



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

November 6, 2019

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

CITY CLERKS OFFICE
NEW BEDFORD, MA
2019 NOV -7 P 2:56
CITY CLERK

Re: Veto of Order Relative to Permits, Licenses, or Other Approvals

Dear Council President Morad and Honorable Members of the City Council:

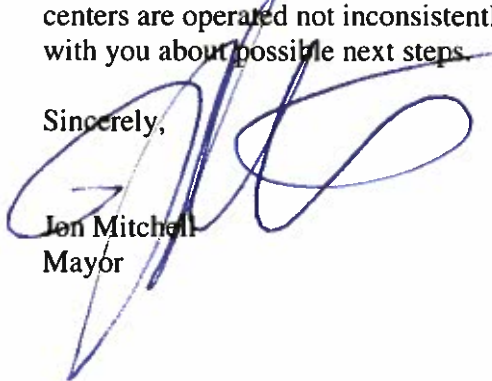
I write to veto the proposed order ("Order") that would "immediately suspend the issuance of any permits, licenses or other approvals issued by the City of New Bedford for the new location of any facility that proposes to provide or prescribe any opiate or product containing buprenorphine in the treatment of opioid addiction where said location is to be within 10,000 feet of any residential structure . . ." The Order was presented to me on October 28, 2019.

I am deeply sympathetic to the concerns that prompted the City Council to adopt the Order, and I am in complete agreement with the Council's opposition to the proposed facility on Brigham Street. I am troubled by the proliferation of drug treatment facilities without regard to the interests of the surrounding neighborhoods. New Bedford has demonstrated itself to be a national leader in combatting opioid addiction, but it would be irresponsible for us to not also take steps to ensure the appropriate locating of substance abuse facilities.

That said, on advice of legal counsel, I must veto the Order on procedural grounds, as it is effectively a zoning ordinance amendment, which may not legally be passed through a simple order of the City Council. A zoning ordinance amendment must instead be passed in accordance with M.G.L. c. 40A, which mandates, among other things, that the Planning Board and City Council hold public hearings on the proposed amendment. E.g., Collura v. Town of Arlington, 367 Mass. 881, 886 (1975)(interim zoning measures permissible if enacted in accordance with M.G.L. c. 40A). These requirements were not satisfied.

Despite this veto, I am committed to working with the City Council to ensure that addiction treatment centers are operated not inconsistently with the interests of neighbors, and I look forward to speaking with you about possible next steps.

Sincerely,


Jon Mitchell
Mayor



CITY OF NEW BEDFORD

CITY COUNCIL

October 24, 2019

CITY COUNCIL ORDER

ORDERED, That all City Departments immediately suspend the issuance of any permits, licenses or other approvals issued by the City of New Bedford for the new location of any facility that proposes to provide or prescribe any Opiate or product containing buprenorphine in the treatment of Opioid addiction where said location is to be within 10,000 feet of any residential structure until such time as the City Council has determined the proper conditions and requirements that, through local legislation or regulation, need to be imposed on such facilities to assure that such locations are not contrary to the health, safety and welfare of the children and citizens of the City of New Bedford.

Ian Abreu, Councillor at Large

Naomi R.A. Carney, Councillor at Large

Brian K. Gomes, Councillor at Large

Joseph P. Lopes, Councillor Ward Six

Linda M. Morad, City Council President

Hugh Dunn, Councillor Ward Three

Maria Giesta, Councillor Ward Two

Scott Lima, Councillor Ward Five

Brad Markey, Councillor Ward One