on behalf **Edward M. Pacheco, 32 St. John Street, South Dartmouth, MA 02748, d/b/a PLACES TO GO, LLC, 651 Orchard 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 expires August 13, 2014.**)

44. COMMUNICATION, Acting City Clerk, to City Council, on behalf of **Antonio B. Escobar, 38 Kearsarge Street, New Bedford, MA 02745, d/b/a ESCOBAR TRANSPORTATION, LLC, 120 Glennon Street, New Bedford, MA 02745**, 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 expires July 18, 2014.**)

45. COMMUNICATION, Acting City Clerk, to City Council, on behalf of **Anthony Snow, 12 Humes Street, Pawtucket, RI 02860, d/b/a CAB TRANSPORTATION, LLC, 34 Welby Road, New Bedford, MA 02745**, 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 expires September 12, 2014.**)

46. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW OF 488 UNION STREET, CIRCA 1920 ONE-STORY CONCRETE BLOCK GARAGE 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, demolition is required to facilitate environmental remediation, therefore, “the NBHC has determined that 488 Union Street is NOT a historically significant building or structure and not preferably preserved”.

47. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that the City has acquired the following property as Tax Possession, W.S. Harmony Street, Plot 15/Lot 45, Area of 4,168 sq. ft. (Former Owner: North American Trust, Nancy Faria, Trustee); Total Amount due on the parcel as of the date of the transfer is \$119,589.41.

48. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that the City has acquired the following property as Tax Possession, N. S. Brock Avenue, Plot 15/Lot 199, Area of 5,683 sq. ft. (Former Owner: J. Michael Butler & Charles F. Callen); Total Amount due on the parcel as of the date of the transfer is \$79,712.11.

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.

06/26/2014 HEARING on NSTAR Electric Company & Verizon New England, Inc. for joint location of one (1) Pole in UPLAND STREET, North of Brantwood Street.

AN ORDER,

06/24/2014 HEARING on NSTAR Electric Company & Verizon New England, Inc. for joint location of one (1) Pole in BRANTWOOD STREET, West of Upland Street.

AN ORDER,