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May 5, 2009

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

The Committee on Legislative Matters convened on May 5, 2009 with Chairman Thomas Taylor presiding and Committee Members Aldermen Rebekah Gewirtz and John Connolly also present and voting. Also present were Administrative Assistant Jessie Baker, Police Chief Anthony Holloway, City Solicitor John Gannon, Rob May from SPCD, Treasurer Elizabeth Craveiro and Stephen Mackey from the Chamber of Commerce.

**183731 - Historic District Ordinance**

Mr. May discussed the Historic District Ordinance and explained how the properties were chosen and the districts designated. Mr. May also discussed the notice sent to property owners, reviewed the time frames in which notices would be sent out and explained how home owners would be impacted by an historic designation of their properties. Alderman Connolly stated that the city should encourage property owners to check with their insurance companies to determine if they would be able to get their homes repaired in an historic manner.

**186623 - Ordinance re: marijuana in public places**

Mr. Gannon discussed the amendments made per the 1/20/09 Legislative Matters meeting and Chief Holloway discussed the history of the proposed ordinance and explained that the city is trying to prevent the smoking of marijuana in public places. Chief Holloway and Mr. Gannon stated that several other cities and towns are adopting similar ordinances. Alderman Gewirtz stated that she is not in agreement with this proposed ordinance and stated that the will of the citizens of Somerville was expressed when they voted on Question 2. Alderman Connolly is concerned about the image of the city if people are smoking marijuana in public places and he supports the proposed ordinance. Chairman Taylor inquired as to enforceability of the proposal and Chief Holloway replied that those issues were being worked out now. Parents will be held liable to pay the fine if the offender is under 18 years old. The city treasurer would be the collector of the fines. Ms. Craveiro told the members that the landlord of the person caught with the drugs would be responsible to pay the fine or a lien would be recorded against the property in which the offender lives.

**186877 - Late fees**

Ms. Craveiro explained that the city has no mechanism to collect overdue bills, such as police details, and this proposal would allow the city to collect interest on overdue payments. Police and fire details are the biggest problem.

### **187199 - Consumption of alcoholic beverages**

Mr. Gannon discussed the proposed ordinance and Mr. Mackey made know the wishes of the Somerville Chamber of Commerce. Mr. Mackey also discussed the possible roles of the licensing commission and a possible time line for approval of the measure. The committee discussed the impact on city housing projects.

### **186771 - Non-mail distribution of advertising brochures and phone books**

Mr. Gannon informed the members that a draft is prepared for a notification system ordinance. Assistant Solicitor David Shapiro has done research on the constraints of freedom of speech issues. The fact that telephone books and other bulk items cause extreme waste may allow them to be regulated to have an opt out number. Alderman Connolly suggested giving the distributors of the telephone books advance notice of the pending regulation and suggested circulating this item to other members of the Board of Aldermen for comment.

Alderman Connolly's motion *to produce a draft ordinance for deliberation among the Board of Aldermen*, was approved.

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

**183731:** Communication - Historic Preservation Commission requesting the approval of map amendments to the Historic District Ordinance (Ch. 7, Art II).

**RECOMMENDATION:** Should be placed on file

**VOTE:** Unanimous, 3 - 0 in favor

**186623:** Communication from Mayor - Requesting approval of an ordinance prohibiting the consumption, sale or delivery of marijuana in public places or businesses licensed by the City.

**RECOMMENDATION:** Should be approved

**VOTE:** 2 in favor, 1 opposed (Ald. Gewirtz)

**186771:** Order - By Ald. White and Sullivan, That a representative of the City Solicitor appear before this Board's Committee on Legislative Matters to address regulating the non-mail distribution of advertising brochures and phone books.

**RECOMMENDATION:** Should be placed on file

**VOTE:** Unanimous, 3 - 0 in favor

**186877:** Communication from Mayor - Requesting approval of an ordinance to permit the collection of late fees for overdue payments of municipal charges.

**RECOMMENDATION:** Should be approved as amended (see new version)

**VOTE:** Unanimous, 3 - 0 in favor

**187199:** Ordinance - By Ald. Pero and Mayor Curtatone, Amending Ordinances 9-1(b) and 8-14, relative to the consumption of alcoholic beverages at festivals and similar events.

**RECOMMENDATION:** Should be approved

**VOTE:** Unanimous, 3 - 0 in favor