



Committee on Ordinances

May 17, 2017 – 7:08 PM – **Minutes**

City Hall, 133 William Street

City Council Chamber, Room 214

MEETING: COMMITTEE ON ORDINANCES

DATE: MAY 17, 2017

TIME: 7:08 P.M.

PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS STEVEN MARTINS, CHAIRMAN; LINDA MORAD, VICE CHAIRPERSON; DEBORA COELHO; HUGH DUNN; DANA REBEIRO; KERRY WINTERSON

ABSENT: COUNCILLORS IAN ABREU; NAOMI CARNEY; BRIAN GOMES; JOSEPH LOPES; JAMES OLIVEIRA

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

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Notice, City Clerk of reference of a COMMUNICATION, Councillor Martins, submitting an Ordinance from the City of South Bend, Indiana, regarding Honey Bee Keeping Regulations (Ref'd 8/21/14) (9/17/14-tabled; 10/22/14-tabled for 60 days; 2/24/15-remain in Committee; 3/23/15-tabled; 12/14/15-remain in Committee; 3/21/17-remain in Committee) was removed from the table by Councillor Morad and seconded by Councillor Rebeiro. (1)

Councillor Martins explained that this has been reviewed and discussed for approximately three (3) years now and he would like to see some action taken.

Attorney Gerwatowski explained to the Committee that he reviewed Section 4-4 which is the code that prohibits bee keeping in the city. The city had a moratorium in place that did not enforce 4-4, but it has expired and it is now up to the Council to move it forward if they wish to. It is understood that New Bedford is the only community in the Commonwealth that prohibits bee keeping. He has reviewed a sample Ordinance that is in place for South Bend, Indiana. He can draft a similar Ordinance.

Manny Maciel, Animal Control Director has reviewed the South Bend Ordinance and finds it to be a no brainer; but it would have to be adapted to fit the city. He said it is similar to the Ordinance the city now has in place for rabbits. There is no opposition to allowing bee keeping in the city by his department.

Councillor Rebeiro expressed concern about space for the placement of the bee hives. The language would have to be adopted to conform to city lots. They should be in the rear of a property and not in the front or the side yard.

Councillor Morad asked what an acceptable footage would be. She was told 10 – 12' from the rear of a property would be better.

Kimberly Ferreira, Director of Mass in Motion of Theresa Street, New Bedford, was present and introduced Kitty De Groot of Mattapoisett. She is a professional bee keeper. She has twenty (20) hives in Mattapoisett, Marion and Rochester. She has lived in Massachusetts for a couple of years. She explained that bee keeping is a great hobby for people and bees are great for the environment. She suggested that as Attorney Gerwatowski writes the Ordinance that he reach out to the Buzzards Bay Bee Company as a resource as well as the Chief State Avarian Inspector and the Massachusetts Bee Keeping Association.

Councillor Martins told the Committee that Attorney David Gerwatowski will draft language as it relates to the Bee Keeping Ordinance for the city; and that the Clerk of Committees will send an email to the Councillors to send any input they may have regarding the language for this Ordinance to Attorney Gerwatowski within one weeks time as the Ordinance should be drafted in time for the June Ordinance meeting.

On motion by Councillor Coelho and seconded by Councillor Dunn 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 WRITTEN MOTION, Councillors Martins, Winterson, Abreu, Rebeiro, Oliveira and Gomes, requesting, that the Committee on Ordinances review the current Ordinance, Chapter 22, Section 15, Snow and Ice-Removal from Sidewalks; Required, to possibly amend and clarify said Ordinance, to redefine the definition of “sidewalk” whether paved, grass or dirt and also to extend the time frame for which a homeowner is required to remove snow from their property to avoid a fine, due to the fact that many homeowners do not arrive home until the end of the day, long after the snow has stopped falling and should not be fined for not removing snow immediately from their sidewalk (To be Referred to the Committee on Ordinances.) (Ref’d 3/9/17) was received and placed on file by Councillor Coelho and seconded by Councillor Winterson. (2)

Councillor Martins explained the reason for this motion was that he received several complaints from residents in his ward that they have been ticked for not shoveling their sidewalks including grass sidewalks at their homes.

DIS Commissioner Danny Romanowicz explained that the city has never fined anyone in a residential neighborhood, they have in commercial neighborhoods. They do give a warning that is normally when the calls and/or complaints start. The issue is primarily in school zones where sidewalks are not properly shoveled and it does affect the child’s walk to school. He believes they should not change the Ordinance but look to increase the fines; this will help to enforce snow removal in commercial areas. Right now businesses find it easier to pay the fine for two days rather than shovel. A higher fine might help to correct this issue.

DPI Commissioner Zeb Arruda explained it is DPI’s function to make sure city streets are clear of snow for emergency vehicles and nothing more. Sidewalks are not a concern, however after a storm and the streets are done, his department does go out to clear walkway entrances on city buildings and intersections. Unfortunately, when plowing they do have to put snow on the corners, which obstructs the passage way across the street.

Councillor Morad asked if the Committee has the appetite to create an Ordinance that would enforce snow removal from sidewalks in grassy areas and fine the residents if they fail to do so.

Attorney Gerwatowski explained the current Ordinance does address snow removal times and fines. It does not define the width of the path that must be shoveled.

On motion by Councillor Morad and seconded by Councillor Rebeiro, the Committee VOTED: To require every property owner to shovel a shovel width passage after more than 3” of snow within a 24 hour period on any sidewalk regardless of the surface. This motion FAILED on a Roll Call Vote of Yeas 4, Nays 2 with Councillors Martins and Morad opposed.

On motion by Councillor Rebeiro and seconded by Councillor Coelho, the Committee VOTED: To recommend that the City Council take “No Further Action” on the WRITTEN MOTION, Councillors Martins, Winterson, Abreu, Rebeiro, Oliveira and Gomes, requesting, that the Committee on Ordinances review the current Ordinance, Chapter 22, Section 15, Snow and Ice Removal from Sidewalks; Required, to possibly amend and clarify said Ordinance, to redefine the definition of “sidewalk” whether paved, grass or dirt and also to extend the time frame for which a homeowner is required to remove snow from their property to avoid a fine, due to the fact that many homeowners do not arrive home until the end of the day, long after the snow has stopped falling and should not be fined for not removing snow immediately from their sidewalk. This motion passed on a voice vote.

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Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 10, FINANCE, by adding Section 10-47 – Departmental Revolving Funds (Ref'd 4/12/17) was received and placed on file by Councillor Morad and seconded by Councillor Dunn. (3, 3a)

Ari Sky, CFO gave an overview of the need to change the general governance of the funds as it deals with annual appropriations. The Council was apprised of the State mandating such a change previously. This is the mechanism to put the States requirements into effect as an Ordinance.

Councillor Morad asked if this was passed by legislation and she was told that it was. She thought this issue was going to Finance, she asked CFO Sky if he would provide the Committee with a financial fund update yearly and he said yes.

Attorney Gerwatowski explained this is a State requirement and that it mirrors that of the State and the Department of Revenue.

On motion by Councillor Morad and seconded by Councillor Rebeiro, the Committee VOTED: To recommend to the City Council ADOPTION and Pass to a Second Reading AN ORDINANCE, amending Chapter 10 Finance, by adding Section 10-47 – Departmental Revolving Funds. This motion passed on a voice vote.

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Notice, City Clerk of reference of a REPORT, Committee on Ordinances, recommending to the City Council Adoption of AN ORDINANCE - RELATIVE TO BOARDS & COMMISSIONS, and that it be Passed to a Second Reading (Ref'd 4/27/17) was received and placed on file by Councillor Morad and seconded by Councillor Rebeiro. (4, 4a)

Councillor Morad gave an overview of this Ordinance. She explained that while the Committee had agreed to such an Ordinance, after review she found there wasn't a mechanism in place as to a timeline that the Ordinance should go into effect as well as when the Mayor should begin to submit his Board and Commission appointments that are either vacant or that have positions that are currently held over.

Attorney Gerwatowski revised the language to state that upon passage of the Ordinance it will go into effect 90 days later.

On motion by Councillor Morad and seconded by Councillor Rebeiro, the Committee VOTED: To recommend to the City Council ADOPTION AS AMENDED and Pass to a Second Reading AN ORDINANCE – RELATIVE TO BOARDS & COMMISSIONS. This motion passed on a voice vote.

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

This meeting adjourned @ 8:34 p.m.

ATTEST:

Denis Lawrence, Jr.,
Clerk of Committees