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February 26, 2008

**REPORT OF THE COMMITTEE**  
**ON LEGISLATIVE MATTERS**

The Committee on Legislative Matters convened on February 26, 2008 with Chairman Thomas Taylor presiding and Committee Members Aldermen Rebekah Gewirtz and Dennis Sullivan also present and voting. Also present were DPW Commissioner Stan Koty, Traffic and Parking Director James Kotzuba, George Landers from ISD, Monica Lamboy from SPCD, John Gannon and David Shapiro from the Law Office, Chief of Staff Michael Lambert, ADA Coordinator Carlene Campbell and Stephen Mackey from the Chamber of Commerce.

**184648 – Snow removal violations**

Mr. Kotzuba and Mr. Landers discussed the roles of their departments regarding the enforcement of snow removal regulations with Mr. Kotzuba expressing his concern about his department's capabilities, with respect to PCO's and administrative staff, in carrying out these proposed additional duties. Mr. Gannon cited the current ordinance and explained that the duties of PCO's already include the enforcement of snow removal regulations, noting that union issues may come with the additional duties. Mr. Landers also explained the role of the Health Department with respect to snow ticketing and said that, in his opinion, the PCO's are better equipped to deal with this because they have hand held computers.

Chairman Taylor's motion **that the Administration instruct the Director of Traffic and Parking to direct Parking Control Officers to enforce the snow removal ordinance with respect to businesses and deliver informational flyers to residences beginning with the first snow storm in the 2008-2009 snow season in light of possible impact bargaining with the union,** was approved.

**184477 – Snow removal policies (ADA)**

Mr. Koty told the members that the DPW has been diligent in removing snow from bus stops and is taking the necessary steps to implement the clearing of handicapped ramps on the sidewalks. Based on information received from other cities, Mr. Koty stated that this would result in an additional expense to the city. Chairman Taylor requested that the Board of Aldermen vote to amend the current ordinance to reflect that sidewalks must be cleared for a pathway of 42 inches.

**184876 – Denial of permits**

Mr. Gannon explained MGL ch. 40 sec. 57 and stated that in order to change the wording from “may” to “shall”, a Home Rule Petition would be necessary. He also stated that it is the duty of the treasurer to collect revenue for the city. Mr. Landers explained the process of getting clearance from the treasurer prior to issuing a building permit.

Chairman Taylor's motion *that the City Solicitor draft and forward to all relevant departments, a letter stating that no permits are to be granted if taxes are not current,* was approved.

**184538 – Tree preservation**

Ms. Lamboy explained that in some instances, healthy trees must be removed for planning purposes and Mr. Lambert stated the need for a strategic plan regarding the removal of trees. Chairman Taylor and Alderman Sullivan expressed concern regarding trees that need to be removed because of a risk to the safety of the public, stating that a hearing should not be necessary in these situations. Alderman Gewirtz reviewed a communication from the Law Department and introduced the tree ordinance from the Town of Amesbury and suggested using it as a starting point in the drafting of Somerville's ordinance. Chairman Taylor requested that the City Solicitor draft a proposed ordinance on the subject and submit it to the committee for review and further discussion.

**182645 – Demolition by neglect**

Ms. Lamboy discussed the building code and its role in aesthetics, explaining her position that certain significant architectural features must be protected and how the Historic Preservation Commission would be involved in enforcement. Mr. Shapiro informed the members that he is in the process of drafting a proposed ordinance on the subject. Chairman Taylor requested that the Solicitor present the final draft of the ordinance to the Board of Aldermen in 2 weeks

Chairman Taylor stated that he would schedule a Public Hearing for March 26<sup>th</sup> to discuss the Responsible Employer Act

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Alderman Thomas F. Taylor, Chairman  
Committee on Legislative Matters

**COMMITTEE REPORT**

Report of the Committee on Legislative Matters,  
February 26, 2008

In Board of Aldermen

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Clerk