



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

March 21, 2019

City Council President Linda M. Morad and
Honorable Members of the City Council
133 William St.
New Bedford, MA 02740

Dear Council President Morad and Honorable Members:

I respectfully submit for the Council's consideration the enclosed ordinance amending Chapter 20, Department of Planning and Community Development, dissolving the consolidated Department of Planning and Community Development, and reinstating the stand-alone departments of Planning and of Housing and Community Development.

This will return the City's organizational structure for these two critical functions to its status prior to the 2013 consolidation, which was performed in order to provide enhanced management of the Planning staff during a period of personnel transition. This reorganization will result in a reclassification of DPHCD Director Patrick Sullivan's position from M-18 to M-16, resulting in a modest salary decrease, while City Planner Tabitha Harkin's position will remain an M-15. This change will also have a positive fiscal impact, as Mr. Sullivan's position and the Deputy Director of Community Development position, now partially supported by the general fund, will be reabsorbed entirely into the grant-funded OHCD budget.

I believe the time is right for this change, which has the full support of Mr. Sullivan and Ms. Harkin. Under Mr. Sullivan's and Ms. Harkin's leadership, the Planning division has made great strides in building out its organizational capacity and has proven to be professionally managed, efficient, and productive. I have full confidence in Ms. Harkin's ability to lead the department on her own going forward.

Mr. Sullivan and Ms. Harkin will be available to answer any questions you may have.

Thank you for your consideration.

Sincerely,


Jonathan F. Mitchell

JFM/erc



CITY OF NEW BEDFORD

In the Year Two Thousand and Eighteen

AN ORDINANCE

Amending Chapter 20 Department of Planning and Community Development

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

Chapter 20 Planning and Community Development is hereby amended by striking said chapter in its entirety and inserting in place thereof, the following:

SECTION 1

Chapter 20 PLANNING AND DEVELOPMENT

Sec. 20--1 Planning Board—Composition, appointment.

(a) The planning board shall consist of five (5) members, appointed for three-year terms. Such members shall be appointed by the mayor, subject to confirmation by the city council.

(b) There shall be one (1) associate member of the planning board, who shall be appointed by the mayor and confirmed by the city council for a three-year term. The associate member may be designated by the chairman of the planning board to sit on the board for purposes of acting on special permit and site plan review applications, in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board or in the event of a vacancy on the board.

(c) Any member of the planning board may be removed for cause, after a public hearing, by the mayor, with the approval of the city council. A vacancy occurring, otherwise than by expiration of the term shall be filled for the unexpired term, in the same manner as the original appointment.

State law reference – See M.G.L.A. c. 41, § 81A

Sec. 20-2 Same—Presiding officer; compensation.

(a) The planning board shall annually elect a chairman and a clerk from among its membership.

(b) Each member of the planning board shall be paid at the rate of twenty dollars (\$20.00) per meeting attended, but in no event shall any member receive in excess of five hundred dollars (\$500.00) in any fiscal year.

(c) The planning board may employ technical consultants and may employ clerical assistance, for proper record of its doings.

(d) Upon the request of the planning board, the city planner, commissioner of public infrastructure, commissioner of inspectional services, director of the health department, director of recreation/parks, water superintendent, wire inspector and school superintendent shall provide information and recommendations to assist the board and shall attend or be represented at planning boards meetings, if so requested.

Sec. 20-3 Same - Duties.

The planning board shall perform all the duties required under the laws of the commonwealth and such other duties as may be required by ordinance.

State law reference— Powers and duties generally, M.G.L.A. c. 41, § 81B.

Sec. 20-7 Same - Cooperation of city departments.

On request, the several departments of the city shall furnish the planning board with such data and information as may be required in carrying out the provisions of this chapter.

Sec. 20-8 Same - Reports.

Annually in January, the planning board shall present to the city council a written report giving information regarding the condition of the city and any plans or proposals for its development or renewal, and estimates of the cost thereof, in accordance with the laws of the commonwealth.

State law reference— Similar provisions, M.G.L.A. c. 41, § 81C.

Sec. 20-9 Same - Master Plan.

The planning board shall make a master plan of the city or such part of parts thereof said board may deem advisable and from time to time may extend or perfect such plan.

State law reference— Similar provisions, M.G.L.A. c. 41, § 81D.

Sec. 20-10 City planner - Function; appointment; removal; qualifications; term; compensation as fixed.

- (a) The mayor may appoint a city planner, subject to confirmation by the city council, and who shall qualify by oath before entrance upon the duties of such office.
- (b) Any person appointed as city planner under this section shall have not less than five (5) years of general, responsible, professional experience in the field of municipal or regional planning and development.
- (c) The term of office of the city planner shall expire on the first Monday in even years, but if not reappointed, the city planner shall continue in office until a successor is appointed, confirmed and qualified.
- (d) The city planner shall receive such annual compensation as may be determined by the mayor and city council.

Sec. 20-11 Same - Powers and duties; acting as consultant.

The city planner shall have the following powers and duties:

- (a) From time to time, the city planner shall make careful studies, and when necessary, prepare plans relating to the resources, possibilities and needs of the city, and upon completion of such study or plans, shall submit a report thereon to the planning board, mayor and city council, together with recommendations.
- (b) The city planner shall assist the planning board in the preparation of their annual report, giving information regarding the condition of the city and any plans or proposals for its development or renewal, and estimates of the cost thereof, in accordance with the laws of the commonwealth.
- (c) The city planner shall work with the planning board to develop such master or study plans of the city, or such parts thereof as may be determined advisable, showing upon such plan or parts thereof, among other things, existing and desirable proposed public ways, street grades, public places, bridges and tunnels, viaducts, parks, parkways, playgrounds, sites for public buildings and structures, building and zoning districts, pierhead and bulkhead lines, waterways, routes of railroads, buses and water transportation lines, and locations of sewers, water conduits and other public utilities, and other pertinent features of such plans, including existing private ways; and after consultation with other municipal agencies charged with enforcing housing laws, the building code and zoning ordinances, by-laws or regulations, and in cooperation with housing and redevelopment officials, if any, the city planner shall designate and plan conservation, rehabilitation and redevelopment areas for the purpose of guiding residential protection, neighborhood improvement, commercial and industrial development and urban renewal programs.

(d) Upon authorization by the mayor, the city planner shall represent the city in procuring participation in any federal or commonwealth programs for urban renewal and redevelopment.

(e) The city planner shall act as consultant to the planning board in all matters connected with or pertinent to the exercise of its powers of subdivision control and such planner or one of such planner assistants shall attend all meetings of said board in an advisory capacity.

(f) The city planner shall, upon request, advise the department of public health and other municipal departments, on matters related to land subdivision coming within their jurisdiction.

(g) The city planner shall, when requested to do so, furnish such advice and recommendations as may be desired by the board of appeals of the city.

(h) The city planner shall oversee the performance of such duties as may be lawfully delegated to him by the several commissioners, departments, boards and commissions of the city, including but not limited to the planning board. Said duties shall be performed in accordance with the requirements of the delegating authority and the applicable code or law.

(i) The city planner shall prepare an annual report of the activities of the department, pursuant to section 2-6 of this code.

(j) The city planner shall perform such other duties as the mayor may require.

Sec. 20-12 Same - Cooperation of other departments.

Upon request, the several departments, offices, commissions and agencies of the city shall furnish the city planner with such data and information as may be required by such planner in carrying out the provisions of this chapter.

Sec. 20-13. Assistant city planners; appointment; compensation; term; duties.

(a) There are hereby created and established within the city planning department two (2) positions of assistant city planners. The mayor, subject to confirmation by the city council, may appoint assistant city planners, who shall qualify by oath before entrance upon their duties of office.

(b) The term of office of assistant city planners shall expire on the first Monday in odd years, but if either of them is not reappointed, such person shall continue in office until a successor is appointed, confirmed and qualifies.

(c) The assistant city planners shall receive such annual compensation as may be determined by the mayor and city council.

(d) Under the supervision and general direction of the city planner, the assistant city planners shall perform such duties as the city planner may require in the conduct of the city planning department; and during the absence or disability of the city planner, or when requested by the city planner to do so, the assistant city planner having the longest period of service with the city planning department shall perform the duties of city planner.

Sec. 20-16 Development and industrial commission—Established; purposes; powers.

Pursuant to M.G.L.A. c. 40, § 8A, there is hereby established a development and industrial commission for the promotion and development of the industrial resources of said city or town. Such commission shall conduct research into industrial conditions and shall seek to coordinate the activities of unofficial bodies organized for said purposes, and may advertise, prepare, print and distribute books, maps, charts and pamphlets which in its judgment will further the provisions for which it is created. The commission may appoint such clerks and other employees as it may require.

Note—Ch. 297, Acts 1954, from which M.G.L.A. c. 40, § 8A is derived, was accepted by the city on April 1, 1957.

Sec. 20-17 Same - Membership.

Such commission shall consist of seven (7) members appointed by the mayor. The terms of the members initially shall be for such length not exceeding five (5) years, and so arranged that the term of approximately one-fifth (1/5) of the members will expire each year and their successors shall be appointed for terms of five (5) years each. Any member of a board so appointed may be removed for cause after a public hearing, if requested, by the mayor, with the approval of the city council. A vacancy occurring, otherwise than by expiration of term, shall be filled for the remainder of unexpired term, in the same manner as an original appointment.

SECTION 2.

This ordinance shall take effect in accordance with the provisions of Chapter 40A of the General Laws.