

Court orders removal of New Bedford mill building to allow construction of Riverwalk

"On April 14, Superior Court Judge Thomas F. McGuire, Jr. granted the City's request to demolish a mill building located at 1 Rear Coffin Avenue after City inspectors deemed the building "unused, uninhabited, and/or abandoned, and constitutes a danger to life or limb." The City has sought to secure the building for several years.

On April 20, 2016, the City's Commissioner of Buildings issued a written order to the property's owner, Beit Medrash, who acquired the property as a donation in 2015. He was ordered to "begin to secure and/or board up said building or structure and make it safe in accordance with the enclosed Board up Procedures by 12 p.m." on the day the letter was served. Three years later, on April 11, 2019, the same order was sent to Medrash, with the additional warning of Final Notice of Court Proceedings to Follow.

On April 23, 2019, the City's Department of Inspectional Services issued a report signed by the City engineer and two others certifying that they had inspected the property and found the structure to be dangerous, unused, uninhabited or abandoned, and open to the weather. On May 14, 2019, Alan R. Clunie of Clunie Engineering, Inc. sent a letter to the City's Department of Inspectional Services, noting that he had participated in the inspection of the building on April 23rd as part of a Survey Board convened by the City of New Bedford officials, and described the mill building in poor condition.

On June 3, 2019, the City's Commissioner of Buildings sent a

written order requiring Medrash to remove the mill building no later than 12 p.m. on the 10th day after receiving the order, describing the condition of the mill as structural components in ruin and in a state of collapse, and rendering a fire hazard due to the water, power, and sprinkler system being inoperative. The order warned that if Medrash did not comply, the City would either cause the structure to be removed at his expense or seek an order from the Superior Court.

On June 11, 2019, a deputy sheriff served the report of the board of survey and the building commissioner's order to remove the mill building to Medrash, and on September 4, 2019, the City of New Bedford commenced this action against him seeking an order requiring him to demolish and remove the mill building and if failure to do so, authorized the City to demolish the building.

Medrash was unable to demolish and remove the building ordered by the court due to a lack of financial resources. After filing a lawsuit against Medrash, Judge McGuire ruled in the City's favor for the removal of the mill building.

"I applaud our legal team led by City Solicitor Eric Jaikes, along with former Housing and Community Development Director Patrick Sullivan, and our Commissioner of Inspectional Services Danny Romanowicz, for their persistence over the past eight years to bring the City's legal efforts to conclusion," said Mayor Jon Mitchell. "The building was beyond repair and its removal ultimately will allow for the construction of the long-planned Riverwalk in the Northend."

"I am very happy by the Superior Court's decision. Both the neighborhood and I have been very concerned with this dilapidated building, which has been not only a blight in the community, but a possible danger to the residents," said Maria Giesta, Ward 2 City Councilor.

"I am happy that after significant litigation the Court has

ruled in favor of New Bedford, granting the City the authority to demolish this dilapidated structure," said City Solicitor Eric Jaikes. "It has been open to the elements, a fire hazard, and a danger to the adjoining residential complex for far too long due to the owner's failure to maintain its property."- City of New Bedford.