

New Bedford City Council Agenda – September 11, 2014

CITY COUNCIL CALENDAR

THURSDAY, SEPTEMBER 11, 2014

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

PRAYER LED BY: THE VERY REVEREND CONSTANTINE BEBIS

MOMENT OF SILENCE: IN REMEMBRANCE OF THE THIRTEENTH
ANNIVERSARY OF
THE VICTIMS OF THE 9/11 ATTACKS

PLEDGE OF ALLEGIANCE

PLEASE NOTE: DUE TO THE JEWISH HOLY DAY, ROSH HASHANAH, THE
NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING WILL BE ON
TUESDAY, SEPTEMBER 23RD, THE AGENDA WILL CLOSE ON THURSDAY,
SEPTEMBER 18TH AND BE RELEASED ON FRIDAY, SEPTEMBER 19TH.

CITATIONS

1. CITATIONS, Councillor Gomes, honoring BRANDON D. CABRAL, SABRINA M. HINCHEY, JARED D. LIZOTTE, CRAIG R. RIBEIRO and DANIEL J. DUCLOS, in recognition of their Appointments as New Bedford Police Officers.

2. CITATIONS, Councillor Gomes, honoring DAVID PROVENCHER, CHIEF OF POLICE, and SGT. JASON GOMES, Charles W. Morgan Homecoming Committee, in recognition of their contributions to our City and their dedication of the Historic Whaleship, Charles W. Morgan to her homeport of New Bedford, Massachusetts, 2014 with thanks and gratitude.

3. CITATION, Councillor Martins, honoring ELIZABETH LEIWANT, in recognition of her commitment and dedication as a Literary Specialist at the Alma Del Mar Charter School.

4. CITATION, Councillors Martins and Morad, THE BACKPACK MISSION, in recognition of your dedication and commitment to providing assistance to students in need and the homeless in the New Bedford Area.

RESOLUTIONS

5. RESOLUTION, Councillors Martins, Winterson, Oliveira, Council President Lopes and Councillor Gomes, honoring PETER BRITTO, Founder of New Bedford Youth United for his forty years of dedication to the youth of New Bedford.

6. RESOLUTION, Council President Lopes, Councillors Bousquet, Martins and Morad, honoring SID WAINER AND SON SPECIALTY PRODUCE AND SPECIALTY FOODS, on the occasion of their 100th Anniversary in business.

7. RESOLUTION, Councillors Coelho and Martins, honoring MARKET BASKET.

HEARINGS

8. HEARING, on NSTAR ELECTRIC COMPANY, for location of eight (8) 5" Conduits, six (6) 4" Conduits and two (2) 6'x10'x6' Manholes in BLACKMER STREET, East and West of South Front Street.

8a. AN ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a VETO on the BUILDING DEMOLITION REVIEW, 4026 Acushnet Avenue, Map 136, Parcel 252, given the historic and architectural significance of the structure, it is important that the City be provided with a full explanation regarding the rationale for demolition.

M1a. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW, 4026 ACUSHNET AVENUE, Map 136, Parcel 252, advising that “the structure was built circa 1800 and retains some of its original exterior architectural features including setting and massing; the structure is associated with members of the Tobey family who were early settlers of Old Dartmouth; the subject structure is reminiscent of a “Big House, Little House, Back House, Barn” farm complex found in many colonial American communities; the structure is found to be historically significant because of its historical representative of New Bedford’s early rural character and therefore, “the NBHC has determined that 4026 Acushnet Avenue is a historically significant structure and preferably preserved.” (Demolition Granted – August 21, 2014; Vetoed by Mayor Mitchell- September 02, 2014.)

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE to amending Chapter 25, VETERANS, the amendment is designed to update the language which describes the Veterans Advisory Board membership requirements.

M2a. AN ORDINANCE,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER accepting a 2005 Ford Explorer donated to the City by Sid Wainer & Son for educational outreach use by the Buttonwood Park Zoo.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$5,782.00 from FIRE, CAPITAL OUTLAY, to FIRE, OTHER FINANCING USES.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$2,000.00 from VETERANS’

SERVICES, CHARGES & SERVICES, to VETERANS' SERVICES, SUPPLIES & MATERIALS.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER that the City establish a minimum annual pension of \$7,500.00 effective July 01, 2014, in accordance with M.G.L. Chapter 32, Section 90D $\frac{1}{2}$, on August 21, 2014, the City Council voted to accept statute but it did not specify the amount by which any particular member's retirement allowance would be increased; and further, that on August 27, 2014, the New Bedford Retirement Board adopted a minimum annual pension of \$7,500.00 effective July 01, 2014.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, recommending that Clerk of the Works, Paulo Condez in the Department of Public Infrastructure be placed at Step 6, Grade M-5 on the Unit C Salary Schedule of \$49,668.00, placing Mr. Condez at Step 6 avoids a reduction in pay as a result of his promotion.

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting a renewal of a ONE YEAR WAIVER OF RESIDENCY for Legal Secretary with the Office of the City Solicitor, ANA M. POEIRA, North Dartmouth, MA; Ms. Poeira's current waiver expired in August 2014.

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for SHAY ASSAD, 39 Grove Street, New Bedford, MA, Account Number 004821A, in the amount of \$1,315.55.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for ALFRED SILVA, 103 Holly Street, New Bedford, MA, Account Number 027216A, in the amount of \$1,473.65.

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting the confirmation of BRANDON D. CABRAL, SABRINA M. HINCHEY, JARED D. LIZOTTE, CRAIG R. RIBEIRO and DANIEL J. DUCLOS as a New Bedford Police Officer.

NEW BUSINESS

9. WRITTEN MOTION, Councillor Bousquet, requesting, on behalf of the residents of upper Sawyer Street, that the Traffic Commission consider the installation of a STOP SIGN at the intersection of Sawyer Street and Summer Street, heading east and west. (To be Referred to the Traffic Commission and Police Chief Provencher.)

10. WRITTEN MOTION, Councillor Gomes, requesting, on behalf of the New Bedford High School Marching Band, that the following street(s) be CLOSED: PARKER STREET, from Hathaway Boulevard to Liberty Street, ON SUNDAY, OCTOBER 12, 2014, FROM 11:00 A.M. TO 4:00 P.M., for the purpose of the ANNUAL BAND COMPETITION.

11. WRITTEN MOTION, Council President Lopes, requesting, on behalf of The Zeiterion Theatre, that the following street(s) be CLOSED: PURCHASE STREET, from School Street to Spring Street, (In Front of the Zeiterion Theatre) ON SATURDAY, SEPTEMBER 27, 2014, FROM 3:00 P.M. TO 12:00 P.M. MIDNIGHT, for the purpose of Opening Night with Wanda Sykes at the "Z".

12. WRITTEN MOTION, Councillors Coelho, Winterson, Council President Lopes and Councillor Morad, requesting, a clarification from the New Bedford School Department regarding the scheduling of school bus service for the City of New Bedford, what has transpired this school semester which has resulted in hundreds of children from all areas of the City left without any means of transportation to and from school; and further, why parents were not given any advance notification of these changes which have left many with no alternative but to hire a taxi, which they cannot afford, to bring their children to school, this places additional stress

on students even before classes begin; and further, parents would like this matter resolved without delay, considering that Daylight Savings Time will soon come to an end, there is also a safety factor and weather factor to consider.

13. WRITTEN MOTION, Councillors Alves, Bousquet, Gomes, Council President Lopes, Councillors Martins, Morad and Winterson, requesting that Superintendent Durkin and School Committee Vice Chairperson Jack Livramento appear before the Committee on Finance to discuss what staffing issues in the Central Office contributed to having classrooms across our City Schools without a full time permanent educator hired for the start of the school year; and further, to discuss the School Administration's priorities in filling open positions within the School Department that are directly related to the education of the children of the City of New Bedford vs. the image of the "new" New Bedford School Department.

14. 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.

15. WRITTEN MOTION, Councillors Bousquet, Martins, Alves, Winterson and Morad, requesting, on behalf of the people of Ward Three, that the MASS/DOT light and/or video the property around the overpasses and the State Highway Rt. 18, behind the Car Barn and in the vicinity of Giammalvo's Market, on Logan and Weld Streets, these areas are becoming notorious for

nefarious acts of all kinds. (To be Referred to MASS/DOT and to our State Legislative Delegation.)

16. WRITTEN MOTION, Council President Lopes and Councillor Oliveira, requesting that the New Bedford Economic Development Council and the City of New Bedford apply for Transformative Development Initiative (TDI) Collaborative Workspace Grant being offered by The Mass Development Office; said grant if awarded to the City and New Bedford Economic Development Council could allow for the build out or renovation of collaborative workspace to spur entrepreneurship across New Bedford. (To be Referred to Derek Santos, Executive Director of the New Bedford Economic Development Council.)

17. WRITTEN MOTION, Councillor Gomes, requesting, that the New Bedford Police Union, Police Chief Provencher and Mayor Mitchell adopt the following wording "Loyalty, Integrity, Courage" uniformly placed on every Police vehicle, which will be a Mission Statement to the people and the City they serve, this will be the first time ever in the City of New Bedford that a statement in wording has ever been placed on Police cruisers. (To be Referred to the New Bedford Police Union, Police Chief Provencher and Mayor Mitchell.)

18. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with officials from the Massachusetts Department of Transportation for the purposes of discussing the conditions and the roadway maintenance of exits, entering and exiting the City of New Bedford off of Rt. 195, east and west and Route 18, north and south; and further, to discuss how the State and the City can work together to maintain and keep up the appearance of these exits the best we can, this is the first vision people get entering the City of New Bedford and can be a lasting impression; and further, once more requesting, that the Downtown exit off both 195 east and west be repaired, the condition and maintenance of these exits are very poor and need attention by MassDOT, this is not the first request; and

further, requesting the assistance of our State Legislative Delegation and Senator Montigny in getting this work done. (To be Referred to the Committee on Appointments and Briefings, MassDOT and our State Legislative Delegation.)

19. WRITTEN MOTION, Councillor Winterson, Council President Lopes and Councillor Alves, requesting, that the School Department inform the City Council as to what is the "student to teacher ratio" throughout the New Bedford school system on all levels Citywide, but specifically, the Betsey B. Winslow School, the Ellen R. Hathaway School and the Elizabeth Carter Brooks School, to include the number of out of district students, and also what is the student population in all public schools across New Bedford; and further, that the School Administration provide the Council with what they anticipate what is the School Department's five-year projection plan; and further, requesting "a response in writing" no later than thirty (30) days. (To be Referred to Dr. Pia Durkin, Superintendent of Schools, the School Committee and the Committee on Appointments and Briefings.)

20. WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Public Safety and Neighborhoods DISCHARGE the Committee from further consideration on the matter of the installation of panic buttons throughout New Bedford's public school system for the purpose of making our schools safe in the City of New Bedford, and further that the City Council vote a favorable recommendation that this matter be immediately sent to the Superintendent of Schools, Dr. Pia Durkin and the School Committee for implementation.

20a. WRITTEN MOTION, Councillors Gomes and Gonsalves, requesting, that the School Department immediately look into the possibility of alarming all schools in their main office with panic buttons that would alert our Police Department in case of an emergency; and further, that we look into the possibility of alarming every classroom and at what cost would it be to do this throughout the City; and further, requesting

that no new schools in the City of New Bedford be built without putting this safety mechanism in place in all classrooms and offices for the purposes of making our schools safe in the City of New Bedford for our students and faculty, making our School System one of the first in the Commonwealth to implement such a security system in order to guarantee to the parents and the taxpayers of this City that their kids are attending school in a safe atmosphere with a resource to get immediate emergency response in case of any type of attack or emergency within each school building; and further, if implemented that the City look into if the panic button system can work in conjunction with the camera systems installed at some of our schools. (Referred to the Committee on Public Safety and Neighborhoods, School Department and the Administration – February 14, 2013; RETURNED UNSIGNED by Mayor Mitchell – March 04, 2013.)

21. WRITTEN MOTION, Councillors Oliveira, Alves, Morad and Gomes, requesting that the NS of Shawmut Avenue, Assessor's Map Plot 124, Lots 150, 48, 34, 162, 161 and 160 be rezoned from Mixed-Use Business to RESIDENTIAL B. (To be Referred to the Committee on Ordinances and the Planning Board.)

22. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of DOUGLAS FURTADO, 39 Perry Street, Dartmouth, MA 02748 d/b/a IDEAL LIM0, 439 Bolton Street, New Bedford, MA 02740, hereby submit a copy of 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 expires September 12, 2014.)

23. 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 PROJECT, 250 Elm Street, New Bedford, MA 02740, hereby submit

a copy of 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 expires September 12, 2014.)

24. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of MARIA RAPOSO, d/b/a T&R TRANSPORTATION, 47 Elaine Avenue, 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 expires September 12, 2014.)

25. COMMUNICATION, City Clerk/Clerk of the City Council Dennis W. Farias, to City Council, regarding the NovusAgenda Software Presentation. (Copy all Councillors via email 09/08/2014; To be Referred to the Committee on Appointments and Briefings.)

26. COMMUNICATION, Kim Dobosz, MBTA South Coast Rail Project Manager, to City Council regarding work along the South Coast Rail's Right-of-Way, the MBTA and its consultants will enter upon segments of the railroad's ROW through New Bedford to gather survey and geotechnical information, the purpose of these activities is to advance data collection to further the developing design for the South Coast Rail Project. (Copy all Councillors 08/25/2014.)

27. COMMUNICATION, Paul F. Ford, Acting Regional Administrator, Federal Emergency Management Agency, Region 1, to City Council, regarding the East Beach restroom facilities in the City, stating "that as a member of the National Flood Insurance Program (NFIP) the community must adopt a floodplain

ordinance that meets minimum standards” and “communities that fail to administer their Floodplain Ordinance can put themselves in jeopardy of losing membership in the NFIP and the ability of their property owners and renters to secure flood insurance policies from the NFIP.” (Copy all Councillors 09/09/2014; To be Received and Placed on File.)

TABLED BUSINESS

1/23/2014 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.