



# **Council Meeting** – Agenda

## **CITY COUNCIL CALENDAR**

Chambers of the City Council Municipal Building

**Thursday, March 26, 2015 – 7:00 p.m.**

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

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**PRAYER LED BY: RABBI RAPHAEL KANTER, TIFERETH ISRAEL CONGREGATION**

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**PLEDGE OF ALLEGIANCE**

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### **CITATION**

1. CITATION, Councillors Coelho and Morad, honoring PETER PEREIRA, in recognition of his being selected as Photographer of the Year by both the New England and Press Association and the National Press Photographers Association.

### **RESOLUTIONS**

2. RESOLUTION, Councillors Lopes and Martins, honoring NEW BEDFORD CABLE NETWORK, for providing twenty years of news to the Greater New Bedford Area.

3. RESOLUTION, Councillors Alves and Oliveira, commemorating VIETNAM VETERAN'S DAY and the Fortieth Anniversary of the end of the Vietnam War.

### **HEARINGS**

4. HEARING, on NSTAR Electric Company, d/b/a Eversource Energy and Verizon New England, Inc. for joint location of one (1) pole in SWALLOW STREET, South of Cardinal Street.

4a. AN ORDER,

5. HEARING, on NSTAR Electric Company, d/b/a Eversource Energy and Verizon New England, Inc. for joint location of one (1) pole in SASSAQUIN AVENUE, Opposite Swallow Street.

5a. AN ORDER,

### **MAYOR'S PAPERS**

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JANINE DASILVA, New Bedford, MA 02740, to the HISTORICAL COMMISSION, replacing Jennifer Nersesian; this term will expire March 2018.

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MEGHAN KISH, New Bedford, MA 02740, to the HISTORICAL COMMISSION as an Alternate Member to Janine DaSilva, replacing Jennifer White Smith whose term has expired; this term will expire March 2018.

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JENNIFER CLARKE, New Bedford, MA 02740, to the HISTORICAL COMMISSION as an Alternate Member to Jill Maclean, replacing Anne Louro; this term will expire March 2018.

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting the 2015 Election Calendar for the City of New Bedford.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JAY JOSEPH LEWIS, New Bedford, MA 02740, as a CONSTABLE.

M5a. APPLICATION,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of DAVID M. SIMOES, Fairhaven, MA 02719, as a SPECIAL POLICE OFFICER.

M6a. APPLICATION,

**NEW BUSINESS**

6. REPORT, Committee on Finance, recommending to the City Council APPROVAL of the TIF Application and Resolution approved by the Tax Increment Financing Board for a five (5) year STA Agreement for *HTP, Inc. & 272 Duchaine Blvd., LLC*, 272 Duchaine Boulevard, New Bedford, MA 02745.

6a. RESOLUTION,

7. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER for the establishment of an AIRPORT STABILIZATION FUND.

7a. AN ORDER,

8. AN ORDINANCE, rezoning of 44 Dartmouth Street, Plot 36/Lot 19 from Residential to MIXED-USE BUSINESS. (Passed to a Second Reading 02/26/2015.)

9. AN ORDINANCE, rezoning of 204 Court Street, Plot 51/Lot 273 from Residential B to MIXED-USE BUSINESS. (Passed to a Second Reading 02/26/2015.)

10. AN ORDINANCE, amending APPENDIX A – Table of Principal Use Regulations, amendment is to exclude a Contractor’s Yard from Mixed-Use Business and Planned Business District. (Passed to a Second Reading 02/26/2015.)

11. WRITTEN MOTION, Councillor Winterson, requesting, on behalf of Mr. John Dutra, that the City Council send a letter to State Representative Antonio F. D. Cabral, asking for his support for homeless rights in the City of New Bedford and for House Bill 1129, An Act Providing a Homeless Bill of Rights.

12. WRITTEN MOTION, Councillor Oliveira and Council President Gomes, requesting that the New Bedford Economic Development Council and Matthew Morrissey, the Wind Energy Center Senior Advisor, provide an update on the status of Cape Wind and its impact of building an offshore wind industry as there is a need to clarify the intended future use of the soon to be completed \$100 million Marine Commerce Terminal that was built for New Bedford to lead the nation in wind energy production. (To be Referred to the Special Committee on Employment Opportunities.)

13. WRITTEN MOTION, Councillor Morad, that during the City Council’s collection of information regarding Residency Waivers granted in the last five years, the Council further request that our Director of Labor Relations provide the number of applicants for those positions that were New Bedford residents.

14. WRITTEN MOTION, Council President Gomes and Councillor Martins, requesting, that the City Council go on record against the requested 8.6% increase by NSTAR Gas Company d/b/a Eversource Energy; and further, that the Attorney General’s office look into this increase request, and that a letter to be sent to the Massachusetts Department of Public Utilities, requesting that they deny the increase and also that this Council is on record against the 8.6% increase which is a burden on the taxpayers and the business community.

14a. COMMUNICATION, NSTAR Gas d/b/a Eversource Energy, regarding their request with the Massachusetts Department of Public Utilities to increase gas distribution rates, if approved, the proposed revenue change would represent an increase of approximately 8.6 percent on average across all customers on a total-bill basis. (Copy all Councillors via email 03/11/2015.)

15. WRITTEN MOTION, Councillor Martins and Council President Gomes, requesting, that a letter be sent to Eversource Energy’s Corporate Headquarters indicating the disappointment and disapproval of the City Council in learning of Eversource Energy CEO, Thomas May’s annual pay package of nearly nine million dollars, when the company has placed on the public a 29% increase in electric bills and a proposed 8.6%

increase starting in 2016, for gas bills; and further, that Attorney General Maura Healey be asked to look into the matter.

15a. COMMUNICATION, Councillor Martins, submitting copy of Boston Globe article dated March 12, 2015, regarding the salary increase of Eversource CEO, Thomas May.

16. WRITTEN MOTION, Councillor Lopes, requesting that the second paragraph of Rule 1 of the City Council Rules of Order be amended to read- Additional regular meetings shall be held on the third Thursday of July, on the third Thursday of August and on the **SECOND** Thursday of December in each year. (To be Referred to the Committee on Ordinances.)

17. WRITTEN MOTION, Councillor Winterson, requesting, that a letter be sent to the management of Shaw's Supermarket, Rt. 6, asking that they inform their vendors to use Rt. 6, or an alternate route other than Metropolitan Avenue in New Bedford; the residents living on Metropolitan Avenue are being affected by large trailer trucks who use their street to get to Shaw's Supermarket to unload merchandise, the constant use of Metropolitan Avenue by these large trucks has not only damaged the road, but caused a great deal of noise disturbance in a residential area; and further requesting, that the Traffic Commission install signage deterring these and any other large trucks from using Metropolitan Avenue; and further, requesting, that a copy of this letter be forwarded to the Dartmouth Board of Selectmen asking for their assistance with this matter.

18. WRITTEN MOTION, Councillor Winterson, requesting, on behalf of Buttonwood Park area residents, that Department of Public Infrastructure Commissioner Ronald Labelle and Director of Parks, Recreation and Beaches, Mary Rapoza, inform the City Council what will be done to restore the softball field at Buttonwood Park to its original condition, given that this location was used as a drop off point for excess snow throughout this long winter.

19. WRITTEN MOTION, Councillor Coelho, requesting, that the Mayor's Office look into whether a process can be implemented to make it easier for the public to obtain necessary permits, housing, building, contracting, etc., a one-stop permitting process in City Hall, as opposed to the process currently in place, where people have to drive to different locations in the City to obtain various permits for the same project.

20. WRITTEN MOTION, Councillors Lopes, Martins, Winterson, Morad and Rebeiro, requesting that Patrick Sullivan, Director of the Office of Housing and Community Development, provide the City Council with the preliminary FY2016 Community Development Block Grant Budget and allocations. (Referred to the Committee on Finance, CFO Ari Sky and Director of the Office of Housing and Community Development Patrick Sullivan.)

21. WRITTEN MOTION, Councillors Lopes, Winterson, Morad and Rebeiro, requesting that the New Bedford Economic Development Council, provide the City Council with a breakdown of the number of employees for Fiscal Years 2013, 2014 and 2015; the projected number of employees for Fiscal Year 2016; number of loans and amounts issued for Fiscal Years 2013, 2014 and 2015; and further, requesting copies of the Economic Development's last two financial audits of their loan portfolio. (To be Referred to the Committee on Finance, CFO Ari Sky and Executive Director of the New Bedford Economic Development Council, Derek Santos.)

22. WRITTEN MOTION, Councillor Lopes, requesting that the New Bedford School Committee begin a dialogue with the Children's Advocacy Center about hosting a professional development day for the teachers and staff of the New Bedford Public Schools, the professional development day would focus on enhancing the knowledge of both the teachers and staff of the New Bedford Public Schools in identifying the varying aspects of child abuse, and would increase the staff's knowledge in recognizing child abuse, focusing on the providing teachers with the best practices in responding to child abuse as part of a multi-disciplinary team. (To be Referred to the New Bedford School Committee.)

23. WRITTEN MOTION Councillor Lopes, Council President Gomes, Councillors Winterson, Martins, Morad, Oliveira and Rebeiro, requesting that the City Council send a letter of support to Massachusetts Attorney General Maura

Healy, Secretary of State William Galvin, Senator Mark Montigny, and Representatives Cabral, Schmid, Markey, Straus and Koczera in support of banning the sale of e-cigarettes to minors.

24. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the United Way of Greater New Bedford and Mayor Mitchell, that the following street(s) be CLOSED: WILLIAM STREET, from North Sixth Street to Pleasant Street, ON FRIDAY, MAY 01, 2015, FROM 7:00 A.M. TO 9:00 A.M., for the purpose of the United Way's 21st Annual Youth Day of Caring Event on the Main Library's Steps and Parking for the Student's Buses.

25. WRITTEN MOTION, Councillor Winterson, requesting, on behalf of the Humane Coalition for Animals of Greater New Bedford, that the following street(s) be CLOSED: LT. WALTER P. FULLER MEMORIAL PARKWAY, from Rockdale Avenue West to the Monument, ON SUNDAY, MAY 17, 2015, FROM 8:00 A.M. TO 4:00 P.M., for the purpose of their 16<sup>th</sup> Annual Dog Walk and Pet Fest in Buttonwood Park.

26. WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Javier Rojas, that the following street(s) be CLOSED: RIVET STREET, between South Second Street and Acushnet Avenue, ON SATURDAY, MAY 02, 2015, FROM 7:00 A.M. TO 12:00 A.M., (MIDNIGHT) for the purpose of The Cinco De Mayo Celebration.

27. WRITTEN MOTION, Councillor Lopes, requesting, that the following street(s) be CLOSED: CLEVELAND STREET, from David Street to Rodney Street, ON SUNDAY, MAY 17, 2015, FROM: 7:30 A.M. TO 1:00 P.M., for the purpose of the 35<sup>TH</sup> ANNUAL HAZELWOOD WOMEN'S 5K RUN/WALK.

28. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of AHA! New Bedford and the Earth Day Committee, that the following street(s) be CLOSED: MARKET STREET, from Pleasant Street to North Sixth Street AND PURCHASE STREET, from Union Street to Spring Street, ON THURSDAY, APRIL 09, 2015, FROM 8:00 A.M. TO 7:00 P.M., for the purpose of the Earth Eve Parade.

29. WRITTEN MOTION, Councillors Martins, Lopes, Coelho, Winterson, Oliveira, Rebeiro, Bousquet, Carney and Alves, requesting, that a letter of support be sent to our local and State Legislative Delegation, House Speaker Robert DeLeo, House Ways and Means Chairman, Representative Brian Dempsey, Senate President Stanley Rosenberg and Senate Ways and Means Chairman, Senator Karen Spilka, urging them to support a \$15 million investment in the arts; and further, requesting, that Governor Baker's recommendation to fund the State's investment in arts and culture for FY2016 at \$11.8 million doesn't provide the resources that the community needs to build a more vibrant and connected Massachusetts; and further, that over the past twenty-five years, the Commonwealth's investment in the creative community has declined over sixty percent, the Governor's recommendation represents an additional two percent cut (\$12 million) budgeted for the Massachusetts Cultural Council for FY2015; and further, that the creative community recently delivered a petition to the Governor signed by 3,000 artists, leaders and Citizens, requesting an increase in the State's investment in the arts, here in Massachusetts the creative community makes vital contributions to the economic development of Gateway Cities and the educational achievement of all students, and efforts to build stronger communities; and further, that adequate funding would help local cultural councils across the Commonwealth provide a diverse array of cultural activities that would help Cities like New Bedford be more attractive to residents and visitors alike, promote educational programming to help students of all abilities to excel across all academic disciplines and build more vibrant and connected communities.

30. WRITTEN MOTION, Councillor Coelho, Council President Gomes, Councillors Oliveira, Martins, Lopes, Winterson, Rebeiro, Bousquet, Carney and Alves, requesting, at Council President Gomes recommendation at the Committee on Finance meeting of March 18, 2015, that the City Council organize a drive-along, consisting of members of the City Council, a representative from Siemen's and Scott Durkee, Energy Manager, the purpose being to personally verify the many constituent complaints regarding poor lighting throughout the City, in some areas the lighting is so dark it has become a public safety issue and should be evaluated.

31. WRITTEN MOTION, Council President Gomes, requesting, that the Mayor Mitchell and Department of Public Infrastructure Commissioner Labelle, consider putting on a twenty-four hour a day pothole crew working throughout the night when there is less traffic; and further, requesting, assistance from Emergency Management light trucks to assist the pothole crew with lightning, this would give the City a great opportunity to catch up on the pothole problem and road damage throughout the City that has become a nuisance, along with causing damage to motor vehicle traffic throughout the City.

32. WRITTEN MOTION, Councillor Winterson, requesting, that the Department of Public Infrastructure address Hawthorn Street, between Cottage Street and Ash Street, there is a rectangular portion of that street that needs to be cut out and re-paved, due to the fact that the weather related road damage is so severe that it causes motorists to swerve and it has become very dangerous to drive on this busy street.

33. WRITTEN MOTION, Councillors Lopes, Martins, Rebeiro, Winterson, Oliveira, Morad and Bousquet, requesting that representatives from Mayor Mitchell's negotiating team meet with the City Council's Committee on Finance to discuss in detail the Host Community Agreement between the City of New Bedford and KG Urban Enterprises for a Waterfront Casino Gaming Facility. (To be Referred to the Committee on Finance; invitees CFO Ari Sky and City Solicitor Mikaela McDermott.)

34. WRITTEN MOTION, Councillor Coelho, requesting, that in light of the discussion regarding feral cats at the Committee on Public Safety and Neighborhoods meeting on March 19, 2015, and the public's interest in animal welfare, that the City and Animal Control Director, Manny Maciel, look into establishing an animal emergency phone number, manned by a person, not a recording, there have been many complaints that the current number immediately goes to a recording and the messages left are never returned, this is not in the best interest of animals in need of help. (To be Referred to the Mayor and the Committee on Public Safety and Neighborhoods.)

35. COMMUNICATION, Ronald H. Labelle, DPI Commissioner to City Council, requesting the approval of a sewer betterment extension project on Bristol Street, consisting of approximately 400 feet of 8" diameter sewer with one manhole structure and five 6" diameter sewer service extensions to the property line.

35a. AN ORDER,

36. COMMUNICATION/EMAIL, Councillor Martins, submitting from Allan Wolstenholme, New Bedford, MA, a copy of the Luminance Measurement and Brightness of Electronic/Dynamic Display LED Sign.

37. COMMUNICATION/EMAIL, Councillor Martins, submitting from Allan Wolstenholme, New Bedford, MA, a copy of the City of New Bedford Sign Standards Draft, signed March 09, 2015 and suggested changes to Appendix A and Appendix B.

38. COMMUNICATION, City Clerk/Clerk of the City Council Dennis W. Farias, submitting letter from Paul L. Barton, Chairman, Airport Commission, responding to a letter concerning a Motion on the City Council Agenda of December 18, 2014, relative to civilian drones and whether the creation of an Ordinance is necessary to ensure public safety in the vicinity of the New Bedford Airport. (Copy all Councillors 03/17/2015.)

39. COMMUNICATION, City Clerk/Clerk of the City Council Dennis W. Farias, submitting press release sent from Attorney General Maura Healey's office, dated January 06, 2015, responding to Councillor Martins' motion regarding "Just Energy." (Copy all Councillors via email 03/24/2015.)

40. COMMUNICATION, Department of Environmental Protection Waterways Regulation Program, notice of a Waterways License Application by the City of New Bedford, Department of Public Infrastructure to construct and maintain a public park and maintain an existing stone groin at East Rodney French Boulevard.

#### ***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.

**02/26/2015** 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 South Coast Conference Championship Title and undefeated regular season (20-0) record.