

**COMMITTEE ON CITY PROPERTY - October 22, 2019**  
**MEETING AT 7:00 PM, City Hall, 133 William Street, New Bedford, MA City Council Chambers -**  
**Room 214**  
**AGENDA**

1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a request, that pursuant to Section 2-65 of the City Code, the Committee on City Property begin proceedings to seek proposals for the disposition of a long-term leasehold interest in property owned by the City of New Bedford, consisting of approximately 0.151 acres (6,5778) square feet of land currently occupied by an accessory structure to a commercial property located on MacArthur Drive, shown on the City of New Bedford Assessor's Map 53 as Lot 255 (51 Fisherman's Wharf). (Ref'd 5/9/19)

***INVITEES: David Gerwatowski, Legal Counsel Attorney; Pamela Lafreniere, Deputy Director & In-House Counsel, New Bedford Port Authority; Mikaela McDermott, City Solicitor***

2. WRITTEN MOTION, Councillor Carney, requesting that Board of Park Commissioners Chairman, Peter Boswell, DPI Commissioner Jamie Ponte and Director of Parks, Recreation and Beaches, Mary Rapoza meet with the Committee on City Property to discuss utilizing the park behind the Pulaski School for additional parking purposes. (To be Referred to the Committee on City Property.) (Ref'd 5/9/19) (7/16/19 – Received and Placed on File)

***INVITEES: Peter Boswell, Chairman, Park Board; David Gerwatowski, Legal Counsel Attorney; Jamie Ponte, Commissioner, Department of Public Infrastructure; Mary Rapoza, Director, Parks, Recreation and Beaches***

3. WRITTEN MOTION, Councillor Abreu, requesting, that the Park Board explore possible uses of land in and around the Pulaski Park and School area for parking and/or alternative access roads and determine whether the land is Article 97 land, and if so, develop some viable options for developing said road or parking; and further, that the Park Board report its findings to the Chair of the Committee on City Property, Councillor Naomi R. A. Carney. (Ref'd from Committee 7/16/19)

***INVITEES: Peter Boswell, Chairman, Park Board; David Gerwatowski, Legal Counsel Attorney; Jamie Ponte, Commissioner, Department of Public Infrastructure; Mary Rapoza, Director, Parks, Recreation and Beaches***

***Chair Suggests 'Refer to Finance Committee' and 'Report Out to the Full City Council'***

4. WRITTEN MOTION, Councillor Gomes, requesting, that the Administration explain the large increase in costs for membership at the Woodcock Rifle Range that has been implemented on members; and further, that this increase be reconsidered unless the Administration can express why the increase has been implemented and what benefits does it provide to the

membership. (Referred to the Mayor and Committee on City Property.) (Ref'd 6/27/19)

***Chair Suggests 'No Further Action' and 'Report Out to the Full City Council'***

5. WRITTEN MOTION, Councillor Gomes and Council President Morad, requesting, that a letter be sent to the Massachusetts Court System along with our State Legislative Delegation and Senator Mark C.W. Montigny, to take immediate action to address funding and repairs that are desperately needed to the exterior of New Bedford Superior Courthouse, this building is part of our landscape and has a historic history serving the community and court system; and further, requesting, that landscaping and new Superior Court sign be included in any restoration revitalization of the exterior of this beautiful historic building. (Recommendation Followed and to be Referred to the Committee on City Property and Waive Rule 40.) (Ref'd 12/13/18)

6. WRITTEN MOTION, Councillor Gomes, requesting, once more, that the Library Director Melo, provide the Committee on City Property with a list and monetary value of all historic and valuable pieces of art belonging to the City; and further that the list include the pieces of art that have been loaned out by the City and the location of said pieces, furthermore, that the list be provided to the Committee on City Property within 30 days. (To be Referred to the Committee on City Property.) (Ref'd 2/14/19) (5/24/19 - Olivia Melo submitted a comprehensive listing for the Art & Objects collection presently under the care of the New Bedford Public Library.)

7. COMMUNICATION, Mayor Mitchell, to City Council, submitting TWO ORDERS, the first Order declares the former Kempton School surplus property and transfer it from the School Committee to the Committee on City Property; and the second Order authorizes the Mayor to execute a deed transferring the Kempton School to the Alma del Mar Charter School, contingent upon the State Legislature passing the Home Rule Petition. (Ref'd 5/23/19)

7a. AN ORDER, declaring the former Kempton School surplus property. (Ref'd 5/23/19)

7b. AN ORDER, authorizing the Mayor to execute a deed transferring the Kempton School to the Alma del Mar Charter School. (Ref'd 5/23/19)

8. COMMUNICATION, Council President Morad, submitting a communication from Superintendent Anderson, Secretary to the School Committee, notifying that on May 13, 2019, the School Committee voted that the Horatio A. Kempton School is no longer needed by the New Bedford Public School. (To be Referred to the Committee on City Property.) (Ref'd 5/23/19)

***In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact the Clerk of Committees Office at 508-979-1482. Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.***



Item Title:

COMMUNICATION re Disposition of Property / 51 Fisherman's Wharf

Item Detail:

1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a request, that pursuant to Section 2-65 of the City Code, the Committee on City Property begin proceedings to seek proposals for the disposition of a long-term leasehold interest in property owned by the City of New Bedford, consisting of approximately 0.151 acres (6,5778) square feet of land currently occupied by an accessory structure to a commercial property located on MacArthur Drive, shown on the City of New Bedford Assessor's Map 53 as Lot 255 (51 Fisherman's Wharf). (Ref'd 5/9/19)

Additional Information:

ATTACHMENTS:

Description	Type
1. COMM re 51 Fisherman's Wharf	Cover Memo
1. COMM from NBPA re 51 Fisherman's Wharf	Cover Memo
License Parcel Plan - Black Whale	Cover Memo
NB Fairhaven DPA map	Cover Memo



**CITY OF NEW BEDFORD**

**JONATHAN F. MITCHELL, MAYOR**

May 2, 2019

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

CITY CLERKS OFFICE  
NEW BEDFORD, MA  
2019 MAY -2 P 12:25  
CITY CLERK

Dear Council President Morad and Honorable Members:

I write to request that the City Council, pursuant to Section 2-65 of the City Code, begin Property Committee proceedings to seek proposals for the disposition of a long-term leasehold interest in property owned by the City of New Bedford, consisting of approximately 0.151 acres (6,5778) square feet) of land currently occupied by an accessory structure to a commercial property located on MacArthur Drive, shown on City of New Bedford Assessor's Map 53 as Lot 255.

Thank you for your consideration in this matter.

Sincerely,

Jonathan F. Mitchell  
JFM/crc

**IN CITY COUNCIL, May 9, 2019**

Referred to the Committee on City Property.  
a true copy attest:

Dennis W. Farias, City Clerk

City Clerk



## NEW BEDFORD PORT AUTHORITY

September 26, 2019

52 Fisherman's Wharf TEL (508) 961-3000  
New Bedford, MA 02740 FAX (508) 979-1517  
[WWW.PORTOFNEWBEDFORD.ORG](http://WWW.PORTOFNEWBEDFORD.ORG)

Councilor Naomi Carney  
133 William Street  
New Bedford, MA 02740

Dear Councilor Carney:

I am writing to you regarding the legal procedures for the potential lease of .0151 acres of land ("the Property") currently occupied by an accessory structure to a commercial property located on MacArthur Drive, shown on the City of New Bedford's Assessor's Map 53 as Lot 255 (51 Fisherman's Wharf). As you know, the New Bedford Harbor Development Commission dba New Bedford Port Authority (NBPA) has put together a Request for Proposal to lease the Property, but the RFP has not yet been issued. The draft RFP calls for an original 5-year term lease and allows for four additional 5-year terms.

It is my opinion, with which the City Solicitor agrees, that the next steps should be for the NBPA to (1) issue the RFP; (2) review the responses to the RFP; and (3) present a lease with the successful responder to the Mayor and City Council for their approval.

This procedure would effectuate the provisions of the NBPA's Enabling Legislation of 1957. Section 2 of the enabling legislation states that the NBPA "shall be in administrative charge of the port of New Bedford" and "shall have immediate charge of the lands, piers and other structures and facilities now or hereafter owned by the city or conveyed to the city by the commonwealth in said port." Section 3 provides that the HDC is entitled to use all of the waterfront property owned by the City. Section 5 provides that the NBPA may lease industrial and commercial locations within its charge (among other things) but that no lease over five years shall be valid unless approved by the Mayor and City Council.

The subject property is in the port of New Bedford. As a result, pursuant to the enabling legislation, it is in the administrative charge of the NBPA, and the NBPA may lease it for the term proposed in the draft RFP, subject to the Mayor and City Council's approval.

I would be grateful if you or the City Council's attorney would let me know if you concur with the proposed plan of action. If you do, the NBPA will promptly issue the RFP and then submit a proposed lease to the Mayor and City Council for approval.



# NEW BEDFORD PORT AUTHORITY

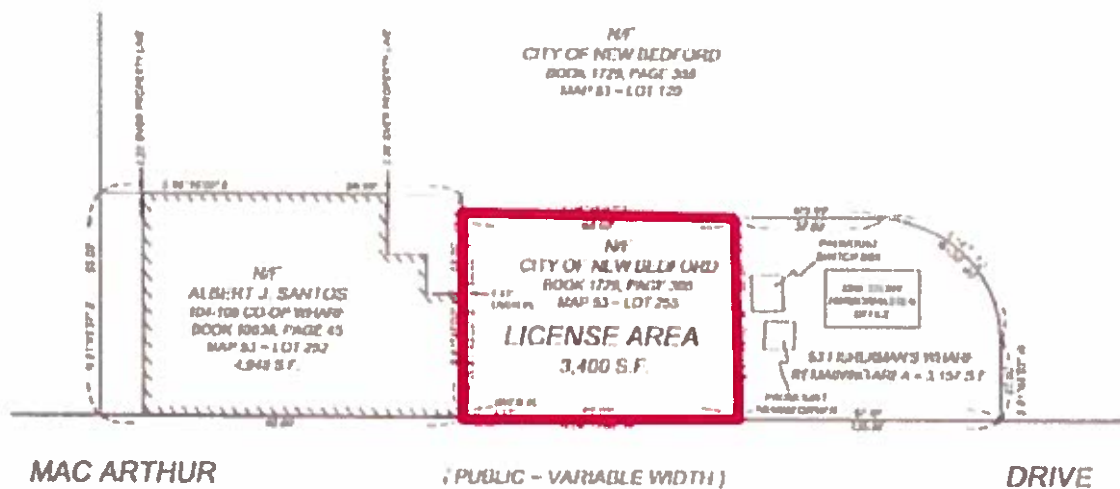
52 Fisherman's Wharf TEL (508) 961-3000  
New Bedford, MA 02740 FAX (508) 979-1517  
[WWW.PORTOFNEWBEDFORD.ORG](http://WWW.PORTOFNEWBEDFORD.ORG)

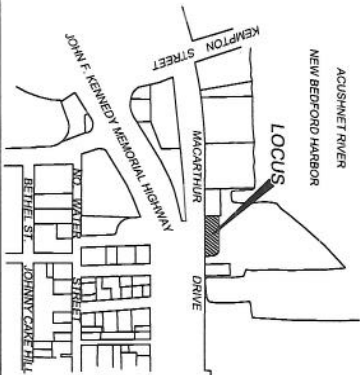
Sincerely,

*Pamela Lafreniere*

Pamela Lafreniere, Esq.  
Deputy Director & In-House Counsel

## Site Plan



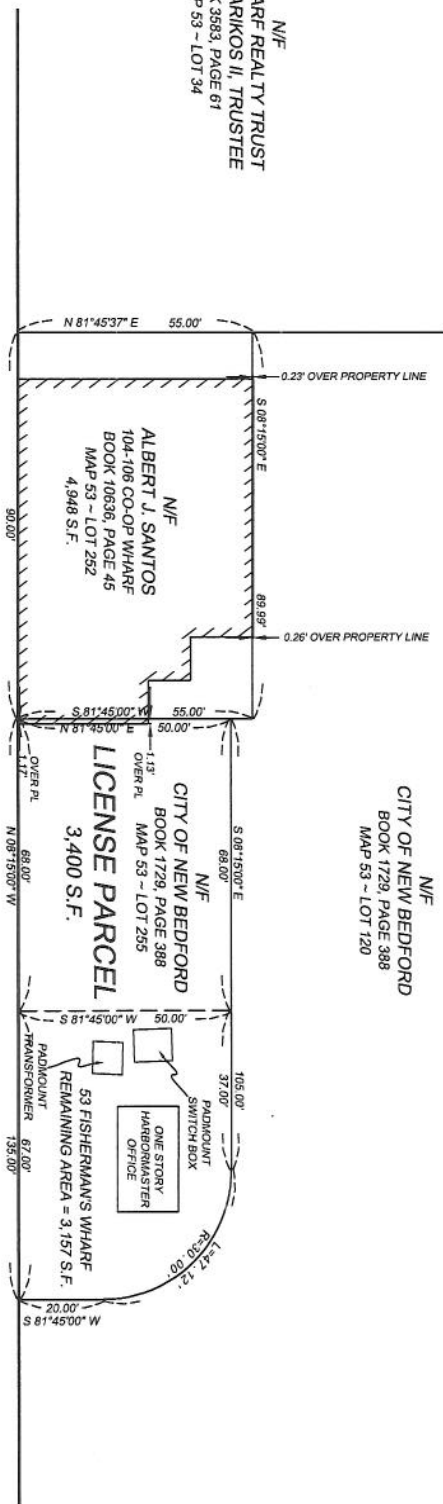


LOCUS MAP - NOT TO SCALE

MACARTHUR

(PUBLIC ~ VARIABLE WIDTH)

DRIVE



GENERAL NOTES:

LOCUS IS OWNED BY THE CITY OF NEW BEDFORD. SEE DEED RECORDED IN THE BRISTOL COUNTY (S.D.) REGISTRY OF DEEDS AT BOOK 1729, PAGE 388.

THE LOCUS IS SHOWN AS PARCEL NO. 34 ON A PLAN PREPARED FOR THE NEW BEDFORD REDEVELOPMENT AUTHORITY, DATED OCTOBER 1978 AND RECORDED AT PLAN BOOK 97, PAGE 59 IN THE BRISTOL COUNTY (S.D.) REGISTRY OF DEEDS.

THE LOCUS IS ALSO SHOWN AS LOT 255 ON THE NEW BEDFORD ASSESSORS MAP 53.

THE PROPERTY IS ZONED WATERFRONT INDUSTRIAL.



- NOTE:
- 1) REAL PROPERTY LINES CONTROL.
  - 2) SHALL INCLUDE THE LAND ON THE EAST SIDE OF THE EXISTING BUILDING REQUIRED TO EXTEND UTILITY SERVICES

EXHIBIT B

KENNETH R. FERREIRA  
ENGINEERING  
46 FOSTER STREET  
NEW BEDFORD, MA 02740  
TEL: 508-992-0020  
FAX: 508-992-5374

Issued For:

EXHIBIT PLAN

Designed By:

Drawn By: KW

Checked By: KRF

Scale: 1" = 20'

Date: 4-30-2014

Revisions

No. Description Date



LICENSE PARCEL  
53 FISHERMAN'S WHARF  
"THE BLACK WHALE"  
PIER 4  
104-106 CO-OP WHARF  
NEW BEDFORD, MA, 02740  
PREPARED FOR  
THE BLACK WHALE, LLC

Drawing Title  
LICENSE PARCEL PLAN

Project No.  
FE 3618

Sheet No.  
2 of 2

Drawing No.

C-2





Massachusetts Office of Coastal Zone Management  
251 Causeway Street, Suite 800  
Boston, MA 02114  
[www.mass.gov/czm](http://www.mass.gov/czm)

# New Bedford-Fairhaven

## Designated Port Area (DPA)

For planning purposes only. In the event of conflict between this map and the accompanying written description, CZM shall issue a written clarification pursuant to the Designated Port Area (DPA) regulations at 301 CMR 25.00.







Item Title:

WRITTEN MOTION re Parking / Pulaski School

Item Detail:

2. WRITTEN MOTION, Councillor Carney, requesting that Board of Park Commissioners Chairman, Peter Boswell, DPI Commissioner Jamie Ponte and Director of Parks, Recreation and Beaches, Mary Rapoza meet with the Committee on City Property to discuss utilizing the park behind the Pulaski School for additional parking purposes. (To be Referred to the Committee on City Property.) (Ref'd 5/9/19) (7/16/19 – Received and Placed on File)

Additional Information:

ATTACHMENTS:

Description	Type
2. Letter re Parking at Pulaski School	Cover Memo



Office of  
Clerk of Committees  
133 William Street  
New Bedford, MA 02740

# *City of New Bedford*

MASSACHUSETTS

Tel: (508) 979-1482  
Fax: (508) 979-1407

**DENNIS W. FARIAS**  
*City Clerk Clerk of the City Council*

**DENIS LAWRENCE, JR.**  
*Clerk of Committees*

**DONNA M. BRITTO**  
*Assistant Clerk of Committees*

July 17, 2019

Mr. Peter Boswell, Chairman  
Park Board  
24 Foley Drive  
New Bedford, MA 02745

Dear Chairman Boswell:

The Committee on City Property at a Meeting held on Tuesday, July 16, 2019, considered a WRITTEN MOTION, Councillor Carney, requesting that Board of Park Commissioners Chairman, Peter Boswell, DPI Commissioner Jamie Ponte and Director of Parks, Recreation and Beaches, Mary Rapoza meet with the Committee on City Property to discuss utilizing the Park behind the Pulaski School for additional parking purposes.

On motion by Councillor Abreu and seconded by Councillor Giesta, the Committee VOTED: To request that the Park Board explore possible uses of land in and around the Pulaski Park and School area for parking and/or alternative access roads and determine whether the land is Article 97 land, and, if so, develop some viable options for developing said road or parking; and further, that the Park Board report its findings to the Chair of the Committee on City Property (Councillor Naomi R. A. Carney).

Your response to the Committee's request would be greatly appreciated. Please send all correspondence to the Clerk of Committee's Office in City Hall, Room 213.

Respectfully yours,

Donna M. Britto  
Assistant Clerk of Committees

/dmb



Item Title:

WRITTEN MOTION re Pulaski Park and School / Alternative Access Roads and Parking

Item Detail:

3. WRITTEN MOTION, Councillor Abreu, requesting, that the Park Board explore possible uses of land in and around the Pulaski Park and School area for parking and/or alternative access roads and determine whether the land is Article 97 land, and if so, develop some viable options for developing said road or parking; and further, that the Park Board report its findings to the Chair of the Committee on City Property, Councillor Naomi R. A. Carney. (Ref'd from Committee 7/16/19)

Additional Information:



Item Title:

WRITTEN MOTION re Woodcock Rifle Range

Item Detail:

4. WRITTEN MOTION, Councillor Gomes, requesting, that the Administration explain the large increase in costs for membership at the Woodcock Rifle Range that has been implemented on members; and further, that this increase be reconsidered unless the Administration can express why the increase has been implemented and what benefits does it provide to the membership. (Referred to the Mayor and Committee on City Property.) (Ref'd 6/27/19)

Additional Information:



Item Title:

WRITTEN MOTION re New Bedford Superior Courthouse / Repairs

Item Detail:

5. WRITTEN MOTION, Councillor Gomes and Council President Morad, requesting, that a letter be sent to the Massachusetts Court System along with our State Legislative Delegation and Senator Mark C.W. Montigny, to take immediate action to address funding and repairs that are desperately needed to the exterior of New Bedford Superior Courthouse, this building is part of our landscape and has a historic history serving the community and court system; and further, requesting, that landscaping and new Superior Court sign be included in any restoration revitalization of the exterior of this beautiful historic building. (Recommendation Followed and to be Referred to the Committee on City Property and Waive Rule 40.) (Ref'd 12/13/18)

Additional Information:



Item Title:

WRITTEN MOTION re City-Owned Art Inventory

Item Detail:

6. WRITTEN MOTION, Councillor Gomes, requesting, once more, that the Library Director Melo, provide the Committee on City Property with a list and monetary value of all historic and valuable pieces of art belonging to the City; and further that the list include the pieces of art that have been loaned out by the City and the location of said pieces, furthermore, that the list be provided to the Committee on City Property within 30 days. (To be Referred to the Committee on City Property.) (Ref'd 2/14/19) (5/24/19 - Olivia Melo submitted a comprehensive listing for the Art & Objects collection presently under the care of the New Bedford Public Library.)

Additional Information:



Item Title:

COMMUNICATION re ORDERS / Kempton School

Item Detail:

7. COMMUNICATION, Mayor Mitchell, to City Council, submitting TWO ORDERS, the first Order declares the former Kempton School surplus property and transfer it from the School Committee to the Committee on City Property; and the second Order authorizes the Mayor to execute a deed transferring the Kempton School to the Alma del Mar Charter School, contingent upon the State Legislature passing the Home Rule Petition. (Ref'd 5/23/19)

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Additional Information:





Item Title:

COMMUNICATION re Kempton School

Item Detail:

8. COMMUNICATION, Council President Morad, submitting a communication from Superintendent Anderson, Secretary to the School Committee, notifying that on May 13, 2019, the School Committee voted that the Horatio A. Kempton School is no longer needed by the New Bedford Public School. (To be Referred to the Committee on City Property.) (Ref'd 5/23/19)

Additional Information:



Item Title:  
Accessibility Statement

Item Detail:

***In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact the Clerk of Committees Office at 508-979-1482. Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.***

Additional Information: