



Council Meeting – Agenda
CITY COUNCIL CALENDAR
Chambers of the City Council Municipal Building
Thursday, April 9, 2015 – 7:00 p.m.

OPENING OF SESSION BY:

CITY COUNCIL PRESIDENT BRIAN K. GOMES

PRAYER LED BY:

REVEREND PAMELA J. COLE, President, Greater New Bedford Chapter of Church Women United

CITATIONS

1. CITATION, Councillors Martins and Morad, honoring DR. MICHAEL W. LEMELIN, DVM, New England Animal Hospital, in recognition of his twenty years of compassionate service to the City of New Bedford in administering to the needs of our resident's cats and dogs at the Annual Rabies Clinic.

RESOLUTIONS

2. RESOLUTION, Councillors Martins and Morad, honoring ANIMAL CONTROL OFFICER APPRECIATION WEEK, April 12-18, 2015.
3. RESOLUTION, Councillor Martins, honoring NATIONAL POETRY MONTH April – 2015.

MAYOR'S PAPERS

- M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ACT, authorizing the City of New Bedford to grant 25 Additional Licenses for the Sale of All Alcoholic Beverages to be Drunk on the premises of certain restaurants.
 - M1a. AN ACT,
- M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$32,000.00 from EMS, Salaries & Wages, to EMS, Charges & Services in the amount of \$20,000.00 and EMS, Supplies & Materials in the amount \$12,000.00.
 - M2a. AN ORDER,
- M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$5,000.00 from HEALTH, Salaries & Wages, to HEALTH, Supplies & Materials.
 - M3a. AN ORDER,
- M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$155.00 from LICENSING, Charges & Services, to LICENSING, Supplies &

Materials.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CHRISTOPHER CLOUGH, New Bedford, as a SPECIAL POLICE OFFICER.

M5a. AN APPLICATION,

M6. COMMUNICATION, Mayor Mitchell, submitting the REAPPOINTMENT of STEPHEN P. MEDEIROS, Fall River, MA, as a SPECIAL POLICE OFFICER.

M6a. AN APPLICATION,

NEW BUSINESS

4. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of AN ORDINANCE, amending Chapter 17, Offenses and Miscellaneous Provisions, by adding Section 17-28 Chapter 40U of the Massachusetts General Laws.

4a. AN ORDINANCE,

5. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of AN ORDINANCE, amending Chapter 6, Buildings and Other Structures.

5a. AN ORDINANCE,

6. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of AN ORDINANCE, amending Chapter 12, Health and Sanitation.

6a. AN ORDINANCE,

7. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of AN ORDINANCE, amending Chapter 9, Comprehensive Zoning.

7a. AN ORDINANCE,

8. REPORT, Committee on Ordinances, recommending to the City Council, ADOPTION of AN ORDINANCE, AS AMENDED, Amending Chapter 6, BUILDINGS and OTHER STRUCTURES.

8a. AN ORDINANCE,

9. REPORT, Committee on Ordinances, recommending to the City Council APPROVAL of AN ORDINANCE, AS AMENDED, Chapter 15 – 72 Food Trucks.

9a. AN ORDINANCE,

10. AN ORDINANCE, Amending Chapter 19, Section 19-7 (c) PERSONNEL, by striking M-11 as the pay grade assigned to the Director of Zoological Services title and inserting pay grade M-13. (Passed to a Second Reading 03/1/2015.)

11. REPORT, Committee on Environmental Affairs, recommending to the City Council ADOPTION of the TWO ORDERS, authorizing the Mayor to execute on behalf of the City, a Termination of Notice of Activity and Use Limitation and Notice of Activity and Use Limitation of Walsh Field, Map 63/Lots 2, 48 and 92.

11a. AN ORDER,

11b. AN ORDER,

12. REPORT, Committee on Environmental Affairs, recommending to the City Council ADOPTION of the ORDER, authorizing the Mayor to execute on behalf of the City, a Confirmatory Activity and Use Limitation for the new Andre McCoy Field, Map 63/Lots 85 and 91.

12a. AN ORDER,

13. REPORT, Committee on Environmental Affairs, recommending to the City Council ADOPTION

of the ORDER, authorizing the Mayor to execute on behalf of the City, a confirmatory Activity and Use Limitation for the east side of Liberty Street, Map 76/Lot 256 and Map 70/Lot 227.

- 13a. AN ORDER,
14. WRITTEN MOTION, Councillors Winterson, Lopes, Martins, Carney, Morad, Council President Gomes, Councillors Alves, Coelho, Rebeiro and Oliviera, submitting AN ACT, Relative to Regional School District Instructors Service as An Elected Officials in the City of New Bedford.
- 14a. AN ACT,
15. WRITTEN MOTION, Councillor Martins, requesting that the Committee on Ordinances look into banning the synthetic drug called Spice which is currently being sold at gas stations. (To be Referred to the Committee on Ordinances.)
16. WRITTEN MOTION, Councillor Winterson, requesting, that the following street(s) be CLOSED: FULLER MEMORIAL PARKWAY, from Rockdale Avenue, to westerly through Buttonwood Park, to Brownell Avenue AND BUTTONWOOD STREET, from the Monument to Lake Street, FROM: 8:00 A.M. THURSDAY, JULY 09, 2015, THROUGH: 9:00 P.M., MONDAY, JULY 13, 2015, for the purpose of THE POLICE UNION FESTIVAL.
17. WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Our Lady of Mount Carmel Church, that the following street(s) be CLOSED: KATHERINE STREET, from Crapo Street to Bonney Street, ON SATURDAY, MAY 23, 2015, FROM 4:00 P.M., THROUGH SUNDAY, MAY 24, 2015, TO 11:00 P.M., for the purpose of Our Lady of Mount Carmel Church Holy Ghost Feast.
18. WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Our Lady of Mount Carmel Church, that the following street(s) be CLOSED: KATHERINE STREET, between Crapo Street and Bonney Street, ON SATURDAY, JULY 25, 2015, FROM 8:00 A.M. THROUGH SUNDAY, JULY 26, 2015, MIDNIGHT, for the purpose of the Annual Our Lady of Mount Carmel Church Feast; ALSO, that the following streets be CLOSED ON SUNDAY, JULY 26, 2015, FROM 8:00 A.M. THROUGH 5:00 P.M., for the Our Lady of Mount Carmel Church Feast PROCESSION, and so that the streets may be decorated for said Procession, as follows: RIVET STREET, between Crapo Street and Bolton Street; BONNEY STREET, between Rivet Street and Thompson Street; THOMPSON STREET, between Bonney Street and Hemlock Street; HEMLOCK STREET, between Thompson Street and Swift Street; SWIFT STREET, between Hemlock Street and Bolton Street and BOLTON STREET, between Swift Street and Rivet Street for the purpose of Our Lady of Mount Carmel Church Feast Procession.
19. WRITTEN MOTION, Councillor Lopes, requesting, on behalf of the Cove Street Neighborhood Association that the following street(s) be CLOSED: RUTH STREET, from Salisbury Street to Ashley Street, ON SATURDAY, JUNE 20, 2015, FROM 7:00 A.M. TO 4:00 P.M., for their Annual Family Fun Day.
20. WRITTEN MOTION, Councillor Alves, requesting, on behalf of Our Lady of Perpetual Help Church, that the following street(s) be CLOSED: NORTH FRONT STREET, from Coggeshall Street to Beetle Street, ON SATURDAY, JUNE 20, 2015, FROM 8:00 A.M. TO 8:30 P.M., or shortly after, AND SUNDAY, JUNE 21, 2015, from 8:00 A.M. TO 8:30 P.M., or shortly after, for the purpose of the "POLISH FESTIVAL"; and further, requesting, that "NO PARKING" Signs be POSTED ON NORTH FRONT STREET, from Coggeshall Street to Beetle Street, ON FRIDAY EVENING, JUNE 19, 2015 at 6:00 P.M., THROUGH SUNDAY, JUNE 21, 2015, at 10:00 P.M. (NOTE: WOODEN BARRELS WILL ALSO BE USED.)
21. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Portuguese-American War Veterans, that ALLEN STREET, from Brownell Avenue to John Street, be CLOSED on MONDAY, MAY 25, 2015, FROM 8:30 A.M. TO 9:30 A.M., for THE ANNUAL MEMORIAL DAY CEREMONIES.

22. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Greater New Bedford Veterans Council, that the following street(s) be CLOSED: HATHAWAY BOULEVARD, from Parker Street to Durfee Street; HUNTER STREET, from Parker Street to Maxfield Street; PARKER STREET, from Hunter Street to County Street; COUNTY STREET, from Parker Street to Pope Street; POPE STREET, from County Street to Purchase Street and STATE STREET, from Parker Street to Pearl Street, on MONDAY, MAY 25, 2015, FROM 8:00 A.M. TO 2:00 P.M., from the purpose of THE ANNUAL MEMORIAL DAY CEREMONIES.
23. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Portuguese-American War Veterans, that WILLIS STREET, from Purchase Street to Pleasant Street, be CLOSED on MONDAY, MAY 25, 2015, FROM 11:00 A.M. TO 3:00 P.M., for the purpose of A Veteran's Reception after the Memorial Day Parade.
24. WRITTEN MOTION, Councillors Bousquet, Lopes and Martins, requesting that the Committee on Ordinances and the Board of Health explore the possibilities of placing tobacco, herbal and vapor Hookah Bar establishments under the Smoke-Free Workplace Law, M.G.L. Chapter 270, §22. (To be Referred to the Committee on Ordinances and the Board of Health.)
25. WRITTEN MOTION, Councillor Lopes, requesting that DPI Commissioner Ronald Labelle, provide this Councillor with a copy of the updated plans for the proposed work being done at the Public Park on East Rodney French Boulevard, and that CDM Smith, Inc. and DPI Commissioner Labelle provide this Councillor with the original Waterway application, and a copy of the CDM Smith, Inc. information that was provided to selected property owners on East Rodney French Boulevard, and please provide this Councillor with the criteria that was used to determine who would received the certified information from CDM Smith, Inc. and a copy of the list of property owners who received the information; and further, requesting that all information be provided to this Councillor within 5 business days. (To be Referred to the DPI Commissioner Ronald Labelle, Mayor Mitchell, Conor Veeneman from CDM Smith, Inc., and the Special Committee on Memorials and Dedications.)
26. WRITTEN MOTION, Councillor Lopes, requesting, ONCE AGAIN that the Department of Public Infrastructure replace the existing and damaged green chain link fence that runs along the retention pond on Cove Road. (To be Referred to DPI Commissioner Ronald Labelle, Mayor Mitchell, and the Special Committee on Environmental Affairs.)
27. WRITTEN MOTION, Councillor Martins and Council President Gomes, requesting, that the City Council send a letter to David G. Roach and Sons, acknowledging receipt of a recent letter sent by Teamsters Union Local No. 59, congratulating them on their being selected to work at Crapo Landfill Phase II Cell V; and further, the letter should state that the Teamsters Union Local No. 59, have hardworking and experienced local drivers, who have recently worked on the New Bedford Marine Terminal and the New Bedford Airport Expansion Project, and David G. Roach and Sons, should consider using the Teamsters Union Local No. 59 members who are willing and ready to work.
- 27a. COMMUNICATION, Councillor Martins, submitting a letter from Philip R. Sullivan, President and Business Representative, Teamsters Union Local No. 59, to Council Members, requesting support in having Union members employed by David G. Roach and Sons at the Crapo Landfill Phase II Cell V worksite.
- 27b. COMMUNICATION, Councillor Martins, submitting a letter from Philip R. Sullivan, President and Business Representative, Teamsters Union Local No. 59, to David G. Roach of David G. Roach and Sons, urging them to consider using Teamsters Union Local No. 59 members to work at the Crapo Landfill Phase II Cell V worksite.
28. WRITTEN MOTION, Councillors Coelho, Lopes, Alves, Martins, Winterson, Bousquet, Rebeiro and Council President Gomes, requesting, that the City Council go on record in support of the 1199 SEIU (Service Employees International Union) Members "Fight for \$15" movement for healthcare

and homecare workers, an effort to end “poverty pay” and income inequality by increasing their wages to a minimum of fifteen dollars an hour, there is a prevalence of low wages paid in area hospitals, nursing homes and home care programs; and further, that a letter be sent to our State Legislative Delegation urging their support for this initiative.

29. WRITTEN MOTION, Councillor Lopes, requesting, that the Special Committee on Memorials and Dedications discuss implementing a moratorium on future memorials being placed at Fort Taber Park.
30. WRITTEN MOTION, Councillors Martins, Lopes and Morad, advising that the Personnel Department, under the leadership of Acting Director Sandra Vezina, send a monthly report to the New Bedford City Council (first report due May 1st that has required information requested for the entire 2015 Fiscal Year) of former and new employees’ to the City of New Bedford, with Department, position/title and salary information; and further, requesting a report of any departments with vacant positions and salary information so that this Council is aware of changes to each Department in the City, this would better assist us with budget preparations each Fiscal Year and better communication with each department.
31. WRITTEN MOTION, Councillors Alves, Bousquet, Carney, Lopes, Martins, Morad, Rebeiro and Winterson, requesting that in consideration of the recent announcement from the Mitchell Administration that the City of New Bedford would impose a hiring freeze effective immediately requesting, that the Acting Personnel Director Sandra Vezina, provide to the Committee on Finance, a listing of all personnel hires from January 1, 2015 to March 31, 2015; said listing to include the hiring Department, employee name, hire date, job position and job grade; and further requesting that this information be supplied to the Committee on Finance so that it may be reviewed at the scheduled meeting on April 15, 2015. (To be Referred to the Acting Personal Director, Chief Financial Officer, the Mayor’s Office and the Committee on Finance.)
32. WRITTEN MOTION, Council President Gomes, requesting that a letter be sent to William Dow, CEO and President of Tecomet Inc., pledging our support to the 190 employees, and that the City Council and the Administration work with the company officials in a effort to keep the 190 jobs located in the New Bedford Business Park; and further, that the City Council go on record in support of Mayor Mitchell and the New Bedford Economic Development Council’s position on working to retain jobs here in the City.
33. WRITTEN MOTION, Councillor Lopes, requesting, that the full City Council send a letter to Attorney General Maura Healy, requesting that her Office look into banning the sale of powdered based alcohol in the Commonwealth of Massachusetts. (To be Referred to Attorney General Maura Healy, and our State Legislative Delegation.)
34. WRITTEN MOTION, Councillor Lopes, requesting, that Department of Public Infrastructure Commissioner Ronald Labelle provide this body with an update as it relates to the Route 18 Phase II Project. (To be Referred to the Committee on Public Safety and Neighborhoods and Department of Public Infrastructure Commissioner Ronald Labelle.)
35. WRITTEN MOTION, Council President Gomes, requesting that the City Council forward a Resolution to the Massachusetts Gaming Commission in support of locating a casino in Region C, New Bedford, Massachusetts; and further, that the Resolution be signed by the entire City Council as a unified body, and also to make the Gaming Commission aware that the City Council is watching the proceedings and every move on this issue; this Resolution put forth with the consideration of cleaning up a 50 million dollar contaminated site and bringing jobs and economic stability to the City of New Bedford.
- 35a. RESOLUTION, URGING THE GAMING COMMISSION TO STRICTLY FOLLOW THE PURPOSE OF THE GAMING STATUTE AND AWARD A GAMING LICENSE TO REGION C, SPECIFICALLY NEW BEDFORD.

36. WRITTEN MOTION, Councillor Alves, requesting, that representatives of KG Urban Enterprises, the developer for the proposed Casino in New Bedford, be invited to appear before the Committee on Appointments and Briefings to update and outline their plans for a Casino in the City and to discuss the economic benefits of such a Casino project at the Cannon Street Site that they had developed with the Administration; and further, to do so at a public, televised session, so that we can be educated and informed not only as the City Councillors, but also to advise the residents of the City as to the benefits in anticipation of the required referendum vote by the Gaming Commission.
37. WRITTEN MOTION, Councillor Alves, requesting, that the Special Committee on Gaming/Casinos take the initiative and invite the developer of the New Bedford Casino to work with said Committee on holding a series of meetings throughout New Bedford, to present and respond to local residents as to the economic benefits of the future Casino proposed at the Cannon Street site and to have the developers listen and respond to the concerns of our residents, so that we can work with the Administration and KG Urban Enterprises to develop and prepare for the best options for the City and to educate residents as to the benefits of a positive vote during the proposed referendum to be scheduled in the next 60 days.
38. WRITTEN MOTION, Councillors Coelho and Carney, requesting, that the Administration and ABC Disposal Service, Inc., restart the one (1) bulky item pickup during garbage week, as was done prior to the current contract, due to the illegal dumping happening throughout the City. (To be Referred to the Mayor's Office, the Board of Health and the Department of Inspectional Services.)
39. WRITTEN MOTION, Councillors Carney and Coelho, requesting, that the City address the trash situation on the City streets, with the warm weather coming the City needs to be aware of the rodent issue that will occur if garbage is not removed and contained properly; and further, requesting that the City Council be informed of what measures the City is taking to remove the abundance of garbage, TV's, mattresses and other bulky items consistently piled on City streets. (To be Referred to the Committee Appointments and Briefings, with invitees from ABC Disposal Service, DPI Commissioner Ronald Labelle, DFFM Director Kenneth Blanchard, Police Chief David Provencher, and Representatives from the Health Department.)
40. COMMUNICATION, Councillor Lopes, submitting a copy of a fax received from Mr. Harvey Kertzman, stating his opposition to the proposed changes to the pier on East Rodney French Boulevard.
41. COMMUNICATION, Councillor Lopes, submitting copy of a letter to Mr. David E. Hill, Environmental Engineer, DEP Waterways Regulation Program, relative to plans to construct a public park and public stone groin at East Rodney French Boulevard "Monkey Island".
42. COMMUNICATION, Councillor Bousquet, submitting copies of an update, from Dr. Barry Rabinovitch, Interim Business Manager, New Bedford Public Schools, on the percentage of funds that the New Bedford School Department is expected to lose as part of Governor Baker's 1.9 million dollar reduction in Charter School reimbursement. (Copy all Councillors via email of 04/07/15.)
43. COMMUNICATION, Attorneys Leontire and Beauregard from the Law Offices of Beauregard, Burke & Franco, to the Commissioners of the MA Gaming Commission regarding the requests for extension of deadlines for two license applications now pending in Region C. (Copy all Councillors via email 03/30/2015.)

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.