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April 14, 2009

REPORT OF THE COMMITTEE
ON LEGISLATIVE MATTERS

The Committee on Legislative Matters convened on April 14, 2009 with Chairman Thomas Taylor presiding and Committee Members Aldermen Rebekah Gewirtz, Robert Trane, John Connolly and Walter Pero also present and voting. Also present were Administrative Assistant Jessie Baker, DPW Commissioner Stan Koty, Steve MacEachern from the DPW, Police Chief Anthony Holloway, Election Commissioner Nick Salerno, Stephen Mackey from the Chamber of Commerce and interested members of the public.

184213 - Age restrictions

Alderman Gewirtz requested the minutes from the last committee meeting on this item and Alderman Trane requested an opinion from the Administration on this item.

186553 - Vehicles on sidewalks

Chief Holloway stated that the fine for this offense is \$25.00 and Mr. Gannon told the members that the state defers to cities and towns on this matter.

186878 - Repeal of Ordinance 5-95

Mr. Koty referenced ordinance number 1990-11. Mr. Gannon explained the purpose of the anti-aid amendment and how it relates to real estate taxes and discussed exemptions that contradict the amendment. Mr. Gannon stated that there is no exemption allowed for water/sewer charges. Up to this point, churches and non-profits did not pay for these charges, but going forward, they will now have to pay \$600.00 per year.

186346 - Tree Ordinance

Mr. Koty discussed the proposed ordinance and stated that that the drafting process was fair and reasonable and that everyone involved has learned a great deal. Mr. Koty told the members that the Administration and the DPW support the draft that is before the committee. Mr. MacEachern explained the circumstances of why trees may be removed. Alderman Trane expressed concern over the money paid to the city for removing trees and questioned if there would be a revolving fund or if the money would go into the city's general fund. Chairman Taylor suggested sending a request to the Mayor asking for a revolving fund. Alderman Pero noted his objection to the notification process and said that it would be burdensome for an elderly person to leaflet the neighborhood as required by the proposed ordinance. Alderman Pero also said that the language of the proposed ordinance is very vague and ambiguous and that he believes the proposed ordinance is unnecessary and feels it is a burden to the taxpayers of the city.

Alderman Trane asked why a tree at 65 Victoria Street has not yet been removed despite the fact it is causing property damage to the owner's drainage pipes. He further stated that the homeowner is a widow and the proposed ordinance is extremely burdensome on her. Alderman Trane also said that he felt that the homeowner has not been given a fair hearing. Alderman Connolly suggested a hardship waiver to lessen the burden for such people and Chairman Taylor would like to revise the notification requirement in the proposed ordinance to make it less burdensome.

Alderman Trane's motion **to change the notification requirement from 300 feet to 150 feet** was approved on a roll call vote of 4 in favor to 1 against.

A Alderman Trane's motion **to remove the leafleting requirement** was approved on a roll call vote of 4 in favor to 1 against.

A motion by Alderman Connolly **to add a hardship exemption waiver to the proposed ordinance** was approved on a roll call vote of 5 in favor to 0 against.

Mr. Koty stated that the language should be very specific and Alderman Connolly suggested using property tax abatement standards. Alderman Gewirtz believes that the willow tree that was removed from private property should not have been removed and she stated that other cities would not have allowed it to be removed. A member of the public suggested that tenants have a voice in the removal of trees from private property.

A motion to include a CTY call and/or an email notification in the 150 foot radius was unanimously approved.

Alderman Gewirtz read an excerpt from the Amesbury Tree committee into the record and made a motion that language mirroring the Amesbury Tree Committee language be included in Somerville's ordinance. The motion was not acted on.

A motion to approve the ordinance as amended was unanimously passed.

187046 - Election calendar

Mr. Salerno addressed the members and explained the reasoning for the dates selected. The committee voted to accept calendar B.

The committee discussed matters before it and took action on the following 5 items:

184213: Communication from Mayor - Requesting acceptance of MGL c31 s58A, to place age restrictions on new police officers and firefighters.

RECOMMENDATION: Should be placed on file

VOTE: Unanimous, 5 - 0 in favor

186088: Communication from Mayor - Requesting approval of a proposed amendment to the Condominium Conversion Ordinance.

RECOMMENDATION: Should be placed on file

VOTE: Unanimous, 5 - 0 in favor

186346: Communication - Asst. City Solicitor submitting a revised Tree Preservation Ordinance.

RECOMMENDATION: Should be approved as amended (change the notification requirement from 300 feet to 150; remove the leafleting requirement; add a hardship exemption; include a CTY call in the 150 foot radius and/or email)

VOTE: Unanimous, 5 - 0 in favor

186878: Communication from Mayor - Requesting the repeal of Ordinance 5-95, which improperly exempts churches and hospitals from the Connection of Private Fire Alarm Systems to City Fire Alarm Systems Ordinance.

RECOMMENDATION: Should be approved

VOTE: Unanimous, 5 - 0 in favor

187046: Communication - Election Commission Chairman requesting approval of a calendar for the 2009 election cycle.

RECOMMENDATION: Should be approved (calendar B)

VOTE: Unanimous, 5 - 0 in favor

Alderman Thomas F. Taylor, Chairman
Committee on Legislative Matters

