



CITY OF NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON ORDINANCES
DATE: MARCH 31, 2025
TIME: 7:04 P.M.
PLACE: CITY COUNCIL CHAMBERS, ROOM 214

PRESENT: COUNCILLORS RYAN PEREIRA, CHAIR; IAN ABREU;
DEREK BAPTISTE; SHANE BURGO (7:17); NAOMI
CARNEY (8:04); BRIAN GOMES; JOSEPH LOPES;
LINDA MORAD; SHAWN OLIVER

ABSENT: COUNCILLORS LEO CHOQUETTE & MARIA GIESTA

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Councillor Pereira called the Ordinance Committee meeting to order, took attendance and explained that the meeting was being recorded and live-streamed. The Clerk read Communications into the record from Councillors Choquette and Giesta explaining their absences and a Communication from Councillor Carney explaining her tardiness. The Communications were received and placed on file by Councillor Lopes and seconded by Councillor Abreu.

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AN ORDER, Councillor Morad, ORDERED, that pursuant to M.G.L. c. 44 sec. 53F ½, an Enterprise Fund is hereby accepted and established for all Emergency Medical Services effective on July 1, 2025 (FY 2026) to be known as the Emergency Medical Services Enterprise Fund and that all receipts, revenues and funds from any source derived from activities relating to the enterprise shall be deposited into said fund to support services of the enterprise; further that any general or special revenue balances for Emergency Medical Services are hereby authorized to be transferred to the enterprise fund upon its' establishment. (To be Referred to the Committee on Ordinances, Chief Financial Officer Ekstrom and EMS Director Thomas.) (Matter ID #1009) (Referred – June 13, 2024.)

The Chair recognized Michael Thomas, Director of Emergency Medical Services.

Councillor Morad explained that the idea is to set up an Enterprise Fund for Emergency Medical Services which in turn would allow them to spend their surplus revenues for the benefit of their department. She said that the Administration is not in favor of this order because the revenue garnered is now returned to the General Fund to be spent as seems fit. The Enterprise Fund, if approved, would remove the department from having to recommend funding for new equipment only to have the request rejected as a part of the Administration's budget process. Councillor Morad asked Director Thomas how having an Enterprise Fund would benefit EMS.

Director Thomas said that the creation of such a fund would allow EMS to secure equipment when needed. It would guarantee that annually older equipment would be replaced with new items to better serve the City, it would make the department self-sufficient. Mr. Thomas said that currently his department has generated revenue of nearly \$10 million and if you back up their \$6 million annual budget and \$1.7 million in indirect costs, the department made a profit of \$2.3 million

The Director went on to state that some of his peers across the State have such funds, specifically indicating Fall River as being one such community. They have had a Stabilization Fund in place for approximately twenty years.

Councillor Lopes asked if the Director was able to reference any other communities. The Director was not. Councillor Lopes asked the Director to find out if the City of Springfield has an Enterprise Fund and if so, report back to the Committee how it works. Councillor Lopes asked what the \$1.7 million indirect costs were attributed to and was told that amount was for salaries and health benefits.

CFO Bob Ekstrom was recognized and explained that he is not in favor of an Enterprise Fund. He said the problem is that the City relies on the EMS's revenue profit to fund other items within the City's budget. Removing that amount from annual projects would create a shortfall within the City's overall budget and the \$2.3 million would have to be found elsewhere. If it cannot be found, it would result in a tax increase for the taxpayer. Mr. Ekstrom said in the past the department has been given funds to replace ambulances and first response vehicles as well as the request to increase staff. However, he went on to say that during the budget process and the CIP process the Council has reduced the requests made as they have seen fit.

Councillor Morad stated that if the department has made \$2.3 million dollars in profit, then over the next ten years or so, with the proper equipment, it should generate more and more revenue each year. She expressed concern that as of now any surplus revenue is disappearing into the City's budget and is not properly funding the EMS department. Councillor Lopes voiced his support for such a fund but suggested that perhaps a revenue cap could be put in place. If that cap is exceeded, then those funds that are in excess would revert to the General Fund.

Councillor Pereira explained that he is personally not in favor of any Enterprise Funds, especially when such funds can become financially burdensome to the City. He asked Mr. Ekstrom what the total number of Enterprise Funds was and were they all profitable. Mr. Ekstrom said the City currently has five Enterprise Funds, three which are self-sufficient and two that are not, those being Downtown Parking and the Airport.

Mr. Ekstrom reminded the Committee that the General Fund is often used to make up shortfalls that may occur in other City departments.

Councillor Oliver stated he sees both sides of the question, that being the greater possibility of having new equipment and materials as needed as well as the need to cover shortfalls as they arise within City operations. The Councillor asked how the Committee could receive a commitment that a certain amount of the revenue generated would be applied to allow EMS to purchase equipment. Mr. Ekstrom explained that he could make a commitment to recommend the equipment purchases to the Administration, but in reality, it does not mean the Mayor would agree to it. Councillor Oliver asked when the last time was that the department had any major enhancements. Mr. Ekstrom stated that in 2023 and 2024 new ambulances and emergency vehicles were purchased. Director Thomas was recognized and stated that his department did receive equipment upgrades in 2023 and 2024. For Fiscal Year 2025, they were able to increase EMS dispatchers and staff.

Councillor Lopes asked Legal Counsel David Gerwadowski if an Enterprise Fund was set up would the Council be able to include wording that would put a cap on the amount of revenue that would stay within the fund. Atty. Gerwadowski said that he did not believe this was possible. Councillor Lopes asked Atty. Gerwadowski to look into it and let him know the result. Atty. Gerwadowski said he would.

Councillor Pereira asked Atty. Gerwadowski if the Committee had the authority to set up an Enterprise Fund. Atty. Gerwadowski stated he believed from his reading that the Council did, however, in order for it to be enacted it would need the approval of the Mayor. If the Mayor did not agree and vetoed the item, the veto could not be overridden by the Council.

Councillor Morad suggested since the Administration was not in favor of this idea that the item be referred for No Further Action.

Councillor Lopes, however, suggested that the item be tabled until the budget process was completed for Fiscal Year 2026 to see whether any vehicles were to be added to EMS.

On motion by Councillor Lopes and seconded by Councillor Morad, the Committee VOTED: to table the matter for 90 days.

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WRITTEN MOTION Councillor Morad, requesting that the Committee on Ordinances review the current application of Sections 19-7 and 19-7.1 of the City Code and consider any amendments should it be determined that the application of said Sections needs to be clarified. (Matter ID #1863) (Referred – November 14, 2024.) (February 24, 2025 – tabled.)

This item was read.

Councillor Pereira explained that additional information and discussions were taking place regarding this item, therefore, he suggested that the item remain on the table at this time.

No action was taken, the item remains on the table.

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COMMUNICATION, Mayor Mitchell to City Council, submitting ORDINANCES, amending Chapter 17, Section 17-14 – Offenses and Miscellaneous Provisions, Section 17-18, Noncriminal disposition of violations of certain ordinances, rules and regulations, and amending Chapter 17, Section 17-28, Chapter 40U of the Massachusetts General Laws, addressing false, nuisance fire alarms and proposed changes that work together to reform relevant Sections of the City Code. (Matter ID #0093) (Referred – January 23, 2025.)

AN ORDINANCE, amending Chapter 17 - Offenses and Miscellaneous Provisions. (Matter ID #0094) (Referred – January 23, 2025.)

AN ORDINANCE, amending Chapter 17, Section 17-18 - Noncriminal disposition of violations of certain ordinances, rules and regulations. (Matter ID #0095) (Referred – January 23, 2025.)

AN ORDINANCE, amending Chapter 17, Section 17-28 - Chapter 40U of the Massachusetts General Laws. (Matter ID #0096) (Referred – January 23, 2025.)

On motion by Councillor Oliver and seconded by Councillor Lopes, the Committee VOTED: to receive and place on file an informational packet submitted by Scott Kruger, Chief, New Bedford Fire Department.

Fire Chief Kruger was recognized and explained that the request is to combat nuisance false alarms, stating that of the 13,000 runs done this year to date, 3,000 of them were false alarms and of that, 2,609 were nuisance (repeated) false alarms.

He went on to say that while this proposal may generate revenue, in the end it will have residential and commercial buildings properly address their alarm systems. Those who are in violation repeatedly would not be subject to a fine until the third call. The Fire Department would work with the repeat offender to correct the issues and in the end lower nuisance alarm calls.

Councillor Pereira asked Chief Kruger if he would be able to provide the Committee with the number of systems that are reported directly to the City's dispatch system, only those with a connection to the municipal alarm system. Chief Kruger stated he would be able to get the Committee this information. Councillor Pereira asked if the spike in automated alarm calls resulted in a reduction in the number of calls. Chief Kruger explained that false alarm calls have stayed relatively level, and believes that with the proper Ordinances in place, that the nuisance alarm calls will be more preventable than they currently are. Councillor Pereira asked if the Chief felt that if the new Ordinance is put in place, would less nuisance alarm calls be made knowing that there may be a fine accompanying such calls. The Chief stated he does not believe this would be the case, for a majority of the alarms are handled by the call centers.

Councillor Pereira asked Chief Kruger to provide the Committee with the number of new fire alarm systems that have been registered with the City in the last three years as well as the repeat offenders for the calendar year 2024.

Councillor Lopes asked Chief Kruger to provide the Committee with a breakdown of the 2,609 nuisance calls by homes, condos, businesses. He also asked the Chief to calculate what the increased revenue would have been if the fine system was in place during 2024. Councillor Lopes asked Chief Kruger to provide a description of the different types of false alarms and what would trigger the third occurrence resulting in a fine being issued.

Councillor Lopes asked Chief Kruger to clarify that the request for the change in language is not to generate revenue but rather to address nuisance false alarms. The Chief said that was correct.

On motion by Councillor Morad and seconded by Councillor Gomes, the Committee VOTED: To recommend to the City Council APPROVAL of the ORDINANCES, amending Chapter 17, Section 17-14 – Offenses and Miscellaneous Provisions, Section 17-18, Noncriminal disposition of violations of certain ordinances, rules and regulations, and amending Chapter 17, Section 17-28, Chapter 40U of the Massachusetts General Laws, addressing false, nuisance fire alarms and proposed changes that work together to reform relevant Sections of the City Code.

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WRITTEN MOTION, Councillors Lopes and Oliver, requesting, that the Committee on Ordinances meet with the City Planner and Inspectional Services Commissioner to review and discuss the current condo legislation for a possible amendment to include the ability for Resident “A” zoned properties that are greater than 3,250 square ft. of living space to have the ability through a Special Permit process to be reconstituted into Residential Condo units. (Matter ID #1008) (Referred – June 13, 2024.) (September 19, 2024 – tabled to allow Atty. Gerwatowski time to review and amend the proposed Ordinance.) (November 18, 2024 – tabled)

DRAFT ORDINANCE, Relative to Condominiums in Residence A Zoned Districts, (Received – September 20, 2024.) (November 18, 2024 – tabled)

This item was not read.

Councillor Pereira explained that this item is under review with City Solicitor Jaikes and is recommending that the item remains on the table. No action was taken. The item remained on the table.

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

The meeting adjourned at 8:16 p.m.

ATTEST:

Denis Lawrence Jr.
Clerk of Committees