

New Bedford City Council Agenda – April 10th, 2014



CITY COUNCIL CALENDAR – THURSDAY, APRIL 10, 2014

OPENING OF SESSION BY: CITY COUNCIL PRESIDENT JOSEPH P. LOPES

PRAYER LED BY: REVEREND JOSEPH BASALA, OUR LADY OF ASSUMPTION
PARISH

PLEDGE OF ALLEGIANCE

CITATIONS

1. CITATION, Councillor Bousquet, honoring KAREN REGAN, Supervisor of Nurses, New Bedford Public Schools, in recognition of her hard work and dedication on behalf of the New Bedford Educators Association administering a grant that aided many qualifying students in the School District, providing clothing and other personal needs.

RESOLUTIONS

2. RESOLUTION, Councillors Martins, Morad and Council President Lopes, honoring BOY SCOUT TROOP 3 Narragansett Council New Bedford, Massachusetts on the occasion of their

100th Anniversary.

3. RESOLUTION, Councillor Morad and Council President Lopes, honoring BOY SCOUT TROOP 7, New Bedford, Massachusetts for their outstanding commitment to others and the Youth of New Bedford, Massachusetts.

4. RESOLUTION, Councillors Martins and Morad, honoring NATIONAL ANIMAL CONTROL APPRECIATION WEEK APRIL 13-19, 2014.

HEARINGS

5. HEARING, on NSTAR Electric Company, for location of two (2) 4" Conduits and one 45"x45"x36" Handhole in SYCAMORE STREET, West of Walden Street.

5a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$100,000.00 from DPI/HIGHWAY, SALARIES & WAGES, to DPI/HIGHWAY, SUPPLIES & MATERIALS.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$61,205.00 from MIS, CHARGES & SERVICES, to MIS, CAPITAL OUTLAY.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$20,000.00 from Z00, SALARIES & WAGES, to Z00, CHARGES & SERVICES in the amount of \$5,000.00 and Z00, SUPPLIES & MATERIALS in the amount of \$15,000.00.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$2,000.00 from COMMUNITY SERVICES, OTHER FINANCING USES, to COMMUNITY SERVICES, CHARGES

& SERVICES.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of REVEREND PAUL LANGSTON-DALEY, New Bedford, MA 02740, to the HUMAN RELATIONS COMMISSION, replacing Jessica Wildman who has resigned; this term will expire December 2016.

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of MARIA TOMASIA, New Bedford, MA 02740, to the ELECTION COMMISSION; this term will expire April 2018.

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of WILLIAM BARR, New Bedford, MA 02740, to the HISTORICAL COMMISSION, as an ALTERNATE MEMBER in the Local Historical slot; this term will expire February 2017.

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ELSIE R. FRAGA, New Bedford, MA 02740 to the LIBRARY BOARD OF TRUSTEES; this term will expire April 2017.

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of HELEN ROGERS, New Bedford, MA, 02740, to the LIBRARY BOARD OF TRUSTEES; this term will April 2017.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of PATRICK WALSH, New Bedford, MA 02740, to the GREATER NEW BEDFORD REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL DISTRICT COMMITTEE; this term will expire May 2018.

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ALLEN WAYNE RICHARD, JR., New Bedford, MA 02740, as a CONSTABLE.

M11a. APPLICATION,

NEW BUSINESS

6. WRITTEN MOTION, Councillors Alves and Martins, requesting, on behalf of the New Bedford Day of Portugal Committee, that the following street(s) be CLOSED: WILLIAM STREET, from Sixth Street to Pleasant Street, ON THURSDAY, JUNE 05, 2014, FROM 5:30 P.M. TO 7:00 P.M., for the purpose of The Annual Day of Portugal Opening Ceremonies.

7. WRITTEN MOTION, Councillors Alves and Martins, requesting, on behalf of the Day of Portugal Committee, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Beetle Street to Coffin Avenue; SAWYER STREET, from North Front Street to Ashley Boulevard; HOLLY STREET, from North Front Street to Ashley Boulevard; TALLMAN STREET, from North Front Street to Ashley Boulevard; NYE STREET, from North Front Street to Ashley Boulevard; BULLARD STREET, from North Front Street to Ashley Boulevard; DEANE STREET, from Ashley Boulevard to Acushnet Avenue, FROM 6:00 A.M., FRIDAY, JUNE 06, 2014, THROUGH 10:00 A.M., MONDAY, JUNE 09, 2014; and further, that the following streets or intersections be designated NO PARKING AND ENFORCED AS A TOW ZONE: ACUSHNET AVENUE, from Beetle Street to Coffin Avenue (both sides); THE NORTH SIDE OF SAWYER STREET, EASTERLY APPROXIMATELY 150 feet, ending at a line parallel to the eastern most property line of the Howard Street Parking Lot (both sides); HOLLY STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); TALLMAN STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); NYE STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); BULLARD STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); DEANE STREET – 50 feet east and west of the intersection of Acushnet Avenue (both sides); for the purpose of THE 17TH ANNUAL DAY OF PORTUGAL CELEBRATION.

8. WRITTEN MOTION, Council President 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, JUNE 07, 2014, FROM 4:00 P.M.,

THROUGH SUNDAY, JUNE 08, 2014, TO 11:30 P.M., for the purpose of Our Lady of Mount Carmel Church Holy Ghost Feast.

9. WRITTEN MOTION, Council President 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 26, 2014, FROM 8:00 A.M. THROUGH SUNDAY, JULY 27, 2014, MIDNIGHT, for the purpose of the Annual Our Lady of Mount Carmel Church Feast; ALSO, that the following streets be CLOSED ON SUNDAY, JULY 27, 2014, 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.

10. WRITTEN MOTION, Councillor Alves, requesting that the following street(s) be CLOSED: WILLIS STREET, from Purchase Street to Pleasant Street on MONDAY, MAY 26, 2014, FROM 11:00 A.M. TO 3:00 P.M., for the purpose of A Veteran's Reception after the Memorial Day Parade.

11. 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 26, 2014, FROM 8:30 A.M. TO 9:30 A.M., for THE ANNUAL MEMORIAL DAY SERVICES.

12. WRITTEN MOTION, Councillor Alves, requesting, on behalf of the Greater New Bedford Veterans Council, that the following street(s) be CLOSED: HUNTER STREET, from Parker Street to Maxfield Street; PARKER STREET, from Hunter Street to County Street; COUNTY STREET, from Parker Street to Pope Street; and

POPE STREET, from County Street to Purchase Street, on MONDAY, MAY 26, 2014, FROM 8:00 A.M. TO 2:00 P.M. for the purpose of THE ANNUAL MEMORIAL DAY CEREMONIES.

13. WRITTEN MOTION, Council President Lopes, asking, that the City accept the request from the New Bedford Contributory Retirement System under the provisions of M.G.L., Chapter 32, Section 90D1/2, Retirement Systems and Pensions, to increase the allowance of members retired on superannuation accidental disability or ordinary disability with at least twenty-five years of creditable service. (Copy all Councillors 04/03/14).

13a. COMMUNICATION, Paul M. Lestage, Vice-Chairman, New Bedford Contributory Retirement Board, submitting letter to Council President Lopes, requesting under the provisions of M.G.L., Chapter 32, Section 90D1/2 to "limit the increase to \$12,000.00, and no individual increase of more than \$2,000.00", for retirees who qualify. (Copy all Councillors 04/03/14)

14. COMMUNICATION/DEMOLITION New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW, 1116 CHAFFEE, STREET, Map 130C, Parcel 39, advising that "the structure is not located in a National Register Historic District or a local historic district; the structure is of no notable historic significance either recorded or found with the existing condition of the structure; the structure was built circa 1920 as a speculative property in the far north end and reflects the growth of the City's population during the height of the textile area;" and therefore, "the NBHC has determined that 1116 Chaffee Street is not a historically significant structure and not preferably preserved."

15. COMMUNICATION, David J. Fredette, City Engineer, to City Council, submitting RECOMMENDATION OF ACCEPTANCE, for the LAYOUT AND ACCEPTANCE of TORI LYNN DRIVE, Variable Width, from Chaffee Street 399.34 feet south to cul-de-sac (terminus); reporting that owner Norman Nichols, has conformed to all

Rules & Regulations as required by City Code, Section 22-35, relative to the acceptance of new streets.

15a. COMMUNICATION, David Fredette, City Engineer, to City Council, submitting REQUEST TO TAKE LAND, for the LAYOUT AND ACCEPTANCE of TORI LYNN DRIVE, Variable Width, from Chaffee Street 399.34 feet south to cul-de-sac (terminus) for easement of fee for highway purposes in land belonging to Norman Nichols, in accordance with City Code, Section 22-35.

15b. COMMUNICATION, David Fredette, City Engineer, to City Council, submitting AWARD OF DAMAGES, for the LAYOUT AND ACCEPTANCE of TORI LYNN DRIVE, Variable Width, from Chaffee Street 399.34 feet south to cul-de-sac (terminus), there is NO DAMAGES PAYABLE to the owner (Norman Nichols) because the remainder has appreciated in value as a result of the layout to an amount which exceeds the value of the land dedicated and taken.

15c. COMMUNICATION, David Fredette, City Engineer, to City Council, submitting METES AND BOUNDS for the LAYOUT AND ACCEPTANCE of TORI LYNN DRIVE, Variable Width, from Chaffee Street 399.34 feet south to cul-de-sac (terminus). (Map Included.)

15d. AN ORDER, for Hearing on THURSDAY, MAY 08, 2014 AT 7:00 P.M. in City Council Chambers, City Hall, for acceptance of proposed TORI LYNN DRIVE, Variable Width, from Chaffee Street 399.34 feet south to cul-de-sac (terminus).

15e. AN ORDER, requesting the City Solicitor to prepare a LAYOUT ORDER for the layout and acceptance of contemplated proposed of a portion of TORI LYNN DRIVE, Variable Width, from Chaffee Street 399.34 feet south to cul-de-sac (terminus). (Hearing on said matter has been ordered for THURSDAY, MAY 08, 2014, at 7:00 p.m., in City Council Chambers, City Hall.)

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 COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER authorizing the Mayor to execute a Deed on behalf of the City of New Bedford to Finigan Property, LLC for \$75,000.00 in substantially the same form as attached hereto, for property located at 109 Hillman Street, shown as Lot 157 on City of New Bedford Assessor's Map 58.

03/27/2014 AN ORDER,

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.

CONSENT AGENDA

Thursday, April 10, 2014

WRITTEN MOTION, Council President Lopes, requesting, on behalf of AHA! New Bedford, that the following street(s) be CLOSED: MARKET STREET, between Pleasant Street and North Sixth Street, ON THURSDAY, APRIL 10, 2014, FROM 3:00 P.M. TO 7:00 P.M., for the purpose of the Earth Eve Parade.

GRANTED PROVISIONALLY BY THE CITY COUNCIL PRESIDENT JOSEPH P. LOPES, ON TUESDAY, APRIL 01, 2014, TO BE RATIFIED BY THE CITY COUNCIL ON THURSDAY, APRIL 10, 2014.

Received and Action of the City Council President Ratified.

COMMUNICATION, Councillor Alves, to Sheriff Thomas Hodgson, requesting assistance for the placing of flags at gravesites for Memorial Day, on behalf of Mr. Jack Pacheco, of the Portuguese-American War Veterans, Post One.

Received and Placed on File.

COMMUNICATION, Councillor Alves, to Sheriff Thomas Hodgson, requesting assistance for the placing of flags at gravesites for Memorial Day, on behalf of Mr. Dennis Mendes, Commander of the Cape Verdean Veterans Organization.

Received and Placed on File.

COMMUNICATION, Councillor Alves, to Sheriff Thomas Hodgson, requesting assistance for the placing of flags at gravesites for Memorial Day, on behalf of the Andrews-Dahill Post 1531 VFW.

Received and Placed on File.

COMMUNICATION, Councillor Alves, to Sociadade Filamonica do Senhor da Pedra, inviting them on behalf of the Portuguese-American War Veterans to participate in the Memorial Day Ceremonies.

Received and Placed on File.

COMMUNICATION, Councillor Alves, to DPI Commissioner Ronald Labelle and DPF Commissioner Kenneth Blanchard, requesting their assistance on behalf of the Memorial Day Dedication Committee, for the Memorial Day Ceremonies, as well as their assistance in cleaning the streets for the event.

Received and Placed on File.

COMMUNICATION, Councillor Alves, to Al Oliveira, New Bedford School Department, requesting the use of the public address system for the Portuguese-American War Veterans Memorial Day Ceremonies.

Received and Placed on File.

STREET OBSTRUCTIONS

219 Palmer Street

243 State Street

Maddie Drive P136/L497

STREET DISTURBANCES

219 Palmer Street

243 State Street

Maddie Drive P136/L497

Alford Street, North of Phillips Road