



# **AD HOC COMMITTEE**

November 24, 2014 – 7:06 PM – **Minutes**  
Chambers of the City Council, Room 214

**MEETING: AD HOC COMMITTEE ON PROBLEM PROPERTIES ORDINANCE**

**DATE: NOVEMBER 24, 2014**

**TIME: 7:10 P.M.**

**PLACE: COUNCILLOR WILLIAM SALTZMAN ANTECHAMBER, ROOM 213,  
MUNICIPAL BUILDING**

**PRESENT: COUNCILLOR JAMES OLIVEIRA, CHAIRMAN; COUNCILLOR HENRY BOUSQUET; COUNCILLOR BRIAN GOMES; ATTORNEY DAVID GERWATOWSKI; JERRY PINTO; KEN RESENDES; RON OLIVEIRA; POLICE CHIEF DAVID PROVENCHER; ATTORNEY JOHN FLOR; JOHN RYAN, SR.**

**ABSENT: COUNCILLOR NAOMI CARNEY, VICE-CHAIRPERSON; CELINE SARAIVA**

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Councillor Oliveira called the meeting to order and took attendance. A Communication from Councillor Carney was read into the record stating she would not be in attendance due to a previous commitment. This communication was received and placed on file by Councillor Bousquet and seconded by Councillor Gomes.

A discussion took place in an informal manner amongst all of the members present at this meeting. Also present were Curt Brown from the Standard Times, Loretta Bourque, 33 Ellen Street and Bruce Duarte, Jr., 804 Kempton Street.

Concerns on notifying the landlord about criminal complaints should take place right away and not after five reports. There was also a discussion on the open-endedness of the fine structure.

Ken Resendes, stated he thought it would be three complaints when the landlord should be notified; while Ron Oliveira said it should be for each one. The Chief issued this concern that it would be time consuming to issue a notice for each violation. He does not have the manpower to dedicate to this.

Jerry Pinto thought it should be lower as well, that the eight times currently on the Ordinance was too high. Three times would be better and a phone call for the first offense should be made to the landlord.

Councillor Gomes stated he likes the Ordinance the way it is. That it was designed to deal with problem properties.

The Chief stated the Ordinance lays out the definition of what a valid complaint is he likes the language, though some items are vague and could be tweaked. He said Attorney Flor and Attorney Gerwatowski should work those issues out. The Chief believes five offences would be the appropriate time to send notification to the landlord.

Councillor Oliveira stated that five would be good, that this Ordinance is to address absentee landlords who do not care who they are renting to and that a good landlord would take action as soon as they found out about police issues for their property.

Items to address in the Ordinance are as follows:

1. The term “persons associated with property”;
2. “Other properties” language;
3. Identify what a criminal offense is in detail within Ordinance;
4. Identify ceiling cap for fines that can be issued by Chief.

The Chief suggested that the Attorney’s identify additional issues and points of vagueness.

John Ryan of the Realtor’s Association stated his concern that if they identify a dollar cap on fines, that the landlords would pass this on as a cost of doing business to their tenants and this would be questionable.

Attorney Flor reviewed the appeal process with all in attendance. He also stated that the Chief would not be able to assess additional charges as a punishment and that the charges would need to reflect the police involvement only.

Councillor Bousquet expressed his dislike of the Ordinance and its vagueness that his gut feeling tells him that this Ordinance holds people accountable for the actions of others. He does believe the language needs to be cleaned and some of the vagueness needs to be taken out.

On motion by Councillor Gomes and seconded by Councillor Bousquet, the Committee VOTED: To have Attorney Flor and Attorney Gerwatowski address the vagueness of the Ordinance, cleanup the language, define what needs to be defined and forward on to the Ordinance Committee as a whole. This motion passed on a voice vote.

It was the general consensus of the Committee that they did not need to meet again.

Councillor Oliveira recognized Loretta Bourque, 33 Ellen Street, New Bedford, Chairperson of the Cove Street Neighborhood Association and she spoke on the need to have some kind of Ordinance in place. She gave an overview of the problems in the Cove Street Neighborhood area.

Councillor Bousquet made a motion to adjourn, which was seconded by Councillor Gomes.

This meeting adjourned @ 8:40 p.m.

ATTEST:

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Clerk of Committees