



# *Committee on Ordinances*

August 30, 2016 – 7:05 PM - **Minutes**

City Hall, 133 William Street, City Council Chamber, Room 214

**MEETING: COMMITTEE ON ORDINANCES**

**DATE: AUGUST 30, 2016**

**TIME: 7:05 P.M.**

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

**PRESENT: COUNCILLORS STEVEN MARTINS, CHAIRMAN; IAN ABREU; HENRY BOUSQUET; NAOMI CARNEY; DEBORA COELHO; BRIAN GOMES; JOSEPH LOPES; JAMES OLIVEIRA**

**ABSENT: COUNCILLORS DANA REBEIRO, VICE-CHAIRPERSON; LINDA MORAD; KERRY WINTERSON**

\* \* \*

Councillor Martins called the Ordinance Committee Meeting to order and took attendance. The Clerk read Communications from Councillors Morad, Rebeiro and Winterston explaining their absences from this meeting. These Communications were received and placed on file by Councillor Carney and seconded by Councillor Lopes.

\* \* \*

Item number 2, 2a, 2b was taken out of order without objection, in order to allow the Petitioner from Item one time to arrive to the meeting.

Notice, City Clerk of reference of a Written Motion, Councillor Lopes, Bousquet, Martins, Winterston, Council President Morad, Carney and Coelho, requesting that the Committee on Ordinances review the City of Boston's Ordinance regarding Recreational Vehicles and further, that the Committee also review a draft Ordinance written by the Police Department for the City of New Bedford on Recreational Vehicles (Ref'd 4/28/16) was received and placed on file by Councillor Carney and seconded by Councillor Lopes. (2, 2a, 2b)

Police Chief Cordeiro, Assistant Solicitor Jaikes and Attorney Gerwatowski were all present to address the Committee and answer questions.

Police Chief Cordeiro has reviewed the Council's draft and the Solicitor's draft and has been in discussions with the Solicitor's Office and is working to put more of a bite in the Ordinance. This would allow a stronger Ordinance which would in turn, make it more difficult to release vehicles once impounded; specifically, if the correct or legal paperwork is not presented when going to pick up confiscated vehicles.

The Solicitor's Office is looking to include language which creates a ticket for motor scooters and the like. Where they could be impounded by local police authorized tow companies. They are trying to create language that is more inclusive in the completed Ordinance. They are working to draft an Ordinance that

includes language from both the Boston and Worcester Ordinances that are in place in their respective communities.

Attorney Gerwatowski informed the Committee that he would work with the Police Chief and the Solicitor's Office to draft the language needed, but wanted input from Councillors as to what vehicles they wanted addressed in the Ordinance. For example, motorcycles, motorized bikes, what types of recreational vehicles.

The discussion revealed that the concerns shared by most Councillors were the numbers of calls they have received over this summer on dirt bikes, pocket scooters and how they are being driven on city streets. The Council wanted vehicles such as ATV's, 4 wheelers, to not be allowed on city streets and address their hazardous operation. Many Councillors were recognized and spoke on this issue, in support of said Ordinance.

On motion by Councillor Lopes and seconded by Councillor Carney, the Committee VOTED: To table this matter for thirty (30) days to allow the Chief, Attorney Gerwatowski and Attorney Jaikes to discuss the appropriate language for the Ordinance.

\* \* \*

Notice, City Clerk of reference of a Public Hearing, on a Written Motion, Councillor Martins, requesting, on behalf of Mr. Pedro Fernandes, Lusitano Food Products LLC, that 127 Hathaway Street, Plot 103/Lot 13, be REZONED from Mixed-Use Business to Residence "C" (Ref'd 6/23/16) (Duly advertised in the Standard-Times on Wednesday, August 17, 2016 and Wednesday, August 24, 2016); and a Communication, Acting City Planner Jennifer Clarke to Councillor Steven Martins, Chairman, Committee on Ordinances, notifying that the Planning Board held a public hearing on August 10, 2016 to discuss the proposed rezoning request for the rezoning of a lot on Hathaway Street identified as being Plot 103/Lot 13 from Mixed-Use Business to Residence "C". A motion was made to recommend that the City Council approve the rezoning of the Hathaway Street Lot, changing the zoning from a MUB zone to a RC zone; the Planning Board voted to send an **UNFAVORABLE RECOMMENDATION** to the Ordinance Committee (Ref'd 8/11/16) were received and placed on file and the hearing was opened on motion by Councillor Abreu and seconded by Councillor Lopes. (1, 1a)

Patrick Sullivan, Director of Community Development representing the Planning Board, explained to the Committee that the Planning Board was making an unfavorable recommendation to the Committee for the petition did not satisfy the standards in place for such a change. That the Board felt it bordered on spot zoning. The petitioner was seeking to change an old store front into a single family home. The petition would change a commercial building to a residential building.

The Chair asked if there was anyone present who would like to speak in favor of the petition.

Mr. Pedro Fernandes, 127 Hathaway Street, New Bedford, owner of the building explained that he wanted to convert the store front into a single family residence. A business front was no longer viable due to the parking in the area. By converting the building into a single family home it would reduce the tax rate he is currently paying on the property.

The Chair asked if there was anyone who wished to speak and/or be recorded in favor of the petition; there were none. The Chair asked if there was anyone present who wished to speak and/or be recorded in opposition of the petition; there were none.

Councillor Carney made a motion to close the public hearing, which was seconded by Councillor Coelho.

On motion by Councillor Abreu and seconded by Councillor Oliveira, the Committee VOTED: To recommend to the City Council APPROVAL of the Zoning Change of 127 Hathaway Street, Plot 103/Lot 13 from Mixed-Use Business to Residence “C”. This motion passed on a voice vote.

\* \* \*

On motion by Councillor Bousquet and seconded by Councillor Oliveira, the Committee VOTED: To waive the reading and follow the Chair’s recommendation to take “No Further Action” on items 3, 3a, and 4. This motion passed on a voice vote. They are as follows:

Notice, City Clerk of reference of a Written Motion, Councillor Martins on behalf of Massachusetts Transgender Political Coalition, requesting that the City Council create a Non-Discrimination Ordinance relative to “Gender Identity”, and the City of New Bedford will join a handful of other Cities that have created a local Ordinance protecting individuals who should never be denied equal treatment or opportunity as a result of gender identity; and further, that with an Ordinance regarding discrimination based on gender identity, the City of New Bedford will seek to protect its Citizens and visitors in the enjoyment of their civil rights by ensuring that everyone is free from discrimination and by promoting mutual understanding and respect among all who reside, visit and work within the City. (Ref’d 2/26/15, 5/11/15 – table for 90 days, ask Gerwatowski to draft some preliminary language, 12/14/15- remain in Committee); and

Findings of the National Transgender Discrimination Survey and related information. (Ref’d 2/26/15, 5/11/15 – table for 90 days, ask Gerwatowski to draft some preliminary language, 12/14/15- remain in Committee) (3, 3a)

Notice, City Clerk of reference of a Written Motion, Councillors Alves and Martins, in an effort to better support local businesses in the City, pay real estate taxes and hire our residents, and in light of the number of street vendors and peddlers that have infected our streets selling flowers, plants and miscellaneous items without a valid license and are in violation of the current City Peddlers Ordinance, requesting, that the Committee on Ordinances review any and all similar Ordinances currently in effect in such communities as Haverhill and Somerville, and any other community in the Commonwealth that has one, to see what we can do to improve our City Ordinances to address the issue of unlicensed or out of town peddlers on our City streets. (Ref’d 6/25/15, 9/15/15- table to March 2016 so NBPD has time to enforce the licensees and that enforcement is being properly addressed, 12/14/15- Remain in Committee, 4/19/16-table) (4)

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

This meeting adjourned @ 7:48 p.m.

ATTEST:

---

Denis Lawrence, Jr.,  
Clerk of Committees