



Council Meeting – Agenda

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building
Thursday, August 20, 2015 – 7:00 p.m.

OPENING OF SESSION BY:

CITY COUNCIL PRESIDENT BRIAN K. GOMES

PRAYER LED BY:

REVEREND SUDHIR NAYAK, OUR LADY OF THE ASSUMPTION PARISH

CITATIONS

1. CITATIONS, Council President Gomes, Councillors Rebeiro and Carney, honoring the CAPE VERDEAN RECOGNITION COMMITTEE BOARD OF DIRECTORS – 2015, MARY ANN ROGERS, PRESIDENT, DIANE GOMES, TREASURER, MARILYN GONSALVES, NORMA BELAY, GAIL GONSALVES, DOROTHY GOMES, PETER SILVA, DR. BRUCE ROSE, SYLVIA GOMES, ESQ., CARL CRUZ, CYNTHIA MORRIS and NATHAN MONTEIRO, SR., and HONORARY MEMBERS, EMMA GOMES and JULIANNA HINES-BECK, in recognition of their dedication to our Cape Verdean customs and in celebration of Cape Verdean Recognition Week – 2015.
2. CITATIONS, Council President Gomes, Councillors Rebeiro and Carney, honoring the CAPE VERDEAN RECOGNITION SCHOLARSHIP COMMITTEE – 2015, MARILYN GONSALVES, DR. ELEANOR PONTES, DR. SUSAN COSTA, JANICE DIAS, ARCHIE REBEIRO, MEGAN REBEIRO, DANIEL DASILVA, MANUEL PINA, MYRON PINA, JEAN PIERRE TRAHAN and KHEPE-RA-MAAT HET-HERU REBEIRO JOHN, in recognition of their commitment and dedication to the 2015 Cape Verdean Recognition Scholarship Committee.
3. CITATIONS, Council President Gomes, Councillors Rebeiro and Carney, honoring the CAPE VERDEAN RECOGNITION PARADE COMMITTEE MEMBERS – 2015, DIANE GOMES, Chairperson, SHANE BURGO, RENEE LEDBETTER, DANA DEBARROS, JULIO BARBOSA, BETTY RIVERA, JOE DIAS, KIM ANDRADE and DAGNY ASHLEY, in recognition of their commitment and dedication to the 2015 Cape Verdean Recognition Parade.
4. CITATIONS, Council President Gomes, Councillors Rebeiro and Carney, honoring the CAPE VERDEAN RECOGNITION PARADE VOLUNTEERS – 2015, LORRAINE TELO, DUANE ALVES, CHRIS COTTER, COLLEEN BOSWORTH, ANTOINETTE COLLINS, JASMINE SILVA, JOANNA SILVA, DENIS DELUCIA (National Park Service), MONITORS; YVONNE HOUTMAN, FLOAT JUDGE; LEE ANDREWS, HAILEY STANLEY, SYNDEY CORREIA, BANNER CARRIERS; TONY RIVERA, VENDOR VOLUNTEER; JOHN DEPINA, PARADE MARSHALL DRIVER; BELLE DEBARROS, FLOAT CONSTRUCTION; GARY CORREIA, JOYCE RIBEIRO, REVIEWING STAND ASSISTANTS and JOHN CENTEIO, PARADE ANNOUNCER, in recognition of their commitment and dedication to the 2015 Cape Verdean Recognition Parade.
5. CITATIONS, Councillors Bousquet and Martins, honoring DIANA ALVAREZ and JUSTIN CARMELL, in recognition of their saving a stranger in dire straits and heroically returning her

possessions.

6. CITATION, Councillors Martins and Bousquet, honoring MICHAEL POISSANT, in recognition of his selfless and heroic actions in assisting two victims of a motor vehicle accident on August 12, 2015.

RESOLUTIONS

7. RESOLUTION, Councillor Martins, commemorating the Twenty-fifth Anniversary of the passage of the Americans with Disabilities Act.

8. RESOLUTION, Councillor Rebeiro and Council President Gomes, honoring THE FIFTIETH ANNIVERSARY OF THE VOTING RIGHTS ACT OF 1965.

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a VETO of AN ORDINANCE, Chapter 3, Article 1, RELATIVE TO THE AIRPORT COMMISSION, Amending Section 3-1 and Section 3-2. (VETO received July 09, 2015.)

M1a. AN ORDINANCE, Amending Chapter 3, Article 1, RELATIVE TO THE AIRPORT COMMISSION, Amending Section 3-1 and Section 3-2. (Passed, to be Ordained – June 25, 2015: VETOED by Mayor Mitchell – July 09, 2015.)

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER appropriating \$36,747,197.00 for the purpose of paying costs of the demolition of the existing John Hannigan School and the construction of the new PK-5 school for approximately 400 students on the same site 33 Emery Street.

M2a. LOAN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER appropriating \$4,641,000.00 to pay costs of reconstructing and making lighting and signage improvements to Taxiway A at the New Bedford Regional Airport.

M3a. LOAN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR WAIVER OF RESIDENCY for ANA M. POEIRA, North Dartmouth, MA, as a Legal Secretary with the Office of the City Solicitor; Ms. Poeira's current waiver expires August 2015.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for FRANK CORREIRO, 74 Myrtle Street, New Bedford, MA, Account Number 008989A in the amount of \$1,780.35.

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for BRIAN FRASIER, 895 Bristol Street, New Bedford, MA, Account Number 030044A in the amount of \$224.10.

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of KEVIN PAULSON, Fairhaven, MA 02719, as a SPECIAL POLICE OFFICER.

M7a. APPLICATION,

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of LIONEL DUARTE, Freetown, MA 02717, as a SPECIAL POLICE OFFICER.

M8a. APPLICATION,

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JEFFREY TEIXEIRA, New Bedford, MA 02740, as a SPECIAL POLICE OFFICER.

M9a. APPLICATION,

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of SEAN MICHAEL SILVA, New Bedford, MA 02746, as a SPECIAL POLICE OFFICER.

M10a. APPLICATION,

NEW BUSINESS

9. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, that in accordance with M.G.L. Chapter 44, Section 53E ½, the revolving fund under the control of the Department of Facilities and Fleet Management, known as the ***QUEST CENTER REVOLVING FUND*** whose purpose is to provide a focus on entrepreneurial training and location for business start-up activities focusing on marine/maritime technologies, life sciences and software development is hereby authorized at **\$129,000** for ***FISCAL YEAR 2016***.

9a. AN ORDER,

10. REPORT, Committee on Finance, recommending to the City Council ADOPTION AS AMENDED, of the ORDER, that in accordance with M.G.L., Chapter 44 Section 53E ½, the revolving fund under the control of the School Department known as the ***FACILITIES REVOLVING FUND*** whose purpose is to pay for maintenance of school facilities utilizing rental and custodial fees whose revenue and amount limited to be spent is restricted to revenue deposited into the fund, is hereby authorized at **\$58,000** for ***FISCAL YEAR 2016***.

10a. AN ORDER,

11. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, authorizing the Mayor and the Chairman appointed by the Airport Commission to execute a Lease with Claremont Aviation LLC for construction of a hangar at the New Bedford Regional Airport.

11a. AN ORDER,

12. REPORT, Committee on City Property, recommending to the City Council to approve the acceptance and disposal of the Phillips Avenue School.

13. REPORT, Committee on City Property, recommending to the City Council ADOPTION of the ORDER, that the George H. Dunbar School be declared surplus property no longer needed for school purposes or for any other municipal purpose and be held under the custody and control of the City Property for the purpose of sale.

13a. AN ORDER,

14. WRITTEN MOTION, Council President Gomes, submitting to the Full City Council, the **REAPPOINTMENT of DENIS LAWRENCE, JR.,** New Bedford, MA 02740, as **CLERK OF COMMITTEES** for a term to expire **APRIL 2016.**

15. WRITTEN MOTION: Councillors Lopes, Rebeiro, Martins, Winterson, Bousquet and Alves, requesting that the Committee on Ordinances draft and approve an Ordinance that would exempt all City Council support staff from the City's policy requiring the Mayor's approval/signature on any requisition form or any other type of paperwork; and further, that the City Council President sign off on such positions; support staff is to include employees in the City Council Office, Clerk of Committees Office, and the position of City Clerk/Clerk of the City Council. (To be Referred to the Committee on Ordinances.)

16. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the New Bedford Symphony Orchestra, that the following street(s) be CLOSED: PURCHASE STREET, from School Street to Spring Street, (In Front of the Zeiterion Theatre) ON SATURDAY, SEPTEMBER 19, 2015, FROM 8:00 A.M. TO 8:00 A.M. ON SUNDAY, SEPTEMBER 20, 2015, for the purpose of a performance of BERLIOZ, SIBELIUS and DVORAK.

17. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the New Bedford Whaling Museum, that the following street(s) be CLOSED: JOHNNY CAKE HILL, from William Street to Union Street, ON SATURDAY, SEPTEMBER 26, 2015, FROM 8:00 A.M. TO 7:00 P.M., for the purpose of a Ribbon-Cutting Ceremony of the Wattles Jacobs Education Center.

18. WRITTEN MOTION, Councillor Winterson, requesting, on behalf of Mr. Allen Decker, that the following street(s) be CLOSED: ARNOLD PLACE, from Arnold Street to Orchard Street, ON SUNDAY, SEPTEMBER 06, 2015, FROM 2:00 P.M. TO 8:00 P.M., for the purpose of a Block Party.

19. WRITTEN MOTION, Councillor Rebeiro, requesting, that the following street(s) be CLOSED: WILLIS STREET, from Chancery Street to Shawmut Avenue, ON SATURDAY, SEPTEMBER 05, 2015, FROM 12:00 P.M. (NOON) TO 8:00 P.M., for the purpose of an End of Summer Family Cookout.

20. WRITTEN MOTION, Councillor Martins, requesting, that the Committee on Ordinances consider Amending Chapter 24, Section 24-7, RELATIVE TO THE NUMBER OF CLASS A LICENSES. (To be Referred to the Committee on Ordinances.)

20a. AN ORDINANCE,

21. WRITTEN MOTION, Councillors Coelho and Martins, requesting, that the Police Department conduct stings and begin additional patrols in areas where prostitutes are being dropped off in New Bedford from outside areas to engage in criminal behavior, and that the Police identify these locations throughout the City where this crime is on the increase. (To be Referred to the Police Department and the Mayor's Office.)

22. WRITTEN MOTION, Councillors Bousquet, Lopes, Winterson, Alves, Martins, Coelho, Carney, Morad, Council President Gomes and Councillor Rebeiro, requesting, on behalf of dog owners in New Bedford, that the City encourage leash law adherence, and severely penalize dog owners who fail to properly restrain their pets in the event of an aggressive attack on another person or pet in the City.

23. WRITTEN MOTION, Councillor Lopes, requesting, that Planning and Community Development, Inspectional Services, and the Mayor's Office work with the Federal Emergency Management Agency's Hazard Mitigation Program, to assist affected homes in the City so that they be eligible to apply for a Federal grant that is administered by FEMA that would cover up to 75 percent of the cost of elevating a home between one or two feet above the flood level for a 100-year storm.

24. WRITTEN MOTION, Councillor Coelho, requesting, that the Chief of Police look into bringing back Community Policing throughout the City, due to the increase of crime and prostitution in the area; and further that Community Policing will get our Officers back in the neighborhoods and give our residents an increase of public safety and lower the crime rate. (To be Referred to Mayor Mitchell and Police Chief Provencher.)

25. WRITTEN MOTION, Council President Gomes, requesting, that Eversource Energy remove the utility pole in front of 361 Bedford Street, the pole has been there for nearly ten years and has since been replaced; and further, requesting, that the Committee on Appointments and Briefings meet with Eversource Energy representatives to discuss the dozens of poles across the City that have been left in neighborhoods after being replaced, to work out a plan of action to have these abandoned poles removed from the City in the next year.

26. WRITTEN MOTION, Council President Gomes, requesting, that the Administration take immediate action in retaining the City's switchboard operator from 8:00 AM to 4:00 PM, Monday through Friday, the implementation of the new phone answering system has been very detrimental to customer services throughout City Hall and off site City departments; and further, it does not list every department and/or services available throughout the City.

27. WRITTEN MOTION, Council President Gomes, requesting, that the Mayor and Police Chief increase Police patrols in the north end business district, specifically in the area of Acushnet Avenue, from Coggeshall Street, north to Nash Road, east and west between Ashley Boulevard and North Front Street, this request is made due to the increasing amount of criminal activity coming out of this area, including assault, robbery and prostitution just to name a few types of criminal activity going on; and further, that every resource be used in order to bring this area under control; and further, that the same action be taken in the south end of the City in the area of Blackmer Street and Acushnet Avenue and that the lighting in these areas be evaluated and increased where needed due to the darkness and criminal activity that is taking place in these areas.

28. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **George Viveiros, 102 Durfee Street, New Bedford, MA 02740, d/b/a MED FIRST, INC, P.O. Box 3001, New Bedford, MA 02741**, hereby submit a copy of the Application requesting **RENEWAL** of a **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. **Current**

License will expire September 12, 2015.)

29. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Douglas Furtado, 39 Perry Street, South Dartmouth, MA 02748 d/b/a IDEAL LIMO, 439 Bolton Street, New Bedford, MA 02740**, hereby submit a copy of the Application requesting **RENEWAL** of a **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. **(Current License will expire September 12, 2015.)**

30. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Anthony Snow, 12 Humes Street, Pawtucket, RI 02860, d/b/a CAB TRANSPORTATION, LLC, 34 Welby Road, Suite 108, New Bedford, MA 02745**, hereby submit a copy of the Application requesting **RENEWAL** of a **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. **(Current License will expire September 12, 2015.)**

31. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Karen A. Maciulewicz, 128 Chipaway Road, East Freetown, MA 02717, d/b/a PROJECT INDEPENDENCE SERVICES, LLC, 250 Elm Street, New Bedford, MA 02740**, hereby submit a copy of the Application requesting **RENEWAL** of a **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. (Current License will expire September 11, 2015.)

32. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Khalil B. Arsanios, d/b/a INTERNATIONAL TRANSPORTATION, LLC, 1220 Pleasant Street, New Bedford, MA 02740**, hereby submit a copy of the Application requesting **RENEWAL** of a **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. **(Current License will expire August 21, 2015.)**

33. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Noel P. Ciminello, 22 Shannon Way, North Dartmouth, MA 02747, d/b/a YES! WE VAN LLC, 167 Butler Street, New Bedford, MA 02744**, hereby submits a copy of the Application requesting a **RENEWAL** of a **PRIVATE LIVELY LICENSE**, under the provisions of Massachusetts General Laws, 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. **(Current License expired 07/17/15.)**

34. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **David Bizarro, 50 Larch Street, New Bedford, MA 02740, d/b/a BIZARRO'S TRANSPORTATION, 50 Larch Street, New Bedford, MA 02740**, hereby submits a copy of the Application requesting a **RENEWAL** of a **PRIVATE LIVELY LICENSE**, under the provisions of Massachusetts General Laws, 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. **(Current License expired 07/17/15.)**

35. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: 92 KILBURN STREET, Map 79, Parcel 1 "the Grinnell Manufacturing Company was established in

March 1882 and the was the 4th major cotton mill in New Bedford; the company liquidated its assets in 1927 and portions of the mill were dismantled the same year; the boiler room of the Grinnell Manufacturing Company building is not longer used as originally intended and has fallen into disrepair, there is asbestos within the boiler unit and part of the roof; the smokestack is a rare survivor of New Bedford's smokestack skyline, no longer visible today; the boiler room and smokestack are historically significant as being components of the 19th century mill complex in the City of New Bedford and the subject building is located in the Hicks-Logan-Sawyer Interim Planning Overlay District (IPOD) established by the City Council in 2008" and therefore, "the NBHC has determined that the boiler room and smokestack at 92 Kilburn Street are historically significant structures and not preferably preserved."

TABLED BUSINESS

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.