



Council Meeting – Agenda

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building
Tuesday, November 25, 2014 – 7:00 p.m.

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

PRAYER LED BY: REVEREND KEVIN HARRINGTON, ST. FRANCIS OF ASSISI PARISH

PLEDGE OF ALLEGIANCE

CITATIONS

1. CITATIONS, Councillors Alves, Bousquet, Carney, Coelho, Gomes, Council President Lopes, Councillors Martins, Morad, Oliveira, Rebeiro and Winterson, honoring CHRISTOPHER GOMES, ROBERT BROMLEY, VICTORIA MORAD, VALERIE LEAVITT, ANA DAROCHA and BRUCE DUARTE, SR., in recognition of their planning and outreach efforts which made the 2014 New Bedford Veterans Day Parade an exceptional tribute to the Men and Women Veterans who have served our Country.
2. CITATION, Councillor Martins, honoring PRIVATE FIRST CLASS, MANUEL C. LEITE, in recognition of your Service to our Country with the United States Marine Corp from September 17, 1942 until November 09, 1945.
3. CITATION, Councillors Rebeiro and Morad, honoring MR. FRANK MORSE, in recognition of his Dedication and Volunteer Services to the Wharfinger Visitor's Center.
4. CITATION, Councillors Bousquet and Morad, honoring KYLEIGH BARAO, Sophomore, New Bedford High School, in recognition of the celebration of her athleticism and with congratulations on her win as State Champion in the 100 Yard Butterfly at the MIAA Division 1 State Swimming and Diving Championships at Harvard University.

HEARINGS

5. HEARING on NSTAR Electric Company for location of one (1) 4" Conduit in ACUSHNET AVENUE, Opposite Marion Street.
- 5a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER, appropriating \$764,000.00 to pay the costs of airport improvement projects, consisting of environmental assessment, planning, design and/or permitting of projects included the New Bedford Regional Airport's CIP, including but not limited to the reconstruction of Taxiway A, the reconstruction of the Terminal Parking Apron Phases I and II, the reconstruction of Runway 14-32 and approach tree clearing and the relocation of Taxiway B North, which 95% of the total approved project amount would be reimbursed by the Federal Government and MassDOT.

M1a. LOAN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$1,800,000.00 from FREE CASH, to FIRE, SALARIES & WAGES.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$75,231.00 from CEMETERY, SALE OF LOTS, to DEPARTMENT OF PUBLIC INFRASTRUCTURE, CHARGES and SERVICES in the amount of \$42,000.00; and DEPARTMENT OF PUBLIC INFRASTRUCTURE, CAPITAL OUTLAY in the amount of \$33,231.00.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for TIMARIE MALO, Fairhaven, MA; Ms. Malo is a Librarian II assigned to the Casa Da Saudade Library.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for JUSTIN FURTADO, Fairhaven, MA as a FULL TIME PARAMEDIC; this waiver will expire November 2014.

NEW BUSINESS

6. REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL (as Amended) of the Application, striking BODY REPAIRS, for Valarie Torres, d/b/a EDWIN'S TOWING, for a Special Permit for MOTOR VEHICLE SALES & RENTALS, GENERAL REPAIRS.

6a. AN APPLICATION,

7. REPORT, Committee on Appointments and Briefings, informing the City Council that the Committee on Appointments & Briefings took "NO FURTHER ACTION" on the VETO submitted by Mayor Mitchell, 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.

7a. 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 04/24/2014; Livery License Granted 06/12/2014; Vetoed by Mayor Mitchell 06/25/2014; Vetoed Received and Ordered Spread on the Records 07/17/2014; Referred to the Committee on Appointments and Briefings 08/21/2014.)

8. WRITTEN MOTION, Councillors Carney, Bousquet, Gomes, Martins, Council President Lopes, Councillors Winterson, Oliveira, Rebeiro, requesting, on behalf of our Senior Citizens, that the City Council file a Home Rule Petition establishing a Senior Citizens Safety Zone Ordinance, said Ordinance will give the City the authority to establish Senior Citizen safe zones and enable the City to reduce the speed limit to 20 miles an hour in these areas of concern located across the City. (To be Referred to the Committee on Ordinances.)

8a. COMMUNICATION, Representative Koczera, to City Council, regarding the filing of a Home Rule Petition similar to the City of Quincy establishing Senior Citizen Safety Zones. (To be Referred to the Committee on Ordinances.)

8b. HOME RULE PETITION, An Act Authorizing the City of New Bedford to establish Senior Citizen Safety Zones. (To be Referred to the Committee on Ordinances.)

9. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the Office of Tourism and Marketing and AHA!, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Elm Street to Union Street; BARKER'S LANE, from Acushnet Avenue to Second Street; SECOND STREET, from Elm Street to Barker's Lane and WILLIAM STREET, from Purchase Street to Johnny Cake Hill, ON WEDNESDAY, DECEMBER 31, 2014, FROM 3:00 P. M. THROUGH 9:00 P.M., for the purpose of: A CITY CELEBRATES! NEW YEAR'S EVE.

10. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of AHA!, that the following street(s) be CLOSED: ACUSHNET AVENUE, from William Street to Union Street, ON THURSDAY, DECEMBER 11, 2014, FROM 2:30 P.M. THROUGH 9:00 P.M., for the purpose of Made in New Bedford.

11. WRITTEN MOTION, Councillors Bousquet and Martins, requesting that the Mitchell Administration respond to a request by organizations like CLEAN, Hands Across the River, and the Committee on Ordinances to establish some form of Environmental Justice guarantee for the residents of New Bedford which would be fair to businesses as well as the population affected by poor environmental planning.

12. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW, 369-371 HILLMAN STREET, Circa 1902 three-story wood framed structure, advising that "the structure is not located in a National Historic District and the structure is of no notable historic significance either recorded or found with the existing condition of the structure" and therefore, "the NBHC has determined that the building is NOT a historically significant building or structure and not preferably preserved."

13. COMMUNICATION, Derek Santos, Executive Director, New Bedford Economic Development Council, to Council President Lopes and Members of the City Council, submitting TIF application and Resolution approved by the Tax Increment Financing Board for a five (5) year STA Agreement for **AMT BioProducts Corp & Shop Realty LLC**, 39 Cape Street, New Bedford, MA 02740(Copies provided and distributed to all Councillors on 11/18/2014)

13a. RESOLUTION, Approving Certified Project Application and Special Tax Assessment Agreement with **AMT BioProducts Corp & Shop Realty LLC**.

14. COMMUNICATION, Massachusetts Association of Conservation Commissions to City Council, notifying that Jack Radcliffe, associated with the New Bedford Conservation Commission successfully completed the Massachusetts Association of Conservation Commissions (MACC) Fundamentals for Conservation Commissioners course and has received a Certificate of Achievement for that accomplishment.

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.

08/21/2014 CITATIONS, Councillors Martins and Bousquet, honoring NEIGHBORHOODS UNITED and

JERRY PINTO, President of Neighborhoods United, in recognition of their planning and organizing NATIONAL NIGHT OUT 2014 held at Riverside Park on August 05, 2014.

08/21/2014 CITATION, Councillor Alves, honoring LARRY ABREU JACQUES, President – 100th Feast of the Blessed Sacrament, in recognition of his commitment and dedication to preserving the cultural traditions of our Madeiran Ancestors and in acknowledgment of his hard work and a successful 100th Feast.

09/11/2014 WRITTEN MOTION, Councillor Martins, requesting, that the Attorney General and our City Solicitor, look into "Just Energy", who have a bad reputation in Massachusetts for harassing people about their services, representatives from "Just Energy" are ringing door bells and telling people they are from the electric company, "Just Energy" has a troubled past in Massachusetts and in several other States, where they faced allegations of deceptive practices, convincing people to switch over once pressured and once people sign up, they are committed for five years and rates can change every month; and further, requesting, that "Just Energy" be seriously investigated and until they are, they should be banned from New Bedford to better protect our constituents.