Council Meeting – Agenda

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building

Thursday, May 28, 2015 – 7:00 p.m.

MOMENT OF SILENCE

THE HONORABLE JOHN A. TIERNEY

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CITATIONS

1. CITATION, Councillor Martins, honoring KENNEDY M. C. ZUSSY, in recognition of her sharing her love of reading and collecting books to donate to children in need.

2. CITATION, Councillors Lopes, Alves and Oliveira, honoring MEMBERS OF THE UNITED STATES ARMED FORCES, in recognition of honoring the current and former members of the Armed Forces, including those who have died in the pursuit of freedom and peace.

3. CITATIONS, Councillor Lopes, honoring Detective Alberto Silva, Detective Macaila Saunders, Sgt. James Estrella, Officer Henry Turgeon II, Officer Michael Cassidy, Officer Daniel Sweeney, Officer John Ribeiro III, Animal Control Director Emanuel Maciel and Massachusetts State Trooper Christopher Andrade, in recognition of their dedication and commitment in raising awareness of the sacrificies made by law enforcement personnel who have died in the line of duty and their support of the National Law Enforcement Officers Memorial.

4. CITATIONS, Councillor Martins, honoring the Members of the All-City Middle School Band, Colorguard and Instructors, in recognition of their winning a Gold Medal in the Festival Class Division at the NESBA Winterguard Championship on April 04, 2015 in Salem, Massachusetts.

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of $618,000.00.00 from FACILITIES AND FLEET MANAGEMENT SALARIES AND WAGES in the amount of $170,000.00, HEALTH SALARIES AND WAGES, in the amount of $75,000.00, RECREATION AND PARKS SALARIES AND WAGES, in the amount of $31,000.00, TOURISM/MARKETING SALARIES AND WAGES, in the amount of $6,000.00, POLICE SALARIES AND WAGES, in the amount of $186,000.00, INSPECTIONAL SERVICES SALARIES AND WAGES, in the amount of $29,000.00, FACILITIES AND FLEET, CHARGES AND SERVICES, in the amount of $115,000.00 and POLICE SUPPLIES AND MATERIALS, in the amount of $6,000.00, to GENERAL GOVERNMENT UNCLASSIFIED CHARGES AND SERVICES.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of $517,000.00.00 from PUBLIC INFRASTRUCTURE SALARIES AND WAGES in the amount of $78,000.00, LIBRARY SALARIES AND WAGES in the amount of $129,000.00, INSPECTIONAL SERVICES SALARIES AND WAGES, in the amount of $80,000.00, PUBLIC

INFRASTRUCTURE CHARGES AND SERVICES in the amount of $74,000.00, HEALTH DEPARTMENT CHARGES AND SERVICES, in the amount of $13,000.00, TREASURER CHARGES AND SERVICES, in the amount of $95,000.00, DFFM SUPPLIES AND MATERIALS, in the amount of $25,000.00, PUBLIC INFRASTRUCTURE SUPPLIES AND MATERIALS, in the amount of $5,000.00 and PUBLIC INFRASTRUCTURE CAPITAL OUTLAY, in the amount of $18,000.00, to FIRE SALARIES AND WAGES.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of $89,900.00 from LIBRARY CAPITAL OUTLAY, to LIBRARY OTHER CHARGES.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of $74,000.00 from POLICE SALARIES AND WAGES, to POLICE CHARGES AND SERVICES.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of $13,500.00 from LABOR RELATIONS SALARIES AND WAGES, to GENERAL GOVERNMENT UNCLASSIFIED CHARGES AND SERVICES.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of $1,000.00 from PLANNING AND COMMUNITY DEVELOPMENT CHARGES AND SERVICES, to PLANNING AND COMMUNITY DEVELOPMENT SUPPLIES AND MATERIALS.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, for the TRANSFER of $800.00 from LABOR RELATIONS SALARIES AND WAGES, to LABOR RELATIONS CHARGES AND SERVICES.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ELAINE SAFIOLEAS, New Bedford, MA, to the PARK BOARD; this term will expire May of 2019.

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of PETER BOSWELL, New Bedford, MA, to the PARK BOARD; this term will expire May of 2020.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CHARLES (Chuck) COTTER, New Bedford, MA, to the PARK BOARD; this term will expire May of 2020.

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ATTORNEY J. LOUIS LEBLANC, New Bedford, MA, to the ELECTION COMMISSION; this term will expire April of 2019.

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of EGIDIO MELLO, New Bedford, MA, to the CEMETERY BOARD; this term will expire April of 2018.

M13. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CAROL GRIMES, New Bedford, MA, to the CEMETERY BOARD; this term will expire April of 2018.

M14. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of CARLOS DACUNHA, New Bedford, MA, to the AIRPORT COMMISSION; this term will expire December of 2017.

M15. COMMUNICATION Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of BROOKE MILLER, New Bedford, MA, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire May of 2018.

M16. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of JOHN TYSON, New Bedford, MA, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire May of 2018.

M17. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of DENNIS DEMARINIS, JR., New Bedford, MA, to the COMMISSION FOR CITIZENS WITH DISABILITIES; this term will expire May of 2018.

M18. COMMUNICATION, Mayor Mitchell, to City Council, submitting ORDINANCES, Amending Chapter 16, Article VIII, MUNICIPAL UTILITIES AND SERVICES; Amending Chapter 17, Section 17-28, Noncriminal Disposition of Violations of Certain Ordinances, Rules & Regulations – (j) Relative to STORMWATER MANAGEMENT; and Amending Chapter 17, Section 17-28, Chapter 40U of the Massachusetts General Laws.

M18a. AN ORDINANCE, Amending Chapter 16, Article VIII, STORMWATER MANAGEMENT.

M18b. AN ORDINANCE, Amending Chapter 17, Section 17-28, Noncriminal Disposition of Violations of Certain Ordinances, Rules & Regulations – (j) Relative to STORMWATER MANAGEMENT.

M18c. AN ORDINANCE, Amending Chapter 17, Section 17-18, Chapter 40U of the Massachusetts General Laws.

M19. COMMUNICATION, Mayor Mitchell, to City Council, submitting a request to rename a section of Massachusetts Route 18, from Elm Street to Cove Street, from “John F. Kennedy Highway” to “John F. Kennedy Boulevard,” the purpose being to improve pedestrian access from our Downtown and south end neighborhoods to the waterfront and to beautify the area.

NEW BUSINESS

5. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, for the transfer of $650,000 from FREE CASH to GENERAL GOVERNMENT UNCLASSIFIED, RESERVE FOR APPROPRIATION.

5a. AN ORDER,

6. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, for the transfer of $125,000 from WATER, CAPITAL OUTLAY to WATER, SALARIES & WAGES.

6a. AN ORDER,

7. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, for the transfer of $50,000 from WASTEWATER, CAPITAL OUTLAY to WASTEWATER, SALARIES & WAGES.

7a. AN ORDER,

8. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER, for the transfer of $15,000 from AIRPORT, FREE CASH to AIRPORT, SALARIES & WAGES.

8a. AN ORDER,

9. WRITTEN MOTION, Councillor Lopes, requesting, that the City of New Bedford and the Office of Labor Relations begin a discussion with the Human Rights Campaign (HRC), so that the City of New Bedford can begin the Municipal Equality Index (MEI) process of self-submission, by which any City can submit themselves to be rated by The Human Rights Campaign, the Municipal Equality Index examines the laws, policies, and services of Municipalities across the Country and rates them on the basis of their inclusivity of the lesbian, gay, bisexual and transgender community.

10. WRITTEN MOTION, Councillor Lopes, requesting, that the Committee on Ordinances review Chapter 12, Section 39.5 of the City Code, which regulates unattended clothing donation containers, and that both Department of Inspectional Services Commissioner Romanowicz and Board of the Health Director, Dr. Brenda Weis, be invited to attend a Committee on Ordinances meeting to discuss solutions that will improve the current Ordinance and will properly address the sanitation and quality of life issues that can arise from these collection bins being located in residential neighborhoods. (To be Referred to the Committee on Ordinances, Department of Inspectional Services Commissioner Romanowicz and Board of Health Director, Dr. Brenda Weis.)

11. WRITTEN MOTION, Council President Gomes, requesting, that the Department of Public Infrastructure sweep and clean the streets prior to the Cape Verdean Recognition Day Parade on SUNDAY, JULY 05, 2015, the Parade route is as follows: UNION STREET, from ROCKDALE AVENUE, right onto ACUSHNET AVENUE, right onto GRINNELL STREET, right onto PURCHASE STREET, ending at the reviewing stand located at the Cape Verdean-American Veterans Memorial Hall, 561 Purchase Street. (Copy of the Parade Permit enclosed.)

12. WRITTEN MOTION, Council President Gomes, requesting, on behalf of Mr. John Silva, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Russell Street South to Bedford Street, ON SUNDAY, JULY 05, 2015, FROM 11:00 A.M. TO 8:00 P.M.; and further, that this area be closed as soon as the Cape Verdean Recognition Parade Passes said area and remain closed until 8:00 P.M., for the purpose of the Cape Verdean Recognition Day Basketball Tournament.

13. WRITTEN MOTION, Council President Gomes, requesting, that the following street(s) be CLOSED: ACUSHNET AVENUE, from Madison Street to Grinnell Street, AND the INTERSECTION OF RUSSELL STREET AND PURCHASE STREET, ON SATURDAY, JULY 04, 2015, FROM 8:00 A.M. TO 8:00 P.M., for the purpose of the ATA (Albina Tavares Association) Independence Day Bike Ride.

14. WRITTEN MOTION, Council President Gomes, requesting, that the following street(s) be CLOSED: WILLIAM STREET, from Sixth Street to Pleasant Street, ON MONDAY, JUNE 29, 2015, FROM 4:30 P.M. TO 5:30 P.M., for the purpose of the RAISING OF THE CAPE VERDEAN FLAG.

15. WRITTEN MOTION, Council President Gomes, requesting, on behalf of the Cape Verdean Recognition Committee, that the following street(s) be CLOSED: MADISON STREET, from Pleasant Street to Acushnet Avenue and PURCHASE STREET, between Russell Street and Walnut Street (In Front of Cape Verdean-American Veterans Hall – 561 Purchase Street) ON: SUNDAY, JULY 05, 2015, FROM: 11:00 A.M. TO 8:00 P.M., for the purpose of the Cape Verdean Recognition Day Festival.

16. WRITTEN MOTION, Council President Gomes, on behalf of the Cape Verdean Recognition Day Committee, requesting that the following street(s) be CLOSED, due to the Recognition Day Parade:

UNION STREET, from Rockdale Avenue to ACUSHNET AVENUE, ACUSHNET AVENUE, from Union Street to Grinnell Street; PURCHASE STREET, from Grinnell Street to School Street, MADISON STREET, from Pleasant Street to Acushnet Avenue AND GRINNELL STREET, from Acushnet Avenue to Purchase Street, ON SUNDAY, JULY 05, 2015, FROM 11:00 A.M. TO 5:00 P.M., for the purpose of The 43rd Annual Cape Verdean Recognition Day Parade.

17. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Mass in Motion New Bedford, that the following street(s) be CLOSED: BARKER'S LANE, from Acushnet Avenue, to North Second Street, EVERY THURSDAY, FROM JUNE 18, 2015, TO OCTOBER 29, 2015, FROM 1:00 P.M. TO 7:00 P.M., for the purpose of vendor parking for the New Bedford Farmer's Market. PLEASE NOTE: REQUESTING THAT WHEN AHA! NEW BEDFORD IS HELD, THAT THIS AREA REMAIN CLOSED ONE ADDITIONAL HOUR UNTIL 8:00 P.M.

18. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Eric S. Britto, True Bounce, Inc., that the following street(s) be CLOSED: PLEASANT STREET, from Union Street to the Entrance of SRTA Bus Terminal; WILLIAM STREET, from North Sixth Street to Purchase Street, and MARKET STREET, from North Sixth Street to Pleasant Street, ON FRIDAY, JULY 24, 2015, FROM 4:00 P.M. THROUGH SUNDAY, JULY 26, 2015, 9:00 P.M., for the 3rd Annual True Bounce 3 on 3 Basketball Classic, A Two Day Basketball Tournament.

19. WRITTEN MOTION, Councillor Rebeiro, requesting, that the following street(s) be CLOSED: WILLIAM STREET, from Pleasant Street to Purchase Street ON THURSDAY, JUNE 11, 2015, FROM 4:00 P.M. TO 9:00 P.M., for the purpose of AHA! New Bedford.

20. WRITTEN MOTION, Councillor Rebeiro, requesting, on behalf of Our Lady's Chapel, that the following street(s) be CLOSED: PLEASANT STREET, from Market Street to Union Street AND MARKET STREET, from Pleasant Street to North Sixth Street, ON SUNDAY, JUNE 07, 2015, FROM 11:00 A.M. TO 3:00 P.M., for the purpose of A RELIGIOUS PROCESSION.

21. WRITTEN MOTION, Councillor Alves, requesting, that the City Council consider adopting the provisions of Chapter 329, of the Commonwealth's Acts of 1987, pertaining to increasing local control over the annual School Budget. (Copy enclosed.)

22. WRITTEN MOTION, Councillor Bousquet, requesting, that Department of Inspectional Services Commissioner, Danny Romanowicz send an inspector to Bob's Tire Company, 55 Brook Street, to investigate the obnoxious sound emanating from the tire recycling facility and to ask them on behalf of the neighborhood, to make it stop.

23. WRITTEN MOTION, Councillors Oliveira and Morad, requesting, that the Committee on Ordinances review the proposed language from DPI Commissioner Ronald Labelle, regarding Alternate Sewer Assessment – Special Project Method and that Legal Counsel to the City Council, Attorney David Gerwatowski draft an Ordinance from this language.

23a. COMMUNICATION, Councillors Oliveira and Morad, submitting wording for proposed Ordinance, Alternate Sewer Assessment – Special Project Method.

24. WRITTEN MOTION, Councillor Winterson and Council President Gomes, requesting, that the Police Department enforce the laws regarding texting while driving, as distracted driving is on the rise and becoming more dangerous.

25. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Tanya Depina, 47 Lauren Drive, New Bedford, MA 02745, d/b/a COMFORT TRANSPORTATION LLC, 47 Lauren Drive, New Bedford, MA 02745**, hereby submits a copy of the Application

requesting a **RENEWAL of a PRIVATE LIVERY LICENSE**, under the provisions of Massachusetts General Laws, 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 11/14/14.)**

26. COMMUNICATION, City Clerk/Clerk of the City Council Dennis W. Farias, submitting a letter from State Representative Christopher Markey, in response to a letter from the City Council Meeting of April 09, 2015, regarding Massachusetts State Legislative Bill H-1275, which calls for the banning of the sale or trade of ivory. (Copy all Councillors 05/22/15.)

27. COMMUNICATION, City Clerk/Clerk of the City Council Dennis W. Farias, submitting a letter from State Representative Christopher Markey, in response to a letter from the City Council Meeting of April 09, 2015, regarding the "Fight for $15" campaign for healthcare and homecare workers promoted by members of 1199 SEIU. (Copy all Councillors 05/22/15.)

28. COMMUNICATION, City Clerk/Clerk of the City Council Dennis W. Farias, submitting a letter from State Representative Christopher Markey, in response to a letter from the City Council Meeting of April 09, 2015, regarding the headlight law. (Copy all Councillors 05/22/15.)

29. COMMUNICATION, City Clerk/Clerk of the City Council Dennis W. Farias, submitting copy of a letter from Elizabeth Grob, Director of Urban Permitting Services, VHB, to Matthew Beaton, Secretary, Executive Office of Energy and Environmental Affairs, submitting the Environmental Notification Form (ENF) for the Cannon Street Station, a waterfront Casino and resort to be built on thirty acres of land at 180 MacArthur Drive, along the New Bedford Harbor. (Copy all Councillors 04/20/15.) (DVD of Cannon Street Station/ Environmental Notification Form on file in City Council Office.)

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.

05/14/2015 CITATION, Council President Gomes and Councillor Martins, honoring MICHAEL CASSIDY, New Bedford Police Department Dive Team, in recognition of his rescue of Baltazar Laborinho in New Bedford Harbor on Tuesday, April 28, 2015, and his dedication and commitment to serving the Citizens of New Bedford.