



# **Council Meeting** – Agenda

## **CITY COUNCIL CALENDAR**

Chambers of the City Council Municipal Building  
*Thursday, February 26, 2015 – 7:00 p.m.*

\*\*\*\*\*

**OPENING OF SESSION BY: CITY COUNCIL PRESIDENT BRIAN K. GOMES**

\*\*\*\*\*

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

\*\*\*\*\*

**PLEDGE OF ALLEGIANCE**

\*\*\*\*\*

### **CITATIONS**

1. CITATIONS, Councillor Winterson, honoring EMMA YORK, LISA CHAN and RACHEL NEVES, in recognition of their receiving the Massachusetts Association of School Superintendents (MASS) Academic Excellence Award and their stellar High School careers.
2. CITATION, Councillor Winterson, honoring PACE YouthBuild New Bedford, in recognition of their community service in providing assistance to the homeless youth in the City of New Bedford.
3. CITATIONS, Councillors Carney, Martins and Bousquet, honoring the Greater New Bedford Regional Vocational Technical High School Girls Varsity Basketball Team, the Lady Bears, NAIJA AMADO, RILEIGH AVILA, KELSEY CLARK, LINDSEY CORREIA, NAKIRA EXAMOND, VICTORIA MONTEIRO, JAEDYN MULLINS, LYNSEY RAMOS, IRISNEIDA RIVERA, MIKAYLA RODERICK, KRYSTIN SYLVIA, MEGAN SYLVIA, PAYTON WILDRICK and Head Coach, MIKE PRIOR and Assistant Coaches, SERGE MONIZ and MARCIO SANTIAGO, in recognition of their undefeated season (20-0) and second-straight South Coast Conference Championship Title.

### **MAYOR'S PAPERS**

- M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that the City enter into an Energy Management Services Agreement (EMSA) with Siemens Industry, Inc. in accordance with M.G.L. c.25A, Section 11 (1).
- M1a. AN ORDER,
- M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$52,500.00 from DOWNTOWN PARKING ENTERPRISE FUND, OTHER CHARGES, to DOWNTOWN PARKING ENTERPRISE FUND, CAPITAL OUTLAY.
- M2a. AN ORDER,
- M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$8,500.00 from COMMUNITY SERVICES, SALARIES & WAGES, to COMMUNITY SERVICES, CHARGES & SERVICES.
- M3a. AN ORDER,
- M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$7,000.00 from TOURISM, SALARIES & WAGES, to TOURISM, CHARGES & SERVICES, in the amount of \$6,000.00 and TOURISM, SUPPLIES & MATERIALS, in the amount of \$1,000.00.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$400.00 from ASSESSORS, SALARIES & WAGES, to ASSESSORS, CHARGES & SERVICES.

M5a. AN ORDER,

***NEW BUSINESS***

4. REPORT, Committee on Finance, recommending to the City Council ADOPTION of AN ORDER amending the Order adopted by the City Council on September 23, 2014, which in accordance with Massachusetts General Laws Chapter 44, Section 53E ½, authorized the Revolving Fund under the control of the Planning and Community Development Department, known as the ZONING BOARD OF APPEALS REVOLVING FUND whose purpose is to provide supplies, postage, equipment and advertising costs, contract for technical and administrative support for the ZBA, zoning studies, and stipends for ZBA members, whose revenue and amount limited to be spent estimated at \$130,825.00 is hereby authorized for FISCAL YEAR 2015.

4a. AN ORDER,

5. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER for the TRANSFER of \$614,039.00 from WATER, FREE CASH to WATER, CHARGES & SERVICES in the amount of \$50,000.00; WATER, SUPPLIES & MATERIALS in the amount of \$64,039.00; WATER, CAPITAL OUTLAY in the amount of \$382,298.00 and WATER, OTHER CHARGES in the amount of \$117,702.00.

5a. AN ORDER,

6. WRITTEN MOTION, Councillor Lopes, requesting that Mayor Mitchell's Assistant Chief of Staff, Christina Connelly, provide the Special Committee on Memorials and Dedication with an update on the progress of the Fishermen's Memorial. (To be Referred to the Special Committee on Memorials and Dedications.)

7. WRITTEN MOTION, Councillor Lopes, requesting that the Traffic Commission approve a street grid for alternating one-way streets to be used in times of weather emergencies similar to the City of Boston.

8. WRITTEN MOTION, Councillor Alves, requesting, that in light of the unprecedented amount of snow the City receives during major blizzards, that the City of New Bedford and the Administration consider a policy similar to what the City of Boston uses during major snow storms, using an Executive Order to designate some of the smaller, narrower streets in the City as temporary ONE-WAY streets during storms as a safety measure to allow for safe and easier access for emergency vehicles and resident passage.

9. WRITTEN MOTION, Councillor Alves, requesting, in light of the unprecedented amount of snow the City has received and in anticipation of future major blizzards, hurricanes and flooding, that the City Administration work with the personnel at New Bedford Cable Access, to provide live, up to the minute, public service programming, at predetermined specific times, on the City Cable channels to keep the general public informed as to what is being done in the City and what residents should be doing and to keep the public well informed during emergency situations.

10. WRITTEN MOTION, Councillor Alves, requesting, in light of the unprecedented amount of snow that the City has received during the past four (4) weeks, that the Administration consider contacting the Bristol County Sheriff's Office to request their assistance in providing work crews to assist and compliment our City employees to help dig out fire hydrants and surface drains, in anticipation of rain and melting snow which will cause flooding and dangerous road conditions if not addressed quickly.

11. WRITTEN MOTION, Councillor Lopes, requesting that our State Legislative Delegation and Massachusetts DOT consider establishing ferry service from New Bedford to Boston; and further, requesting, that Governor Baker conduct a feasibility study on ferry service due to the increasing problems with our rail service.

12. WRITTEN MOTION, Councillor Martins, on behalf of Massachusetts Transgender Political Coalition, requesting that the City Council create a Non-Discrimination Ordinance relative to "Gender Identity", and the City of New Bedford will join a handful of other Cities that have created a local Ordinance protecting individuals who should never be denied equal treatment or opportunity as a result of gender identity; and further, that with an Ordinance regarding discrimination based on gender identity, the City of New Bedford will seek to protect its Citizens and visitors in the enjoyment of their civil rights by ensuring that everyone is free from discrimination and by promoting mutual understanding and respect among all who reside, visit and work within the City.

13. WRITTEN MOTION, Councillors Martins, Morad and Oliveira, requesting that Mayor Mitchell within the next two weeks, convene a meeting to discuss several serious issues related to operation and public safety at the New Bedford Regional Airport; and further, that said meeting have the following representatives in attendance; Airport Manager, Erick D'Leon, Airport Commission Chairperson Paul Barton, City Council's Special Committee on the Airport Chairperson James D. Oliveira, Bridgewater State University Flight School representative David Price, Cape Air representative Greg Cormier, three representatives from the Coalition of the Concerned at EWB, and three representatives from the New Bedford Airport Fixed Based Operators. (To be Referred to Mayor Mitchell.)

14. WRITTEN MOTION, Councillors Martins, Morad and Oliveira, requesting that Airport Commission Chairperson Paul Barton provide to the makers of this motion, the attendance records of the current Airport Commissioners for the years 2012, 2013, 2014 and 2015 to date, and that said listing be provided prior to March 10, 2015. (To be Referred to the Airport Commission Chairperson Paul Barton.)

15. WRITTEN MOTION, Councillors Martins, Morad and Oliveira, requesting that Legal Counsel to the City Council, David Gerwatowski review the current parameters governing the composition of the Airport Commission to determine if said Commission membership can be changed by Ordinance to require a general Aviation Pilot and a representative of the New Bedford Regional Airport Fixed Based Operators be permanent Members of said Commission.

16. WRITTEN MOTION, Councillor Lopes, requesting that CFO Sky and DPI Commissioner Labelle update the Committee on Finance on the cost and types of lights that were used by the City of New Bedford as part of the streetlight retrofit program. (To be Referred to the Committee on Finance.)

17. WRITTEN MOTION, Councillors Martins and Morad, requesting that City Council meet with the School Committee members who are members of the Facilities Subcommittee on snow removal procedures in and around New Bedford Public Schools, further requesting, that DPI Commissioner Ronald Labelle be invited to the meeting to have a discussion and better understanding of responsibilities and address constituent concerns and the safety of our children; and further, that any members of the City Council and School Committee be invited to participate.

18. WRITTEN MOTION, Councillor Gomes, requesting, that a joint letter from the Mayor and City Council be sent to Governor Baker and our Federal and State Legislative Delegation, asking their assistance in addressing the road conditions in the City of New Bedford, due to the extreme weather conditions in 2015; and further, that the Mayor check with FEMA to determine whether we are eligible for Federal assistance due to the extreme weather and cold conditions, and the damage that has been done to our roads throughout the entire City; and further, requesting that every department in the City help in reporting any potholes or manhole damage throughout the City, in an effort to get them repaired as soon as possible.

19. WRITTEN MOTION, Councillor Alves, requesting, in an effort to provide for the safe passage and access to the Pulaski School by and for the children who live in the area and walk to school, that the City

Council recommend and encourage the installation of sidewalks along Phillips Road to allow for safe passage as far as Braley Road, the sidewalk for some reason did not continue up to the school to ensure a safe walkway to the school. (To be Referred to the Administration, the Department of Public Infrastructure and the School Committee.)

20. WRITTEN MOTION, Councillor Martins, requesting, that the City Council send a letter to Boston Red Sox President Larry Lucchino, who is now Chairman of the Pawtucket Red Sox and James Skeffington, the new President, congratulating them on the purchase of the Pawtucket Red Sox; and further, with the McCoy Stadium in Pawtucket being too expensive to make improvements that the new ownership is now looking to build a new stadium in a new location; and further, that the letter expresses our request to consider New Bedford for its new location when plans are made to build a new ball park, a ball park which will also host concerts, community events and collegiate sports; and further, that the new ownership visit New Bedford and meet with our leadership team and key agency members from the State before making any commitments; and further, that as the Southcoast is home to the biggest sports fans and that a stadium of it's size located in New Bedford would be a significant and exciting development opportunity for our City, and exploring all options with the stakeholders will give the new ownership options before making a final commitment.

21. COMMUNICATION, City Clerk/Clerk of the City Council Dennis W. Farias, requesting that the City Council approve an increase of two (2) Administrative and Recording Fees charged by the City Clerk's Office, there has not been an increase in fees since 2002.

21a. AN ORDER,

22. COMMUNICATION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW OF 890 BROCK AVENUE (15-144) DEMOLITION OF ST. ANNE'S CHURCH AND RECTORY – advising that “St. Anne’s Church (1948) and St. Anne’s Rectory (1961) are both eligible to be listed on the National Register of Historic Places, the buildings are associated with the City’s French-Canadian population which migrated here in the late 19<sup>th</sup> century to work in the textile mills, the construction of the Church and its associated buildings by the Diocese in the South End of the City is relevant to the broad cultural, economic, political and social history of the City, both buildings as architecturally significant and are fine examples of the Neoclassical style, both buildings are structurally sound, and the Church particularly serves as an architectural landmark and is a placemaking gateway into the City’s peninsula, therefore, “the NBHC has determined that the buildings are historically significant and preferably preserved historic buildings; however, the buildings are not seventy-five (75) years or more old, and are not regulated by the Demolition Delay Ordinance”.

### ***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 – 100<sup>th</sup> 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 100<sup>th</sup> 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.