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November 19, 2008

REPORT OF THE COMMITTEE OF THE WHOLE
ON LEGISLATIVE MATTERS

The Committee on Legislative Matters convened on November 19, 2008 with Chairman Thomas Taylor presiding and Committee Members Aldermen Bruce Desmond, Rebekah Gewirtz, Maryann Heuston, Walter Pero, John Connolly, Dennis Sullivan and Robert Trane also present and voting. Also present were Assistant City Solicitor David Shapiro, Commissioner Stan Koty and Steve McEachern from the DPW.

Mr. Shapiro discussed the committee's previous concerns regarding the proposed tree ordinance and asked the members for guidance regarding the noticing requirement. Alderman Trane questioned section 12-102 of the proposed ordinance and the cost associated with serving notice. Alderman Trane also questioned how the value of a tree is determined, based on size. Commissioner Koty explained the formula currently used to establish that value and Alderman Trane stated that he would like the formula to be referenced in the proposed ordinance. He also stated that he would like to research industry standards before acting on this item. Alderman Trane further asked that an amendment be made to the ordinance to address property damage caused by trees that are a nuisance.

Alderman Gewirtz, noting Alderman Trane's good intentions, stated that the information could have been researched earlier and she asked that the item be acted on at this meeting. Alderman Gewirtz stated that she would like public shade trees to be dealt with care and respect. Alderman Sullivan said that he believes that a homeowner should not have to pay for serving notice if the tree removal is a matter of public health and/or safety.

Commissioner Koty told the members that in the past, the arborist has always made the decision as to how much is paid into the tree fund. He also clarified the hearing process and explained M.G.L. c87, noting that the mayor may over ride the results of the hearing. Alderman Pero stated his opposition to the proposed ordinance and said that since the mayor has the final say, the ordinance is not needed.

The committee chose to accept the language, as proposed in section 12-102, and not the alternative language.

No papers were acted on.

Alderman Thomas F. Taylor, Chairman
Committee on Legislative Matters

COMMITTEE REPORT

Report of the Committee of the Whole on
Legislative Matters, November 19, 2008

In Board of Aldermen

Clerk