CITY OF NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON ORDINANCES
DATE: OCTOBER 26, 2026
TIME: 7:01 P.M.
PLACE: CITY COUNCIL CHAMBERS, ROOM 214

PRESENT: COUNCILLORS SHANE BURGO, CHAIR; IAN ABREU; NAOMI CARNEY; JOSEPH LOPES; SHAWN OLIVER; SCOTT PEMBERTON; RYAN PEREIRA; JAMES ROY

ABSENT: DEREK BAPTISTE; LEO CHOQUETTE; BRIAN GOMES

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 letters into the record from Councillors Choquette and Gomes explaining their absence. The Communications were received and placed on file by Councillor Oliver and seconded by Councillor Abreu.

PUBLIC HEARING, on a WRITTEN MOTION, Councillor Lopes, requesting that the Committee on Ordinances and the Planning Board rezone Plot 39, Lot 22 (30 Brigham Street) from split zoning of Residential B [RB] and Mixed-Use Business [MUB] to MIXED-USE BUSINESS [MUB] for the entire parcel. (To be Referred to the Committee on Ordinances and the Planning Board.) (Matter ID #1316) (Referred – August 25, 2026.) (Duly advertised in The Standard Times on October 09, 2026 and October 19, 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, October 07, 2026, to discuss a request made by the City Council for the Planning Board to review and make a recommendation relative to the rezoning of Parcel 39-22 (30 Brigham Street) from a split zoning of Residential B (RB) and Mixed-Use Business (MUB) to entirely Mixed-Use Business; the Planning Board voted to send a **FAVORABLE RECOMMENDATION** for the rezone request. (Received – October 14, 2026.)

On motion by Councillor Lopes and seconded by Councillor Pereira, the Committee VOTED: To receive and place on file the Communication submitted by Jennifer Carloni regarding the Planning Board's recommendation, and to open the public hearing.

The Chair recognized Jennifer Carloni, Director, Planning Department. Ms. Carloni explained that the Planning Board met on October 07, 2026, heard the petition, and voted to send a favorable recommendation to the City Council.

Councillor Pereira asked if there was any public comment recorded. He was told no, there was not.

The Chair recognized the petitioner, Ashton Albernaz, who explained that when he purchased the building, he was unaware that it was considered two separate parcels, though connected. He has requested that the zoning be changed so that it can be considered a single parcel.

The Chair asked if there was anyone present who wished to speak and/or be recorded in favor of the proposal. There were none. 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 Lopes and seconded by Councillor Carney, the Committee VOTED: To close the public hearing.

On motion by Councillor Lopes and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council APPROVAL of AN ORDINANCE, rezoning Plot 39, Lot 22 (30 Brigham Street) from split zoning of Residential B (RB) and Mixed-Use Business (MUB) to Mixed-Use Business (MUB) for the entire parcel.

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PUBLIC HEARING, on a COMMUNICATION (Matter ID #1447) and AN ORDINANCE (Matter ID #1448), submitted by Mayor Mitchell, Amending Chapter 9, RELATIVE TO DEFINITION AND USE CLASSIFICATION OF DATA CENTERS. (Referred – September 10, 2026.) (Duly advertised in The Standard Times on October 09, 2026 and October 19, 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, October 07, 2026, to review the proposed amendment of Chapter 9, Comprehensive Zoning Section 1200 (Definitions) and Appendix A (Table of Principal Use Regulations) to prohibit Data Centers in all zoning districts; the Planning Board voted to send a **FAVORABLE RECOMMENDATION** for the Ordinance Amendment. (Received – October 14, 2026.)

On motion by Councillor Abreu and seconded by Councillor Oliver, the Committee VOTED: To receive and place on file the Communication submitted by Jennifer Carloni regarding the Planning Board's recommendation, and to open the public hearing.

The Chair recognized Jennifer Carloni, Director, Planning Department. Ms. Carloni explained that the Planning Board met on October 07, 2026, heard the petition, and voted to send a favorable recommendation to the City Council.

Councillor Abreu expressed concern with the prospect of Data Centers being built in the City and spoke in agreement with the need to place a moratorium on the erection of such businesses.

Ms. Carloni explained that as the City's Ordinance is written now, Data Centers are an allowed business. She shared that the City has looked at other municipalities that created similar restrictions, such as Lowell. She stated that Data Centers create a strain on natural resources, such as water, electricity, etc., and there would be a detrimental impact on neighborhoods that abut such a business. She went on to say that one of the concerns is many of the industrial areas in the City are where housing has been created, and added that additional research is necessary to decide where, if at all, this type of business would be permissible.

Councillor Pereira asked what the timeline would look like to draft the appropriate Ordinance, and asked what other communities have been doing. He also asked if the City would need to retain a consultant to draft the language and if so, how that consultant would be compensated. Ms. Carloni stated her department has begun to develop language and they are using other communities with similar language to see how it may be adapted for the City's use. She stated that she did not know at this time if a consultant would be needed.

Councillor Lopes pointed out that Verizon currently has a sub-center in the downtown area that is no longer in use but could easily be outfitted as a small micro-data center.

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

The Chair recognized Warren Samuels, 235 Portland Street, New Bedford, who spoke in favor of the petition. Mr. Samuels pointed out that some City code already allows for such establishments to be constructed in the Hicks-Logan area, and that the City may want to address that language as well.

The Chair asked if there was anyone present who wished to speak and/or be recorded in opposition of the petition. 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 Pereira and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council APPROVAL of AN ORDINANCE, Amending Chapter 9, RELATIVE TO DEFINITION AND USE CLASSIFICATION OF DATA CENTERS.

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WRITTEN MOTION, Councillor Burgo, requesting that the Committee on Ordinances consider the attached draft of a potential Home Rule Petition to modernize the process regarding our legal notices, as well as review Section 1-5 of the City Code, to examine what changes would need to be made. (Matter ID #1642) (Referred – October 08, 2026.)

HOME RULE PETITION (DRAFT), (Matter ID #1643) (Referred – October 08, 2026.)

The Clerk read a letter into the record submitted by Dennis W. Farias, City Clerk / Clerk of the City Council, expressing his support for the proposed Home Rule Petition.

On motion by Councillor Pereira and seconded by Councillor Lopes, the Committee VOTED: To receive and place on file the letter submitted by Dennis W. Farias, City Clerk / Clerk of the City Council.

The Chair explained that the purpose of this Home Rule petition is to modernize how legal notices from the City are advertised to the general public. He shared that he based the draft language on similar Home Rule Petitions from the towns of Topsfield, Stowe and Wayland. He stated that the Committee could edit the language to meet the City's needs, and suggested that Atty. David Gerwatowski, Legal Counsel, and Atty. Eric Jaikes, City Solicitor, work together to tailor the language specific to New Bedford. The Chair recommended that the Committee reach out to every department in the City to see what they spend annually on legal notifications.

Councillor Abreu asked what State Delegation members would present the Home Rule Petition on the City's behalf. The Chair answered it would most likely be Senator Montigny and Representative Hendricks, as they sit on the Committee that reviews Home Rule Petitions.

Councillor Pereira stated he feels that the advertising process should be even more simplified than the other communities have enacted. He believes legal notifications should also be posted in the City's libraries, and on a dedicated page on the City's website. The Councillor asked Atty. Gerwatowski if he could draft a petition which included the locations where legal notifications would be posted. Atty. Gerwatowski replied that he could, and that he would work with the City Solicitor to draft the language.

Councillor Lopes stated he would like to know if any department was currently using an alternative source to publish RFPs. Councillor Abreu suggested that the use of Facebook also be part of the conversation.

On motion by Councillor Pereira and seconded by Councillor Lopes, the Committee VOTED: To request that every City Department report to the Ordinance Committee all expenditures related to legal advertising costs, in any location, as well as all software utilized for this purpose; and further, that the current and previous fiscal years be used for gathering the requested information.

On motion by Councillor Pereira and seconded by Councillor Lopes, the Committee VOTED: That the Committee instruct its Legislative Counsel and the City Solicitor to draft a Home Rule Petition for the Committee's review that includes language stating that all legal advertisements and notifications from any and all City Departments be posted on the City's website, in every library, and in the City Clerk's office; and further, as a backup plan, if for any reason the advertisement or notification cannot be posted on the City's website, it should be advertised in the newspaper, as previously practiced.

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

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The following matters were taken up together, without objection:

COMMUNICATION, Councillor Burgo, submitting a letter from Police Chief Jason Thody containing recommendations for a framework to establish an Ordinance governing Automated License Plate Readers ("ALPR") and Mass Location-Technologies, balancing City Council oversight with public safety efficiency and the operation effectiveness of covered technology. (Matter ID #1561) (Referred – September 24, 2026.)

WRITTEN MOTION, Councillor Burgo, requesting that a copy of the Opinion and Order issued by the United States District Court for the Northern District of Oklahoma in United States of America v. Melisa Susan Kyle, concerning the warrantless retrieval and use of historical automated license plate reader (ALPR) data be provided to the Committee on Ordinances for its information and consideration in connection with any pending or future legislation concerning ALPR technology and municipal data privacy. (Matter ID #1644) (Referred – October 08, 2026.)

OPINION AND ORDER, United States District Court for the Northern District of Oklahoma in United States of America v. Melisa Susan Kyle. (Matter ID #1645) (Referred – October 08, 2026.)

The Chair informed the Committee that he received a Communication from Police Chief Thody indicating he would be unable to attend the meeting, as he was away attending a police chief conference; however, he did provide the Committee with a number of documents for their consideration, including the following:

- Flock Contract Non-Renewal Notice
- ALPR Ordinance from the City of Woonsocket, RI
- RI Statewide Model Policy
- ALPR Public Opinion Report
- NPI Safeguards First ALPR Report

On motion by Councillor Lopes and seconded by Councillor Abreu, the Committee VOTED: To receive and place on file the documents submitted by Police Chief Jason Thody.

The Chair stated that the Chief has asked that these items be tabled until he is able to appear before the Committee for discussion. The Chair also shared that the Chief informed him that ALPR technology is a big component of the conference he is currently attending, and he is hoping to provide up-to-date information on this issue to the Committee upon his return.

On motion by Councillor Pereira and seconded by Councillor Pemberton, the Committee VOTED: To table the matters at this time.

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

The meeting adjourned at 7:50 p.m.

ATTEST:

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Denis Lawrence, Jr.
Clerk of Committees