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April 30, 2008

REPORT OF THE COMMITTEE
ON LEGISLATIVE MATTERS

The Committee on Legislative Matters convened on April 30, 2008 with Chairman Thomas Taylor presiding and Committee Members Aldermen Rebekah Gewirtz and Dennis Sullivan also present and voting. Also present were Alderman John Connolly, Director of SPCD Monica Lamboy, DPW Commissioner Stan Koty, Superintendent of Lights and Lines Steve McEchern., Assistant City Solicitor David Shapiro and Chief of Staff Michael Lambert.

Tree Ordinance:

Mr. Shapiro and Alderman Gewirtz discussed the tree removal ordinance and told the members that a Tree Committee, comprised of a member of the Board of Aldermen, the tree warden, a designee from Inspectional Services and other individuals as needed, has been proposed to oversee the ordinance, set policy and make recommendations to the tree warden. Mr. Lambert suggested that members be added to the Climate and Environmental Committee rather than establishing a new committee, however, the Legislative Matters Committee members indicated their preference for a new committee.

Commissioner Koty told the members that an average of 10 trees are taken down each year and that all removals are governed by MGL Chapter 87. Public hearings are held to receive public input and if there is an objection to a tree's removal, it will not be removed, unless it is diseased or a public safety hazard.

Alderman Sullivan's motion **that Mr. Shapiro add new language be added to the ordinance providing more latitude to the Tree Committee when dealing with issues of benefit to the public**, was approved.

Plastic Bag ordinance:

Mr. Shapiro told the members that this proposal is based on the New York and Westchester ordinances, whereby retail establishments of 5,000 square feet or more would establish an in-store recycling program. The committee asked Mr. Shapiro to re-draft the proposal so that the Board of Health would be charged with enforcing the ordinance. Alderman Connolly suggested that the city notify all affected retailers in the city of the proposed ordinance and determine how much time they might need to prepare for its

implementation. Alderman Sullivan recommended that the Chamber of Commerce be apprised of the proposed ordinance and that their input be sought.

Alderman Sullivan's motion that the fines for violation of the Plastic Bag Ordinance be set at \$100 for the 1st offense, \$200 for the 2nd offense and \$300 for the 3rd offense, was approved.

Demolition by Neglect:

Ms. Lamboy addressed the members and asked that they look at the proper process:

- Exempt owner occupied dwellings from the ordinance
- The property would have to be significant prior to issuing citations for violations
- The city would try to get the owner to take care of the property before declaring it significant for demolition by neglect
- The city would add an additional public step in the process to establish a paper trail in the event that court action becomes necessary

Alderman Connolly asked Ms. Lamboy to provide the committee with a list of properties on the current list.

Alderman Gewirtz motion *that the Law Department and the Office of Strategic Planning and Community Development draft an ordinance for Demolition by Neglect*, was approved.

Historic preservation:

Ms. Lamboy told the members that her department has an issue with sending affidavits to property owners, since there is not an opt in or opt out option with the state. She suggested that smaller groups of properties, (e.g. 20 at a time), be dealt with thereby giving SPCD a chance to do outreach on a smaller scale and talk to property owners about the merits of the proposal.

Alderman Connolly said that the city needs to protect its interests and wants property owners to sign off that they have been made aware of the tenets of the program.

Alderman Sullivan's motion *that the Office of Strategic Planning and Community Development develop and utilize a sign-off letter for property owners, making them aware of the intent of the Historic Preservation Ordinance and to also document all reasonable attempts, including phone calls, to inform property owners of the program*, was approved.

No papers were acted on.

Alderman Thomas F. Taylor, Chairman
Committee on Legislative Matters

COMMITTEE REPORT

Report of the Committee on Legislative Matters,
April 30, 2008

In Board of Aldermen

Clerk