

NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON ORDINANCES
DATE: SEPTEMBER 22, 2021
TIME: 7:00 P.M.
PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS HUGH DUNN, CHAIRMAN; WILLIAM BRAD MARKEY, VICE CHAIRMAN; IAN ABREU; NAOMI CARNEY; SCOTT LIMA; JOSEPH LOPES

ABSENT: COUNCILLORS DEREK BAPTISTE; DEBORA COELHO; MARIA GIESTA; BRIAN GOMES; LINDA MORAD

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Councillor Dunn called the Ordinance Committee Meeting to order and took attendance. The Clerk read Communications from Councillors Giesta, Gomes and Morad explaining their absences from this meeting. These Communications were received and placed on file by Councillor Abreu and seconded by Councillor Lopes.

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Councillor Dunn asked without objection if the Committee could take up items two (2) and three (3) out of order as he is waiting for an invitee from item one (1) to arrive. There was no objection.

Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 12, Health and Sanitation, Article II, Littering Generally, by adding Section 12-41.1, Duty of Property Owners to maintain Yard and Adjacent Areas (Ref'd 04/08/2021) was received and placed on file by Councillor Abreu and seconded by Councillor Carney. (2, 2a)

Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 17, Offenses and Miscellaneous Provisions, subjecting violators of Chapter 12, Section 12-41.1 – Duty of Property Owners to Maintain Yard and Adjacent Areas to a graduated fine regime, and adding the offenses and associated fines to Section 17-18, Noncriminal Disposition of Violations of Certain Ordinances, Rules and Regulations; AND, Section 17-28, Chapter 40U of the Massachusetts General Laws (Ref'd 04/08/2021) was received and placed on file by Councillor Abreu and seconded by Councillor Carney. (3, 3a)

Mark Champagne, Director of DFFM, was present and addressed the Committee; he gave an overview of the necessity of amending Chapter 12, Health and Sanitation, Article II, littering generally by adding Section 12-41.1, Duty of Property Owners to maintain Yard and Adjacent Areas. Mr. Champagne explained that this is needed to enforce overgrown grass and yard materials that can collect litter and attract rodents. This will primarily address ribbon and frontage grass. Currently there is a straight out \$300 fine that can be applied, but that the city is looking to create graduated fines so as not be too stringent but allow for education and communication on offences and how if those steps are not followed then a graduated fine regime would take place.

It was agreed by the Committee that this would be a more common-sense approach instead of slamming residents with a \$300 fine, it is more about outreach.

Councillor Markey asked if the issue with overgrowth is more amongst absentee landlords? He was told, yes.

Councillor Lima asked if the outreach would happen before the fining would begin and he was told they would do the outreach by visits, letters, and phone calls.

Councillor Abreu asked about gardens, would this ordinance be applicable to gardens, and he was told that garden regulations are not within the spirit of the ordinance.

On motion by Councillor Lopes and seconded by Councillor Markey, the Committee VOTED: To recommend to the City Council ADOPTION of AN ORDINANCE, amending Chapter 12, Health and Sanitation, Article II, Littering Generally, by adding Section 12-41.1, Duty of Property Owners to maintain Yard and Adjacent Areas. This motion passed on a voice vote of all ayes.

On motion by Councillor Lopes and seconded by Councillor Markey, the Committee VOTED: To recommend to the City Council ADOPTION of AN ORDINANCE, amending Chapter 17, Offenses and Miscellaneous Provisions, subjecting violators of Chapter 12, Section 12-41.1 – Duty of Property Owners to Maintain Yard and Adjacent Areas to a graduated fine regime, and adding the offenses and associated fines to Section 17-18, Noncriminal Disposition of Violations of Certain Ordinances, Rules and Regulations; AND, Section 17-28, Chapter 40U of the Massachusetts General Laws. This motion passed on a voice vote of all ayes.

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Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Dunn, Abreu, Baptiste, Giesta and Lima, requesting, that the City of New Bedford treat the Covid-19 deaths of all public safety personnel as a presumed line of duty death, thereby entitling the surviving spouse to a pension equal to the amount of regular compensation the member would have received had he or she been receiving the maximum salary for the position at the time of his or her death; and further should state legislation be required to extend this benefit, the New Bedford City Council is on record supporting said Legislation (To be Referred to the Committee on Ordinances.) (Ref'd 07/15/2021) was received and placed on file by Councillor Abreu and seconded by Councillor Lima. (1)

The Clerk read a Communication from Judith Perkins, Personnel Director, explaining her absence from this meeting. This Communication was received and placed on file by Councillor Abreu and seconded by Councillor Carney.

Councillor Dunn explained that the Home Rule Petition approved by the City Council was vetoed by the Mayor. The Council is unable to override a Home Rule Petition and send it on to the State Legislature. The Administration voiced three concerns on the proposed Home Rule Petition. Councillor Dunn stated that both the Mayor and City Council would have to come to some sort of agreement on the Home Rule Petition language.

Councillor Dunn stated that it was his belief that it would be better for the Committee to designate him (as Chair of Ordinance Committee) to meet with the City Council Attorney, Mayor, and the City Solicitor's Office to work together to find language that is acceptable for all involved.

Hank Turgeon, President of the New Bedford Police Union was present to address the Committee. He saw the Mayor's concerns as being the right questions and believed that a meeting with both parties would help in the creation of a Home Rule Petition that would allow for full death benefit compensation for a city employee that passed away because of Covid-19.

Councillor Lopes asked Attorney Gerwatowski if the Committee does charge the Chairman with such a duty, would the Council have the final say on the Home Rule language and he was told yes.

On motion by Councillor Lopes and seconded by Councillor Lima, the Committee VOTED: To table this matter at this time and charge Councillor Dunn, as Chair of Ordinance, to negotiate with Attorney David Gerwatowski and the Solicitor's Office to revise or amend the Home Rule Petition. This motion passed on a voice vote of all ayes.

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On motion by Councillor Lopes and seconded by Councillor Carney, the Committee VOTED: To waive the reading, receive and place on file and report out to the City Council to take "No Further Action" on items four (4) through twenty (20). This motion passed on a voice vote of all ayes. They are as follows:

Notice, City Clerk of reference of a RELATED MOTION, Councillor Carney, requesting, that all Request for Proposals (RFP) involving contracts that the City Council is required to approve be submitted to the City Council before the RFP is released to proposed bidders. (To be Referred to the Committee on Ordinances and the Administration.) (Ref'd 03/33/18) (04/24/18- returned UNSIGNED by the Mayor) (4)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Rebeiro, requesting that the Council explore the opportunity to become a Human Rights City and discuss the research done by UMass/Dartmouth students during a Committee on Ordinances meeting as to the benefits to the citizens and what this entails in greater detail. (To be Referred to the Committee on Ordinances.) (Ref'd 04/12/18) (05/15/18-tabled 60 days) (5)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Coelho, Abreu, Lopes, Giesta, Dunn and Lima, requesting, that the Committee on Ordinances revisit the Ordinance, Chapter 17, Section 1, pertaining to false alarm calls placed throughout the City to the Police Department to update said Ordinance, to reduce the number of 911 calls that are placing a strain on Police Department resources. (To be Referred to the Committee on Ordinances.) (Ref'd 07/19/18) (09/17/18-tabled 30 days) (03/12/19-remain on the table) (6)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Giesta, requesting that the Committee on Public Safety and Neighborhoods invite Police Chief Joseph Cordeiro, Executive Secretary to the Traffic Commission, Scott Downing and the

Commissioner of Inspectional Services, Danny Romanowicz to a meeting to discuss the enforcement and effectiveness of the current Ordinance relative to heavy truck parking in residential zones under Chapter 23, Section 23-23 of the City Code. (Referred to the Committee on Public Safety & Neighborhoods – August 16, 2018; To be Referred to the Committee on Ordinances.) (Ref'd 12/13/18) (04/09/19-tabled) (07/09/19-tabled 60 days) (7)

Notice, City Clerk of reference of a REPORT, Committee on Licensing and Zoning for Cannabis, recommending to the City Council that the Host Agreement Committee, appointed by the Administration, review the current Cannabis Zoning Ordinance to see if they are able to identify any zoning and/or other issues that may affect the marijuana business application process and that they report their findings to the Committee on Ordinances. (To be Referred to the Committee on Ordinances.) (Ref'd 01/10/19) (8)

Notice, City Clerk of reference of a RELATED MOTION, Council President Morad, requesting that the Director of Personnel submit to the Chairman of the Committee on Ordinances and to all members of the Committee, a list of all heads of departments and senior level administrative positions that are or may be appointed by the Mayor for a defined term of more than one (1) year; and that upon receipt of said list, the Chairman schedule a meeting of the Committee to review the list and determine if the length of the term of such positions may cause impediments for a subsequent Mayor to be able to execute his or her vision and direction for the City and further, that the Committee and City Council take whatever legislative action deemed necessary and appropriate after said review. (Ref'd 02/14/19) (06/14/19 – Letter sent to Sandra Vezina requesting the information outlined in this motion.) (09/03/19 – Response received from Sandy Vezina; forwarded to all Councillors via email on 09/04/19) (9)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Rebeiro, Dunn, Abreu, Lima, and Lopes, requesting that the City look into allowing restaurants and bars to pay an annual fee for one parking space to accommodate valet parking. (To be Referred to the Committee on Ordinances.) (Ref'd 04/11/19) (10)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Carney, and Dunn, requesting that DPI Commissioner Jamie Ponte meet with the Committee on Ordinances to discuss the \$50.00 fee that residents are being charged for exterior meters. (To be Referred to the Committee on Ordinances.) (Ref'd 05/09/19) (06/25/19-tabled 60 days) (11)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Dunn, and Markey, requesting, that the Committee on Ordinances explore drafting local codes that prohibit the siting of biosolids, municipal waste, and sewage sludge processing facilities, similar to the proposed Parallel Products facility, within the City of New Bedford going forward. (To be Referred to the Committee on Ordinances.) (Ref'd 05/23/19) (07/09/19-tabled) (12)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Coelho and Rebeiro, requesting that the Committee on Ordinances, invite Election Commissioner Manual DeBrito, to a meeting to discuss changing the City Charter that candidates can only file for one office per Municipal Election. (Ref'd 09/26/19) (13)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Dunn, requesting, that Derek Santos, Executive Director, New Bedford Economic Development Council, City Solicitor Mikaela McDermott, Inspectional Services Commissioner Danny Romanowicz and City Planner Tabitha Harkin be invited to attend the Committee on Ordinances to discuss overhauling City Codes as they relate to business attraction and retention; and further, requesting that City Planner Tabitha Harkin update the Committee on the Form Based Code. (To be Referred to the Committee on Ordinances.) (Ref'd 10/24/19) (14)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Lopes, requesting that the Committee on Ordinances amend the Code of Ordinances, Chapter 9, Section 4130B, by deleting the words "Marijuana Establishment" from Section 4131B (ii) (a). (Referred to the Committee on Ordinances and the Planning Board.) (Ref'd 11/14/19) (12/09/19 – Remain in Committee) (15)

Notice, City Clerk of reference of a COMMUNICATION, Tabitha Harkin, City Planner, to Councillor Hugh Dunn, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on November 4, 2019, to discuss the proposed request to amend the marijuana establishment zoning ordinance; the Planning Board voted to send an **UNFAVORABLE RECOMMENDATION**, recommending the City Council deny the request for the proposed amendment to the marijuana establishment zoning ordinance. (Ref'd 11/18/19) (12/09/19 – Remain in Committee) was received and placed on file by Councillor Lopes and seconded by Councillor Carney) (15a)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Lopes, Coelho, Abreu, Giesta, Gomes, Carney, Markey, Dunn, and Lima, requesting that the Committee on Ordinances draft an Ordinance that governs the future usage of commercial electric scooters in the City of New Bedford. (To be Referred to the Committee on Ordinances.) (Ref'd 11/26/19) (16)

Notice, City Clerk of reference of a WRITTEN MOTION, Council President Lopes and Councillor Lima, requesting that the Committee on Ordinances establish a moratorium, with exception of Pilot programs with either a Council Motion or with approval of the Ward Councillor, regarding Dockless Transportation Programs until a regulator system is established in the City of New Bedford. (Ref'd 02/13/2020) (17)

Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting two (2) ORDERS, approving the New Bedford Waterfront Redevelopment Plan: Focus Area North and New Bedford Waterfront Redevelopment Plan: Focus Area South; also submitting AN ORDINANCE, amending Chapter 9, Section 2110, replacing Wamsutta Mill Overlay District and WEDROD District with a Waterfront Mixed Use District and amending the Working Waterfront Overlay District and Hicks Logan Sawyer IPOD. (Ref'd 01/14/2021) (03/15/2021 – tabled) (18)

Notice, City Clerk of reference of AN ORDER, New Bedford Waterfront Redevelopment Plan: Focus Area North (Ref'd 01/14/2021) (03/15/2021 – tabled) (18a)

Notice, City Clerk of reference of AN ORDER, New Bedford Waterfront Redevelopment Plan: Focus Area South (Ref'd 01/14/2021) (03/15/2021 - tabled) (18b)

Notice, City Clerk of reference of AN ORDINANCE, amending Chapter 9, ZONING (Ref'd 01/14/2021) (03/15/2021 – tabled) (18c)

Notice, City Clerk of reference of a COMMUNICATION, Anne Louro, Acting Director, Planning Board, to Councillor Hugh Dunn, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on March 10, 2021 to discuss the proposed request for amending the City of New Bedford Zoning By-laws, Chapter 9, to include a new Waterfront Mixed Use District; the Planning Board voted to send a FAVORABLE RECOMMENDATION, recommending that the City Council approve the request for amending the City of New Bedford Zoning By-laws, Chapter 9, to include a new Waterfront Mixed Use District, while encouraging engagement between the Planning Department, consultant, and stakeholders prior to a vote by the Council. (Ref'd 03/12/2021) (03/15/2021 – tabled) was received and placed on file by Councillor Lopes and seconded by Councillor Carney. (18d)

Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, resubmitting a proposed Order approving the New Bedford Waterfront Redevelopment Plan: Focus Area North and the New Bedford Waterfront Redevelopment Plan: Focus Area South, along with financial plans for these areas and amendments to current zoning. (Ref'd 04/22/2021) (19)

Notice, Citi Clerk of reference of AN ORDER, New Bedford Waterfront Redevelopment Plan: Focus Area North (Ref'd 04/22/2021) (19a)

Notice, City Clerk of reference of AN ORDER, New Bedford Waterfront Redevelopment Plan: Focus Area South (Ref'd 04/22/2021) (19b)

Notice, City Clerk of reference of AN ORDINANCE, amending Chapter 9, Section 2110 (Ref'd 04/22/2021) (19c)

Notice, City Clerk of reference of a COMMUNICATION, Jennifer Carloni, Director, City Planning, to Councillor Hugh Dunn, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on June 9, 2021 to discuss the proposed request for a recommendation of the Waterfront Redevelopment Plans for Focus Area North and Focus Area South; the Planning Board voted to send a FAVORABLE RECOMMENDATION, recommending that the City Council approve the request for the Waterfront Redevelopment Plans for Focus Area North and Focus Area South (Ref'd 06/10/2021) was received and placed on file by Councillor Lopes and seconded by Councillor Carney. (19d)

Notice, City Clerk of reference of a WRITTEN MOTION, Council President Lopes, requesting that the Committee on Ordinances and the Planning Board review the following request to rezone properties shown on Assessors Map as Map 31, Lot 142 (13 Rivet Street); Map 31, Lot 143 (1 Rivet Street); Map 31, Lot 197 (371, 383 R South Front Street); Map 31, Lot 232 (756 South Water Street); and Map 31, Lot 239 (56 Potomska Street) from Industrial B to Mixed-Use Business. (Ref'd 06/24/2021) (Duly advertised in The Standard-Times on Monday, August 09, 2021, and Monday, August 16, 2021.) (20)

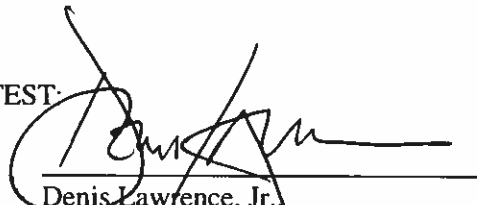
Notice, City Clerk of reference of a COMMUNICATION, Jennifer Carloni, Director, City Planning, to Councillor Hugh Dunn, Chairman, Committee on Ordinances,

advising that the Planning Board held a public hearing on August 11, 2021 to discuss the proposed request to rezone properties shown on Assessors Map as Map 31, Lot 142 (13 Rivet Street); Map 31, Lot 143 (1 Rivet Street); Map 31, Lot 197 (371, 383 R South Front Street); Map 31, Lot 232 (756 South Water Street); and Map 31, Lot 239 (56 Potomska Street) from Industrial B to Mixed-Use Business; the Planning Board voted to send a FAVORABLE RECOMMENDATION, recommending that the City Council approve the request to rezone properties shown on Assessors Map as Map 31, Lot 142 (13 Rivet Street); Map 31, Lot 143 (1 Rivet Street); Map 31, Lot 197 (371, 383 R South Front Street); Map 31, Lot 232 (756 South Water Street); and Map 31, Lot 239 (56 Potomska Street) from Industrial B to Mixed-Use Business (Ref'd 08/12/2021) was received and placed on file by Councillor Lopes and seconded by Councillor Carney. (20a)

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

This meeting adjourned @ 7:40 p.m.

ATTEST:



Denis Lawrence, Jr.
Clerk of Committees