



CITY OF NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON ORDINANCES
DATE: JUNE 24, 2026
TIME: 7:00 P.M.
PLACE: CITY COUNCIL CHAMBERS, ROOM 214

PRESENT: COUNCILLORS SHANE BURGO, CHAIR; DEREK BAPTISTE (7:07); NAOMI CARNEY; LEO CHOQUETTE; BRIAN GOMES (7:07); JOSEPH LOPES; SCOTT PEMBERTON; RYAN PEREIRA; JAMES ROY

ABSENT: COUNCILLORS IAN ABREU; SHAWN OLIVER

Councillor Burgo called the Ordinance Committee meeting to order, took attendance and explained that the meeting was being recorded and live streamed. The Clerk read a Communication into the record from Councillor Baptiste explaining his absence. The Communication was received and placed on file by Councillor Lopes and seconded by Councillor Pemberton.

The following matter was taken out of order, without objection:

COMMUNICATION, Dennis W. Farias, City Clerk/Clerk of the City Council, to Ryan J. Pereira, City Council President, requesting an increase for three Administrative and Recording Fees: Vital Record Amendments, Junk Collector/Dealer Fees and Business Certificates/DBA Licenses. (Matter ID #0916) (Referred – May 28, 2026.)

The Chair recognized Mr. Farias, who explained that processing vital record amendments and issuing business certificates have become increasingly time-consuming. He noted that many business certificate applications are submitted with errors, requiring additional time to review, correct and process. He stated that due to the additional administrative time required, he is requesting that the fee for vital records amendments and business certificates be increased from \$40 to \$50. The proposed increase in the vital records amendment fee would bring the City's fee in line with the State average and better reflect the additional time and work required. Regarding business certificates, he noted that the certificates are valid for four years and that the City currently charges \$40, compared to neighboring municipalities, such as Fall River, which charge \$60.

Mr. Farias also requested an increase in the Junk Collector/Dealer license fee, noting that the City's current fee is among the lowest when compared to similarly sized municipalities. He proposed increasing the fee from \$100 to \$200 and acknowledged that doing so would require an amendment to the current Ordinance.

Due to this requirement, he requested that the proposed increase to the Junk Collector/Dealer license fee remain in Committee and that the requested increases for the two previously discussed items be approved.

Councillor Roy asked how much additional revenue the proposed fee increases would generate if approved. Mr. Farias responded that the increases were estimated to generate approximately \$10,000 in additional annual revenue.

On motion by Councillor Pereira and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council ADOPTION of AN ORDER increasing the Administrative and Recording Fees for Vital Record Amendments from \$40 to \$50 and for Business Certificates/DBA Licenses from \$40 to \$50.

On motion by Councillor Pereira and seconded by Councillor Pemberton, the Committee VOTED: To table the request for an increase to the Administrative and Recording Fees for Junk Collector/Dealer Fees at this time.

PUBLIC HEARING on a COMMUNICATION (Matter ID #0440) and AN ORDINANCE (Matter ID #0441), submitted by Mayor Mitchell, amending Chapter 9, ZONING – establishing FORM-BASED CODE DISTRICTS. (Referred – April 09, 2026.) (Duly advertised in The Standard Times on Monday, May 13, 2026 and Monday, May 20, 2026.) (May 27, 2026 – Public Hearing continued until June 24, 2026.), and a COMMUNICATION, submitted by 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, May 13, 2026, to discuss a request made by the City Council for the Planning Board to review and make a recommendation relative to adding a new section 6000 establishing Form-Based Code Districts, further amending section 2230 – Table of Principal Use Regulations – inserting new Appendix D, and amending section 1200 – Definitions, with regulating maps of the new zoning districts; the Planning Board voted to send a **FAVORABLE RECOMMENDATION for the Ordinance amendment, with the recommendation that the City Council further review and consider height limitations in the Downtown Area FBC district, especially the area moving west along Kempton Street.** (Received – May 27, 2026.)

On motion by Councillor Pereira and seconded by Councillor Lopes, the Committee VOTED: To receive and place on file a copy of an email communication and zoning district maps submitted by Anne Louro, Assistant City Planner.

The Chair recognized Ms. Louro, who stated that the Planning Board had made the revisions discussed during the first public hearing. She said the Board met with developers and members of the Administration to review the recommendations and make further adjustments. She stated that the proposed maximum building height had been reduced from 10 stories to 8 stories and added that the West End would remain limited to 6-stories, while properties along the Kempton Street to Mill Street corridor would have a 4-story limit. She also confirmed that the previously proposed 14-story limit had been reduced to 8.

Councillor Pereira asked whether the proposed changes had been well received by the developers. Ms. Louro responded that they had and said the developers were pleased with the revisions.

Councillor Baptiste asked whether the proposed height limits would extend into the residential area of Purchase Street. Ms. Louro explained that they would not, that the height changes apply only to the 3 designated pilot areas. She added that the area referenced by Councillor Baptiste is currently zoned Downtown Residential, where building heights are limited from 2 to 4 stories.

The Chair asked if there was anyone present who wished to speak and/or be recorded in support of the proposal.

The Chair recognized developers Armando Pereira and Gary Gagne, both of 227 Union Street, New Bedford, who spoke in favor of the proposed changes.

The Chair asked if there was anyone present who wished to speak and/or be recorded in opposition of the proposal. There were none.

On motion by Councillor Pereira and seconded by Councillor Lopes, the Committee VOTED: To close the public hearing.

Councillor Pereira asked Ms. Louro whether her office would be able to provide the revised language discussed at the hearing in time for the next regular meeting of the City Council so that the Council could approve it. Ms. Louro replied that it would.

On motion by Councillor Pereira and seconded by Councillor Gomes, the Committee VOTED: To recommend to the City Council APPROVAL of AN ORDINANCE, Amending Chapter 9, ZONING – establishing FORM-BASED CODE DISTRICTS.

COMMUNICATION (Matter ID #0795) and AN ORDINANCE (Matter ID #0796), submitted by Mayor Mitchell, amending Chapter 19, Personnel, Section 19-7(c) of the City Code to create the position of “Assistant Superintendent of Green Space” at pay grade “M-11”; the position fully paid out by the Water Enterprise. (Matter ID #0795) (Referred – May 28, 2026.)

There was no discussion on the item.

On motion by Councillor Pereira and seconded by Councillor Baptiste, the Committee VOTED: To recommend that the City Council take “**NO FURTHER ACTION**” on the COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 19, Personnel, Section 19-7(c) of the City Code to create the position of “Assistant Superintendent of Green Space” at pay grade “M-11”; the position fully paid out by the Water Enterprise.

WRITTEN MOTION, Councillor Lopes and Council President Pereira, requesting, that the City Solicitor, in conjunction with the Administration, draft a Home Rule Petition for submission to the Massachusetts General Court authorizing the City of New Bedford to establish an early retirement incentive program for eligible municipal employees; said Petition shall provide that employees who have attained the age of fifty years or older and who have completed twenty-five years or more of creditable service with the City may be eligible to retire with a retirement allowance calculated at up to seventy-five percent of their eligible retirement benefit, subject to the approval of the Massachusetts Legislature and the Governor. (Matter ID #0913) (Referred – May 28, 2026.)

Councillor Pereira expressed his frustration that the Committee had not received any communication from the Administration regarding whether it supported the request. Councillor Lopes shared Councillor Pereira's frustration and stated that he had hoped the motion would help address early retirement and eliminate the need for layoffs.

The Chair recognized Atty. Eric Jaikes, City Solicitor, who stated that the Mitchell Administration does not support the motion or the request for a Home Rule Petition. Councillor Lopes asked whether the Administration's opposition was based on the proposed retirement age of 50 rather than 55. Atty. Jaikes responded that the proposed retirement age had no bearing on the Mayor's decision.

On motion by Councillor Pereira and seconded by Councillor Lopes, the Committee VOTED: To recommend that the City Council take “**NO FURTHER ACTION**” on the WRITTEN MOTION, Councillor Lopes and Council President Pereira, requesting, that the City Solicitor, in conjunction with the Administration, draft a Home Rule Petition for submission to the Massachusetts General Court authorizing the City of New Bedford to establish an early retirement incentive program for eligible municipal employees; said Petition shall provide that employees who have attained the age of fifty years or older and who have completed twenty-five years or more of creditable service with the City may be eligible to retire with a retirement allowance calculated at up to seventy-five percent of their eligible retirement benefit, subject to the approval of the Massachusetts Legislature and the Governor.

Councillor Roy made a motion to adjourn, which was seconded by Councillor Choquette.

The meeting adjourned at 7:44 p.m.

ATTEST:

Denis Lawrence, Jr.
Clerk of Committees