

# New Bedford City Council Agenda – May 9th, 2013



CITY COUNCIL CALENDAR  
THURSDAY, MAY 09, 2013

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OPENING OF SESSION BY: CITY COUNCIL PRESIDENT BRUCE DUARTE,  
JR.

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PRAYER LED BY: REVEREND DAVID LIMA, PASTOR, NEW SEASONS  
WORSHIP CENTER

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PLEDGE OF ALLEGIANCE

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## **CITATIONS**

1. CITATIONS, Councillor Martins, honoring ALEX CORREIA, TREG DEMBITZKI, GUSTIN FROIAS, NATHAN MORGADO, BRYAN PASQUARELLO and JORDAN VASCONCELLOS, Greater New Bedford Regional Vocational Technical High School, in Recognition of their First Place Finish at the Underwater Robotics Competition at the Marine Advanced Technology Education Remotely Operated

Vehicle Competition.

2. CITATIONS, Councillor Martins, honoring ANGELA BASSE, THOMAS CANASTRA, ANTHONY CABRAL, NELSON BERNARDO and TRENT CARTER, for their Dedication and Commitment to the Students of the Greater New Bedford Regional Vocational Technical High School and their First Place Finish at the Underwater Robotics Competition at the Marine Advanced Technology Education Remotely Operated Vehicle Competition.

3. CITATIONS, Councillor Bousquet, honoring the Greater New Bedford Regional Vocational Technical High School winners of the 2013 MASSACHUSETTS SKILLS USA COMPETITION.

4. CITATIONS, Council President Duarte and Councillor Alves, honoring SUZANNE RICHARD, JOSEPH LANGLOIS, DANA DEBARROS, PAUL SANTOS and TOM SEXTON, New Bedford Cable Network, in Recognition of their 15th Annual Alliance for Community Media Regional Video Festival Awards.

## **RESOLUTIONS**

5. RESOLUTION, Councillor Gonsalves, honoring NEW BEDFORD CABLE NETWORK for winning a national award from the Alliance for Community Media for their daily educational program "HOMEWORK HELPERS".

6. RESOLUTION, Council President Duarte, honoring TEAM BUILDERS, INC. / THE HOUSE OF MUSIC on the occasion of their 10TH ANNIVERSARY.

## **MAYOR'S PAPERS**

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER that in order to reduce interest costs, the Treasurer with the approval of the Mayor, is authorized to issue refunding bonds pursuant to M.G.L. c44, §21A to refund all or any portion of the remaining principal of and redemption premium and interest on any bonds of the City outstanding as the date of adoption of this Order, and for the payment of all costs incidental and related thereto, and that the Mayor and the Treasurer are each authorized to take any and all other action necessary to carry out the purposes of

this Order.

M1a. LOAN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER appropriating \$1,000,000.00 to pay for the costs of the required environmental remediation and the construction of a solar park in the area known as HS-8 at New Bedford High School, which is the grassed northern portion of the campus between the northeast and northwest parking lots, the proposed project at HS-8 is an innovation solution that allows the City to achieve remedial goals and to promote sustainable energy, the Massachusetts School Building Authority (MSBA) has indicated to the City that it will consider reimbursement for 90% of the total project costs, consistent with the previous project agreements.

M2a. LOAN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER authorizing the Mayor to execute a utility easement to NSTAR ELECTRIC on behalf of the City relative to property under the control of the New Bedford Airport Commission on Mt. Pleasant Street, the property is shown on Assessor's Map at Plat 123/Lot38D and is intended to service two new generators to be constructed for the sub-tenant Comcast.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$820,535.00 from WATER FREE CASH, to WATER STABILIZATION FUND.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$9,500.00 from PARKS/RECREATION, SALARIES & WAGES, to PARKS/RECREATION, SUPPLIES & MATERIALS.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$5,000.00 from VETERANS, CHARGES & SERVICES, to VETERANS, CAPITAL OUTLAY.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$135.00 from PURCHASING, CHARGES & SERVICES, to PURCHASING, SALARIES & WAGES.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CHRISTOPHER GOMES, New Bedford, MA, as the DIRECTOR OF VETERANS SERVICES; this is a one-year term expiring in April 2014.

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CYNTHIA WALLQUIST, New Bedford, MA 02745, as the EXECUTIVE DIRECTOR of the COMMISSION FOR CITIZENS WITH DISABILITIES, this term will expire April 2014.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of PAUL BARTON, New Bedford, MA 02740, to the AIRPORT COMMISSION; this term will expire December 2015.

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of MOIRA TIERNEY, New Bedford, MA 02740 to the AIRPORT COMMISSION; this term will expire December 2015.

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of NORMAND BERGERON, New Bedford, MA 02745, to the CEMETERY BOARD; this term will expire May 2016.

M13. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of BARBARA MCDONALD, New Bedford, MA 02740, to the CEMETERY BOARD, this term will expire May 2016.

M14. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JAMES M. ANDRE, JR., Acushnet, MA 02743, as a CONSTABLE.

M14a. APPLICATION,

## **NEW BUSINESS**

7. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, AS AMENDED, Amending Chapter 2, Section 2-61 – RELATIVE TO THE CLERK OF COMMITTEES

AND THE CITY CLERK.

7a. AN ORDINANCE,

8. WRITTEN MOTION, Councillor Alves, requesting, that the City Council ask the Mayor to consider the appointment of a member of the Greater New Bedford Association of Realtors to the "Mayor's Housing Task Force", in that Realtors are among those first contacted by First Time Homeowners, Investors, Property Managers and Tenants and can be a "Key Resource" to the Task Force as the eyes and ears of the community in identifying problem properties and are able to advise the Task Force about issues of concern and of buildings that should be assessed, in that they are out showing properties in all the neighborhoods of the City and can help by providing information to other realtors, property owners and tenants as to what the City expects from all the parties involved for a safe and clean community. (To be Referred to the Mayor and the Committee on Veterans Affairs, Elderly, Health, Housing and Disability Issues.)

9. WRITTEN MOTION, Council President Duarte, requesting, on behalf of Mayor Mitchell and the New Bedford Folk Festival 2013, that the following street(s) be CLOSED: SOUTH SECOND STREET, from William Street to Elm Street, ON FRIDAY, JULY 05, 2013, FROM 6:00 P.M. THROUGH 11:00 P.M., ON SUNDAY, JULY 07, 2013, 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 05, 2013, FROM 8:00 A.M. THROUGH 11:00 P.M., ON SUNDAY, JULY 07, 2013, AND SPRING STREET, from Acushnet Avenue to Purchase Street (alongside the Zeiterion Theatre) FROM 6:00 A.M. ON SATURDAY, JULY 06, 2013, THROUGH 10:00 P.M. ON SUNDAY, JULY 07, 2013, for the purpose of THE NEW BEDFORD FOLK FESTIVAL 2013. PLEASE NOTE: CLOSINGS ARE "AS NEEDED" AND INCLUDE AREAS FOR CRAFT BOOTHS.

10. WRITTEN MOTION, Council President Duarte, requesting, on behalf of Mr. Victor Pinheiro, that the following street(s) be

CLOSED: NORTH WATER STREET, from Centre Street to Union Street, ON THURSDAY, SEPTEMBER, 05, 2013, FROM 4:00 P.M. TO 9:00 P.M., for the purpose of The Azorean Whaleboat Regatta.

11. WRITTEN MOTION, Council President Duarte, requesting, on behalf of the American Cancer Society, that the following street(s) be CLOSED: HUNTER STREET, from Parker Street to Maxfield Street, FROM FRIDAY, JUNE 07, 2013, AT 8:00 A.M. TO SATURDAY, JUNE 08, 2013. AT 12:00 (NOON), for the purpose of the Relay for Life Walk at Paul Walsh Field.

12. WRITTEN MOTION, Councillor Bousquet, requesting, on behalf of "LA LIGUE DES FRANCO-AMERICANS", that the following street(s) be CLOSED: MT. PLEASANT STREET, from Nauset Street NORTH to the intersection of Hathaway Road (The Point), ON: SUNDAY, JUNE 23, 2013, FROM 11:00 A.M. TO 1:00 P.M., for the purpose of: A Memorial at the French Veterans Square for St. Jean Baptiste Day. (ALSO REQUESTING SAWHORSES TO BLOCK OFF DRIVEWAYS IN THE SHOPPING AREA ON THE EAST SIDE OF MT. PLEASANT STREET).

13. WRITTEN MOTION, Councillor Alves, requesting, that the Committee on Ordinances consider the drafting of an Ordinance that insures the safety and a healthy environment for all the Children's Playground areas to include appropriate fines for any pet owner who allows their pets to roam in a Park Playground area. (To be Referred to the Committee on Ordinances.)

14. WRITTEN MOTION, Councillor Alves, requesting, that in an effort to insure a safe and healthy environment for all the Children's Playground areas in our City Parks that are used by young children and to guarantee that they are maintained free of animal waste and to insure the safety of our children, as some pet owners continue to violate the City's Leash Law and allow their dogs to roam the Park without required restraints, that the City Council ask the Department of Recreation and Parks post "NO PETS ALLOWED IN THE PLAYGROUND AREA – VIOLATORS WILL BE FINED" Signs. (To be Referred to the Department of

Recreation and Parks.)

15. WRITTEN MOTION, Councillor Gonsalves, requesting, on behalf of the residents of Rotch Street, between Union Street and Hawthorn Street that the bus route be altered due to the route will no longer be used on Rotch Street in light of the extension into evening hours planned by SRTA. (To be Referred to the Committee on Appointments and Briefings.)

16. WRITTEN MOTION, Councillors Gonsalves, Lopes, Oliveira, Martins, Bousquet, and Duarte, requesting, that Department of Public Infrastructure Commissioner Ronald Labelle meet with the Ward Councillors to seek input from them relative to areas in particular need of road work in each Ward, given that the State has increased our Chapter 90 Funding to about \$1.07 Million Dollars.

17. WRITTEN MOTION, Councillors Bousquet, Gonsalves, Lopes and Gomes, requesting, on behalf of the Young Marines SouthCoast, that the Mayor and the Department of Recreation and Parks, do not displace this extraordinary worthwhile youth organization from the Fort Taber Community Center, the adults that run this program invest time and money helping to make the young adults they work with into productive, respectful and hard working members of our community and deserve and have earned this small commitment of space from the City of New Bedford; and further, we believe the Citizens of this City will agree. (To be Referred to Mayor Mitchell and Department of Recreation and Parks Director, Mary Rapoza.)

18. WRITTEN MOTION, Councillors Lopes, Martins, Oliveira, Gonsalves, Bousquet, Lawrence and Alves, requesting that the City Council ONCE AGAIN go on the record in opposition to the proposed rate increase being requested by the Massachusetts Fair Plan; and further, requesting ONCE AGAIN that the Massachusetts Property Insurance Underwriting Association (MPIUA), Rate Filings for Property Insurance hold a public meeting in the City of New Bedford and that the Massachusetts Division of Insurance hold a rate hearing in the City of New Bedford.

19. WRITTEN MOTION, Councillors Lopes and Martins, requesting

that the Committee on Ordinances draft an Ordinance as it relates to House Bill 3074, An Act permitting the use of traffic control signal violation monitoring system devices as a means of prompting traffic safety in the City of New Bedford. (Referred to the Committee on Ordinances.)

20. WRITTEN MOTION, Council President Duarte, requesting, that Department of Public Infrastructure Commissioner Ronald Labelle provide the City Council with information relative to the preparation work needed for the HS-8 work site at New Bedford High School, which is the construction of a solar park; and further, that this needed work be done as soon as possible due to the fact that the installation of the solar panels will create local jobs for New Bedford residents.

21. WRITTEN MOTION, Councillor Gomes, requesting, that as the City of New Bedford is in the process of salvaging the digital Paul Revere Sign, off of Route 195, that the sign's digital board be placed on Route 18, on the Elm Street Garage at that location in a southerly direction, giving messages and advertising, the many attractions in the City of New Bedford along with a "Welcome to New Bedford" Sign, and that the City immediately look into a replacement sign on Route 195 east, even if is by renting a billboard through our Office of Marketing and Tourism, in order to capture the traffic heading east on Route 195 towards the Cape, in order to inform motorists of the attractions available in the City and of their locations, so that the thousands of cars that pass by will not do so without noticing that the City of New Bedford is here and alive.

22. WRITTEN MOTION, Councillor Gomes, requesting, ONCE MORE, that the City Council go on record and request that immediate action be taken in removing the substances known as K2, K4 and K9 being sold in stores in the City of New Bedford and throughout the Commonwealth; and further, that the Council request that Interim Commissioner of the Massachusetts Department of Public Health, Lauren Smith, MD, take immediate action in banning this substance from store shelves and hold stores accountable for selling this product; and further, that



Dr. Brenda Weis, Director of Public Health for the City of New Bedford also take action to rid every store in this City of this substance due to the fact that young people are behaving dangerously, possibly harming themselves or others, and in some cases committing suicide, which is something that occurred here in the City of New Bedford just a week ago.

23. WRITTEN MOTION, Councillor Martins, requesting, that the Committee on Finance meet with a representative of the MIS Department, City Auditor, CFO and City Treasurer for the purpose of having the City of New Bedford's checkbook placed online for all taxpayers and Citizens to view; and further, that the City has a large budget, monies being transferred, items being bought and salaries being paid for that although the City Budget is posted on the web, it's not easy to follow and doesn't give them the information needed to follow the monies being spent, nor the access to see what they pay for and what we do with City funds; and further; that this process would increase transparency of local government and we should have our books open to the public to show the people of New Bedford what is being done with their tax dollars; and further, this process should include the School Department's budget, especially during times like these when so many Citizens and taxpayers want answers to their questions and rightfully so.

24. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW: 83 RIVET STREET, MAP 31, PARCEL 163- advising that "built circa 1900, the structure is a vernacular barn located behind a multi-family tenement house, the structure is not located in a National Register Historic District and the structure is not architecturally significant" and therefore, "the NBHC has determined that the building is NOT a historically significant building and NOT preferably preserved."

25. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of Jesus Ortiz, 465 Purchase Street, New Bedford, MA 02740, d/b/a NORTH END FLEA MARKET, 2100 Acushnet Avenue,

New Bedford, MA, 02745, hereby submit a copy of the Application requesting a NEW LICENSE TO DEAL IN JUNK, OLD METALS OR ANY OTHER SECOND HAND ARTICLES under the provisions of M.G.L., Chapter 140, Sections 202-205 as amended, and as provided in the Code of the City of New Bedford, Chapter 15 and all Ordinances amending the same or in addition thereto, and further avers that he or she has been a resident of the City of New Bedford for at least six months next preceding the date of the application for such license; or that he or she has been a resident for at least six months in one of the towns next adjoining the limits of the City or that he or she has applied for a waiver of said residence requirement by the New Bedford City Council. (License will expire April 30, 2014.)

26. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of Daniel Xavier, 97 Collette Street, New Bedford, MA 02746 d/b/a/ MCKENZIE'S BUS CO., 97 Collette Street, New Bedford, MA 02746, 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 expired April 12, 2013.)

27. COMMUNICATION, Interim School Superintendent Shea, to City Council, advising that on April 11, 2013, the School Committee's Sub-Committee on Facilities, Maintenance and School Buildings referred a Written Motion, dated February 14, 2013, regarding alarming all schools with panic buttons to the School's Facilities Director to investigate the issue and report back to the Sub-Committee at a later date. (Copy all Councillors 05/01/2013.)

28. COMMUNICATION, Interim School Superintendent Shea, to City Council, advising that on April 11, 2013, the School Committee's Sub-Committee on Facilities, Maintenance and School Building, tabled a Recommendation by the Committee on

Memorials and Dedications, dated December 20, 2012, regarding renaming the Sea Lab Building in honor of the late Arthur Dutra. (Copy all Councillors 05/01/2013.)

29. COMMUNICATION, Congressman Keating, to City Council, inviting the Council of a joint meeting of the Federal Fishing Advisory Board and the Mayor's Ocean and Fisheries Council on May 13, 2013 at the New Bedford Whaling Museum, to discuss the upcoming expiration of the Magnuson-Stevens Act at the end of September. (Copy all Councillors via email 05/03/2013.)

30. COMMUNICATION, MassDOT Secretary & CEO Davey, to City Clerk Arruda, in response to the Written Motion regarding House Speakers DeLeo's decision to eliminate the monies that would facilitate South Coast Rail to the Greater New Bedford area. (Copy all Councillors 05/09/2013.)

31. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that the City has acquired the following property as Tax Possession 31 Ashley Street, Plot 15/Lot 149, Area of 4,357 sq. ft. (Former Owner: John Pereira); Total Amount due on the parcel as of the date of the transfer is \$38,427.59.

32. COMMUNICATION, David A. Haskell, to City Council, submitting a Notice of Intention to Sell Land on Shawmut Avenue and Loftus Street in New Bedford to Massachusetts Land Conservation Trust, Inc., Land Shown on New Bedford Assessors Plat 89, Lots 242A, 257, 258, 199, 294, 27 and 207 under the provisions of M.G.L. c.61A §14 for charitable and historic preservation purposes, consisting of 5 acres of land. (Copy all Councillors 04/30/2013.)

#### **TABLED BUSINESS**

04/25/2013 REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, for the TRANSFER of \$2,000,000.00 from FREE CASH, to SCHOOL, SALARIES & WAGES.

04/25/2013 AN ORDER,