

NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON ORDINANCES
DATE: JANUARY 18, 2022
TIME: 7:00 P.M.
PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS HUGH DUNN, CHAIRMAN; IAN ABREU, VICE CHAIRMAN; DEREK BAPTISTE; SHANE BURGO; NAOMI CARNEY (7:19); MARIA GIESTA; BRIAN GOMES; SCOTT LIMA; WILLIAM BRAD MARKEY; RYAN PEREIRA

ABSENT: COUNCILLOR LINDA MORAD

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Councillor Dunn called the Ordinance Committee Meeting to order and took attendance. The Clerk read Communications from Councillor Morad explaining her absence from this meeting, and Councillor Carney explaining the reason for her tardiness to this meeting. These Communications were received and placed on file by Councillor Gomes and seconded by Councillor Abreu.

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Notice, City Clerk of reference of a PUBLIC HEARING on a WRITTEN MOTION Council President Lopes and Councillor Gomes, requesting that the Committee on Ordinances and the Planning Board, review and consider the following change to the City's Building Codes to allow the establishment of Garden Style apartments in Mixed-Use Business Districts at heights, and density that other multi-family projects are afforded (To Referred to the Committee on Ordinances and the Planning Board.) (Ref'd 12/09/2021) (Duly advertised in The Standard-Times on Tuesday, January 04, 2022, and Tuesday, January 11, 2022.); and a COMMUNICATION, Council President Lopes, submitting proposed Amendments Chapter 9, Section 2230 "Table of Principal Use Regulations" Appendix A from Attorney Michael A. Kehoe (To be Referred to the Committee on Ordinances and the Planning Board.) (Ref'd 12/09/2021); and a COMMUNICATION, Jennifer Carloni, Director, City Planning, to Councillor Hugh Dunn, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on Wednesday, January 12, 2022, to discuss the request by City Councillors Joseph P. Lopes and Brian K. Gomes for the Planning Board to review and make a recommendation to the City Council for its consideration regarding proposed changes to the City's Building Codes to allow the establishment of Garden Style apartments in Mixed-Use Business Districts at heights and density that other multi-family projects are afforded; the Planning Board voted to send a FAVORABLE RECOMMENDATION, recommending that the City Council amends the Ordinance accordingly, were received and placed on file and the hearing opened by Councillor Gomes and seconded by Councillor Lima. (1, 1a, 1b)

Jennifer Carloni, Director, Planning Department, gave an overview on the Planning Board meeting to review the proposal which would allow for changes to the City Ordinance as it relates to allow the establishment of Garden Style apartments in

Mixed-Use Business Districts at heights and density to other multi-family projects. The Planning Board after their review of the proposed changes forwarded a recommended that the City Council amends the Ordinance accordingly.

Ms. Carloni was asked if this would affect six-story locations, because the Committee had concerns that if you have smaller homes next to six-story buildings, this might be a concern to the neighbors. She explained that currently the Ordinance allows for garden style apartments in Mixed-Use Business Districts, in two, three and six-story units; but for some reason four units were not included and they do not know why. She explained that in order to build such complexes the petitioner would need to come before the Planning Board and go through a special permit process. She also explained that they based their decision not upon a possible construction of such units but looked the Ordinance and City when making this recommendation.

Danny Romanowicz, DPI Commissioner, was asked by The Committee if he had any concerns and he stated that he did not and that this change would be appropriate.

Mark Pilote, VP of Development, Dakota Partners, 235 Bear Hill Road, Waltham, MA, was present and was asked by Councillor Baptiste, where the proposed building was to be erected and he stated it was at the old Good Year plant grounds in the south end.

Councillor Dunn asked if there was anyone present who would like to speak and/or be recorded in favor of the petition; there were none. Councillor Dunn asked if there was anyone present who would like to speak and/or be recorded in opposition of the petition; there were none.

On motion by Councillor Gomes and seconded by Councillor Abreu, the Committee VOTED: To close the public hearing. This motion passed on a voice vote.

On motion by Councillor Abreu and seconded by Councillor Lima, the Committee VOTED: To request Legal Counsel to draft the appropriate Ordinance Language based on the letter from Attorney Kehoe and the recommended changes submitted by the Planning Board. This motion passed on a voice vote.

This matter remains in Committee.

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Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Dunn, requesting, that the Director of Personnel provide a list of all City and public school positions that are paid less than \$15/hour, and all positions whose annual rate calculates to less than \$15/hour; and further, that the Committee on Ordinances review said list and explore any legislative or other options that may be implemented by the City Council for assuring that City employees and public school employees are fairly compensated for their labor; and further, move that the attached Ordinances from the Cities of Boston and Northampton be referred to the Committee on Ordinances to determine whether similar local legislation may be an option for New Bedford (Ref'd 06/10/2021); and AN ORDINANCE, Copy of City of Northampton Ordinance 17.244, To Establish a Minimum Wage for Municipal Employees (Ref'd 06/10/2021); and AN ORDINANCE, Copy of an Ordinance from the City of Boston, entitled "Boston Jobs and Living Wage

Ordinance" (Ref'd 06/10/2021) were received and placed on file by Councillor Abreu and seconded by Councillor Lima. (2, 2a, 2b)

Councillor Dunn informed the Committee that a Communication from Judith Keating, Human Resources Director, along with a list of employees who were at one time being paid less than minimum wage needed to be received and placed on file.

On motion by Councillor Abreu and seconded by Councillor Lima, the Committee VOTED: To receive and place on file a Communication from Judith Keating, Human Resources Director, as well as the list of employees who were at one time being paid less than minimum wage. This motion passed on a voice vote.

Lisa Lemieux of SEIU, was present and addressed the Committee. She explained that it was brought to the attention of her Union that there were part-time city employees who were being paid lower than the State's minimum wage. She stated that approximately twenty (20) years ago the city adopted a state provision that allowed the city to not have to pay minimum wage. It was her Union's hope that this would change.

Judith Keating, Director of Human Resources was present and addressed the Committee. She stated that when this was first brought to her attention and to her surprise, she found this to be true. She explained that it appeared that unclassified positions, meaning non-union and Unit C positions were being overlooked in pay steps and minimum wage. To her amazement, there was one city employee who had not received a step increase in thirty (30) years. It was discovered that the reason was these positions were not registered in the MUNIS system. These employees are now a part of the MUNIS system and will not be overlooked for increases moving forward. She reported to the Committee that currently no city employee is being paid less than minimum wage.

Andrew O'Leary, Assistant Superintendent of Finance for the NBPS was present and explained that this same issue was brought to their attention when they were negotiating the Para-Professional's contract. Once this was discovered steps were made to change this. They too had to make a change to their MUNIS system, so this would not occur again.

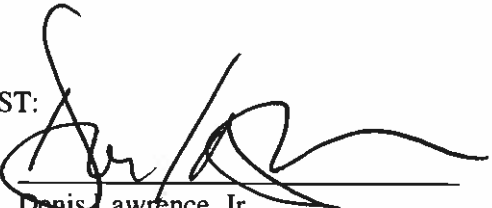
On motion by Councillor Abreu and seconded by Councillor Lima, the Committee VOTED: To recommend that the City Council go on record that all City Employees and School Department Employees be paid not less than the State minimum wage. (To be Referred to the Mayor and School Department.) This motion passed on a Roll Call Vote of Yeas 8, Nays 0, with Councillors Carney and Giesta not present for the vote.

On motion by Councillor Abreu and seconded by Councillor Lima, the Committee VOTED: To table the main motion as this time. This motion passed on a voice vote.

Councillor Abreu made a motion to adjourn, which was seconded by Councillor Lima.

This meeting adjourned @ 8:04 p.m.

ATTEST:



Denis Lawrence, Jr.,
Clerk of Committees