



Council Meeting – Agenda

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, November 13, 2014 – 7:00 p.m.

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

PRAYER LED BY: REVEREND DALTON SAID, ST. LUKE'S HOSPITAL RELIGIOUS MINISTRIES

MOMENT OF SILENCE – THE FORMER MAYOR OF BOSTON THOMAS MENINO

PLEDGE OF ALLEGIANCE

***NOTE: DUE TO THE THANKSGIVING HOLIDAY, THE NEXT MEETING WILL BE ON
TUESDAY, NOVEMBER 25, 2014. THE AGENDA WILL CLOSE ON
THURSDAY, NOVEMBER 20, 2014 AND BE RELEASED ON FRIDAY, NOVEMBER 21, 2014.***

CITATIONS

1. CITATION, Councillors Martins and Coelho, honoring CIERRA VICENTE, Junior, New Bedford High School, in recognition of her creating "Here for a Purpose" a teen suicide prevention program with the slogan "Giving Youth the Drive to Stay Alive."

RESOLUTIONS

2. RESOLUTION, Council President Lopes, Councillors Bousquet and Carney, recognizing NOVEMBER as PANCREATIC CANCER AWARENESS MONTH.

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting TWO ORDERS, authorizing the Mayor to execute on behalf of the City, a Termination of Notice of Activity and Use Limitation and Notice of Activity and Use Limitation for Walsh Field, Map 63/Lots 2, 48 and 92.

M1a. AN ORDER, Termination of Notice of Activity and Use Limitation

M1b. AN ORDER, Notice of Activity and Use Limitation

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the Mayor to execute on behalf of the City, a Confirmatory Activity and Use Limitation for the new Andre McCoy Field, Map 63/Lots 85 and 91.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, authorizing the Mayor to execute on behalf of the City, a Confirmatory Activity and Use Limitation for the east side of Liberty Street, Map 76/Lot 256 and Map 70/Lot 227.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting LOAN ORDER, appropriating \$5,920,000.00 for the purpose of making critically-needed repairs to City-owned buildings, including, but not

limited to, projects for the repair and renovation of public safety facilities, school buildings, recreational facilities and general office space.

M4a. LOAN ORDER, (FY2015 City's Capital Improvement Program update.)

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$3,000.00 from COMMUNITY SERVICES, SALARIES & WAGES, to COMMUNITY SERVICES, CHARGES & SERVICES.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$2,500.00 from COMMUNITY SERVICES, OTHER CHARGES, to COMMUNITY SERVICES, CHARGES & SERVICES.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for TIM KATZ, 1115 Pleasant Street, New Bedford, MA, Account Number 004195A, in the amount of \$315.40.

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting a renewal of a ONE-YEAR WAIVER OF RESIDENCY for NIBRS Administrator, KERI A. LEBEAU, Tiverton, RI; Ms. Lebeau has been a member of the New Bedford Police Department since December 2006. (Current Waiver expired October 2014.)

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting a renewal of a ONE-YEAR WAIVER OF RESIDENCY for Director of Grants and Finance, JAMES HOUGHTON, Franklin, MA 02038; Mr. Houghton has been a member of the New Bedford Police Department since January 2005. (Current Waiver expired October 2014.)

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting a renewal of a ONE-YEAR WAIVER OF RESIDENCY for Counsel II, SHANNON C. SHREVE, Sandwich, MA; Mr. Shreve has been a Solicitor's Office employee since November 2007. (Current Waiver expired October 2014.)

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting a renewal of a ONE-YEAR WAIVER OF RESIDENCY for Administrative Assistant, CATHERINE VERDADEIRO, Fall River, MA; Ms. Verdadeiro has worked for Community Services since 2001. (Current Waiver will expire November 2014.)

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JOSHUA AMARAL, New Bedford, MA 02740, to the COMMISSION FOR CITIZENS WITH DISABILITIES, replacing Lorraine Phenix, whose term has expired; this term will May 2017.

M13. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of GREGORY S. KAMON, Fairhaven, MA 02719, as a CONSTABLE.

M13a. APPLICATION,

M14. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of AMEER R. LINDSEY, Fall River, MA 02724, as a CONSTABLE.

M14a. APPLICATION,

NEW BUSINESS

3. AN ORDINANCE, Amending Chapter 22 of the City Code of Ordinances, RELATIVE TO ROADSIDE MEMORIALS. (Passed, to a Second Reading, October 23, 2014.)
4. AN ORDINANCE, Rezoning of Plot 124, Lots 150, 48, 34, 162, 161 and 160 (NS of Shawmut Avenue) from Mixed-Use Business to RESIDENTIAL B. (Passed, to a Second Reading, October 23, 2014.)
5. WRITTEN MOTION, Councillor Gomes, requesting, on behalf of the New Bedford High School Class of 2015, that the following street(s) be CLOSED: LT. WALTER E. FULLER MEMORIAL PARKWAY, from Rockdale Avenue to the Monument in Veteran's Memorial Buttonwood Park, ON WEDNESDAY, NOVEMBER 26, 2014, FROM: 6:00 P.M. THROUGH 9:00 P.M., for the purpose of the New Bedford High School Thanksgiving Rally and Bonfire; also requesting, that the Traffic Commission post "No Parking" Signs because fire engines and floats will be parked on this section of Fuller Memorial Parkway. (Please Note: Parade Route from New Bedford High School to Buttonwood Park via Hathaway Boulevard, to Rockdale Avenue, to Buttonwood Park.)
6. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Downtown New Bedford Inc., that the following street(s) be CLOSED: PLEASANT STREET, from Union Street to Elm Street; MARKET STREET, from North Sixth Street to Pleasant Street; WILLIAM STREET, from North Sixth Street to Water Street and WATER STREET, from Union Street to Elm Street, ON SATURDAY, DECEMBER 06, 2014, FROM 4:00 P.M. TO 6:00 P.M., for the purpose of The Downtown Christmas Tree Lighting.
7. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of The Santa Sightings Fun Run/Geoffrey Smith, that the following street(s) be CLOSED: PLEASANT STREET AT CITY HALL, North to Octopus/Route 6 intersection proceeding along Purchase Street toward Clasky Common Park/left on Pope Street to County Street/left on County Street, left on Pearl Street/right at Pleasant Street to Maxfield Street/right at Purchase Street heading towards the Octopus/right onto Kempton Street to the intersection of County Street, left on County Street to School Street/left on South Water Street to North Water Street/left on Elm Street, right on Acushnet Avenue/left on Middle Street, left on Pleasant Street, returning to CITY HALL, ON SUNDAY, DECEMBER 14, 2014, FROM 6:00 A.M. TO 3:00 P.M., for the purpose of The Santa Sightings 5K Road Race.
8. WRITTEN MOTION, Council President Lopes, requesting, on behalf of the Cove Street Neighborhood Association, that the following street(s) be CLOSED: RUTH STREET, from Salisbury Street to Ashley Street, ON FRIDAY, DECEMBER 05, 2014, FROM 5:00 P.M. TO 9:30 P.M., for the purpose of their Annual Christmas Tree Lighting.
9. WRITTEN MOTION, Council President Lopes, Councillors Winterson, Morad, Carney, Martins, Gomes, Alves, Oliveira, Coelho and Rebeiro, requesting, that the City Council go on record and voice their support of the Greater New Bedford Regional Vocational Technical High School's objections to the policy changes made by the Massachusetts Board of State Examiners of Plumbers and Gas Fitters, relative to the On-the-Job Training Programs for students which would require a Licensed Plumbing Instructor to travel to Boston to meet with the Board before a Permit can be issued and would also require a change in the teacher to student ratio which has been in place at the school since 2008, with excellent results. (To be Referred to our State Legislative Delegation.)
10. WRITTEN MOTION, Councillors Winterson and Gomes, requesting that Patrick Sullivan, Director, Department of Planning, Housing and Community Development, look into securing monies from the Community Block Grant program for vests and stop signs for our School Crossing Guards; and further, requesting that CFO Ari Sky look into securing funds on a long-term basis for our School Crossing Guard Program.

10a. AN ARTICLE, Standard-Times article dated November 01, 2014, entitled "New Bedford Parents fill in as crossing guards to keep children safe."

11. WRITTEN MOTION, Councillors Coelho, Martins, Alves, Gomes and Carney, requesting that Police Chief Provencher, a Representative of the Mayor's Office and a Representative of the Women's Center, be invited to a Committee on Public Safety and Neighborhoods meeting, to discuss the increase of prostitution in the City, especially on Acushnet Avenue, between Coggeshall and Sawyer Streets, including the side streets, and on North Front Street and Ashley Boulevard, which is affecting the quality of life in these neighborhoods; said discussion should include ways to stop this violent attack on the self worth of women are struggling to survive in this City.

12. WRITTEN MOTION, Councillor Alves, requesting, on behalf of Seth Jorge, 1332-1336 Pleasant Street, that the Traffic Commission consider the installation of a FOUR-WAY STOP SIGN at the intersection of Pleasant Street and Austin Street; and further, as a major safety issue for his children, neighborhood children and all the pedestrians in the area, that the Traffic Commission review the number of accidents at that intersection, including the accident in which a vehicle drove into his house and the numerous car accidents, including one that involved two Police vehicles.

13. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Public Safety and Neighborhoods meet with Police Chief Provencher and a representative from the Administration, for the purpose of discussing the purchase of a new device that is available to public safety responders which interprets different languages, making it easier to respond to and address the cultural diversity which makes up the City of New Bedford; and further, once we look into this device, that we consider the possibility of purchasing it for the Fire Department and Emergency Medical Services and depending on the price per unit, that we consider purchasing them for departments throughout the City, to be able to communicate better with all cultures throughout the City.

14. WRITTEN MOTION, Councillors Gomes and Oliveira, requesting, that the Police Department/Traffic Division conduct a sting operation at pedestrian crosswalks across the City due to the fact that, at many intersections, pedestrians are not being recognized by motorists when they are walking in crosswalks; and further, that the Police Department/Traffic Division conduct a speed check along Acushnet Avenue, from Tarkiln Hill Road to the Ashley Boulevard split by Pa Raffa's Restaurant, due to the numerous complaints by residents about the speeding along this stretch of road; and further requesting, that the Police Department/Traffic Division install blinking Speed Limit signage reminding motorists that the speed limit is 30 MPH in this area.

15. WRITTEN MOTION, Councillor Alves, requesting, that representatives of "South Coast Fair Housing, Inc." appear before the Committee on Appointments and Briefings to outline and explain the details of the recently awarded "Fair Housing Initiatives Program - Education and Outreach" Grant they received from the U. S. Department of Housing and Urban Development, this is the first time Bristol County has been the beneficiary of this grant program, and describing what benefit can it be to our constituents and the residents of our community, expanding fair housing knowledge and encouraging practices that affirmatively further fair housing throughout the Region. (To be Referred to the Committee on Appointments and Briefings.)

16. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **PAUL RODRIGUES, 10 Shirley Street, #C3, New Bedford, MA, 02746 d/b/a ROGER LIVERY, 10 Shirley Street #C3, New Bedford, MA, 02746**, hereby submits 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.

17. COMMUNICATION, City Clerk/Clerk of the City Council Dennis W. Farias, submitting letter from Timothy J. King, Town Administrator, Westport, MA, relative to letter from New Bedford City Council requesting support in banning the sale of synthetic drugs in this region. (Copy all Councillors 11/06/14.)

18. COMMUNICATION, City Clerk/Clerk of the City Council Dennis W. Farias, submitting letter from Robert Espindola, Chairman, Office of the Selectmen, Fairhaven, MA, relative to letter from New Bedford City Council requesting support in banning the sale of the synthetic drug sometimes referred to as "Cloud 9". (Copy all Councillors 11/06/14.)

19. COMMUNICATION, City Clerk/Clerk of the City Council Dennis W. Farias, submitting letter from Jean C. Fox, Project Manager, SouthCoast Rail, MassDOT and Victor Negrete, Regional Planning Manager, Executive Office of Housing and Community Development, relative to the awarding of \$20,000 to the City of New Bedford to update its Housing Needs Assessment and Housing Market Analysis using recent Census data. (Copy all Councillors 10/24/14.)

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.

08/21/2014 CITATION, Councillor Alves, honoring **LARRY ABREU JACQUES**, President – 100th Feast of the Blessed Sacrament, in recognition of his commitment and dedication to preserving the cultural traditions of our Madeiran Ancestors and in acknowledgment of his hard work and a successful 100th Feast.

09/11/2014 WRITTEN MOTION, Councillor Martins, requesting, that the Attorney General and our City Solicitor, look into "Just Energy", who have a bad reputation in Massachusetts for harassing people about their services, representatives from "Just Energy" are ringing door bells and telling people they are from the electric company, "Just Energy" has a troubled past in Massachusetts and in several other States, where they faced allegations of deceptive practices, convincing people to switch over once pressured and once people sign up, they are committed for five years and rates can change every month; and further, requesting, that "Just Energy" be seriously investigated and until they are, they should be banned from New Bedford to better protect our constituents.