



Committee on Ordinances

December 10, 2014 – 6:35 PM - **Minutes**
City Hall, 133 William Street, City Council Chamber, Room 214

****View Agenda****

MEETING: COMMITTEE ON ORDINANCES

DATE: DECEMBER 10, 2014

TIME: 7:08 P.M.

PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS STEVEN MARTINS, CHAIRMAN; JAMES OLIVEIRA, VICE-CHAIRMAN; HENRY BOUSQUET; NAOMI CARNEY; DEBORA COELHO; BRIAN GOMES; JOSEPH LOPES; DANA REBEIRO; KERRY WINTERSON

ABSENT: COUNCILLORS DAVID ALVES; LINDA MORAD

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Councillor Martins called the Ordinance Meeting to order and took attendance. A communication from Councillor Alves was read into the record stating he would not be in attendance due to a prior personal commitment. This communication was received and placed on file by Councillor Bousquet and seconded by Councillor Gomes. Councillor Martins explained that Councillor Morad was attending the Planning Board Meeting and would be late in attending this meeting.

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Notice, City Clerk of reference of a Public Hearing, on a Communication, Legislative Counsel Gerwatowski, submitting an Ordinance relative to Family Day Care Facilities and requesting that the City Council substitute the submitted Ordinance in place of the Ordinance approved by the Committee on Ordinances (Ref'd 10/23/14, duly advertised in the Standard-Times on Wednesday, November 26, 2014 and Wednesday, December 3, 2014) was received and placed on file and the hearing opened by Councillor Coelho and seconded by Councillor Lopes.

Councillor Lopes told the body he received a Communication that the Planning Board who was meeting on this same item tonight, recommend passage by the City Council with a 5 to 0 unanimous vote.

Attorney David Gerwatowski was recognized to give a history of the Ordinance. He explained this new Ordinance takes the special permit process away and allows for more appropriate guidelines in running a family day care in the city. It allows the Building Commissioner to have access to homes to make sure they have the proper ingress and egress to daycares, improving the safety of all involved.

Daycare providers will be required to secure a certificate of approval from the Building Commissioner. The building Commissioner will visit the home to make sure it complies with city regulations.

The fee for the certificate is \$50.00 annually. The certificate focuses on whether or not the building meets the city's building code guidelines, it does not circumvent state regulations.

When you apply, the city has thirty (30) days to inspect. If defects in the building are found the provider will be informed of them and they will have ninety (90) days to make the necessary corrections. A follow-up visit will be made to make sure the changes have been made. If more time is needed to make corrections, the Commissioner may grant an extension.

City Planner Jill Maclean was recognized to speak on the issue. She informed the body that the Planning Board heard the Ordinance and proposal and unanimously approved recommending approval to the full City Council on a 5-0 vote.

Councillor Bousquet asked how this Ordinance would affect all operations, meaning are some daycares grandfathered, to which Attorney Gerwatowski answered no. Councillor Bousquet then asked how we would know about other daycares that had not yet come forward. Attorney Gerwatowski said that would be for the Building Commissioner to decide, but he believed a list of State permits in the city could be secured from the correct State Departments. He went on to say that all family daycares will require a certificate of approval from the Building Commissioner.

Councillor Oliveira asked Commissioner Romanowicz if the State does appropriate checks on family daycares. Commissioner Romanowicz stated they reviewed the State guidelines with a representative of the State and found that State guidelines for ingress and egress of facility were less stringent than the city's. This is the reason for the certificate and inspection process, it is a larger safety net for the children and those in the home. The city Ordinance addresses a life and safety issue above that of the States. Councillor Oliveira stated it was a small price to pay to preserve children's lives.

Councillor Winterson asked Commissioner Romanowicz about other defects that would be addressed. Commissioner Romanowicz told the Committee that they would be looking for obstructions to ingress and egress, more than one ingress and egress. Sleeping rooms would require escape windows to get out of an area in case of an emergency. Each house has a different layout which makes it important that they be inspected.

The Chair recognized anyone who would like to speak in favor of the Ordinance.

Mr. Mark Olsen, 134 Bismark Street, New Bedford, spoke in favor of the Ordinance, his only concern was with the guidelines, that it is not a daycare center, it is a home.

The Chair asked if there was anyone who would like to be recorded in favor of the Ordinance, there were none.

The Chair asked if there was anyone who would like to speak in opposition of the Ordinance, there were none.

The Chair asked if there was anyone who would like to be recorded in opposition to the Ordinance, there were none.

Councillor Oliveira made a motion to close the hearing, which was seconded by Councillor Lopes.

On motion by Councillor Gomes and seconded by Councillor Oliveira, the Committee VOTED: To recommend to the City Council ADOPTION of the Ordinance relative to Family Day Care Facilities. This motion passed on a Roll Call Vote of Yeas 8, Nays 1. (Councillor Bousquet opposed)

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

This meeting adjourned @ 7:36 p.m.

ATTEST:

Clerk of Committees