

NEW BEDFORD, MASSACHUSETTS

**MEETING: COMMITTEE ON ORDINANCES**  
**DATE: OCTOBER 23, 2018**  
**TIME: 7:02 P.M.**  
**PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING**

**PRESENT: COUNCILLORS HUGH DUNN, CHAIRMAN; DANA REBEIRO, VICE CHAIRPERSON (7:05); IAN ABREU; NAOMI CARNEY (7:05); DEBORA COELHO; MARIA GIESTA; SCOTT LIMA; JOSEPH LOPES; WILLIAM BRAD MARKEY; LINDA MORAD**

**ABSENT: COUNCILLOR BRIAN GOMES**

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Councillor Dunn called the Ordinance Committee Meeting to order and took attendance. The Clerk read a Communication from Councillor Gomes stating that he may be late in attending tonight's meeting due to a prior commitment. This Communication was received and placed on file by Councillor Morad and seconded by Councillor Lopes.

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Notice, City Clerk of reference of a PUBLIC HEARING on AN ORDINANCE, RELATIVE TO THE ZONING OF ADULT DAY CARE FACILITIES (To be Referred to the Committee on Ordinances and the Planning Board.) (Ref'd 9/27/18) (Duly advertised in The Standard-Times on Tuesday, October 9, 2018 and Tuesday, October 16, 2018.) and a COMMUNICATION, Tabitha Harkin, City Planner, to Councillor Hugh Dunn, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on October 10, 2018 to discuss the proposal to amend the City's Zoning Ordinance, Row 4 labeled "Adult Day Care" of Chart C labeled "Commercial" of Appendix A of Chapter 9 of the Code of Ordinances be amended by striking the word "N" as it corresponds to columns IA, IB, and IC and inserting in place thereof the word "BA"; the Planning Board voted to send a **FAVORABLE RECOMMENDATION**, recommending that the City Council approve the amendments to the Zoning Ordinance as outlined (Ref'd 10/12/18) was received and placed on file and the hearing opened by Councillor Morad and seconded by Councillor Lopes. (1, 1a)

Attorney Chris Saunders gave an overview of what Adult Day Care Facilities do, that his client has a company in their park that has been operating unbeknownst to both entities that is not zoned for such a facility. When the facility approached Welby Park to extend the facility, it was then while they were going through the process with the city that they found out it was not permissible. So, Attorney Saunders approached the city to change said Ordinance to allow for Adult Day Care Facilities in similar Industrial Park areas.

Councillor Rebeiro asked how many people were at the facility and Attorney Saunders did not know.

Councillor Abreu asked Attorney Saunders how long has the facility been in operation in the city and he said he believes since 1997. He asked him if the facility was

“grandfathered in” and Attorney Saunders said he doesn’t know he works for Welby Park and not the facility.

Councillor Morad asked Commissioner Romanowicz, because he is the Zoning Officer for the city, if he was comfortable with the proposed change in the language. He said he was, though he was not sure then the area was not allowed to have such businesses within them, it may have happened when the city adopted a number of language changes during its reclassification phase.

Tabitha Harkin, City Planner, read the Communication from the Planning Board submitting a “favorable recommendation” in granting the zoning change.

Councillors Giesta and Coelho spoke in favor of the proposed changes.

Councillor Dunn asked if there was anyone present who would like to speak for or against the proposed changes, there were none. He then asked if there was anyone present who would like to be recorded for or against the zoning changes, there were none. The hearing was closed.

On motion by Councillor Lopes and seconded by Councillor Markey, the Committee VOTED: To recommend to the City Council APPROVAL of the ORDINANCE, RELATIVE TO THE ZONING OF ADULT DAY CARE FACILITIES. This motion passed on a voice vote.

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Notice, City Clerk of reference of a AN ORDINANCE, RELATIVE TO VEHICLES FOR HIRE (Ref’d 10/27/16) (3/21/17-remain in Committee) (10/17/17-tabled for 30 days to allow for amendments: increase number of years from 3 to 5 under section 24-14 and add a pedicab clause) (11/14/17-amend ordinance to add to 24:14 any person required to register as a sex offender in any jurisdiction; tabled, invite cab and livery drivers to next ordinance meeting to discuss ordinance before final approval from Council) (6/21/18-tabled) was removed from table by Councillor Morad and seconded by Councillor Lopes. (2)

Dennis Farias, City Clerk was present to answer questions from the Committee. Councillor Morad asked if any changes were made since the last meeting to the Ordinance. Mr. Farias explained that after hearing the concerns of the Taxi and Livery companies there were two major concerns that were looked at. The first, being the amount of time in the language to process an application, it was originally 120 days, this has been reduced to 10 days, if longer than 10, to 20 a communication would be sent to the applicant, but that should take no more than 30 days to process. In reality Mr. Farias, explained it would only take a week. The second concern was the fee being increased from \$10.00 to \$100.00, they looked at it and per the Council’s request the figure was not changed.

Attorney Gerwatowski gave an overview of how the Ordinance language got to where it is today.

Councillor Morad urged her colleagues to approve, that this has been a two-year process to get to this point.

On motion by Councillor Lopes and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council Adoption of the new language for the ORDINANCE, RELATIVE TO VEHICLES FOR HIRE. This motion passed on a voice vote.

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Notice, City Clerk of reference of a WRITTEN MOTION, Council President Morad, requesting that the Committee on Ordinances review the City Code, specifically Section 22-15; Snow and Ice – Removal From Sidewalks; Required, in an effort to determine if changes should be made to said Code Section as currently written (To be Referred to the Committee on Ordinances) (Ref'd 4/12/18) (5/15/18-tabled 60 days) was removed from the table by Councillor Morad and seconded by Councillor Carney. (3)

Councillor Morad asked Commissioner Romanowicz that since she has reviewed the supports he forwarded to the Council on how other communities address residential and commercial mandated snow removal if he would be willing to change the city's four (4) hour inspection and enforcement to 11:00 AM the next day after a snow fall. She does not believe the four (4) hour requirement is fair. She also noted that most communities define how wide a path needs to be shoveled and that should be looked at as well and Commissioner Romanowicz agreed. Commissioner Romanowicz asked that fines be increased for commercial establishments as they are the biggest offenders. It is easier for them to wait it out, let the sun melt the snow pay the city's fine and save on having to pay someone to shovel. He is ok with leaving the \$50.00 fine for residential.

Councillor Rebeiro asked Commissioner Romanowicz if they work with the School Department on sidewalk clearing enforcement. He said they do, they also get calls from parents driving their children to school who witness children who walk to school having to walk in the street.

Councillor Lopes suggested language that says you cannot put snow in the streets be added. He is also in favor of commercial step fining, \$100 for first incident, and \$125 for second and \$150 for third and so on.

Councillor Markey expressed his concern on the effect this may have on small business. Commissioner Romanowicz explained that the small businesses are not the issue; it is the large box type stores. He explained the issue with the small businesses is when they are approached by the city they say they are in the process of doing it, but never do; these businesses should be held accountable.

Councillor Coelho expressed a similar concern on fines for small businesses.

Councillor Morad asked Commissioner Ponte if the city plows the corners where crosswalks are, because if they are going to impose fines that the city should clear the corners where crosswalks are located. Commissioner Ponte explained they do the major crosswalks but he doesn't have the manpower to do every crosswalk. During a severe storm most of his crew is out twenty to thirty hours straight, then have to return to their regular jobs. He just doesn't have the resources to do everything. Councillor Morad suggested the city look into sub-contracting the duties out. Commissioner Ponte like the idea and would look into it, but thought it may become a Union issue.

Councillor Lopes told Commissioner Ponte to speak to CFO Sky as this issue has come up before.

Councillor Morad told the Committee Members that if they had any ideas on adding language that they can reach out to her, and she will review them with Attorney Gerwatowski and the Commissioners.

On motion by Councillor Morad and seconded by Councillor Rebeiro, the Committee VOTED: To table this matter for sixty (60) days. This motion passed on a voice vote.

Councillor Abreu made a motion to adjourn, which was seconded by Councillor Giesta.

This meeting adjourned @ 7:52 p.m.

ATTEST:

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Denis Lawrence, Jr.,  
Clerk of Committees