

REPORT – ORDINANCE COMMITTEE
November 16, 2023

The Standing Committee on Ordinances and Rules to which was referred the following reports as follows:

#1 on agenda

having considered the same, report FAVORBLE AS AMENDED by Councilor Farwell, 2nd by Councilor Lally.

#2 on agenda

having considered the same, report FAVORBLE AS AMENDED by Councilor Lally, 2nd by Councilor Farwell.

#3 on agenda

having considered the same, report TABLED by Councilor Farwell , 2nd by Councilor Rodrigues.

MINUTES – ORDINANCE COMMITTEE
November 16, 2023

The Standing Committee on Ordinances and Rules was called to order at 6:36 p.m. by Councilor Asack, Farwell, Lally, and Rodrigues present.

Comments by Councilor Asack
(Councilor Minichiello unable to attend due to work commitment)

Agenda read into the record.

The Committee first considered the following:

#1 on agenda

Comments by Councilor D’Agostino
(housekeeping items to go back and make sure it done as tight as possible)

Comments by Councilor Rodrigues
(need to make it clear, to add certain language, wants to hear from Deputy Chief Williams)

Comments by Deputy Chief Williams
(not in front yard, must comply with accessory setbacks already in ordinance)

Comments by James Plouffe, Building Commissioner
(5 feet from rear and sides, 30 feet from front)

Comments by Councilor Rodrigues
(concerns about this being in the front lawns, phone calls from residents, wants it clear it can’t be on the front lawn of properties, concerned about neighbor complaints, concerned about these being on the front lawn, backyard should be perfectly fine, mayor issue with cleaning list in the city)

Comments by James Plouffe, Building Commissioner
(cannot be situated in the front plane of the house or front setback for primary dwelling, amending proposed language so no conflicts occur)

Comments by Councilor Rodrigues
(very clear for understanding)

Comments by Councilor D’Agostino
(side yards not in all properties in the city)

Comment by James Plouffe, Building Commissioner

(re suggested amendment to Residential Zone (1)(d), must comply with all accessory setbacks for rear and side setbacks, not to be situated in front plane of the house, suggests “must comply with all accessory setback requirements for rear and side setbacks and must comply with all front setbacks for a primary structure and not further forward than the plane of the house”)

Comments by Councilor Rodrigues

(wants to clear it can't be in the front of the house, has seen these on the sidewalks)

Comments by Councilor Asack

(needs to be enforceable, expertise)

Comments by James Plouffe, Building Commissioner

(edge of the house, front)

Comments by Councilor D'Agostino

(layman language, but legally enforceable)

Comments by Councilor Farwell

(3 storage containers for 90 days and then another 90 days, a little long for him, sight lines, quality of life, contents of storage containers, flammable liquids, responsibility to enforce this, do we want these all over the city)

Comments by Councilor Lally

(how do we handle it when pods can't fit or get into the back yard)

Comments by James Plouffe, Building Commissioner

(can reduce the time period)

2-minute recess called by the Chair.

Returned at 6:57pm

Comments by Councilor Nicastro

(photographs in Ward 4, community is being taken advantage of by lack of regulation of these structures, understands the temporary need, but there has to be a limit and some kind of enforcement, application so we know where they are, rodent issues)

Comments by Councilor Farwell

(adding language about display of permit, when a permit is issued it will be displayed visibly with the expiration date on it so that the enforcement can see it)

Comments by Councilor Asack

(fines? \$200 fine, thinks \$300 is more reasonable to discourage repeat offenders)

MOTION by Councilor Farwell to strike “90 days” and insert “45 days” for the initial permit and to strike “90 days” and insert “30 days” for the extension period, 2nd by Councilor Lally. Voted 3-0 with Councilor Rodrigues not voting.

MOTION by Councilor Farwell to insert language “A permit shall be prominently displayed and visible for inspection personal and the permit shall contain the expiration date of the permit.”, 2nd by Councilor Rodrigues. Motion carried unanimously.

Comments by Councilor Rodrigues

(separate to be for both commercial and residential, wants to make sure the permit display requirement is for both commercial and residential)

MOTION by Councilor Farwell to assert language “Inspectional Services Department shall provide a list of prohibited materials not to be stored in the portable storage container, which shall include prohibiting storage of live animals, hazardous materials, and combustible material, and shall further prohibit habitation in the portable storage container.” 2nd by Councilor Lally. Motion carried unanimously.

Comments by Councilor Asack

(will we be opening the units up? Enforceable?)

Comments by James Plouffe, Commissioner of Buildings

(right to inspect during the permit time because it’s permitted, once it’s closed would need to put in language about right to inspect)

Comments by Councilor D’Agostino

(max of 75 days in any one calendar year)

Comments by Councilor Farwell

(within 12-month period)

MOTION by Councilor Farwell to insert language “Inspectional Service Department shall have the right to inspect the portable storage containers for compliance with the permit and this Ordinance.” and to insert “Only one permit may issue during a twelve (12) month period commencing at the date of the original permit.”, 2nd by Councilor Lally. Motion carried unanimously.

Comments by James Plouffe, Commissioner of Buildings

(paved surfaces?)

Comments by Councilor Lally

(driveways are in the side yard)

Comments by Councilor D’Agostino

(re short term)

Comments by Councilor Lally

(not concerned about it being left in a driveway, time sensitive item, front yard not much of an issue, remain on a paved surface, accessible for building inspectors, visible for compliance)

Comments by Councilor Asack

(photographs show containers all on pavement)

Comments by Councilor Farwell

(discretion of building commissioner, driveway)

Comments by James Plouffe, Commissioner of Buildings

(not a problem)

Comments by Councilor Asack

(not many have pavement in the backyard)

Comments by Councilor Lally

(length of the permit in the driveway)

Comments by Councilor Rodrigues

(aesthetic purposes, front lawn, defeats the purpose of bringing this back to ordinance, still insists on this to be in the back yard, these are sitting on driveways, values of properties, neighbors, blocking views)

Comments by Councilor Asack

(not as easy as we were hoping it would be, hoarding, stuff everywhere, enforce to fix this problem)

Comments by Councilor Farwell

(agrees with Councilor Rodrigues, but some lots need to have these in the driveway, modest home)

Comments by Councilor Asack

(discretion of Inspectional Service Department, not trying to create a hardship, need to)

Comments by James Plouffe, Commissioner of Buildings

(special permit?)

MOTION by Councilor Lally to strike language in Section (1)(d) insert language “must comply with all accessory setback requirements for rear and side setbacks and must comply with all front setbacks for a primary structure in the subject Residential Zone and not be situated further forward than the plane of the house. The Commissioner of Buildings may allow in his or her

discretion for a portable storage container to be situated as directed by the Commissioner of Buildings if compliances with these standards cannot be met.”, 2nd by Council Farwell. Motion carried unanimously.

Comments by Councilor Farwell

(number of containers in commercials, what is stored in them, old stop and shop property, accessory to the primary use)

Comments by Councilor D’Agostino

(shall not be connected)

Comments by James Plouffe, Commissioner of Buildings

(screened from public view?)

Comments by Councilor Lally

(match the language from residential, if you can screen it, it should be, if not then to the discretion from the commissioner)

Comments by Deputy Chief Williams

(exempt construction site, new public safety building example, each trade has a storage container, to allow equipment and product to be safe)

MOTION by Councilor Rodrigues to insert language exempting construction sites from the ordinance, 2nd by Councilor Lally. Motion carried unanimously.

Comments by Councilor Asack

(agrees 5 containers is a lot, works if its to the discretion of the commissioner)

Comments by James Plouffe, Commissioner of Buildings

(no setbacks in commercial zones)

Comments by Councilor Rodrigues

(Residential fee for a permit)

Comments by James Plouffe, Commissioner of Buildings

(initial permit fee would cover the cost in Residential Zones)

Comments by Councilor Asack

(fees?)

Comments by James Plouffe, Commissioner of Buildings

(minimum of \$75-\$200 for permit fee)

Comments by Councilor D’Agostino

(discretion to Commissioner to set the fees)

Comments by Councilor Rodrigues
(small containers, exemption of a storage unit of 20 feet or less in the backyard)

Comments by Councilor Farwell
(fee structure to be filed annually with the Council)

MOTION by Councilor Farwell to insert language “The Commissioner of Buildings shall file the fee schedule with the City Council annually.” 2nd by Councilor Lally. Motion carried unanimously.

Comments by Deputy Chief Williams
(inspectional service department)

MOTION by Councilor Lally to replace “building department” with “Inspectional Services” throughout the ordinance, 2nd by Councilor Farwell. Motion carried unanimously.

Comments James Plouffe, Commissioner of Buildings
(screened from view, discretion of building commissioner, front plane of the building)

Comments by Councilor Nicastro
(storage containers to 1 or 2)

Comments by James Plouffe, Commissioner of Buildings
(oversized house, multiple units)

MOTION by Councilor Farwell to reduce 3 units to 1 and insert the following language “A permit for more than one (1) storage container shall be subject to the discretion of the Commissioner of Buildings.”, 2nd by Commissioner Lally. Motion carried unanimously.

On the Motion – Comment by Councilor Rodrigues
(exemption for something smaller)

Comments by Councilor Lally
(no permitted exemption discussed)

Comments by James Plouffe, Building Commissioner
(temporary structures, accessory structure for permanent, accessory uses)

MOTION by Councilor Lally to strike language in Section (2)(f) and insert the following language “be screened from view and not be situated further forward than the plane of the primary structure. The Commissioner of Buildings may allow in his or her discretion for a portable storage container to be situated as directed by the Commissioner of Buildings if compliance with these standards cannot be met.”, 2nd by Councilor Farwell. Motion carried unanimously.

Comments by Councilor Asack
(good start)

Motion to report FAVORABLE AS AMENDED by Councilor Farwell, 2nd by Councilor Lally.
Motion carried unanimously.

Next the Committee considered the following:

#2 on agenda

Comments by Councilor Asack
(Assistant Solicitor Stacey Verde present and Captain Porcaro)

Comments by Councilor Thompson
(identified certain streets, increased enforcement of public safety law, higher level of car involvement, 3 years of police reports, data tells us these streets have higher levels of pedestrian safety issues, statutory j walking through state is a 1 dollar fine, targeted enforcement, increase the deterrence factor, raise fine to \$50 and onward, believe this will accomplish that)

Comments by Councilor Lally
(j walking)

Comments by Councilor Thompson
(state level statute that covers j walking city-wide, certain areas have higher accident levels, targeting these streets to increase enforcement and deterrent)

Comments by Councilor Lally
(adding streets? Traffic commission?)

Comments by Councilor Thompson
(starting with these streets because of the data, increased incident levels through amended ordinances to add the street, stay focused)

Comments by Councilor Farwell
(thinks this is excellent, non-criminal)

Comments by Stacey
(civil fines, district court appeal process)

Comments by Brenda Perez
(fully supports this proposal, safety concerns, crucial step for enhancing public safety, motorists and pedestrians)

Comments by Captain Porcaro

(enforcement, lets the people know we are ready to take pedestrian safety that much more seriously, able to focus attention and resources)

Comments by Councilor Asack
(phone call report? Patrol?)

Comments by Captain Porcaro
(both, citizens may see and call it in)

Comments by Councilor Rodrigues
(Warren Ave side streets like Court Street, Forest Ave, Richmond Street off of Battle Streets)

Motion to add streets made and withdrawn.

Comments by Councilor Lally
(North Quincy street)

Comments by Councilor Thompson
(Court Street included in the research, Forest Ave and Richmond need to have the data, not sure they meet the requirements, adding in the next legislative session)

Comments by Councilor Rodrigues
(near misses, by the school, taking this seriously, include the streets near the schools, near misses that don't make it to the statistics, high school road to be included)

Comments by Councilor Asack
(looking for the data)

Comments by Councilor Lally
(statistic base, legislative need, objectivity)

Comments by Councilor Thompson
(will share data)

MOTION by Councilor Rodrigues to add the following streets to the ordinance "Court St, Forest Ave, Richmond St, Battles St, North Quincy St", 2nd by Councilor Lally. Motion carried unanimously.

Motion to recommend FAVORABLE AS AMENDED by Councilor Lally, 2nd by Councilor Farwell. Motion carried unanimously.

Next the Committee considered the following:

#3 on agenda

Comments by Councilor Asack

(Tiffany is here, Troy Clarkson not available, Rob May out of the country)

Comments by Councilor Thompson

(city is trying to develop a policy to reduce the need to encumber funds, planning has long term planning, revolving fund, finding that as fiscal year closes, DIFF funds are being rolled over into free cash)

Comments by Tiffani Ciasullo, Budget Director

(trying to get departments from encumbering funds, revolving fund will help the planning department with future projects, DIFF funds would go to the revolving fund throughout the fiscal year to be a transfer into the revolving fund so he can pay those bills when those bills come in, concerns about being under the direction of the CFO, checks and balances, funds are there, reviewing on a timely manner)

Comments by Councilor Lally

(Diff money and that's it?)

Comments by Tiffani Ciasullo, Budget Director

(for now yes, future fees with applications, contractors and vendors paying for DIFF related items)

Comments by Councilor Farwell

(understands where the finance department is coming from, shocked to see this come in, nothing wrong with free cash, slush fund, as long as the fund had the balance this was legal, all the departments could use a slush fund, school security fund, police department fund, other issues in the city, need to figure out the school deficit, building demolition fund, \$150,000 fund, but not \$500,000 and not right now)

Comments by Councilor Rodrigues

(shares the concerns, provide checks and balances, purse holders of the residents, no limit into how big this fund could grow, revolving fund for 1 year, otherwise no limitations, where is the accountability, who is going to decide, will not support as is, late file)

Comments by Tiffani Ciasullo, Budget Director

(renewed every fiscal year, language is similar for other revolving fund, can take out the CFO, can add discretion, CFO and auditor are the checks and balances)

Comments by Councilor Rodrigues

(slush fund for \$500,000)

Comments by Tiffani Ciasullo, Budget Director

(reduce it then, contractual agreements, not a slush fund)

Comments by Councilor Rodrigues

(checks and balances, no control, tax rate hearing next week)

Comments by Councilor Thompson

(already allocated funds to planning that will be transferred to this revolving fund, it's excess funds that would get converted to free cash otherwise if it is not encumbered, it's end of the year DIFF funds)

Comments by Councilor Rodrigues

(professional, serious issue with encumbering funds, where does it end, come back and ask for it)

Comments by Councilor Lally

(encumbering would have the same effect? Prefers the council and the public to be made aware, transparent bill pay)

Comments by Tiffani Ciasullo, Budget Director

(can only encumbering funds up to a certain point, bill might come in after that date)

Comments by Councilor Farwell

(department head with a \$500,000 revolving fund? Any other department heads making this request, expenditures under \$500,000 would not come before the Council, never had a problem with paying bills at the end of the year, tell the vendors to get them in)

Comments by Tiffani Ciasullo, Budget Director

(not sure)

Comments by Councilor Asack

(late in the year, thanks Tiffony for her work for the City)

Comments by Councilor Nicastro

(when Council approved 40R, state paid us \$200,000 for 40R projects, \$100,000 for Ward 4 were set aside, orders to pull money out of free cash, has happened before with the planning department, book keeping, are these numbers worth tracking, does not support it, tone deaf, better book keeping is the answer)

Comments by Councilor D'Agostino

(would not support it in light of what happened on the school department, greater scrutiny, terrible idea, watch the money)

Motion to report Favorable made and withdrawn.

Motion to TABLE by Councilor Farwell, 2nd by Councilor Rodrigues Motion carried unanimously.

Motion to adjourn by Councilor Lally, 2nd by Councilor Farwell. Motion carried unanimously.

The meeting was adjourned at 8:36 p.m.