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December 4, 2007

REPORT OF THE COMMITTEE
ON LEGISLATIVE MATTERS

The Committee on Legislative Matters convened on December 4, 2007 with Chairman Thomas Taylor presiding and Committee Members Aldermen William Roche, Rebekah Gewirtz, Robert Trane and Dennis Sullivan also present and voting. Also present were Assistant City Solicitors David Shapiro and Robert Collins, Madeline Masters from SPCD, Carol Wessling from the Treasury Department, Chief of Staff Michael Lambert, Personnel Director Richard Tranfaglia, Chief Fire Engineer Kevin Kelleher, Police Chief Robert Bradley, John Aufiero from the Superior Officers' Union, Stephen Mackey from the Chamber of Commerce and interested members of the public.

Satellite Dishes:

Mr. Shapiro addressed the issue of satellite dish placement and told the members that under the new proposed law, drafted from Federal regulations and from similar ordinances of other cities and towns, the city could regulate the placement of satellite dishes provided that the consumer receives a good quality signal. According to the draft, the location of any satellite dish greater than 2 meters in diameter, in a non residential zoning district, and any satellite dish greater than 1 meter in diameter, located in a residential zoning district, could be governed by the city, provided that the consumer receives an acceptable quality signal. Ms. Masters stated that the city cannot require permits for satellite dish locations and that the city would bear the burden of proof as to the quality of the signal. Alderman Roche requested that Mr. Shapiro check with other municipalities to ascertain how their satellite dish policies are enforced.

Alderman Sullivan's motion **that the City Solicitor contact satellite service providers to determine their policies regarding dishes that remain on buildings after a subscriber moves and a new occupant subscribes to the same or different satellite service**, was approved.

Brownfields:

Ms. Wessling provided the committee with the data from other cities and towns, as requested by Alderman White at last week's committee meeting.

Alderman Trane's motion that the Environmental Coordinator examine the Department of Environmental Protection's list of brownfields, located in Somerville, and cross reference those properties to determine which, if any, might have liens on them, was approved.

Age Restriction:

Chief Kelleher addressed the members and stated that under MGL Chapter 31 Section 58A, "...no person shall be eligible to have his name certified for original appointment to the position of firefighter or police officer if such person has reached his thirty-second birthday on the date of the entrance examination. Any veteran shall be allowed to exceed the maximum age provision of this section by the number of years served on active military duty, but in no case shall said candidate for appointment be credited more than four years of active military duty." Chief Kelleher told the members that it could be possible for a new fire fighter to actually be 39 years old at the time of appointment to the department. Chief Kelleher stated that this is strictly a business decision, noting that it takes 5 years to become a good fire fighter, and he feels that the profession is best suited to younger individuals who heal quicker and can their utilize skills at a higher level than older individuals. The average starting age for a fire fighter in Somerville is 28. Chief Kelleher supports the age restrictions and believes that it ultimately cost the city more to hire an individual over 40 years old. Chief Bradley agreed and stated that age can be a problem for the Police Department, as well.

Alderman Roche requested that Chief Kelleher provide the committee with a list of fire fighters who were over age 32 when hired.

Chairman Taylor requested that Chief Kelleher devise an alternative mechanism of hiring to accommodate individuals 35 to 38 years old and to develop our own physical standards and additional screening for hiring. Mr. Collins cautioned that if the city attempts to alter the requirements of Civil Service in screening, it would most likely lose a legal challenge.

Exempting Deputy Police Chief Position from Civil Service:

Mr. Collins explained that the reorganization of the Police Department calls for 2 Deputy Police Chiefs and 4 Captains. He stated that the first 2 Deputy Chiefs would come from the ranks of the 6 Captains currently on the force. Mr. Collins told the members that the city would be submitting a Home Rule Petition to remove the position of Deputy Police Chief from Civil Service. John Aufiero, President of the Superior Officers Union stated that the union does not have an objection to the manner of appointing the first two Deputy Chiefs, however it does have an issue with subsequent appointments.

Chairman Taylor requested that the Administration delineate the process and explain why two Deputy Chiefs are needed. Chairman Taylor also requested that everything be put in order relative to the makeup of the command staff, including consultation with the new Police Chief, prior to the committee taking any action on the forthcoming Home Rule Petition.

No papers were acted on.

Alderman Thomas F. Taylor, Chairman
Committee on Legislative Matters

COMMITTEE REPORT

Report of the Committee on Legislative Matters,
December 4, 2007

In Board of Aldermen

Clerk