

The Committee on Rules & Ordinances met on Tuesday, April 12, 2011.

The meeting was audio taped for the record.

Members present were Alderman L. Charles DiPerri, presiding, Aldermen Sal Sachetta, Councilors Dave Rodrigues, Rosa DiFlorio, Cynthia Sarnie and Lorrie Bruno. Non members present were Alderman Robert Van Campen and Councilors Adam Ragucci, Daniel Napolitano and Peter Napolitano.

Members absent were Alderman Michael Mangan and Councilors William Cardello.

Communication received from Alderman Michael Mangan that he would be unable to attend due to a conflicting event

The Committee considered a Resolution offered by Alderman Robert Van Campen, as President: That the City Council, along with the Mayor, revisit the trash ordinances in order to make certain that the ordinances are most beneficial to the City and its residents.

Mayors Chief of Staff Melissa Murphy-Rodrigues, was also present.

Communication received from City Solicitor Colleen Mejia that she would be unable to attend due to a conflicting family event.

Ms. Murphy provided the Committee with a copy of an existing ordinance that gave the authority to the City Services Commission to adopt new regulations regarding trash removal. As such, she informed the Committee that new regulations would be presented to the City Services Commission to adopt regarding updating the trash and recycling programs in the City of Everett. Ms. Murphy noted that once the new regulations were adopted the City Service Commission would schedule a public meeting to discuss these regulations.

The Committee voted: To report back to the Board of Alderman with a recommendation to refer back to Sponsor.

Respectfully Submitted,

John W. Burley
Clerk of Committees

The Committee on Rules & Ordinances met on Tuesday, April 12, 2011.

The meeting was audio taped for the record.

Members present were Alderman L. Charles DiPerri, presiding, Aldermen Sal Sachetta, Councilors Dave Rodrigues, Rosa DiFlorio, Cynthia Sarnie and Lorrie Bruno. Non members present were Alderman Robert Van Campen and Councilors Adam Ragucci, Daniel Napolitano and Peter Napolitano.

Members absent were Alderman Michael Mangan and Councilors William Cardello.

Communication received from Alderman Michael Mangan that he would be unable to attend due to a conflicting event

The Committee considered an Ordinance offered by Alderman Robert Van Campen: That the City of Everett enact an Ordinance requiring vehicles which are parked in a public way to be cleaned within 48 hours from the end of a declared snow emergency.

Mayors Chief of Staff Melissa Murphy-Rodrigues, was also present.

Communication received from City Solicitor Colleen Mejia that she would be unable to attend due to a conflicting family event.

Alderman Van Campen explained that the proposed Ordinance introduced at the last Committee was clear cut with the intent to avert disaster by requiring the vehicles be cleared of snow within two days, which he felt was not asking a lot. The Committee recommended that the enforcement units be included in the proposed Ordinance. The Committee was informed that Chapter 18 designated the Chief of Police to enforce provisions of this Chapter. The Committee voted in favor to amend to include the Parking Enforcement Officers under the direction of the Parking Clerk. Alderman Van Campen agreed to update the proposed Ordinance to reflect this change. Upon questioning from Councilor DiFlorio, the Committee was informed that the fines under Chapter 18 was \$20 for each offense.

A vote for favorable action was taken but was defeated on a 3-3 tie vote.

The Committee then voted and recommended: To report back to the Board of Alderman with no recommendation.

Respectfully Submitted,

John W. Burley
Clerk of Committees

The Committee on Rules & Ordinances met on Tuesday, April 12, 2011.

The meeting was audio taped for the record.

Members present were Alderman L. Charles DiPerri, presiding, Aldermen Sal Sachetta, Councilors Dave Rodrigues, Rosa DiFlorio, Cynthia Sarnie and Lorrie Bruno. Non members present were Alderman Robert Van Campen and Councilors Adam Ragucci, Daniel Napolitano and Peter Napolitano.

Members absent were Alderman Michael Mangan and Councilors William Cardello.

Communication received from Alderman Michael Mangan that he would be unable to attend due to a conflicting event

The Committee considered an Ordinance offered by Alderman Robert Van Campen, Councilors David Rodrigues, Daniel Napolitano and Sergio Cornelio.

Mayors Chief of Staff Melissa Murphy-Rodrigues, was also present.

Communication received from City Solicitor Colleen Mejia that she would be unable to attend due to a conflicting family event.

Councilor Rodrigues provided the Committee with a redraft of the proposed ordinance which increased the timeframe for removal of snow from 10 hours to 24 hours in addition to modifying the waiver section. Councilor Sarnie expressed concern about the ability for the City to enforce, areas that were waived in addition to corner lots. She informed the Committee that the City of Newton was doing something similar but was doing it on a two year trial basis and only issuing non compliance notices instead of fines. Alderman Sachetta expressed concern over the waiver process and requested that the proposal make it easier for Senior Citizens to obtain waiver such as exempting all Seniors listed in the City of Everett Street Directory. Councilor Ragucci expressed concern over the shoveling of bus stops but Ms. Murphy reminded him that the bus stops in Boston are shoveled by the MBTA and that he same would occur once the Ordinance was passed. Councilor DiFlorio remarked that the sidewalks were a public way and that the homeowners should not be responsible. Ms. Murphy cited a recent court ruling which allowed the City to impose a duty on the homeowners to clear sidewalk of snow but did not imply liability to the homeowner. Councilor DiFlorio countered that it didn't make sense if Seniors and others were receiving waivers and these conditions still existed throughout the City. Councilor Peter Napolitano stated that he had an issue with imposing a duty on resident. He also expressed concern over potential scam artist taking advantage of Senior Citizens in removing snow from their properties. He stated that he remembered when the City use to snowplow the sidewalks but felt that the City was now shifting that responsibility back to the homeowner. He stated that this proposal was not solving the problem and that based on the discussion he had not heard anything new. Alderman Van Campen explained that the drafting of this proposal had nothing to do with shifting responsibilities. He acknowledged that there were a ton of absentee landlords that didn't shovel creating a hazard for the young people and senior citizens that walked.. He noted that the current proposal was watered down to address as many concerns as possible in order to gain passage. He agreed with Councilor Sarnie to doing a one year trial and stated that if the City received too many complaints then he would move to repeal. Councilor Daniel Napolitano explained that the intent of the proposal was not to burden people. Councilor DiFlorio suggested having a study done before implementing. Councilor Ragucci suggested adding the list of volunteers in the City Clerk's office into the proposal, however Alderman DiPerri stated that this was more of a public service announcement and should not be included in the proposed language. Councilor Peter Napolitano stated that he too was agreeable to a trial period. Councilor Rodrigues explained that the Sponsors and Mayors office worked very hard and tried to address every concern as possible. He stated that any attempt to do a

study on the proposal was basically an attempt to kill the piece. He reminded the Committee that the vast majority of the Senior Citizens would continue to shovel the snow

Rules & Ordinances – 4/12/11 - #3

page 2

from their properties. Councilor Bruno expressed concern that the waiver language for Seniors was unclear. Alderman DiPerri announced to the Committee that he would not support this proposal. He stated that his basic standpoint was that the City owns sidewalks and should not be the homeowner responsibility to care for. He stated that the homeowners already pay taxes for these types of City services. He remarked that it was his belief that passage of this proposal would also result in the homeowner being held liable in conjunction with the City due to any conditions that may have resulted in an injury. Councilor Rodrigues countered that the homeowners could not be held liable.

The Committee recommended and voted to refer the matter out with an unfavorable recommendation. Voting in favor of the unfavorable recommendation was Alderman DiPerri, Councilors Bruno, DiFlorio and Sarnie. Voting in opposition to the unfavorable recommendation was Alderman Sachetta and Councilor Rodrigues.

Accordingly, the Committee voted: To report back to the Board of Alderman with an unfavorable recommendation.

Respectfully Submitted,

John W. Burley
Clerk of Committees

The Committee on Rules & Ordinances met on Tuesday, April 12, 2011.

The meeting was audio taped for the record.

Members present were Alderman L. Charles DiPerri, presiding, Aldermen Sal Sachetta, Councilors Dave Rodrigues, Rosa DiFlorio, Cynthia Sarnie and Lorrie Bruno. Non members present were Alderman Robert Van Campen and Councilors Adam Ragucci, Daniel Napolitano and Peter Napolitano.

Members absent were Alderman Michael Mangan and Councilors William Cardello.

Communication received from Alderman Michael Mangan that he would be unable to attend due to a conflicting event

The Committee considered a Resolution offered by Councilors Adam Ragucci, David Rodrigues and John McKinnon: That the Rules & Ordinances Committee review and make recommendations on odd and even all night parking ordinance.

Mayors Chief of Staff Melissa Murphy-Rodrigues, was also present.

Communication received from City Solicitor Colleen Mejia that she would be unable to attend due to a conflicting family event.

Councilor Ragucci provided the Committee with a draft proposal amending the existing odd/even ordinance. Alderman DiPerri provided the Committee with a historical background on the odd/even parking regulations. He remarked that he was in favor of the new proposal as long as it did not create confusion. Councilor Ragucci provided clarification on the intent of the proposal which would now change the current requirements to November to November to cover the winter months rather than January to January timeframes currently in place.

The Committee voted: To report back to the Common Council with a recommendation for favorable action.

Respectfully Submitted,

John W. Burley
Clerk of Committees