



Council Meeting – Agenda

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building
Thursday, September 10, 2015 – 7:00 p.m.

OPENING OF SESSION BY:

CITY COUNCIL PRESIDENT BRIAN K. GOMES

PRAYER LED BY:

THE VERY REVEREND CONSTANTINE BEBIS

MOMENT OF SILENCE

IN REMEMBRANCE OF FOURTEENTH ANNIVERSARY OF THE 9/11 ATTACKS

CITATIONS

1. CITATIONS, Councillors Lopes and Martins, honoring LT. PETER MELLO, ROBERT FERREIRA, JOLENE MENARD, NATHAN VENANCIO, FIREFIGHTERS, SCOTT KRUGER, DISTRICT CHIEF, NEW BEDFORD FIRE DEPARTMENT, DOMINIGUE SHERBURNE, POLICE OFFICER, JASON HILL, POLICE OFFICER, NEW BEDFORD POLICE DEPARTMENT, SHARIE MILES, PARAMEDIC and PAUL LEVESQUE, PARAMEDIC, NEW BEDFORD MEDICAL SERVICES, in recognition of their dedication and professionalism in providing medical assistance which saved a life on August 22, 2015.
2. CITATIONS, Councillors Martins and Lopes, honoring LT. PAUL DEMERS, NEW BEDFORD POLICE DEPARTMENT, SHARIE MILES, PARAMEDIC, PAUL LEVESQUE, PARAMEDIC, EMERGENCY MEDICAL SERVICES, CAPTAIN MATT OSTIGUY, NATE SYLVIA, MARCO DELIMA, JUSTIN PONTES and DAVID JOSEPH COOPER, DISTRICT CHIEF, NEW BEDFORD FIRE DEPARTMENT, in recognition of their outstanding efforts and dedication to their profession, which on August 08, 2015, protected City residents from potential harm.

RESOLUTIONS

3. RESOLUTION, Councillors Coelho, Rebeiro, Martins and Alves, honoring the NEW BEDFORD SYMPHONY ORCHESTRA, on the occasion of their 100th Anniversary.
4. RESOLUTION, Councillor Bousquet, honoring NORMAND O. CHARTIER, for his lifelong support of the Boy Scouts of America Troop 5.

HEARINGS

5. HEARING, on VERIZON NEW ENGLAND, INC. & NSTAR Electric Company d/b/a Eversource Energy, for location of one (1) POLE on NEMASKET STREET, at its intersection with the northerly end of Nemasket Place.
- 5a. AN ORDER,

MAYOR'S PAPERS

- M1. COMMUNICATION, Mayor Mitchell, to City Council, respectfully request that the City Council acquire fee interests in the following properties by eminent domain or other legal means, the real property located at 64-66 Emma Street shown as Lot 13-3 on City of New Bedford Assessors Map and belonging to Jose A. and Maria L. Achadinha pursuant to deed recorded in the Bristol County (S.D.) Registry of

Deeds at Book 5325, Page 77; and a certain parcel of land in New Bedford being a portion of the property conveyed by deed of General Financial Services, Inc. to Linear Retail New Bedford #1LLC, recorded in Bristol County (S.D.) Registry of Deeds at Book 7805, Page 324, and being shown as Parcel "A" on a plan to be recorded herewith entitled "Approved Not Required, 124-160 Freeman Street, New Bedford, Massachusetts, Prepared for Peter Turowski, Turowski 2 Architecture, dated June 10, 2015, Scale 1"=40' by Thompson Farland, Inc.

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting cover sheets for the appraisals for the permanent takings of properties on Emma and Freeman Streets for construction of the Hannigan Elementary School.

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting Recorded Land Order of Taking for 2 permanent takings which are necessary for school purposes, specifically the construction of a new Hannigan Elementary School.

M3a. LAND ORDER OF TAKING,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the Mayor to execute an easement between the City of New Bedford and NSTAR Electric Company d/b/a Eversource Energy for electric services on a portion of City owned property on City Assessor's Map 25, Lot 18, the proposed easement is necessary to provide electrical service to the New Bedford Marine Commerce Terminal.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE amending Chapter 16 MUNICIPAL UTILITIES AND SERVICES, regarding the handling of Fats, Oils and Grease (FOG), the purpose of this amendment is to minimize sewer system failures and surcharges, caused by FOG which can create Dry Weather Discharges that may potentially result in public health concerns and submitting ORDINANCES, amending Chapter 17, Sections 17-18 (j) and 17-28 (j) which enables the City the option of utilizing non-criminal citations for the enforcement of the FOG Ordinance and regulations.

M5a. AN ORDINANCE, amending Chapter 16, ARTICLE II - MUNICIPAL UTILITIES AND SERVICES.

M5b. AN ORDINANCE, amending Chapter 17, Section 17-18 Noncriminal disposition of violations of certain Ordinances, Rules and Regulations.

M5c. AN ORDINANCE, amending Chapter 17, Section 17-28 Chapter 40U of the Massachusetts General Laws.

M6. COMMUNICATION, Mayor Mitchell, to City Council, resubmitting a proposed ORDER authorizing the Mayor and the Chairman of appointment by the Airport Commission to execute a Lease with Claremont Aviation LLC on behalf of the City for approximately 45,600 sq. ft. of Airport property in conjunction with Claremont's construction of a 12,000 sq. ft. hangar.

M6. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$52,937.00 from CEMETERY SALE OF LOTS, to DEPARTMENT OF PUBLIC INFRASTRUCTURE, CHARGES & SERVICES.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of

\$52,550.00 from PURCHASING, CHARGES & SERVICES, to MIS, CHARGES & SERVICES.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$8,102.00 from FIRE, CAPITAL OUTLAY, to FIRE, OTHER CHARGES.

M9a. AN ORDER,

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER amending the order adopted by the City Council on June 25, 2015 and signed by the Mayor on June 30, 2015, which in accordance with M.G.L. Chapter 44, Section 53E ½, authorized the Revolving Fund known as the **SOUTHEASTERN REGIONAL POLICE REVOLVING FUND**, whose purpose is to support police communications networking for surrounding cities and towns, and whose revenues and amount limited to be spent estimated at \$27,500.00 for FISCAL YEAR 2016 is hereby authorized under the control of the **MIS DEPARTMENT**.

M10a. AN ORDER,

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that in accordance with M.G.L. Chapter 44, Section 53E ½, the Revolving Fund under the control of the Inspectional Services Department, known as **DEMOLITION OF BUILDINGS OR STRUCTURES REVOLVING FUND**, whose purpose is to cover the costs of the demolition, removal or securing of buildings or structures or the securing of land, whose revenues and amount limited to be spent is estimated at \$24,253.00 is hereby authorized for FISCAL YEAR 2016.

M11a. AN ORDER,

NEW BUSINESS

6. REPORT, Committee on Appointments & Briefings, recommending to the City Council to follow the recommendation of the New Bedford Historical Commission and Grant the Partial Demolition of 597-603 BROCK AVENUE – HAZELWOOD PARK, circa 1854 Coffin-Howland House.

6a. COMMUNICATION/DEMOLITION New Bedford Historical Commission, to City Council, re: PARTIAL DEMOLITION, 597 – 603 BROCK AVENUE, HAZELWOOD PARK, circa 1854 Coffin-Howland House: “the circa 1854 Coffin-Howland Houses is a distinctive example of the Gothic Revival style of American domestic architecture; the structure was initially built as a barn by Joseph Congdon on the rural estate he called Hazelwood; the structure is in a deteriorated condition has suffered from an arson fire and repeated vandalism, and is a threat to the public welfare; the structure has deteriorated to the point of collapse and is beyond reasonable repair and based upon public comments the City will reach out to the neighbors and greater community to determine their thoughts on the potential consideration of demolition of the entire building” and therefore, “the NBHC has determined that the Coffin-Howland House is historically significant structure but not preferably preserved.”(Referred to the Committee on Appointments and Briefings – July 16, 2015.)

7. REPORT, Committee on Appointments & Briefings, recommending to the City Council on behalf of **Albert N. LeBoeuf, 66 Giffords Lane, New Bedford, MA 02740, d/b/a LEBOEUF LIVERY SERVICE, INC., 416 Elm Street, New Bedford, MA 02740**, APPROVAL of the Application requesting a RENEWAL of a PRIVATE LIVERY LICENSE, under the provision of M.L.G., 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 03/11/14)

7a. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Albert N. LeBoeuf, 66 Giffords Lane New Bedford, MA 02740, d/b/a LEBOEUF LIVERY SERVICE, INC., 416 Elm Street, New Bedford, MA 02740**, hereby submits a copy of the Application requesting a RENEWAL of a PRIVATE LIVERY 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 03/11/14.) (Referred to the Committee on Appointments and Briefings – June 25, 2015.)

8. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL on behalf of **Robert Neves, 420 Huttleston Avenue, Fairhaven, MA 02719, d/b/a WHALING CITY TRANSIT, 16 Shore Street, New Bedford, MA 02744**, the Application requesting a **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 expired 11/14/14).

8a. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Robert Neves, 420 Huttleston Avenue, Fairhaven, MA 02719, d/b/a WHALING CITY TRANSIT, 16 Shore Street, New Bedford, MA 02744**, hereby submits a copy of the Application requesting a **RENEWAL of a PRIVATE LIVERY 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 11/14/14.) (Referred to the Committee on Appointments and Briefings – July 16, 2015.)

9. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL on behalf of **Yesenia Maldonado, d/b/a YESENIA TRANSPORTATION, 177 Grinnell Street, New Bedford, MA 02740**, 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.

9a. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Yesenia Maldonado, d/b/a YESENIA TRANSPORTATION, 177 Grinnell Street, New Bedford, MA 02740**, hereby submit a copy of the Application requesting **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.

10. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of SHERRY MCTIGUE, New Bedford, MA 02740, to the ZONING BOARD OF APPEALS, replacing Ian Comerford, whose term expired December 2014; Ms. McTigue's term will expire December 2019.

11. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of CELEINE SARAIVA, New Bedford, MA 02744, to the PROBLEM PROPERTIES APPEALS; Ms. Saraiva's term will expire June 2018.

12. 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 (Passed to a Second Reading - August 20, 2015.)

13. 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. (Passed to a Second Reading - August 20, 2015.)

14. WRITTEN MOTION, Councillors Coelho and Lopes, requesting, that the Committee on Appointments and Briefings look into the possibility of installing a Handicap Ramp at Ft. Taber Beach to allow for wheelchair bound persons to have direct access to the shoreline, and that Ms. Zelinda Pereira, Brain Injury Association of Massachusetts/Southeastern Office, a representative from the Department of Parks, Recreation and Beaches and a representative from the Harbor Development Commission be invited to attend meeting.

15. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the Zeiterion Performing Arts Center, that the following street(s) be CLOSED: PURCHASE STREET, from School Street to Spring Street, (In Front of the Zeiterion Theatre) ON FRIDAY, SEPTEMBER 25, 2015, FROM 4:00 P.M. TO 11:00 P.M., for the purpose of the JOAN ARMATRADING SOLO WORLD TOUR.

16. WRITTEN MOTION, Councillors Rebeiro, Lopes, Martins and Council President Gomes, requesting, that the City Council support the United Steelworkers (USW) and Rodney Metals (ATI) Union members in their fight for equitable wages and reasonable working hours, these employees perform valuable services and deserve to be compensated and treated fairly.

17. WRITTEN MOTION, Councillors Oliveira and Coelho and Council President Gomes, requesting, that the Traffic Commission conduct a traffic and speed analysis of vehicles heading north on Belleville Avenue, from Tarkiln Hill Road to Mill Road, and report its findings to the full City Council, residents in the area have noted that the residential speed limit is not being obeyed and creating an unsafe environment; and further, requesting, that the Traffic Commission post the residential speed limit prominently and also install "Slow" signs along this route.

18. WRITTEN MOTION, Councillors Oliveira, Coelho and Council President Gomes, requesting, that a letter be sent to Eversource Energy, Inc., asking that a new street light be erected on the south side of Winston Street, approximately 50-75 feet east of Lepage Street, this light is badly needed to deter the vehicles that park in that area throughout the evening, whose drivers and passengers have been observed doing illegal drugs, conducting illicit sex acts and dumping illegally, this request for additional lighting is supported by a Petition signed by sixty neighbors.

19. WRITTEN MOTION, Council President Gomes, requesting that Superintendent Durkin and the School's Transportation Director take another look at bus transportation for our City schools; the elimination of bus transportation has caused traffic gridlock at some of area schools in the City and has increased the amount of vehicular traffic at the opening and closing of the school day, which is now causing an unsafe situation that needs to be addressed. (To be Referred to the School Committee, Superintendent Durkin, the School's Transportation Director and the Committee on Public Safety and Neighborhoods.)

20. WRITTEN MOTION, Councillors Winterson and Bousquet, requesting, that the City Council send a letter to the School Department relative to the Elizabeth Carter Brooks Elementary School, asking that they look into the current busing situation and explore alternative methods to provide busing to students who live within the 1.5 mile radius, the present situation creates a hardship for parents, grandparents and is a public safety issue for the students themselves. (To be Referred to the School Department.)

21. WRITTEN MOTION, Council President Gomes, requesting that the Traffic Commission consider installing a four-stop at the corner of Sawyer and Myrtle Streets and that crosswalks be installed at said location along with signage posting speed limits, crosswalk locations and thickly settled, from County Street to Mount Pleasant Street in an east and west direction, the location of signage is at the discretion of the Traffic Commission; and further requesting, that the Police Department perform radar stings in said area. (To be Referred to Traffic Commission and the Police Department.)

22. WRITTEN MOTION, Councillor Bousquet, requesting that the Traffic Commission and the City's Police Department - Traffic Division focus on enforcement and prevention methods for a number of streets in Ward Three; beginning with the installation of a four-way stop sign at Myrtle and Sawyer Streets, the scene of a tragic death of an elderly woman this weekend; and further requesting a radar sign and traffic enforcement in the area of Tradewind Street due to reported out of control speeding in said area.

23. COMMUNICATION, City Clerk/Clerk of the City Council, Dennis W. Farias, to City Council, requesting that the City Council set the Annual Bond for 2015-2016 for the City Clerk at \$35,000.00.

23a. AN ORDER,

24. COMMUNICATION, Derek Santos, New Bedford Economic Development Council Executive Director, to City Council, submitting STA and TIF Applications and Resolutions for the following companies: DARN IT! INC.; PARALLEL PRODUCTS, INC.; RAW SEA FOODS INC; SHUSTER CORP and SID WAINER & SON. (Copy all Councillors 09/02/2015.)

24a. RESOLUTION, Approving Certified Project Application and Special Tax Assessment Agreement with DARN IT! INC. and DARN IT! PROPERTIES LLC. (67-75 David Street)

24b. RESOLUTION, Approving Certified Project Application and Special Tax Assessment Agreement with DARN IT! INC. and DARN IT! LANDING LLC. (90 Hatch Street)

24c. RESOLUTION, Approving Certified Project Application and Special Tax Assessment Agreement

with PARALLEL PRODUCTS OF NEW ENGLAND, INC., and SM REAL ESTATE LLC.

24d. RESOLUTION, Approving Certified Local Incentive Project Application and Authorizing the Tax Increment Financing Agreement with RAW SEA FOODS, INC. or its nominee and HUTCHENS HOLDING II LLC.

24e. RESOLUTION, Approving Certified Project Application and Special Tax Assessment Agreement with SHUSTER CORP. and HIGHLAND SAMUEL BARNET ASSOC. LIMITED.

24f. RESOLUTION, Approving Certified Project Application and Special Tax Assessment Agreement with FRIENDLY FRUIT, INC and FRIENDS REALTY INC.

24g. RESOLUTION, Approving Certified Local Incentive Project Application and Authorizing the Tax Increment Financing Agreement with FRIENDLY FRUIT INC. and FRIENDS REALTY, INC.

25. COMMUNICATION, Maria Tomasia, Chairwoman, Board of Election Commissioners, to City Council, requesting that the attached list be designated as polling precincts for the upcoming Preliminary Election on Tuesday, October 6, 2015, and the Municipal Election on Tuesday, November 03, 2015.

26. COMMUNICATION, Council President Gomes, submitting information from Randy Jones, Lion Landscaping regarding his plan to help the youth of our City. (To be Referred to the Committee on Appointments and Briefing; Copy all Councillors via email 09/01/2015.)

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.