



Council Meeting – Agenda
CITY COUNCIL CALENDAR
Chambers of the City Council Municipal Building
Thursday, April 23, 2015 – 7:00 p.m.

OPENING OF SESSION BY:

CITY COUNCIL PRESIDENT BRIAN K. GOMES

CITATIONS HALF-MARATHON

PRAYER LED BY:

REVEREND SUDHIR NAYAK, OUR LADY OF THE ASSUMPTION PARISH

CITATIONS

1. CITATIONS, Council President Gomes, honoring the 2015 NEW BEDFORD HALF-MARATHON RACE COMMITTEE.

RESOLUTIONS

2. RESOLUTION, Councillors Rebeiro and Lopes, honoring the 100th Anniversary of the ABRAHAM H. HOWLAND, JR., LODGE, A.F. and A.M.
3. RESOLUTION, Councillor Martins, honoring PETER FRATES, creator of the Ice Bucket Challenge to promote ALS Awareness.
4. RESOLUTION, Councillors Coelho, Bousquet, Winterson, Oliveira, Rebeiro and Council President Gomes, honoring EVERETT HOAGLAND, on winning the 2015 Langston Hughes Society Award.
5. RESOLUTION, Councillors Carney and Winterson, honoring NATIONAL CHILD ABUSE PREVENTION MONTH APRIL 2015.
6. RESOLUTION, Councillor Lopes, in support of NATIONAL AUTISM AWARENESS MONTH APRIL -2015.

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$24,600.00 from CITY COUNCIL, SALARIES & WAGES, to CITY CLERK, SALARIES & WAGES.

M1a. AN ORDER,

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$15,000.00 from ZOO, SUPPLIES & MATERIALS, to ZOO, CAPITAL OUTLAY.

AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$13,623.00 from MIS, CHARGES & SERVICES, to MIS, SALARIES & WAGES.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$10,000.00 from FIRE, CAPITAL OUTLAY, to FIRE, CHARGES & SERVICES.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$9,100.00 from RECREATION AND PARKS, SALARIES & WAGES, to RECREATION AND PARKS, CHARGES & SERVICES, in the amount of \$1,100.00 and RECREATION AND PARKS, SUPPLIES & MATERIALS, in the amount of \$8,000.00.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER amending the order adopted by the City Council on June 26, 2014, and signed by the Mayor on July 01, 2014, which in accordance with M.G.L. Chapter 44, Section 53E ½, authorized the Revolving Fund under the control of the Community Services Department known as **SENIOR TRAVEL REVOLVING FUND**, whose purpose is to support day trips for seniors, whose revenues collected and amount limited at **\$110,000.00** is hereby authorized at **\$117,000.00** for **FISCAL YEAR 2015**.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER amending the order adopted by the City Council on June 26, 2014, and signed by the Mayor on July 01, 2014, which in accordance with M.G.L. Chapter 44, Section 53E ½, authorized the Revolving Fund under the control of the Department of Facilities and Fleet Management, known as **TANGIBLE SUPPLY DISPOSITION REVOLVING FUND**, whose purpose is to fund replacement equipment and vehicles, whose revenues collected and amount limited at **\$7,481.00** is hereby authorized at **\$18,581.00** for **FISCAL YEAR 2015**.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting SEWER ABATEMENT for KYLER SEAFOOD, INC., 17 Kilburn Street, New Bedford, MA, Account Number 027291A, in the amount of \$7949.90.

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting SEWER ABATEMENT for EDMUND CUNHA, 200 Coffin Avenue, New Bedford, MA, Account Number 007690A, in the amount of \$302.95.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SIX-MONTH WAIVER OF RESIDENCY for CITY AUDITOR ROBERT EKSTROM, Tiverton, R.I.; Mr. Ekstrom has been the City Auditor since September 15, 2014.

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for CARL BIZARRO, Acushnet, MA; Building Commissioner Danny Romanowicz is recommending Mr. Bizarro for the position of Local Building Inspector.

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of SEAN COLLINS, Westport, MA to the New Bedford Airport Commission, replacing James Reid, this term will expire December 2016; further requesting a WAIVER OF RESIDENCY to enable him to serve; Mr. Collins' nomination as a New Bedford Regional Airport Commission member is submitted in consideration of airport stakeholders' expressed desire to have greater representation from the general aviation community on the Commission.

M13. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JOHN F. BRUCE, New Bedford, MA as a SPECIAL POLICE OFFICER.

M13a. AN APPLICATION,

M14. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of

WILLIAM T. CAMBRA, SR., Dartmouth, MA, as a SPECIAL POLICE OFFICER.

M14a. AN APPLICATION,

M15. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of SHAWN MACFARLAND, New Bedford, MA, as a SPECIAL POLICE OFFICER.

M15a. AN APPLICATION,

NEW BUSINESS

7. REPORT, Committee on Appointments & Briefings, recommending to the City Council **APPROVAL** on behalf of **ZHANAR ALIKEYEV, d/b/a ALI TRANSPORTATION, 1261 Church Street, Apt. 33, New Bedford, MA 02745**, 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.

7a. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of Zhanar Alikeyev, d/b/a ALI TRANSPORTATION, 1261 Church Street, Apt. 33, New Bedford, MA 02745, 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 03/12/2015.)

8. REPORT, Committee on Appointments & Briefings, recommending to the City Council **APPROVAL** of the **APPOINTMENT** of JANINE DASILVA, New Bedford, MA, 02740, to the **HISTORICAL COMMISSION**, replacing Jennifer Nersesian; this term will expire March 2018.

9. REPORT, Committee on Appointments & Briefings, recommending to the City Council to endorse the 2015 Bay Sox Season and encourage the City and surrounding communities to support the team this year by attending games, hosting players and participating in the development of its strategic plan for 2016 and beyond and to encourage the Mayor to support this great summer activity for the residents of the City of New Bedford.

10. REPORT, Committee on Finance, recommending to the City Council **ADOPTION** of **AN ORDER**, that the City of New Bedford accept M.G.L. Chapter 32B, Section 20, which authorizes the establishment of an Other Post-Employment Benefits Liability Trust Fund, requires the segregation of all monies held in the fund from other funds, and designates the City Treasurer as the fund's custodian. The statute further requires the City to annually submit a summary of post-employment benefits costs and obligations to the Massachusetts Public Employee Retirement Administration Commission (PERAC).

10a. AN ORDER,

11. REPORT, Committee on Finance, Referring this matter, a Written Motion, Councillor Morad, 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, that the Acting Personnel Director 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. It is requested 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 the City Council's meeting on April 23, 2015 in hopes a response will be received by that date.

12. AN ORDINANCE, Amending Chapter 6, Buildings and Other Structures. (Passed to a Second Reading 04/09/2015.)

13. WRITTEN MOTION, Councillor Winterson, requesting that a letter be sent to Senator Elizabeth

Warren and Congressman William Keating, to approve the revised SAFER Grant application which was submitted by the City of New Bedford, which would keep an adequate number of men and women in our fire houses.

14. WRITTEN MOTION, Councillors Lopes, Martins, Carney, Council President Gomes, Councillors Winterson, Rebeiro, Bousquet, Morad and Alves, requesting, that the City of New Bedford declare August 7th of each year as Purple Heart Day. (To be Referred to the Committee on Memorials and Dedications and Veterans Agent Christopher Gomes.)

15. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the New Bedford Folk Festival 2015, that the following street(s) be CLOSED: SOUTH SECOND STREET, from William Street to Elm Street, ON FRIDAY, JULY 03, 2015, FROM 6:00 P.M. THROUGH 11:00 P.M., ON SUNDAY, JULY 06, 2015, **AND** NORTH WATER STREET, from Union Street to Elm Street; JOHNNY CAKE HILL AND BETHEL STREET, from Union Street to Elm Street; SECOND STREET, from Union Street to Elm Street; ACUSHNET AVENUE, from Union Street to Elm Street and WILLIAM STREET, from Purchase Street to North Water Street, ON FRIDAY, JULY 03, 2015, FROM 8:00 A.M. THROUGH 11:00 P.M., ON SUNDAY, JULY 05, 2015, **AND** SPRING STREET, from Acushnet Avenue to Purchase Street (Alongside the Zeiterion Theatre) FROM 6:00 A.M. ON SATURDAY, JULY 04, 2015, THROUGH 10:00 P.M. ON SUNDAY, JULY 05, 2015, for the purpose of THE NEW BEDFORD FOLK FESTIVAL 2015. **PLEASE NOTE: CLOSINGS ARE "AS NEEDED" AND INCLUDE AREAS FOR CRAFT BOOTHS.**

16. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the American Cancer Society, that the following street(s) be CLOSED: HUNTER STREET, from Parker Street to Maxfield Street, FROM SATURDAY, JUNE 27, 2015, AT 8:00 A.M. TO SUNDAY, JUNE 28, 2015, AT 12:00 P.M. (NOON), for the purpose of the Relay for Life Walk at Paul Walsh Field.

17. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Senhor Da Pedra Club and Feast Committee, that the following street(s) be CLOSED: WEBSTER COURT, from Madeira Avenue to Funchal Place (Hope Street) and TINKHAM STREET, from Madeira Avenue to Funchal Place (Hope Street), ON SATURDAY, JUNE 20, 2015, FROM 10:00 A.M. TO 11:00 P.M., AND SUNDAY, JUNE 21, 2015, FROM 10:00 A.M. TO 11:00 P.M., for the purpose of THE ANNUAL SENHOR DA PEDRA HOLY GHOST FEAST.

18. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the Zeiterion Theatre, that the following street(s) be CLOSED: PURCHASE STREET, from School Street to Spring Street, (In Front of the Zeiterion Theatre) ON FRIDAY, MAY 29, 2015, FROM 12:00 P.M. (NOON) TO 11:00 P.M., for the purpose of BLACK VIOLIN.

19. WRITTEN MOTION, Councillor Martins, requesting, on behalf of Ms. Jessica Dussault, that the following street(s) be CLOSED: BONNEAU COURT, ON SUNDAY, MAY 17, 2015, FROM 2:30 P.M. TO 10:00 P.M., for the purpose of an 8th Birthday Party.

20. WRITTEN MOTION, Councillor Winterson, requesting that Superintendent Durkin and the School Committee provide the City Council with a listing of all School Administrators and Teachers and the Cities or Towns they reside in.

21. WRITTEN MOTION, Council President Gomes, requesting on behalf of KG New Bedford, LLC, that the City of New Bedford hold a Host Community Election, to take place on June 23, 2015; and submitting TWO (2) ORDERS, that the Special Election be held on June 23, 2015 and that the City Solicitor prepare a Ballot Question for said Special Election.

21a. ORDERED, that Tuesday, June 23, 2015, be and is hereby approved as the date for the Election Commission to hold a Special Election in the City of New Bedford for purposes of complying with the provisions of the Expanded Gaming Act, specifically Section 15(13) of Chapter 23K of the General Laws, that requires a vote of the host community with regard to permitting the operation of a gaming establishment licensed by the Massachusetts Gaming Commission at the location described in the Host

Community agreement executed by the City of New Bedford on March 19, 2015.

21b. ORDERED, that the City Council notify the City Solicitor of the date set for a Special Election to obtain a vote pursuant to the Expanded Gaming Act, specifically Section 15(13) of Chapter 23K of the General Laws, with regard to permitting the operation of a gaming establishment licensed by the Massachusetts Gaming Commission at the location described in the Host Community agreement executed by the City of New Bedford on March 19, 2015; and it is hereby further ORDERED, that the City Solicitor prepare a Ballot Question, any necessary summaries and any other provisions necessary to properly carry out said Special Election pursuant to all relevant laws and regulations.

22. WRITTEN MOTION, Council President Gomes, requesting that the City of New Bedford establish an Ordinance adopting M.G.L. Chapter 256 of the Acts of 2010, "An Act Reforming the Administrative Procedures Relative to Criminal Offender Record Information and Pre- and Post-Trial Supervised Release", of which Chapter 6 Section 172B ½ creates an "umbrella statute under which municipal officials may enact Ordinances to require State and National criminal history record checks of applicants for licenses in specified occupations", by adopting such an Ordinance, the City will be authorizing the New Bedford Police Department, Massachusetts State Police and the FBI to provide criminal background history of Taxi and Livery License applicants to the City Clerk and City Council in order to ensure the safety of our City's residents. (To be Referred to Committee on Ordinances and Legal Counsel David Gerwatowski.)

23. WRITTEN MOTION, Councillor Carney, requesting that the Committee on the Feasibility of Creating a Dog Park meet to discuss preliminary design work of placing a dog park in New Bedford, due to the potential grant that the City might be awarded for the creation of a dog park.

24. WRITTEN MOTION, Councillors Carney and Oliveira, requesting on behalf of the residents on Tobey Street that a "NO PARKING HERE TO CORNER" sign be placed on the southeast corner of Tobey Street and Acushnet Avenue to ensure the residents safety when exiting Tobey Street onto Acushnet Avenue. (To be Referred to Traffic Commission.)

WRITTEN MOTION, Councilor Carney, requesting the Mayor's office review all Boards and Commissions and appoint members to fill any vacancies.

26. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of Michael Souza, d/b/a SOUZA TRANSPORTATION, 91 Clifford Street, New Bedford, MA 02745, 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.

27. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW, 173 ½ ACUSHNET AVENUE, CIRCA 1895 ONE STORY, WOOD FRAMED, BARN STYLE STRUCTURE: "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; the structure is in poor condition due to extensive deferred maintenance; restoration or preservation efforts would be impractical due to 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."

28. COMMUNICATION, Councillors Martins and Morad, submitting a letter from Mr. Eric Stotts, New Bedford, MA regarding New Bedford's Pre-Rental Voucher Program.

29. COMMUNICATION, Council President Gomes, submitting a letter from Congressman Keating, dated March 30, 2015, responding to a Motion from the February 26, 2015, City Council meeting, regarding Federal assistance in repairing roadways and other infrastructure repairs due to this historic winter season. (Copy all Councillors 04/16/2015.)

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.