



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

2016 APR 25 A 10:54

CITY CLERK

CITY CLERKS OFFICE
NEW BEDFORD, MA

April 22, 2016

City Council President Linda Morad
Honorable Members of the City Council
City Hall
133 William Street
New Bedford, MA 02740

LATE FILE

Dear Council President Morad and Honorable Members,

The New Bedford Bay Sox are a successful franchise of the New England Collegiate Baseball League ("NECBL"). The home games at Paul Walsh Field are well supported by the community and bring a steady stream of new visitors to New Bedford. The Bay Sox are a non-profit enterprise that is engaged in a host of community service programs, including some that support New Bedford school children. Nevertheless, the Bay Sox are struggling to pay their bills because the School Department's facilities fees are significantly higher than the average league field use fees in their league. The Bay Sox have made a credible case that the franchise must raise additional revenue to pay the fees and remain viable.

The Bay Sox have asked whether they may operate a concession stand at Paul Walsh Field for the sale of beer during Bay Sox games. Other teams in the league have this option for their fans. This addition may enhance the experience for some, and also bolster new attendance. My office, the solicitor's office, the licensing department, and the police department have reviewed this idea and have concluded that with the appropriate restrictions, beer and wine may be served in a controlled area along the right field fence without risk of public safety or distribution to minors.

Because Paul Walsh Field is the only field in the city suitable to host NECBL games, seeking another location is not a realistic option. The obstacle that they are currently facing is that General Laws Chapter 272, sec. 40A prohibits the sale or consumption of alcohol on school grounds. The solution to this is to convey a limited section of the field to the City so it will no longer be considered school property. Under Massachusetts General Laws c. 40, § 15A the School Committee had to vote by a simple majority to transfer the property to the City Council for the purpose of operation of the concession stand. The school committee has voted affirmatively to transfer the parcel to the City Council. Even after transfer, the area may still be utilized for school athletic events in the same manner.

I have included with this letter the proposed Order that was prepared by the Solicitor's Office. This motion is included so we can follow the basic legal requirements that have to be met in order to transfer the property to the City Council.

I believe that this agreement will enable the city to retain the team in New Bedford in the long run, continue its community service, and ensure public safety at Paul Walsh Field.

Sincerely,



Jon Mitchell

Enc: Proposed Order



CITY OF NEW BEDFORD

CITY COUNCIL

April 22, 2016

Ordered,

That land shown on a Plan of Land entitled, "Paul Walsh Field, Hunter St. New Bedford, MA 02740" dated March 31, 2016 and as described on Attachment "A" hereto be accepted from the School Committee and conveyed to the Department of Facilities and Fleet Management for the purpose of licensing the property to the New Bedford Baysox LLC on which the sale of beer and wine may be permitted, in accordance with conditions established by the Licensing Board and such other reasonable conditions as may be necessary or appropriate.

ATTACHMENT A

DESCRIPTION OF LICENSED AREA FOR BAYSOX BEER AND WINE CONCESSION AT
WALSH FIELD

That area shown on a plan of land entitled "Paul Walsh Field, Hunter St. New Bedford, MA 02740" dated March 31, 2016 described as follows:

Beginning at a point located N81° - 33.00' - 06' - 10.00"E 41.36 feet from a point in the east line of Hunter Street located 296.04' from the intersection of said east line of Hunter Street with the south line of Parker Street; thence

Running N15° - 58' - 47.31"W 100 feet to a point lying N81° 33.00' 10.00"E 28.26 feet from a point in the east line of Hunter Street located 196.04' from the intersection of said east line of Hunter Street with the south line of Parker Street; thence

Running N74° - 06' - 55.75"E 30.00 feet to a point; thence

Running S15° - 58' - 47.31"E 100.00 feet to a point; thence

Running S74° - 06' - 55.75"W 30.00 feet to the point of beginning.

Containing 3000 sq. ft., more or less.

Being shown as "Proposed Lot "A" on said plan.