



Committee on Ordinances

February 12, 2013 – **Minutes**
City Council Chamber, Room 214, Municipal Building

****View Agenda ****

MEETING: COMMITTEE ON ORDINANCES
DATE: FEBRUARY 12, 2013
TIME: 8:27 P.M.
PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS STEVEN MARTINS, CHAIRMAN; DAVID ALVES, VICE-CHAIRMAN; HENRY BOUSQUET; DEBORA COELHO; BRUCE DUARTE, JR.; BRIAN GOMES; JANE GONSALVES; JOSEPH LOPES; STEVEN MARTINS; JAMES OLIVEIRA; JOHN SAUNDERS

ABSENT: NO ONE

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Councillor Martins called the Ordinance Committee Meeting to order and took attendance, with everyone present.

Councillor Lawrence made a motion to take item number five (5) out of order, which was seconded by Councillor Coelho, there were no objections.

Notice, City Clerk of reference of a Communication, Mayor Mitchell to City Council, submitting AN ORDINANCE, Amending Chapter 6, Building and other Structures, Article VII, Prevention and Abatement of Nuisances, by adding Section 6-125, Chronic Problem Properties (Ref'd 1/24/13) was received and placed on file by Councillor Lawrence and seconded by Councillor Lopes. (5,5a)

City Solicitor John Markey addressed the Committee by stating that there are two Ordinances that the Administration would like the Council to consider regarding the Mayor's Task Force. He stated that Assistant City Solicitor John Flor will be presenting a power point presentation on some of the success stories that have resulted from the Task Force's efforts.

Attorney Flor explained that in its 10 month history, the Task Force has had great success, and has conducted 9 major sweeps. Thus far, a top priority has been the "trash problem" in the city. He demonstrated how the fines and successful collections of fines have increased as a result of changes they've made. The police are better educated on City Ordinances, trouble properties, violations, etc.

He presented several slides on the power point of "before and after".

Councillor Gonsalves stated that the problem she has with the Task Force is that they only target problem "areas" as opposed to specific properties. She stressed the need to focus on specific properties so that those issues do not spread to the rest of the street, neighborhood, etc.

Attorney Flor stated that the Task Force will continue to expand its scope. City Solicitor Markey also noted that now that the program has been in existence for some time, they can absolutely move forward to include specific properties.

Councillor Saunders raised his concern over the Administration's proposal to penalize and even hold criminally those landlords whose tenants are the ones doing the inappropriate and/or illegal actions.

City Solicitor Markey responded that they have modeled this Ordinance on Boston's Ordinance. He stated that discretion would be used and he envisions this being used really only one to three times per year.

Councillor Gomes stated that he shares Councillor Saunders' concerns, and Councillor Alves asked what measures are being taken to help landlords. City Solicitor Markey responded that a property being designated as a "Problem Property" would require a city hearing, which provides the landlord the opportunity to present their side of the situation.

Several Councillors expressed the concerns voiced by Councillor Saunders. City Solicitor Markey stated that his office could work with Attorney David Gerwatowski in an effort to craft something that would incorporate the Council's concerns. Several Councillors stated that they would like to see the entire section having to do with police action removed from the Ordinance. To that point, Attorney Gerwatowski questioned the need for the Ordinance at all, and cautioned the Council that for him to meet with the Solicitor regarding this, he would need a clearly defined direction from the Council.

Councillor Alves asked who the "hearing officer" would be. Solicitor Markey said no one has been discussed for the position as of yet.

Further discussion resulted in somewhat of a consensus that it would be best to table this while the members ponder possible solutions and alternatives to the Solicitor's language.

On motion by Councillor Gomes and seconded by Councillor Duarte, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote, with Councillor Lopes going on record as being opposed to tabling this matter.

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Notice, City Clerk of reference of a Written Motion, Councillor Lopes, requesting that the Committee on Ordinances review the existing language as it relates to permitting the establishment of Pawn Shops in the City of New Bedford (Ref'd 1/26/12) was received and placed on file by Councillor Lopes and seconded by Councillor Gonsalves. (1)

Councillor Lopes asked Attorney Gerwatowski if he had drafted any language since the last meeting. Attorney Gerwatowski replied that the Committee never asked him to draft specific language.

On motion by Councillor Lopes and seconded by Councillor Coelho, the Committee VOTED: To ask Attorney Gerwatowski to draft an Ordinance similar to the Adult Entertainment Ordinance that would result in Pawn Shops being separated by at least a one mile radius of each other. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillors Gonsalves, Saunders, Lopes, Alves, Council President Martins, Lawrence, Coelho, Gomes, Bousquet and Duarte, requesting that the Committee on Ordinances explore the possibility of creating an Ordinance to address preservation issues with respect to historic houses of worship in the City of New Bedford, in order to prevent the wholesale demolition of houses of worship vacated by various religious organizations (Ref'd 3/22/12) was received and placed on file by Councillor Bousquet and seconded by Councillor Gonsalves. (2)

Councillor Gonsalves stated that an Ordinance in Cambridge was brought to her attention by the New Bedford Preservation Planner that could help in these situations.

After discussion amongst Councillors and Attorney Gerwatowski, the Committee VOTED, on motion by Councillor Gonsalves and seconded by Councillor Coelho, to refer this matter to Attorney Gerwatowski, asking that he review the Cambridge Historic Property Ordinance as well as the section of the National Register Historic District language that deals with individual parcels to see whether we should adopt the state language or write our own Ordinance from the Cambridge Ordinance. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillor Gomes, requesting that the Committee on Ordinances discuss drafting an Ordinance that would make it mandatory that all employees hired by the City of New Bedford be given a CORI check, including all Departments and Department Heads, an all inclusive CORI check will be

conducted for the safety of all employees working for the City and for the safety of our City and services provided by the City of New Bedford to our citizens (Ref'd 9/13/12) was received and placed on file by Councillor Saunders and seconded by Councillor Gomes. (3)

Councillor Gomes made a motion to refer to this matter to Attorney Gerwatowski for drafting of language, which was seconded by Councillor Saunders.

Attorney Gerwatowski asked for clarification as to what crimes / infractions the Council feels should disqualify someone from working for the city. He suggested that the Council simply pass an Ordinance requiring a CORI be run and reviewed by Personnel for each hire so that the city knows all new employees' criminal records and can make educated decisions before they are hired.

Councillor Gomes stated that that is what his intent was by filing this motion; to simply require that a CORI be run and reviewed by Personnel so there are no surprises.

Councillor Coelho suggested looking into what other cities in the commonwealth do.

On motion by Councillor Gomes and seconded by Councillor Saunders, the Committee VOTED: To refer this matter to Attorney Gerwatowski for drafting language that would require the running and review of a CORI on all potential hires in the City of New Bedford. This motion passed on a voice vote.

On a Related Motion by Councillor Coelho and seconded by Councillor Duarte, the Committee VOTED: That Personnel be asked if a CORI Policy exists, and if so, to please forward it to the Ordinance Committee. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Communication, Councillor Lawrence, submitting a copy of the Exhibition Hall Commission Member's List and the Ordinance establishing the New Bedford Exhibition Hall Commission. (Ref'd 10/25/12) (4)

On motion by Councillor Lawrence and seconded by Councillor Saunders, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Report, Committee on Ordinances, recommending that the City Council discharge the Committee on Ordinances from further consideration of the issue that the Administration had submitted regarding selling the Tax Title debts to private companies and that it take an unfavorable vote on the Mayor's language. (Ref'd 9/27/12) (6)

On motion by Councillor Lawrence and seconded by Councillor Saunders, the Committee VOTED: To take "No Further Action" on this matter at this time. This motion passed on a voice vote.

Councillor Lawrence made a motion to adjourn, which was seconded by Councillor Saunders.

This meeting adjourned @ 9:57 p.m.

ATTEST:

Clerk of Committees