



CITY OF NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON ORDINANCES
DATE: MAY 11, 2026
TIME: 7:02 P.M.
PLACE: CITY COUNCIL CHAMBERS, ROOM 214

PRESENT: COUNCILLORS SHANE BURGO, CHAIR; IAN ABREU; DEREK BAPTISTE (7:09) NAOMI CARNEY; LEO CHOQUETTE; BRIAN GOMES; JOSEPH LOPES; SHAWN OLIVER (7:22); SCOTT PEMBERTON; RYAN PEREIRA; JAMES ROY

ABSENT: ALL PRESENT

Councillor Burgo called the Ordinances Committee meeting to order, took attendance and explained that the meeting was being recorded and live streamed.

PUBLIC HEARING on a COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, Amending Chapter 9, Section 4100A, RELATIVE TO MUNICIPAL FACILITY CONVERSION. (Matter ID #0284) (Referred – March 12, 2026.) (Duly advertised in The Standard Times on Monday, April 27, 2026 and Monday, May 04, 2026.)

AN ORDINANCE, Amending Chapter 9, Section 4100A – RELATIVE TO MUNICIPAL FACILITY CONVERSION. (Matter ID #0285) (Referred – March 12, 2026.) (Duly advertised in The Standard Times on Monday, April 27, 2026 and Monday, May 04, 2026.)

COMMUNICATION, Jennifer Carloni, Director, Planning Department, to Councillor Shane A. Burgo, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on Wednesday, April 8, 2026 regarding the request by the City Council for the Planning Board to review and make a recommendation relative to adding a new Section 4100A. MUNICIPAL FACILITY CONVERSION for conversion of existing vacant, municipal facilities that no longer serve a public purpose with proposed criteria in addition to the special permit requirements of Section 5300; the Planning Board voted to send a **FAVORABLE RECOMMENDATION** for this Ordinance amendment with the **recommendation that Section 4113A (ii) be amended to read “It was used for not less than 20 years for public purposes.”** (Received – April 17, 2026.)

On motion by Councillor Lopes and seconded by Councillor Abreu, the Public Hearing was opened.

The Chair recognized Anne Louro, Assistant City Planner who informed the Committee that the Planning Board had approved the recommendation to Amend the Ordinance to read "It was used for not less than twenty years for public purposes" This would simply allow for the expedited review of uses and allowances of property owned by the City, e.g. old schools, Police stations, Fire stations that are often not zoned correctly and should they be sold for use as housing for example.

Councillor Lopes stated this was a great idea and asked how much time would be saved in disposing of and developing these types of properties in the City? He was told quite a bit of time would be saved. Councillor Lopes asked if this would remove the issue of spot zoning in the City. Ms. Louro replied that it would.

Councillor Abreu asked why the twenty-year threshold was chosen. He was told it was determined this would be an appropriate amount of time and would aid in changing the definition of a municipal building to a public building, making it easier to classify a parcel for possible sale. Councillor Abreu asked how neighbors would be notified if a building was to be sold. He was told that it would go through the normal public hearing process.

The Chair asked if there was anyone present who would like to speak and/or be recorded in favor of the Ordinance. There were none.

The Chair asked if there was anyone present who would like to speak and/or be recorded in opposition to the Ordinance. There were none.

On motion by Councillor Abreu and seconded by Councillor Pemberton, the Committee VOTED: to close the Public Hearing.

On motion by Councillor Abreu and seconded by Councillor Lopes, the Committee VOTED: to recommend to the City Council APPROVAL of the Ordinance, Amending Chapter 9, Section 4100A – RELATIVE TO MUNICIPAL FACILITY CONVERSION.

WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Ordinances look into establishing an Ordinance that would ban fireworks being shot-off throughout the City after the hours of 10:00 pm with the exception even though illegal after the 10:00 pm curfew on July 4th; and further, that the Ordinance establish a \$300 fine for those caught illegally firing off fireworks between July 5th through July 3rd of the following year within City neighborhoods, beaches, waterfront and open spaces; furthermore that this law would be strictly enforced in the City giving some relief to the neighborhoods. (Matter ID #0795) (Referred – June 25, 2020.)

Councillor Gomes was recognized and explained that he would like to review the policy about fireworks in the City. He would like to further review the ability of both the Fire and Police departments to work together to address the issue and to also develop a fine structure.

On motion by Councillor Gomes and seconded by Councillor Lopes, the Committee VOTED: to table the matter at this time.

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER and AN ACT, providing for the Recall of Elected Officers in the City of New Bedford. (Matter ID #0303) (Referred – March 14, 2024.) (July 17, 2024 – tabled) (October 09, 2024 – remain on the table) (November 19, 2024 – remain in Committee) (May 28, 2025 – tabled)

AN ORDER, (Matter ID #0304) (Referred – March 14, 2024.) (July 17, 2024 – tabled) (October 09, 2024 remain on the table) (November 19, 2024 – remain in Committee) (May 28, 2025 – tabled)

AN ACT, (Matter ID #0305) (Referred – March 14, 2024.) (July 17, 2024 – tabled) (October 09, 2024 – remain on the table) (November 19, 2024 – VOTE: To AMEND the ACT, by striking the language “Six hundred (600)” in Section 3A and replacing it with “Eighteen hundred (1800)” and by striking the language “100” in Sections 3A and 3B and replacing it with “300”; VOTE: To AMEND the ACT, by striking the language “3 months” in Section 2 and replacing it with “4 months” and by striking the language “6 months” in Section 2 and replacing it with “8 months”; remain in Committee) (May 28, 2025 – tabled)

On Motion by Councillor Pereira and seconded by Councillor Roy, the Committee VOTED: to remove the item from the table.

On motion by Councillor Pereira and seconded by Councillor Choquette, the Committee VOTED: to recommend to the City Council APPROVAL of AN ORDER and AN ACT, providing for the Recall of Elected Officers in the City of New Bedford.

On the Question by Councillor Roy, he stated that he believed there was work to be done on this motion and the Committee should take the time to complete that work now.

Councillor Abreu through the Chair asked Councillor Roy to expand on what he would like to see done.

Councillor Roy asked the Chair if a motion to amend would be in order. He was told that it was.

Councillor Roy made a motion to amend the ACT by striking the language 1800 in Section 3 A and replacing it with 600, and by striking the language 300 in Sections 3 A and 3 B and replacing it with 100. There was no second and the motion FAILED.

Councillor Roy made a motion to amend the ACT by striking the language “15%”, in the first paragraph of Section 6 and replacing it with “10%” and striking the language “15%” in the final paragraph of Section 6 and replacing it with “10%”. There was not a second and the motion FAILED.

Councillor Roy made a motion to amend the ACT by striking the language “15%”, in the first paragraph of Section 3 D and replacing it with “10%” and striking the language “15%” in the final paragraph and replacing it with “10%”. There was not a second and the motion FAILED.

Councillor Roy made a motion to table the matter. There was not a second and the motion FAILED.

The original motion was once again before the Committee for a vote.

On motion by Councillor Pereira and seconded by Councillor Oliver, the Committee VOTED: to amend the ORDER by inserting after the title of AN ACT, a comma, and the words “herein attached”.

On the question by Councillor Pereira, he explained that City Solicitor Eric Jaikes recommended amending the ORDER because it would allow the Mayor to file the ACT with the State Legislature, but it does not specifically attach the language. This wording would allow for that.

On motion by Councillor Pereira and seconded by Councillor Oliver, the Committee VOTED: To Amend AN ORDER by inserting after the title of the ACT, the phrase “herein attached”. This motion passed on a roll call vote of Yeas 11, Nays 0.

On motion by Councillor Pereira and seconded by Councillor Choquette, the Committee VOTED: To recommend to the City Council ADOPTION of AN ORDER as AMENDED and AN ACT, as AMENDED, for the Recall of Elected Officers in the City of New Bedford. This motion passed on a voice vote.

WRITTEN MOTION, Councillors Burgo, Pereira, Abreu, Carney, Oliver, Lima, Baptiste, Gomes, Morad, *and Giesta*, requesting, that the Committee on Ordinances explore the enactment of an Ordinance or City policy to establish parental paid leave to provide compensation for a period of time for City employees in the event of an addition of a child to the employee’s immediate family to allow for the proper care of and bonding with the child. (Matter ID #1429) (Referred – August 17, 2023.) (November 20, 2023 – Judi Keating will secure monies and numbers on instituting a program; tabled) (March 25, 2024 – remain on the table) (April 22, 2025 – tabled) (September 29, 2025 – VOTE: That Legislative Counsel draft a Parental Leave Ordinance that would grant employees paid parental leave up to six weeks at full pay and an additional six weeks at 75% pay to be used in the first year of a child’s birth or adoption; Remain in Committee.)

On motion by Councillor Pereira and seconded by Councillor Oliver, the Committee VOTE: to remove the item from the table.

Councillor Pereira explained that the body had been discussing this motion for a very long time now. At the last meeting he had asked Attorney Gerwatowski to draft the appropriate Ordinance to move the proposal forward.

On motion by Councillor Oliver and seconded by Councillor Pereira, the Committee VOTED: to receive and place on file the proposed Ordinance language.

Councillor Pereira distributed copies of the proposed Ordinance to Committee members.

Attorney Gerwatowski was recognized and provided the body with an overview of the proposed Ordinance language. He explained that this language would be applicable only to those employees that are not covered under collective bargaining. He said you must be employed by the City for twelve consecutive months and regularly working twenty hours per week in order to be eligible. It would further apply to childbirth or the adoption of a child two years old or younger. The twelve weeks that would be available would only be available during the first twelve months of the occurrence happening, whether it be childbirth or adoption.

Councillor Oliver asked if you were hired and have been with the City for eleven months and if a child is born, would the employee be able apply for this benefit a month later, when they reached a total of twelve months of employment. Would that employee then be able to apply for this benefit. Atty. Gerwatowski answered no, the employee would have had to have been employed a total of twelve months prior to birth or adoption.

Councillor Lopes asked if the employee had three weeks' vacation time, could they add that time to the twelve weeks they would be given under this Ordinance. He was told unlike vacation time which would need approval, the twelve weeks would not need approval, so that technically they could take a total of fifteen weeks.

Councillor Abreu asked Director of Personnel Jose Gouveia for his input on the proposed Ordinance. Mr. Gouveia stated it needed to be structured in a way that would work for him. He used gender-neutral issues and how they would apply. Mr. Gouveia asked the Committee to take into consideration whether both parents were employed with the City, how that would affect their respective department's work schedule. He added that if there was a couple of the same gender, one would be able to apply for the twelve weeks, the second would be able to apply for the eight weeks.

The Chair reminded the body that what Mr. Gouveia was speaking about is the current policy utilized by the City and what is being considered is language to amend that current policy. Councillor Burgo cautioned the Personnel Director that he did not want him making comments pertaining to the current program and not the proposed changes.

Councillor Pereira was recognized and went on to say that while he hears Mr. Gouveia's concerns as it relates to Federal law, the City can and has adopted Ordinances that do not apply to Federal and State law. He also said that this is a gender-neutral proposal that offers twelve weeks to either parent. If there is ambiguity in how to apply the Ordinance, the City, the Mayor and the Personnel Department have the ability to decide how it would be enforced.

Councillor Carney asked Mr. Gouveia if he had read the proposed Ordinance. He stated he had not read it because it was received today. Councillor Carney asked if his department would be able to adopt the policy within the Ordinance as a part of the Personnel Department guidelines for maternity and adoption leave. He replied that nothing within the language before him would need to be changed in order to comply with Personnel Department guidelines.

Councillor Pereira was again recognized and stated that he hoped the Ordinance would pass at this meeting and if the Personnel Director had any suggested changes after a more in-depth review, that could be addressed by the Council at their next meeting by referring it back to Committee to continue the discussion.

On motion by Councillor Pereira and seconded by Councillor Abreu, the Committee VOTED: to recommend to the City Council ADOPTION of AN ORDINANCE, RELATIVE TO PAID FAMILY LEAVE. This motion passed on a roll call vote of Yeas 11, Nays 0.

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, Amending Chapter 10, by inserting a new Section 10-86.1, Voluntary Electronic (Email) Delivery of Real Estate and Personal Property Tax Bills, after Section 10-86. (Matter ID #0223) (Referred – March 05, 2026.)

AN ORDINANCE, (Matter ID #0224) (Referred – March 05, 2026.)

The Chair recognized John Taxiarchos, Treasurer-Collector, who explained that City would like permission to offer its citizens the opportunity to go paperless when receiving their tax bills and similar notifications. It would not be mandatory but would permit a person to apply for electronic transmissions in lieu of paper mailings of their bills. He stated that this could result in \$35,000 in savings for the City.

Councillor Lopes asked if a person could opt in and out of the program. Mr. Taxiarchos stated that every quarter, residents would have the opportunity to opt in or out.

On motion by Councillor Gomes and seconded by Councillor Abreu, the Committee VOTED: to recommend to the City Council APPROVAL of the Ordinance, Amending Chapter 10, by inserting a new Section 10-86.1, Voluntary Electronic (Email) Delivery of Real Estate and Personal Property Tax Bills, after Section 10-86.

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REPORT, Committee on Ordinances, recommending to the City Council APPROVAL of the ORDINANCE, AS AMENDED, Amending Chapter 9 – Appendix A – Table of Principal Uses Regulations. (Matter ID #0344) (Referred – March 26, 2026.)

AN ORDINANCE, Table of Principal Uses Regulations. (DRAFT) (Referred – October 09, 2025.) (Matter ID #1621) (Referred as Amended to allow Batch Asphalt & Concrete Plants and Contractor's Yards in certain zoning districts – March 26, 2026.)

On motion by Councillor Pereira and seconded by Councillor Abreu, the following amendments striking Sections 8, 9 and 10 in their entirety were placed before the Committee.

Councillor Pereira stated that this motion has been offered after discussion with the Council Office staff, the City Clerk, Dennis W. Farias and Jennifer Carloni, Planning Director. Councillor Pereira said his concern in voting for the Ordinance without removing Sections 8, 9 and 10. Councillor Pereira said he is usually very much in favor of the Council having authority on impactful matters in the City, however in this case he feels the Council office would be able to obtain all the information necessary to make an informed decision, and that it should be left to the Planning Board.

Councillor Abreu was recognized and expressed support for Councillor Pereira's views.

The motion by Councillor Pereira and seconded by Councillor Abreu, the Committee VOTED: To Amend the Ordinance by striking Sections 8, 9 and 10 in their entirety. This motion passed by voice vote.

On motion by Councillor Pereira and seconded by Councillor Abreu, the Committee VOTED: to Amend the Ordinance, Chapter 9 – Appendix A – Table of Principal Uses Regulations by striking Section 6 in its entirety. This motion passed by voice vote.

On motion by Councillor Pereira and seconded by Councillor Abreu, the Committee VOTED: to recommend to the City Council APPROVAL of the Ordinance, Chapter 9 – Appendix A – Table of Principal Uses Regulations, as Amended, by striking Sections 8,9,10 and 6 in their entirety. This motion passed by voice vote.

The following items were not read, and NO FURTHER ACTION was taken.

WRITTEN MOTION, Councillor Lopes, requesting that the Mitchell Administration provide the City Council with a listing of all vacant municipally owned residential lots that are conforming and nonconforming based on current building codes; and further that the Mayor's Office, the Planning Department, the Office of Housing and Community Development and the Committee on Ordinances collectively work to develop a plan to address the challenges associated with the nonconforming residential lots. (To be Referred to Mayor Mitchell, the Planning Department, the Office of Housing and Community Development and the Committee on Ordinances.) (Matter ID #0048) (Referred – January 11, 2024.) (March 13, 2024 – tabled for 60 days) (May 20, 2024 – remain on the table)

On motion by Councillor Pereira and seconded by Councillor Oliver, the Committee VOTED: to recommend that the City Council take **“NO FURTHER ACTION”** on the matter at this time.

WRITTEN MOTION, Councillors Choquette and Abreu, requesting, that the Ordinance Committee meet within the next 30 days to again, consider the home rule petition related to enacting recall provisions for municipal elected officials; this matter was previously heard but has remained in Committee. (Matter ID #0735) (Referred – May 08, 2025.)

On motion by Councillor Pereira and seconded by Councillor Oliver, the Committee VOTED: to recommend that the City Council take **“NO FURTHER ACTION”** on the matter at this time.

Councillor Pereira made a motion to adjourn, seconded by Councillor Oliver.

The meeting adjourned at 8:19 p.m.

ATTEST:

Denis Lawrence, Jr.
Clerk of Committees