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March 11, 2008

REPORT OF THE COMMITTEE
ON LEGISLATIVE MATTERS

The Committee on Legislative Matters convened on March 11, 2008 with Chairman Thomas Taylor presiding and Committee Members Aldermen Walter Pero and Dennis Sullivan also present and voting. Also present were City Solicitor John Gannon, DPW Commissioner Stan Koty, Chief Fire Engineer Kevin Kelleher, Superintendent of Inspectional Services George Landers, Stephen Mackey and Ray Zonghetti from the Chamber of Commerce, Licensing Commission member John McKenna and Ken Kelly.

184929 - Restaurants with outdoor seating serving alcohol

Alderman Sullivan said that the purpose of this proposal is to allow restaurants in Somerville to compete on an equal footing with those in surrounding communities. Mr. McKenna told the members that this matter is covered by Article 1 Section 9-1 of the Somerville Municipal Code of Ordinances that deals with open containers in public areas. Mr. Zonghetti said that he is looking at the future with upscale restaurants coming to the city and their need to serve alcohol at their outdoor seating areas.

Chairman Taylor's motion **that the City Solicitor, in conjunction with the Licensing Commission and the Inspectional Service Department, draft an ordinance to allow restaurants that have approved outdoor seating to serve alcohol along with food**, was approved.

185060 - Establishing a reserve Fire Force

Chief Kelleher told the members that MGL c48 s59(b), (c) and (d) allows municipalities to establish a reserve fire list. In short, approximately 12 individuals would be selected from the civil service list and placed on a reserve, or waiting list. These individuals would be sworn in as fire fighters, however, they would not be activated or employed as fire fighters until a vacancy occurred. Essentially, the establishment of a reserve list would substantially reduce the amount of time it takes to train individuals and place them into active service.

185089 - Snow fine exemptions for senior & disabled homeowners and

The committee discussed the city's snow removal policy as it relates to senior and disabled homeowners. Mr. Gannon stated that very few cities and towns require that sidewalks be shoveled. Since it was

determined that there is no definitive information on this matter, the issue will be referred to the Administration for consideration.

Chairman Taylor's motion *that the Administration develop a policy to exempt senior and disabled homeowners from fines associated with snow removal, i.e., shoveling sidewalks*, was approved.

185093 - Amending Ordinance 12-8 re: snow removal policies

Mr. Gannon submitted an amendment changing the minimum width of shoveled walkways

The committee discussed matters before it and took action on the following 8 items:

184477: Order - By Ald. White, Sullivan, Trane and Taylor, That the Committee on Public Health and Safety meet with representatives of the Commission for Persons with Disabilities, the Commissioner of Public Works, and the City Solicitor to discuss snow removal policies, in light of the needs of persons with disabilities.

RECOMMENDATION: Should be placed on file
VOTE: Unanimous, 3 - 0 in favor

184647: Resolution - By Ald. Gewirtz, That this Board requests that the Administration, in coordination with the Director of Traffic and Parking, determine the feasibility of including snow shoveling/icing ticketing in the duties of Parking Control Officers and report back to the Ward 6 Alderman.

RECOMMENDATION: Should be placed on file
VOTE: Unanimous, 3 - 0 in favor

184648: Resolution - By Ald. Trane, Sullivan, Roche and White, That this Board requests that the Administration adopt a zero tolerance policy for all property owners for snow removal violations and use all possible personnel to issue

RECOMMENDATION: Should be placed on file
VOTE: Unanimous, 3 - 0 in favor

184876: Communication - Assistant City Solicitor responding to #184653 re: Denial of permit applications for nonpayment of taxes.

RECOMMENDATION: Should be placed on file
VOTE: Unanimous, 3 - 0 in favor

184929: Order - By Ald. Sullivan, Roche, Taylor, Heuston and Desmond, That the City Solicitor report to this Board the feasibility of changing the appropriate city ordinance to allow restaurants that have approved outdoor seating to serve alcohol along with food, under guidelines approved by the Licensing Commission.

RECOMMENDATION: Should be placed on file
VOTE: Unanimous, 3 - 0 in favor

185060: Communication from Mayor - Requesting the adoption of proposed amendments to MGL Ch. 48, Sections 59b, 59c and 59d, to enable the City to establish a reserve Fire Force.

RECOMMENDATION: Should be approved

VOTE: Unanimous, 3 - 0 in favor

185089: Order - By Ald. O'Donovan and Heuston, That the Committee on Legislative Matters consider amending the city's snow removal policy by adding an exception of a fine for senior and disabled homeowners for their failure to remove snow, and by better pursuing owners of commercial property.

RECOMMENDATION: Should be placed on file

VOTE: Unanimous, 3 - 0 in favor

185093: Communication - From City Solicitor responding to #184477 re: amending Ordinance 12-8 for snow removal policies affecting persons with disabilities.

RECOMMENDATION: Should be approved

VOTE: Unanimous, 3 - 0 in favor

Alderman Thomas F. Taylor, Chairman
Committee on Legislative Matters

COMMITTEE REPORT

Report of the Committee on Legislative Matters,
March 11, 2008

In Board of Aldermen

Clerk