



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

January 2, 2020

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

Re: Request for Special Municipal Employee Designation

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

I write to request that the City Council classify as "special municipal employee" the positions of Special Legal Counsel and Hearing Officer. A draft order to this effect is attached.

The immediate impetus for this request is the upcoming site assignment hearing that the Board of Health will have to conduct in connection with the proposed Parallel Products expansion. Because the City will likely be intervening in the hearing, the Board of Health will need to have separate counsel advising it. In addition, by law, the Board of Health must retain a Hearing Officer to conduct the hearing.

We have identified experienced attorneys to serve in these positions (Adam Brodsky as Special Legal Counsel and Arthur Kreiger as Hearing Officer), and both have asked for special municipal employee status. I believe that it would be prudent to designate the positions of Special Legal Counsel and Hearing Officer as special municipal employees not only because it would enable the City to retain Attorneys Brodsky and Kreiger on behalf of the Board of Health, but also because it would make it easier for the City to expeditiously retain highly qualified outside legal counsel in the future.

I note that the City Council has already designated a number of attorney positions as special municipal employees (Counsel to the New Bedford Redevelopment Authority, Assistant City Solicitors, Counsel to the New Bedford School Committee, Police Legal Advisor, Part-time Associate Counsel, Counsel for the New Bedford Airport Expansion Project, Special Counsel to the Law Department in its negotiations and litigation involving the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority, and Legislative Counsel), so the proposed additional designations would be consistent with past practice.

Thank you very much for your consideration.

Sincerely,



Jon Mitchell
Mayor



CITY OF NEW BEDFORD

CITY COUNCIL

January 9, 2020

Ordered, that the positions of Special Legal Counsel and Hearing Officer be and are hereby classified as "Special Municipal Employee" pursuant to the provisions of Chapter 268A of the Massachusetts General Laws.