

NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON ORDINANCES
DATE: SEPTEMBER 30, 2020
TIME: 7:04 P.M.
PLACE: HELD REMOTELY IN ACCORDANCE WITH THE GOVERNOR OF MASSACHUSETTS' MARCH 12, 2020 ORDER SUSPENDING CERTAIN PROVISIONS OF THE OPEN MEETING LAW G. L. C. 30A, SECTION 20 AND THE CITY COUNCIL'S VOTE TO WAIVE RULE 21A

PRESENT: COUNCILLORS HUGH DUNN, CHAIRMAN; WILLIAM BRAD MARKEY, VICE CHAIRMAN; IAN ABREU; DEREK BAPTISTE; NAOMI CARNEY; DEBORA COELHO; MARIA GIESTA; BRIAN GOMES; SCOTT LIMA; JOSEPH LOPES; LINDA MORAD (7:25)

ABSENT: NO ONE

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Councillor Dunn called the Ordinance Committee Meeting to order and took attendance. The Clerk read a Communication from Councillor Morad stating she would be late in attending this meeting as she is attending the Planning Board Meeting at this time. The Communication was received and placed on file by Councillor Lopes and seconded by Councillor Giesta.

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Notice, City Clerk of reference of a WRITTEN MOTION, Council President Lopes, requesting that the Committee on Ordinances amend the existing Food Truck Ordinance Sec. 15-72 Section B, 1E, to allow for the placement and location of food trucks on Commercially Zoned Private Property (Ref'd 08/20/2020) was received and placed on file by Councillor Lopes and seconded by Councillor Abreu. (1)

Councillor Lopes gave an overview of the Ordinance change, which would allow commercial property owners to operate their own food truck business on their property.

Atty. David Gerwatowski, Legal Counsel, explained that the current Ordinance would not allow for this. The original thought was that the 300 foot restriction was so that it would not affect the business, especially since they pay building and business taxes.

Councillor Giesta asked if the motion would include someone who owned parking lot. She was told yes, that the food truck owner would need to own the commercial property/driveway that the truck was on.

Councillor Abreu asked Danny Romanowicz, Inspectional Services Commissioner, if he had any concerns. Mr. Romanowicz replied that the motion was straight forward; he pointed out that the definition of Food Truck also included concession trailers, and that the Committee may want to add that to the Ordinance.

Councillor Markey asked if the food trucks would need to move every evening. He was told not if the lot was owned by the food truck owner. He asked Damon Chaplin, Board of Health Director, if he had any issues with the Ordinance, as proposed. Mr. Chaplin replied that he did not.

On motion by Councillor Lopes and seconded by Councillor Gomes, the Committee VOTED: To insert the words “concession trailers” after the words “food trucks” on Commercially Zoned Private Property and to have Atty. Gerwatowski draft the appropriate language for the Ordinance. This motion passed by voice vote.

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Notice, City Clerk of reference of AN ORDINANCE, (DRAFT), Relative to Residency of City Personnel (Ref'd 07/16/2020) was received and placed on file by Councillor Lopes and seconded by Councillor Gomes. (2)

Atty. Gerwatowski gave an overview of the steps that were taken to create the Ordinance language currently before the Committee. Councillor Morad stated that the Committee wanted to be fair and equitable and that they created a residency requirement Ordinance that would be fair to all City employees and palatable for the Administration.

City Solicitor Mikaela McDermott was recognized and stated that she did participate in the discussion and that her legal opinions were not to have been construed as the Administration being in favor of the Ordinance. She did state that the Mayor would review the language. Judith Perkins, Personnel Director, was recognized; she stated that her Office would not have a problem instituting the Ordinance, should it pass.

Councillor Coelho stated her opposition to the Ordinance proposal. Councillor Markey felt that the position of City Council Legal Counsel should not be one of the eight required residency positions. Councillor Dunn asked if this included Boards and Commissions. Atty. Gerwatowski replied that Board and Commission members would need to live in the City.

On motion by Councillor Markey and seconded by Councillor Carney, the Committee VOTED: To amend Sec. 9-23 (5) by removing the Legislative Counsel position. This motion passed on a voice vote.

On motion by Councillor Morad and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council APPROVAL, as amended, of the ORDINANCE, Relative to Residency of City Personnel. This motion passed on a voice vote.

Councillor Morad thanked the Residency Committee Members for their hard work and stated that she believed they had created a very fair way to deal with the residency requirements in the City.

This meeting adjourned @ 8:20 p.m.

ATTEST:

Denis Lawrence, Jr.
Clerk of Committees