

NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON ORDINANCES
DATE: OCTOBER 24, 2022
TIME: 7:03 P.M.
PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS HUGH DUNN, CHAIRMAN; SCOTT LIMA, VICE CHAIRMAN; IAN ABREU; DEREK BAPTISTE; SHANE BURGO; NAOMI CARNEY; MARIA GUESTA; BRIAN GOMES; WILLIAM BRAD MARKEY; LINDA MORAD; RYAN PEREIRA

ABSENT: NO ONE

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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 COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER approving the New Bedford Hicks Logan Area Redevelopment Plan and AN ORDINANCE, amending Chapter 9, Comprehensive Zoning, by inserting Hicks Logan District (HLD) (Ref'd 09/22/2022) (Referred to the Committee on Ordinances and the Planning Board.) (Duly Advertised in The Standard-Times on Monday, October 10, 2022 and Monday, October 17, 2022.); and a COMMUNICATION, Jennifer Carloni, Director, City Planning, to Councillor Hugh Dunn, Chairman, Ordinance Committee, advising that the Planning Board held a Public Hearing on Wednesday, October 12, 2022, regarding the proposed request for recommendation of the Hicks Logan Area Redevelopment Plan. The Planning Board sends a FAVORABLE RECOMMENDATION for the adoption of the plan and finds that this plan is in conformance with the City's 2020 Master Plan. During the same hearing, the Board also reviewed the Hicks Logan District Zoning Ordinance amendment and sends a FAVORABLE RECOMMENDATION for the Hicks Logan District zoning amendment (Ref'd 10/19/2022) was received and placed on file and the hearing opened on motion by Councillor Burgo and seconded by Councillor Baptiste. (1, 1a, 1b, 1c)

Jennifer Carloni, Planning Director was present and explained to the Committee that a year ago the stakeholders in this area met and conducted another round of questioning and the original plan was adjusted to step back from the waterfront area. They identified one private parcel of land that the city may choose to secure at some point in time. The remainder of the properties in the area are city property. She explained the reason the waterfront area was removed was because since then there has been a renewed interest in the area that were part of the original Hicks Logan District. These areas were now under development.

The Committee asked a number of questions as it related to the proposed zoning change. Ms. Carloni explained that there is no real timeline as to when the properties would be developed. She confirmed that there is new interest in the properties in this area and unlike in the past there is a need to make this zoning change. The goal is to clean up the district overlays making zoning and use consistent. The new designation would allow for residential buildings, hotels, motels, and restaurants. The zoning would maximize the residential, commercial, and limited industrial growth in the area. The current homes in the area would be a part of the proposal as well. She confirmed that any proposals presented would need to be approved by the Planning Board.

Councillor Dunn asked if there was anyone present who wished to speak or be recorded in favor of this proposal; there was none. He also asked if there was any present who wished to speak or be recorded in opposition of this proposal; there was none. The hearing was closed.

On motion by Councillor Morad and seconded by Councillor Burgo, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDER, approving the New Bedford Hicks Logan Area Redevelopment Plan and the ORDINANCE, amending Chapter 9, Comprehensive Zoning, by inserting Hicks Logan District (HLD). This motion passed on a Roll Call Vote of Yeas 11, Nays 0.

Councillor Morad expressed her concern about the proposal but trusts the Ward Councillor is okay with it.

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Notice, City Clerk of reference of a PUBLIC HEARING on a WRITTEN MOTION, Councillor Abreu, requesting that the Planning Board and the Ordinance Committee immediately re-notice the requested zoning change with the updated Public Notice information to rezone the front portion (approximately 200' – 299') of three parcels of land located on Braley Road – specifically Parcels 135-9, 135-46, and 135-11 as shown on the attached plan and further described by metes and bounds in Exhibit A – be rezoned from Industrial C (I-C) to Mixed use Business (MUB); (Ref'd 09/21/2022) (Duly Advertised in The Standard-Times on Monday, October 10, 2022 and Monday, October 17, 2022.) and a COMMUNICATION, Jennifer Carloni, Director, City Planning, to Councillor Hugh Dunn, Chairman, Ordinance Committee, advising that the Planning Board held a Public Hearing on Wednesday, October 12, 2022, regarding the request by City Councillors Ian Abreu and Scott Lima for the Planning Board to review the revisions to the request to rezone for the front portions of Lots 135-9, 135-46, and 135-11 on the westside of Braley Road from Industrial-C (IC) to Mixed-Use Business (MUB) and make a recommendation to the City Council. The Planning Board sends a FAVORABLE RECOMMENDATION for the proposed rezoning (Ref'd 10/19/2022) were received and placed on file by Councillor Burgo and seconded by Councillor Abreu. (2, 2a)

Councillor Abreu made a motion to open the public hearing, which was seconded by Councillor Burgo.

Jennifer Carloni, Planning Director, was present and gave an overview of the request to rezone the front portion of lots 135-9, 135-46, and 135-11 on the westside of Braley Road from Industrial C to Mixed-Use Business. She explained that the Planning Board reviewed the request which resulted in their forwarding a favorable recommendation to the Committee. Approving this change would allow for the property

to accommodate residential and commercial uses. The property would no longer be available for industrial development. She told the Committee that there would not be any negative effects if this change was allowed.

Councillor Morad asked if the residents that live across the street of the proposed changes were notified of the Planning Board's public hearing, and she was told they were. Councillor Morad asked for a list of those who were notified, and Ms. Carloni said she would comply to the Councillor's request.

Attorney John Markey, representing the applicant requesting the zoning change was present and explained that the plan was to erect residential units on the property. They would be apartment buildings.

The question was asked that if the property was not developed as apartments, what other uses the property could be used for if the changes were to be made. She was told restaurants, convenience store and the similar but all the proposals would have to go before the Planning Board for approval.

On motion by Councillor Markey and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council ADOPTION of the Ordinance to rezone the front portion (approximately 200' – 299') of three parcels of land located on Braley Road – specifically Parcels 135-9, 135-46, 135-11 from Industrial C (I-C) to Mixed Use Business (MUB). This motion passed on a voice vote.

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Councillor Dunn asked if items 3, 3a, 4, 5, and 6 could be taken up and read together without objection, there were no objections. They are as follows:

Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE Amending Section 19-7 of the Code of Ordinances: "Establishment of Unit C Classification and Salary Plan; Procedures for Advancement" (Ref'd 10/13/2022) were received and placed on file by Councillor Lima and seconded by Councillor Burgo. (3, 3a)

Notice, City Clerk of reference of a RELATED MOTION, Councillor Morad, requesting, that the Director of Personnel provide to the Committee on Ordinances Chairperson, a copy of the consultant's final report which provides the research, detail and recommendations utilized in consideration of the changes to Section 19-7 of the Code of Ordinances; said information shall be provided to the Committee on Ordinances Chairperson 10 business days prior to the Committee on Ordinances meeting where the item is being addressed (To be Referred to the Director of Personnel and the Committee on Ordinances.) (Ref'd 9/8/2022) was received and placed on file by Councillor Lima and seconded by Councillor Burgo. (4)

Notice, City Clerk of reference of a RELATED MOTION, Councillor Morad, requesting, that the Director of Personnel provide to the Committee on Ordinances Chairperson, a detailed matrix which reflects the current Unit C job position – titles and grade as compared to the new recommended Unit C job position – title and grade, said information shall be provided to the Committee on Ordinances Chairperson 10 business days prior to the Committee on Ordinances meeting where the item is being addressed

(To be Referred to the Director of Personnel and the Committee on Ordinances.) (Ref'd 9/8/2022) was received and placed on file by Councillor Lima and seconded by Councillor Burgo. (5)

Notice, City Clerk of reference of a RELATED MOTION, Councillor Morad, requesting, that the Director of Personnel provide to the Committee on Ordinances Chairperson the Unit C Salary Schedule – Part Time Rate and the related Non-Residents Part Time Rate reflecting the 10% reduction, said information shall be provided to the Committee on Ordinances Chairperson 10 business days prior to the Committee on Ordinances meeting where the item is being addressed (To be Referred to the Director of Personnel and the Committee on Ordinances.) (Ref'd 9/8/2022) was received and placed on file. (6)

On motion by Councillor Burgo and seconded by Councillor Abreu, the Committee VOTED: To receive and place on file the Management Comp Spreadsheet. This motion passed on a voice vote.

Mike Gagne, Acting CFO, was present and explained that Judith Keating, Director of Personnel would be presenting a power point on the request to amend Section 19-7 of the Code of Ordinances: "Establishment of Unit C Classification and Salary Plan; Procedures for Advancement." He went on to say that at the end of the presentation and questions asked to Ms. Keating he would like to be recognized to offer his opinions.

Judith Keating, Director of Personnel, explained that a year ago the Administration undertook a study on the hiring and retaining of employees within the marketplace today. The salary study took into consideration ten (10) cities and towns that are in the City of New Bedford's geographical area or directly compete with the city for the same type of job placements. She explained that the city retained an independent consultant who was charged with reaching out to these similar communities and report back on the job and fee structures each community has in place. This information was then provided to Personnel and Ms. Keating using a salary program created the request before the Committee tonight.

Ms. Keating explained that a change is necessary to keep and attract Unit C employees and that as of recent forty-five (45) Unit C candidates offered jobs in the city rejected them because of the offer salary. She also offered that since January 95-110 people have left the city's employ most due to resignation, but some due to retirement.

The city also looked at the Salaries and Benefits structure through the Mass Municipal Association and they have found that they are not in a competitive position to attract qualified candidates to fill the City's Unit C Positions.

Ms. Keating explained the twelve (12) Grade proposal change to the Committee. At the completion of the power point presentation, Ms. Keating took questions from the Committee.

The questions varied in subject from how the figures and grades were calculated and why. The Committee also expressed their concern of the turnover of Unit C positions, positions of leadership, that this hurts the city. They also expressed that the city needs to look to promote internally, from within.

The Committee felt that city employees should be fairly compensated and the need to be competitive in the current marketplace.

Councillor Morad expressed her concern after reviewing the Administration's submission, that the requests do not make sense, nor do they appropriately provide compensation to those positions that deserve it and on the other hand reward positions that do less than others. She expressed concern on how the job descriptions were reviewed. She reviewed numerous positions with Ms. Keating repeatedly asking her how classifications were arrived at by the Administration and her office. She expressed concern that if there wasn't a comparison available for a city position that the Administration decided to simply leave it where it was.

Councillors expressed their concern on the cities and towns that were chosen to use as a comparison. Some felt that Boston, Quincy, and Brockton should be removed from the equation while some Councillors did not. Some wanted to know why the Town of Barnstable was used as well.

The Committee also expressed their concern that the Clerk of Committees and Legislative Counsel positions were not discussed with the Council President before arriving at their classification.

Mike Gagne stated that now was the time to make such changes, that since 2018 the job market for municipal and town employment has dramatically changed. As an example, since 2018, 65% of Massachusetts Town Administrators left their positions for others because mid-level market positions have become much more attractive. It is very difficult to fill management positions in the city based on what the city is offering. He went on to say that currently the City of New Bedford does not have competitive scale and for a better choice of words does not allow the city to "job poach" as many other communities are able to do.

The Committee expressed in their opinion that many of the Director and Assistant Director positions need to be looked at again. The Committee was not in the position to pass the Ordinance as is.

The following motions were made by the Committee:

On motion by Councillor Morad and seconded by Councillor Gomes, the Committee Voted: to request that the management comparison analysis be re-presented at the next Ordinance Committee meeting, to exclude the cities of Boston, Providence, and Quincy, and that this information be available ten (10) business days prior to the date that the Ordinance Committee meeting will be held to hear this information. This motion passed on a voice vote.

On motion by Councillor Morad and seconded by Councillor Carney, the Committee VOTED: to ask that the Personnel Director provide to the City Council the job description highlights for the positions of "Assistant" and "Director" of the communities of Providence, Fall River, Worcester, Dartmouth, Springfield, Taunton, and Barnstable. This motion passed on a voice vote.

On motion by Councillor Morad and seconded by Councillor Pereira, the Committee VOTED: To amend the Ordinance, Section 19-7 (a) to strike after the words "effective" the words "July 1, 2022" and insert the words "October 1, 2022"; and in Section 19-7, Section 3, to strike after the words "retroactive to" the words "July 1, 2022" and insert the words "October 1, 2022". This motion passed on a voice vote.

On motion by Councillor Carney and seconded by Councillor Burgo, the Committee VOTED: To amend the proposed ordinance by striking SECTION 2 in its entirety and inserting, in place thereof, the following new SECTION:-

SECTION 2. Upon this Ordinance taking effect: -

For any Unit C employee subject to this ordinance who, on the effective date of this ordinance, is currently employed by the city and who has served in the current position for less than 6 years shall be placed on the closest step within that Grade that reflects the dollar amount that is a minimum of 5% greater than the employee's current salary.

For any Unit C employee subject to this ordinance who, on the effective date of this ordinance, is currently employed by the city and who has served in the current position for 6 years or more but less than 10 years shall be placed on step 3 of the Grade that corresponds to that employee's current position or shall be placed on the closest step within that Grade that reflects the dollar amount that is a minimum of 5% greater than the employee's current salary, whichever is greater.

For any Unit C employee subject to this ordinance who, on the effective date of this ordinance, is currently employed by the city and who has served in the current position for 10 years or more but less than 14 years shall be placed on step 4 of the Grade that corresponds to that employee's current position or shall be placed on the closest step within that Grade that reflects the dollar amount that is a minimum of 5% greater than the employee's current salary, whichever is greater.

For any Unit C employee subject to this ordinance who, on the effective date of this ordinance, is currently employed by the city and who has served in the current position for 14 years or more but less than 18 years shall be placed on step 5 of the Grade that corresponds to that employee's current position or shall be placed on the closest step within the Grade that reflects the dollar amount that is a minimum of 5% greater than the employee's current salary, whichever is greater.

For any Unit C employee subject to this ordinance who, on the effective date of this ordinance, is currently employed by the city and who has served in the current position for 18 years or more but less than 22 years shall be placed on step 6 of the Grade that corresponds to that employee's current position or shall be placed on the closest step within the Grade that reflects the dollar amount that is a minimum of 5% greater than the employee's current salary, whichever is greater.

For any Unit C employee subject to this ordinance who, on the effective date of this ordinance, is currently employed by the city and who has served in the

current position for 22 years or more but less than 25 years shall be placed on step 7 of the Grade that corresponds to that employee's current position or shall be placed on the closest step within the Grade that reflects the dollar amount that is a minimum of 5% greater than the employee's current salary, whichever is greater.

For any Unit C employee subject to this ordinance who, on the effective date of this ordinance, is currently employed by the city and who has served in the current position for 25 years or more shall be placed on step 8 of the Grade that corresponds to that employee's current position or shall be placed on the closest step within the Grade that reflects the dollar amount that is a minimum of 5% greater than the employee's current salary, whichever is greater. Subsequent step increases shall then occur pursuant to Section 19-7.1(b).

This motion passed on a voice vote.

On motion by Councillor Gomes and seconded by Councillor Carney, the Committee VOTED: To amend SECTION 1 by striking in the chart under part (c) the Grade "13", as it corresponds to "Legislative Counsel" and inserting in place thereof the number "15". This motion passed on a voice vote.

On motion by Councillor Markey and seconded by Councillor Pereira, the Committee VOTED: To amend by striking SECTION 4 in its' entirety and inserting in place thereof, the following new SECTION:

Section 4. Paragraph (c) of Section 19-7-1 of Chapter 19 of the Code of Ordinances is hereby amended by striking the first sentence and inserting in place thereof the following:

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The city council may approve, at the request of the mayor, that a salary step other than the minimum or a specifically defined range of salary steps along the grade for a particular position may be utilized during a specifically defined hiring period for such position, in order to negotiate the initial compensation with prospective candidates. No authorization, however, shall be provided for utilization of any salary different from the salaries listed on the steps upon the grade established for said position by this chapter.

Councillor Morad made a friendly amendment to add "a cap between 1 to 3 of salary steps" to Councillor Markey's motion, which he accepted. It now reads as follows:

The city council may approve, at the request of the mayor, that a salary step other than the minimum or a specifically defined range of salary steps along the grade for a particular position may be utilized during a specifically defined hiring period for such position, in order to negotiate the initial compensation with prospective candidates. No approval of a salary step or a defined range of salary steps however shall include a step greater than step 3 on the grade for any particular position. No authorization shall be provided for utilization of any salary different from the salaries listed on the steps upon the grade established for said position by this chapter.

This motion passed on a voice vote.

On motion by Councillor Morad and seconded by Councillor Abreu, the Committee VOTED: To table items 3, 3a, 4, 5, and 6 at this time. This motion passed on a voice vote.

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On motion by Councillor Burgo and seconded by Councillor Abreu, the Committee VOTED: To waive the reading and forward to the City Council recommending "No Further Action" on items 7, 8, 8a, 9, 9a. This motion passed on a voice vote. They are as follows:

Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Dunn, Abreu, Baptiste, Giesta and Lima, requesting, that the City of New Bedford treat the Covid-19 deaths of all public safety personnel as a presumed line of duty death, thereby entitling the surviving spouse to a pension equal to the amount of regular compensation the member would have received had he or she been receiving the maximum salary for the position at the time of his or her death; and further should state legislation be required to extend this benefit, the New Bedford City Council is on record supporting said Legislation. (To be Referred to the Committee on Ordinances.) (Ref'd 07/15/2021) (09/22/2021 – tabled; Chair will negotiate with Atty. Gerwatowski and the Solicitor's Office to revise or amend the Home Rule Petition) (7)

Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting a VETO of the HOME RULE PETITION, authorizing the City of New Bedford to qualify City Employee for certain death benefits when the cause of death is related to COVID-19. (Ref'd 09/09/2021) (8)

Notice, City Clerk of reference of a HOME RULE PETITION, (Adopted by the City Council on August 19, 2021; VETOED by Mayor Mitchell on September 1, 2021.) (Ref'd 09/09/2021) (8a)

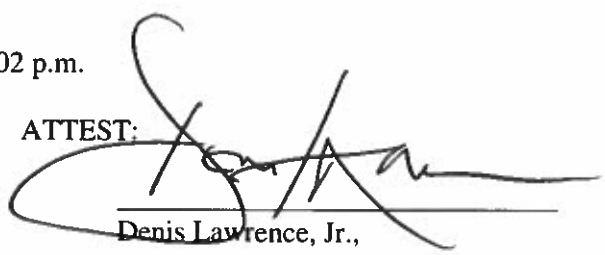
Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell to City Council, submitting an ORDINANCE, Amending Chapter 19, Section 19-7, Establishment of Unit C Classification and Salary Plan; Procedures for Advancement. (Ref'd 09/08/2022) (9)

Notice, City Clerk of reference of AN ORDINANCE, Amending Chapter 19, Section 19-7, Establishment of Unit C Classification and Salary Plan: Procedure for Advancement. (Ref'd 09/08/2022) (9a)

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

This meeting adjourned @ 10:02 p.m.

ATTEST:



Denis Lawrence, Jr.,
Clerk of Committees