

# New Bedford City Council Agenda – 23 Sept, 2014

CITY COUNCIL CALENDAR

TUESDAY, SEPTEMBER 23, 2014

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

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PRAYER LED BY: REVEREND KEVIN HARRINGTON

ST. FRANCIS OF ASSISI PARISH

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PLEDGE OF ALLEGIANCE

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## **CITATION**

1. CITATION, Councillor Martins, honoring INCOGNITO BAR and GRILL, in recognition of their 10th year in business with hopes of continued success.

## **RESOLUTION**

2. RESOLUTION, Councillors Morad and Martins, honoring JILLIAN ZUCCO, Miss New Bedford 2014.

## **HEARINGS**

3. HEARING, on NSTAR ELECTRIC COMPANY for location of two (2) 4" Conduits and one (1) 45"x45"x36" Handhole in SOUTH SIXTH STREET, South of Wing Street.

3a. 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. (Veto Received and Ordered Spread on the Records – September 11, 2014.)

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; (Veto Received and Ordered Spread on the Records – September 11, 2014.)

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting a SEWER ABATEMENT REQUEST for ROCKDALE WEST, 164 Oakdale Street, New Bedford, MA 02740, Account Number 029035A in the amount of \$547.80.

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of DANIEL PATTEN, New Bedford, MA 02740, to the GREATER NEW BEDFORD REFUSE MANAGEMENT DISTRICT replacing Issac T. Graves, whose term has expired; this term will expire June 2017.

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of RICHARD CANASTRA, Dartmouth, MA 02747, to the HARBOR DEVELOPMENT COMMISSION; this term will expire December 2017.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of PATRICIA LAREAU, New Bedford, MA 02745, to the HARBOR DEVELOPMENT COMMISSION; this term will expire December 2017.

#### **NEW BUSINESS**

4. REPORT, Committee on Memorials and Dedications, recommending that the City Council Grant Permission allowing the Vermette Family, with the cooperation of the City to dedicate the parcel, the triangle located at Mill and Kempton Street, outside the Rite-Aid Pharmacy, in memory of the Late Paul Ryan Vermette.

5. REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL on behalf of Mariam Bokhari, 347 North Street, Apt 1E, New Bedford, MA 02740 & Ali Masood Bokhari, 44 Liberty Street, New Bedford, MA 02740, d/b/a MAGIC WHEELS TRANSPORTATION, 347 North Street, Apt 1E, New Bedford, MA 02740, hereby submit 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.

5a. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of Mariam Bokhari, 347 North Street, Apt 1E, New Bedford, MA 02740 & Ali Masood Bokhari, 44 Liberty Street, New Bedford, MA 02740, d/b/a MAGIC WHEELS TRANSPORTATION, 347 North Street, Apt 1E, New Bedford, MA 02740, hereby submit 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. (Referred to the Committee on Appointments and Briefings – August 21, 2014.)

6. REPORT, Committee on Ordinances, recommending to the City Council NOT to Grant the rezoning of Plot 124, Lot 162 (NS Shawmut Avenue) from Mixed-Use Business to Residential B.

7. REPORT, Committee on Ordinances, recommending to the City Council APPROVAL of the Zoning Change, AS AMENDED, of the Vacant Lot Property, Plot 16, Lots 140 and 141 and Plot 14, Lot 223 (Cleveland Street) being approximately 16,000 square feet from "Residential C" to "MIXED USE BUSINESS."

7a. AN ORDINANCE, (To be Passed, to a Second Reading.)

7b. COMMUNICATION, Council President Lopes, submitting letter from Matthew J. Thomas, Esq., representing Wayne & Delia Martin, regarding rezoning request on Cleveland Street including Map 14, Lot 223 and Map 16, Lots 140 and 141. (To be Received and Placed on File.)

8. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, AS AMENDED, that in accordance with Massachusetts General Law Chapter 44, Section 53E  $\frac{1}{2}$ , the revolving fund under the control of Tourism and Marketing Department known as the TOURISM REVOLVING FUND whose purpose is to collect sponsorship funds associated with City events, co-op advertising expenses and fees relating to film permitting, whose revenues and amount limited to be spent in FY15, is restricted to revenue deposited into the fund, is hereby authorized for FISCAL YEAR 2015; and further, the revenue deposited into said fund will not exceed \$10,000.00.

8a. AN ORDER, as amended.

9. REPORT, Committee on Finance, recommending to the City Council ADOPTION as amended, AN ORDER, amending the Order adopted by the City Council on June 26, 2014, and signed by the Mayor on July 01, 2014, which in accordance with Massachusetts General Law Chapter 44, Section 53E  $\frac{1}{2}$ , authorized the Revolving Fund under the control of the Planning and Community Development Department, known as the

ZONING BOARD OF APPEALS REVOLVING FUND whose purpose is to provide supplies, postage, equipment and advertising costs, contract for technical and administrative support for the ZBA, zoning studies, and stipends for ZBA members, whose revenues and amount limited to be spent estimated at \$41,015.00 is hereby authorized for FISCAL YEAR 2015.

9a. AN ORDER, as amended.

10. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the LOAN ORDER that \$12,500,000.00 is appropriated for the purpose of constructing, equipping and furnishing Taylor School at the existing SeaLab Facility site, and for which the City is eligible for a 90% grant from the Massachusetts School Building Authority (MSBA.)

10a. LOAN ORDER, (To be Passed, to a Second Reading.)

11. REPORT, Committee on Finance, reporting this matter out of Committee without a recommendation but to the City Council for action as follows: requesting that School Committee Vice Chairperson Livramento, appear before the Committee on Finance to discuss the City Council's concern over the non-operational alarm system at Keith Middle School, considering that taxpayer monies were expended in the construction of the brand new school building and that taxpayer monies will certainly be required to cover the expense of repairing the alarm system and for the costs associated with the destruction that was caused at Keith Middle School by the vandals in the recent break-in.

12. WRITTEN MOTION, Councillor Winterson, requesting, on behalf of The Greater New Bedford Track Club, that the following street(s) be CLOSED: LAKE STREET and LT. WALTER E. FULLER MEMORIAL PARKWAY, from 6:00 A.M. THROUGH 12:30 P.M., on SUNDAY, OCTOBER 26, 2014, for the purpose of THE 36th ANNUAL SPOONER 10K RUN AND SPOOKY 5K RUN/WALK. NOTE: ALSO REQUESTING THAT THE DPI PROVIDE STREET CLOSURE BARRELS.

13. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of the Marion Institute, that the following street(s) be CLOSED: PURCHASE STREET, from School Street to Union Street; SPRING STREET, from Pleasant Street to Acushnet Avenue and SCHOOL STREET, from Pleasant Street to Acushnet Avenue, ON FRIDAY, OCTOBER 24, 2014, AT 8:00 A.M. THROUGH SUNDAY, OCTOBER 26, 2014, AT 5:00 P.M., for the purpose of Bioneers by the Bay Network Event Conference: Connecting for Change.

14. WRITTEN MOTION, Councillors Coelho and Martins, requesting, on behalf of concerned Citizens, that the City Council be informed of the current status of the Phillips Avenue School and what are the future plans for this abandoned property.

15. WRITTEN MOTION, Councillor Morad, requesting, that Health Department Director, Dr. Brenda Weis and Office of Planning and Community Development, Director Patrick Sullivan appear before the Committee on Veterans' Affairs, Elderly, Youth, Health, Housing and Disability Issues to discuss available options, to include grant funding, that can be made available to Senior residents in the City of New Bedford whom have proudly owned their homes for many years and are looking to maintain the exterior of their properties, but are unable to fund the cost of this maintenance from their annual social security or pension income. (To be Referred to the Committee on Veterans Affairs, Elderly, Youth, Health, Housing and Disability Issues.)

16. WRITTEN MOTION, Councillor Coelho, Council President Lopes, Councillors Winterson and Martins, requesting, that Department of Public Infrastructure Commissioner Ronald Labelle be invited to appear before the Committee on Appointments and Briefings to update the Council on how far along in the process they are in the LED lighting project the City is undertaking; and further, we would like a list of all streets to receive new increased lighting, is the Police Department involved, due to public safety, in deciding what

streets are being updated, also, what is the criteria the DPI is using to install this new increased lighting. (To be Referred to the Committee on Appointments and Briefings and Department of Public Infrastructure Commissioner Ronald Labelle.)

17. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of CLAUDIA TABARES, d/b/a DANIEL'S TRANSPORTATION, 772 County 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 expired June 28, 2013.)

18. COMMUNICATION, Councillor Gomes, submitting copy of a Standard-Times Editorial, titled Our View: City Council should leave school business to School Department, dated 09/17/14.

19. COMMUNICATION, Councillor Gomes, submitting copy of a letter sent to Council President Lopes from the School Committee, dated 09/16/14, responding to inquiries made by the Council relative to New Bedford Public Schools.

20. COMMUNICATION, Councillor Morad, submitting a response from the Airport Commission of all the sub-committees of said Commission that was requested at the City Council Meeting of August 21, 2014. (Received and Placed on File.)

### **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.