



# *Committee on Ordinances*

April 22, 2013 – 7:00 PM – **Minutes**  
City Council Chamber, Room 214, Municipal Building

**\*\*View Agenda \*\***

**MEETING: COMMITTEE ON ORDINANCES**

**DATE: APRIL 22, 2013**

**TIME: 7:15 P.M.**

**PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING**

**PRESENT: COUNCILLORS STEVEN MARTINS, CHAIRMAN; DAVID ALVES, VICE-CHAIRMAN; HENRY BOUSQUET; BRIAN GOMES; JANE GONSALVES (7:30); DENIS LAWRENCE, JR. (7:18); JOSEPH LOPES; JAMES OLIVEIRA (7:45); JOHN SAUNDERS**

**ABSENT: COUNCILLORS DEBORA COELHO; BRUCE DUARTE, JR.**

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Councillor Martins called the Ordinance Committee Meeting to order and took attendance. MEMO's from Councillor Gonsalves and Councillor Oliveira stating they would be late in attending tonight's meeting were read into the record as well as a MEMO from Councillor Coelho stating she would not be in attendance. These MEMOs were received and placed on file by Councillor Alves and seconded by Councillor Lopes.

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Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Oliveira, Gomes, Lopes, Council President Martins, Councillors Gonsalves, Coelho, Bousquet, Alves and Duarte, requesting, that the City Council revisit the Ordinance that describes the activities of hawkers and peddlers for the purpose of modifying its current language to allow food trucks and so called food trailers to conduct business within the City, much like the recent Ordinance fashioned by the City of Boston, the City of New Bedford could benefit by receiving revenue for space dedicated to food trucks and also introduce a new dimension of food vendors that would provide variety and convenience to its residence that otherwise would not occur was received and placed on file by Councillor Alves and seconded by Councillor Lopes. (1)

Councillor Martins explained that Attorney David Gerwatowski is ill and Tom Davis could not be in attendance, but did express his opposition to "food trucks" operating in the Business Park and would like the matter to be tabled for further discussion.

On motion by Councillor Bousquet 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 AN ORDINANCE, Amending Chapter 18, PARKS AND RECREATION, inserting Section 18-9, RECREATION AND PARKS DEPARTMENT and Section 18-10, DIRECTOR OF RECREATION AND PARKS (Ref'd 8/16/12, 10/23/12) and AN ORDINANCE, Amending Chapter 2, Article XVI, Section 2-203 DEPARTMENT OF COMMUNITY SERVICES, which redirects Parks and Recreation related responsibilities from the Department of Community Services, to the Recreation and Parks Department (Ref'd 8/16/12, 10/23/12) were received and placed on file by Councillor Alves and seconded by Councillor Lopes. (2, 2a)

Councillor Alves asked Ms. Mary Raposa, Director of Parks, Recreation and Beaches, to review her background for the Committee. Ms. Raposa stated that she previously worked at UMD as a Student Activities Coordinator and taught Environmental Studies. She then did landscape design for a construction company before opening her business in that field. She said that the city's youth recreation program has grown tremendously and they expect to serve over 4,000 children this summer. In order to accommodate this, they are expanding their summer programming. She stated that by taking this action, the billing, etc. will be much easier due to the fact that while revenue is brought in as a result of their user fees, etc., they are not able to truly allot funds for things as they should be able to. She stated that over \$30,000 was brought in last year, but she is confident that this year will come very close to doubling that figure.

On motion by Councillor Lopes and seconded by Councillor Alves, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, Amending Chapter 18, PARKS AND RECREATION, inserting Section 18-9, RECREATION AND PARKS DEPARTMENT and Section 18-10, DIRECTOR OF RECREATION AND PARKS and the ORDINANCE, Amending Chapter 2, Article XVI, Section 2-203 DEPARTMENT OF COMMUNITY SERVICES, which redirects Parks and Recreation related responsibilities from the Department of Community Services, to the Recreation and Parks Department. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Council President Martins and Councillor Coelho, requesting, that the City Council look into the leash laws of the City of New Bedford, relative to enacting a law following the guidelines of the following "Dogs may be let off leash providing the dog has an operating electronic collar and is under control of it's owner or keeper who is responsibly operating the electronic training system for the dog and has the dog under their full control at all times"; and further that Animal Control Officer be invited to said meeting (Ref'd 10/25/12) was received and placed on file by Councillor Alves and seconded by Councillor Lawrence. (3)

Dr. Fred Schwartz of 386 County Street was invited to the podium to address the Committee. Dr. Schwartz explained that he feels the use of a particular electronic dog collar could replace the need for a leash law in the City of New Bedford. He explained that a remote control allows certain pulses to activate the collar and encourage the dog to obey and follow commands. He said he feels it is a very effective tool for dog owners. He said the cost of the dog collars varies on the model, and he has seen them ranging in price from \$100 to \$600.

Manny Maciel, Animal Control Officer, stated that he feels such collars are for training purposes only, and firmly believes it should not take the place of a leash when a dog is in public. He described it as being a "risky situation" for several reasons, including the fact that with the right motivation, dogs have been known to do what they want or go where they want despite electronic pulses/shocks, and further that other dog owners may perceive that some dogs are not on leashes (not knowing that their collar is electronic) and they may then feel that it is ok for them to unleash their dog in public.

Discussion ensued about the amount of dogs (licensed and unlicensed) are in the city, how many violations have been issued and the staffing of the Animal Control Office.

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

On a Related Motion by Councillor Gonsalves and seconded by Councillor Bousquet, the Committee VOTED: That this Committee ask the Park Board for an update on the status of their discussion on whether or not the tennis courts at Buttonwood Park would be an appropriate location for a temporary dog park until a permanent dog park is decided upon and provided by the city, was proposed by a constituent.

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Notice, City Clerk of reference of a Written Motion, Councillor Martins, requesting that with the passage of Ballot Question 3, the Massachusetts Medical Marijuana Initiative, that the City of New Bedford start discussions and develop a City Ordinance to define how marijuana dispensaries and/or growing facilities might operate; and further, that the Committee on Ordinances research other Ordinances that have been passed in States that already have legalized medical marijuana (such as, Cottonwood, Arizona, Denver, Colorado, Seattle, Washington, etc.) and that we consider security measures, hours of operation, location/allowable zones for licensing, distance regulations (Parks, schools, Churches, daycares, residential neighborhoods; and further, that we work with the Department of Public Health and City Solicitor's Office in pursuing a local Ordinance that will help protect and benefit the City of New Bedford (Ref'd 12/27/12) was received and placed on file by Councillor Lawrence and seconded by Councillor Alves. (4)

Dr. Brenda Weiss, Director of the Health Department explained that the legislation passed leaves the actual "real work" to the municipalities to deal with through local ordinances. She stated that many cities and towns are drafting ordinances similar to those pertaining to body art shops. She said it is, at this time, premature for the BOH to recommend or propose anything as it is still seeking information.

TJ Thomas of 177 Plymouth Street in New Bedford and a representative of C.A.L.M. (Center for Alternative Life Medicine), addressed the Committee. He stressed that there is a time constraint as to when agencies and organizations can apply for licensing as potential treatment centers under the legislation that has been passed. He said that if New Bedford does not move quickly, then the city could very likely end up not having a treatment center.

Councillor Bousquet asked if CALM has a site in mind. Mr. Thomas replied they are very seriously considering a building located at 91 Cove Street, near the police station.

Councillor Lopes expressed concerns about security and protection of the "crop", pointing out that there have been very serious issues in California. Mr. Thomas pointed out that California has very lax regulations, and explained the stringent security measures that CALM would take in operating the center, how they would screen employees, etc.

Councillor Oliveira asked how many jobs might be created at such a center. Mr. Thomas replied that approximately 150 people could potentially be employed in everything from transportation, maintenance, management, counseling, testing, quality control, etc.

Ms. Loretta Bourque spoke in favor of such a center being located in that neighborhood saying that it could potentially bring in responsible employees who may also choose to live in the area.

Dr. Souza also spoke in favor of this, although he was originally opposed to the idea of it. However, he read materials that TJ Thomas had brought him, watched videos about patients, and did other research. He now sees that the "good outweighs the bad" in this and is in favor of the program and this center coming to New Bedford. He stressed the fact that the "clients" of the center would not be drug addicts, but are people with cancer in need of help.

In response to a question by Councillor Gonsalves, Mr. Thomas indicated that they would have limited time to acquire a physical address and building in order to qualify under the regulations of the legislation.

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

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Councillor Gonsalves made a motion to take item number six (6) out of order, which was seconded by Councillor Lopes.

Notice, City Clerk of reference of a Communication, Mayor Mitchell to City Council, submitting AN ORDER for the City to accept M.G.L. Chapter 148, §26H, which requires the installation of sprinkler systems in lodging and boarding houses in which rooms are let to six (6) or more persons, the statute does not apply to fraternity houses or dormitories, rest homes or group residences licensed or regulated by agencies of the Commonwealth (Ref'd 2/14/13) was received and placed on file by Councillor Lawrence and seconded by Councillor Lopes. (6, 6a)

Danny Romanowicz, DIS Commissioner, stated that this will go a long way toward saving lives in the city. He indicated that existing lodging houses, etc. would have 5 years to comply with the new ordinance and that any and all new construction of such homes would need to comply immediately.

The Fire Chief Michael Gomes, spoke in full support of this measure. He indicated that boarding houses and sober houses are often problem spots and this action is necessary to help protect lives.

Councillor Saunders asked how many buildings in the city this would affect. The Chief indicated maybe 15 at the most, while Commissioner Romanowicz stated it is probably between 8 and 10.

Councillor Gonsalves expressed her disappointment that this language does not include Dormitories, etc., and feels that it should.

On motion by Councillor Lopes and seconded by Councillor Alves, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDER, for the City to accept M.G.L. Chapter 148, §26H, which requires the installation of sprinkler systems in lodging and boarding houses in which rooms are let to six (6) or more persons, the statute does not apply to fraternity houses or dormitories, rest homes or group residences licensed or regulated by agencies of the Commonwealth. This motion passed on a voice vote.

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Notice, City Clerk of reference of a AN ORDINANCE, Amending Chapter 2, Section 2-61- RELATIVE TO THE CLERK OF COMMITTEES AND THE CITY CLERK (Ref'd 12/20/12) was received and placed on file by Councillor Oliveira and seconded by Councillor Bousquet. (5)

Councillor Martins asked Rita Arruda, City Clerk to take the podium to answer questions.

Councillor Gomes asked what the changes would be. Ms. Arruda stated that the only change would be that she would supervise the two full-time employees in the Clerk of Committees' office.

The Chair called for a five minute recess.

Councillor Saunders stated that he sponsored the motion, with Attorney David Gerwatowski providing assistance with the language. He stated that he feels cross-training and cooperation between the offices only makes sense and stated that the Clerk of Committees' office should not have been closed for 2 or 3 days when both ladies were out. He also stated that it is impossible for Dennis Farias, the Clerk of Committees, who is part time, to properly supervise the two full-time clerks.

On motion by Councillor Gonsalves and seconded by Councillor Alves, the Committee VOTED: To go into Executive Session for the purposed of discussing personal matters and to then return to regular session. This motion passed by a Roll Call Vote of Yeas 8, Nays 1.

Executive Session lasted from 9:05 p.m. until 9:45 p.m.

Once out of Executive Session ....

On motion by Councillor Gonsalves and seconded by Councillor Lopes the Committee VOTED: To amend Section 2-61(f) by adding the following language after the word Department, provided however, that the Council President or his or her designee participate in the interview process and have input into the hiring. This motion passed on a voice vote.

On motion by Councillor Gonsalves and seconded by Councillor Gonsalves and seconded by Councillor Alves, the Committee VOTED: That Section 2 be struck calling for the change in grade from M-10 to M-12. This motion FAILED on a Roll Call Vote of Yeas 2, Nays 6, with Councillors Alves and Gonsalves in favor and Councillors Bousquet, Lawrence, Lopes, Martins, Oliveira and Saunders opposed and Councillor Gomes not present for the vote.

On motion by Councillor Saunders and seconded by Councillor Bousquet, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE AS AMENDED, Amending Chapter 2, Section 2-61- RELATIVE TO THE CLERK OF COMMITTEES AND THE CITY CLERK. This motion passed on a voice vote.

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

This meeting adjourned @ 9:55 p.m.

ATTEST:

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Clerk of Committees