

**NEW BEDFORD, MASSACHUSETTS**

**MEETING:** COMMITTEE ON ORDINANCES  
**DATE:** NOVEMBER 14, 2022  
**TIME:** 6:36 P.M.  
**PLACE:** CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

**PRESENT:** COUNCILLORS HUGH DUNN, CHAIRMAN; SCOTT LIMA, VICE CHAIRMAN; DEREK BAPTISTE; SHANE BURGO; NAOMI CARNEY (6:40); MARIA GIESTA; BRIAN GOMES; WILLIAM BRAD MARKEY; LINDA MORAD (6:46); RYAN PEREIRA

**ABSENT:** NO ONE

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Councillor Dunn called the Ordinance Committee Meeting to order and took attendance. The Clerk read a Communication from Councillor Carney explaining she would be late attending this meeting. This Communication was received and placed on file by Councillor Abreu and seconded by Councillor Pereira.

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Notice, City Clerk of reference of a PUBLIC HEARING on a COMMUNICATION, Mayor Mitchell, to City Council, submitting a proposed Zoning ORDINANCE amendment and a proposed ORDER approving the New Bedford MacArthur Drive Redevelopment Plan; (Ref'd 10/13/2022) (Duly Advertised in The Standard-Times on Monday, October 31, 2022, and Monday, November 07, 2022.) 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, November 09, 2022, to discuss the proposed Zoning ORDINANCE amendment and the proposed ORDER approving the New Bedford MacArthur Drive Redevelopment Plan; the Planning Board voted to send a FAVORABLE RECOMMENDATION, recommending that the City Council approve the MacArthur Drive Redevelopment Plan and finds the plan in conformance with the Citywide Master Plan; and further, the Planning Board voted to send a FAVORABLE RECOMMENDATION, recommending that the City Council approve the amendment to the Zoning Ordinance to insert the MacArthur Drive District text and map (Ref'd 11/10/2022) were received and placed on file and the Public Hearing was opened on a motion by Councillor Burgo and seconded by Councillor Lima. (1, 1a, 1b, 1c)

The Clerk read a Communication into the record from Paul Chasse, Chairman of the New Bedford Redevelopment Authority, explaining his absence from the meeting as it relates to this item. This Communication was received and placed on file by Councillor Giesta and seconded by Councillor Lima; and it passed on a voice vote.

Jennifer Carloni, Planning Board Director was present and gave an overview of the Planning Boards favorable recommendation as it related to the proposed zoning ordinance amendment approving the New Bedford MacArthur Dive Redevelopment Plan. She reviewed the Planning Board's report with the Committee, showing the areas that would be affected which had been previously distributed to the Committee members.

Councillor Pereira asked that Ms. Carloni confirm that the new proposal would not affect the dedicated DPA (Designated Port Area). He was told that he was correct it would not.

Councillor Giesta expressed her concern that this change was treading a fine line as it relates to the protection of the Designated Port Area, she was not in favor of this proposal.

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

The Chair recognized Attorney Andrew Saunders, 700 Pleasant Street, New Bedford, who was in favor of the change. He did express a concern about a portion of the amendment which returned that ability for non-waterfront business entities to purchase tax credits to erect businesses. He explained this was initiated during the Kalisz Administration but was removed during the Lang Administration. He expressed his concern about allowing such language. Attorney Saunders owns the waterfront area that is to be used to aid the Wind Power Industry.

Councillor Gomes expressed his concern to Ms. Carloni that this language was in the proposal. Ms. Carloni stated it was an oversight. That it was a hold over from a previous plan. City Solicitor Jaikes was recognized and stated he was not aware of the language.

No further individuals wished to be recognized and/or be recorded in favor of the petition.

The Chair asked if there was anyone present who wanted to speak and/or be recorded against the proposal. There were none.

Councillor Pereira made a motion to close the public hearing, which was seconded by Councillor Burgo. This motion passed on a voice vote.

The Committee asked Attorney Gerwatowski if once the hearing was closed could they table the matter, and he stated that the Committee could if action was taken on it within the allowed ninety (90) days.

On motion by Councillor Giesta and seconded by Councillor Gomes, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Gomes, and Dunn, requesting, that Legal Counsel draft language, potentially amending City Code Chap. 24, Section 24-8, as follows:

When a taxicab is engaged the rate will be.....\$3.00  
(from current rate of \$2.00)  
For each succeeding 1/10 mile or fraction thereof.....\$0.45  
(from current rate of \$0.35)

For each 41 seconds of waiting time or fraction thereof.....\$0.45  
(from current rate of \$0.35)

And furthermore, that Taxi company owners operating within the City be invited to a meeting of the Committee on Ordinances in order to discuss these potential rate changes (To be Referred to the Committee on Ordinances.) (Ref'd 08/18/2022) was received and placed on file by Councillor Gomes and seconded by Councillor Pereira. (2)

Attorney Gerwatowski explained to the Committee that he had drafted the ordinance change based on the information he received from the motion makers, Councillors Gomes, and Dunn. He recommended that the Committee hear from the owners of the cab companies to see if they agree and decide if the language needs to be changed based on the information received.

Walter Callaghan, Owner, Yellow Cab, Pleasant Street, New Bedford, explained that while he agrees with an increase, he believes the amounts currently referenced in the ordinance change, are high and should be lowered. Especially since competition has grown over the years with the likes of Lyft and Uber coming into being. He recommended lowering the proposed \$3.00 fee when "a taxi is engaged" to \$2.50. He also recommended lowering the proposed \$.45 for "each succeeding 1/10 mile or fraction thereof" fee to \$ .40 and the same for the "each 41 seconds of waiting time or fraction thereof..."

Fifi Montross, Owner of Star Cab, he echoed Mr. Callaghan's concerns and agreed with the fee structure presented by Mr. Callaghan.

Councillor Gomes made a motion to amend to change proposed \$3.00 fee when "a taxi is engaged" to \$2.50; Change the proposed \$0.45 for "each succeeding 1/10 mile or fraction thereof" fee to \$0.40; Change the proposed \$0.45 for the "each 41 seconds of waiting time or fraction thereof..." to \$0.40, which was seconded by Councillor Markey.

On motion by Councillor Gomes and seconded by Councillor Burgo, the Committee VOTED: To recommend to the City Council ADOPTION AS AMENDED, the Ordinance Relative To Taxi Rates. This motion passed on a voice vote.

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Items 3, 3a, 4, 5, and 6 were taken up together without objection.

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) (10/24/2022 – tabled) was removed from the table by Councillor Burgo and seconded by Councillor Abreu. (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) (10/24/2022 – tabled) was removed from the table by Councillor Burgo and seconded by Councillor Abreu. (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) (10/24/2022 – tabled) was removed from the table by Councillor Burgo and seconded by Councillor Abreu. (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) (10/24/2022 – tabled) was removed from the table by Councillor Burgo and seconded by Councillor Abreu. (6)

The Clerk read into the record a letter from Bruce Bettencourt, President of AFSCME Local 851, as it relates to the proposed Unit C pay increases. This letter was received and placed on file by Councillor Abreu and seconded by Councillor Burgo.

Emily Arpke, City Auditor submitted a revised (FTE) Full Time Equivalent for Unit C Salary Schedule. This was received and placed on file by Councillor Morad and seconded by Councillor Pereira.

The Committee also received and placed on file the updated Salary Survey, Job Description Spreadsheet and Full Time Equivalent Chart and Non-Residents Rate information, by Councillor Morad and seconded by Councillor Pereira.

Councillor Morad reviewed the Management Compensation Analysis Unit C Ordinance Proposed Grades and Current Grades Chart as it was submitted and offered up a number of increases/changes to the Proposed New Grade Structure. A total of forty-one (41) increases were offered up by Councillor Morad. Councillor Morad's list was distributed to the Committee.

The Committee recessed at 7:57 pm and came back into session at 8:08 pm.

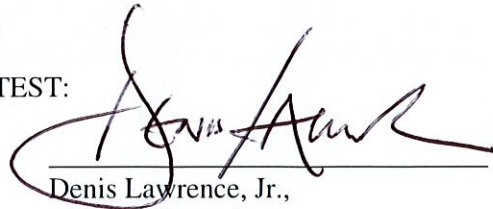
After a number of questions on how to proceed with the guidance of Attorney Gerwatowski, the Committee moved to table allowing Councillor Morad to review her changes with Ms. Keating.

On motion by Councillor Carney and seconded by Councillor Lima, the Committee VOTED: To table this matter to November 28, 2022. This motion passed on a voice vote.

Councillor Abreu made a motion to adjourn, which was seconded by Councillor Giesta. This motion passed on a voice vote.

This meeting adjourned @ 8:42 p.m.

ATTEST:

A handwritten signature in black ink, appearing to read "Denis Lawrence, Jr.", written over a horizontal line.

Denis Lawrence, Jr.,  
Clerk of Committees