



Watertown City Council

Joint Committees on Public Works and Rules & Ordinances Meeting

Monday, September 25, 2023 at 6:30 PM
Richard E. Mastrangelo Council Chamber
149 Main St
Watertown, MA

Agenda

ACCESS INFORMATION:

- A. This meeting will be held on September 25, 2023 at 6:30 PM. Location : Richard E. Mastrangelo Council Chamber
- B. The Public may join the virtual meeting online:
<https://us02web.zoom.us/j/86017838458>
- C. P860public may join the virtual meeting audio only by phone: (877) 853-5257 or (888) 475-4499 (Toll Free) and enter Webinar ID: 860 1783 8458
- D. Public may comment through email: councilorpalomba@gmail.com or
- E. Please Visit the Committee on Public Works Webpage here:
https://watertownma.portal.civicclerk.com/?category_id=91 and the Committee on Rules and Ordinances Webpage here:
https://watertownma.portal.civicclerk.com/?category_id=92

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1. Call to Order
 2. Discussion
 - A. To Make Recommendations on a Sidewalk Snow Shoveling Ordinance
 3. Adjournment

ELECTED OFFICIALS

Vincent J. Piccirilli Jr.,
CPW Chair
John G. Gannon,
CRO Chair

Lisa J. Felnter,
CPW Vice Chair
John M. Airasian,
CRO Chair

Anthony Palomba,
CPW Secretary
Lisa J. Felnter,
CRO Secretary

Snow Shoveling Ordinance - draft regulations

Magoon, Steve <smagoon@watertown-ma.gov>

Tue 12/13/2022 1:53 PM

To:Feltner, Lisa <lfeltner@watertown-ma.gov>;Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>;Gannon, John <jgannon@watertown-ma.gov>

Cc:Mark R. Reich <mreich@k-plaw.com>;St. Louis, Gregory <gstlouis@watertown-ma.gov>;Proakis, George <gproakis@watertown-ma.gov>;Wiener, Laura <lwiener@watertown-ma.gov>;Schreiber, Gideon <gschreiber@watertown-ma.gov>

 1 attachments (22 KB)

Snow Ord Exemptions draft 12-13-22 DCDP.docx;

Councilors, attached is a draft of the regulations that tries to capture all of the discussion items identified at our last work session. I have also included both Mark Reich and Greg St. Louis on this, as you requested information from each of them when we hold our next meeting. For Mark you asked that he respond to the ability to lien properties for unpaid fines and that it may be beneficial for an attorney to attend the next work session. You also asked that DPW provide a priority list of the sidewalks, city properties, and any State property that we clear of snow. Let me know if there are any questions. Thanks

Steve Magoon

Acting Deputy City Manager, Director, Community Development and Planning

Watertown Administration Building

149 Main Street

Watertown, MA 02472

Office 617 972-6417

Cell 617 987-1136

Sidewalk Snow Shoveling Exemptions

DRAFT: 12-13-22

Regulations for Watertown Ordinance, SUBCHAPTER II Snow and Ice Removal

§ 96.26 Removal of snow and ice on sidewalks by abutting property owners

Exemptions

1. The Watertown City Manager or designee (probably should name a designee) may exempt certain property owners who reside at an address within Watertown from the requirements of **§ 96.26 Removal of snow and ice on sidewalks by abutting property owners** for one or more of the following reasons.
 - a. reasons of physical and financial limitations that prevent them from clearing snow from abutting sidewalks.
 - i. Applicants must be over the age of 65
OR have a disability
 - ii. AND be income eligible
 - b. Income limits are set at 50% of median household income as determined by HUD and updated from time to time. Acceptable proof of income includes a copy of SNAP EBT card, MassHealth Card, fuel assistance authorization, Watertown property tax exemption, or other income limited program, or your most recent tax return showing gross household income.
 - c. Proof of disability that would prevent snow removal activities includes information from a doctor or other health care provider, or SSDI documentation.
 - d. All members of the household or residential structure, must be qualified.
2. The City Manager or designee may also exempt property owners and properties from the requirements of § 96.26 for other unusual or extenuating circumstances including physical constraints of the specific property that make it unreasonably difficult to clear snow or for temporary circumstances that impact a property. This is for unique circumstances that are not found in other locations in the City.

Application

1. Application for Exemption is available online or from the Council on Aging. Call 617 972-6490.
2. Application can be made in the months of September and October of each year.
3. A denied application can be appealed to a Hearing Officer. A decision of the Hearing Officer is final.
4. Certified exemptions will be kept at the Council on Aging and the Zoning Office for enforcement.
5. The Recreation Department may be able to provide shoveling assistance, which is arranged on a first come first served basis.

HUD Income Limits 2021

Household size	1	2	3	4	5
Very Low Income (50% of median)	\$47,000	\$53,700	\$60,400	\$67,100	\$72,500

Watertown City Council
Committee on Public Works

Councilor Piccirilli, Chair, Lisa Feltner, Vice Chair, Councilor Palomba, Secretary

Committee on Rules and Ordinances

Councilor Gannon Chair, Councilor Airasian, Vice Chair, Councilor Feltner, Secretary

Committee Report of Meeting Held on

Monday, October 17, 2022, 6:00 PM

The meeting took place on Monday, October 17 at 6:00 PM in the City Council Chambers on the second floor of City Hall. It was a hybrid meeting which allowed for the public to join via Zoom. The public was also able to submit comments through email to apalomba@watertown-ma.gov.

Those attending included all the members of the Committee on Public Works and the Committee on Rules and Ordinances (see above) as well as City Council President Sideris, Councilor Bays, and Councilor Gardner. Also attending were Steve Magoon, Acting Assistant City Manager and Director of the Department of Community Development and Planning and Greg St. Louis, Superintendent of the Department of Public Works. Residents included Andy Campagna from the Bicycle and Pedestrian Committee, Susan Flint and Bob Shay from Watertown for All Ages, and residents Cindy Wentz and Michael Bundy.

The purpose of the meeting was to continue discussion in order to make recommendations on a Sidewalk Snow Shoveling Ordinance.

Councilor Piccirilli called the meeting to order at 6:02 PM and announced that the first item for discussion was whether the draft ordinance prepared by the Department of Community Development and Planning (DCDP), labeled *DCDP Draft 4/14/22*, (See attached.) incorporated all the changes that were made by the Committees at their March 29, 2022 meeting. Committee members indicated that they felt the draft did incorporate the changes. However, Councilor Piccirilli raised a concern about the wording in Section 96.99 Penalty (C), specifically whether the word “anyone” should be changed to “abutting property owner” so as to be consistent. There was a short discussion of the issue and a determination that KP Law should be consulted on how best to proceed. Also there was a small correction in (C)(1) which was removing the word “projects” and replace it with the word “properties”.

Councilor Piccirilli suggested the Committees discuss the draft *Regulations for Exemptions* prepared by DCDP (See attached.) **However, before doing so there was a brief discussion of Section 96.27 Enforcement of snow and ice removal in the draft ordinance**. The summary of this discussion included the following.

- a) The City has a complaint-based enforcement policy, which means the City responds to complaints about property owners who are in violation of the present snow and ice removal policies.
- b) The City does not have the staff to survey streets to identify violations of the existing policies and has not identified resources to do so.
- c) The City does have some data about the enforcement of the existing snow removal policies, though it could be more robust

- d) The City favors a carrot versus a stick approach that encourages residents and businesses to be good neighbors and abide by the existing snow removal policies.
- e) The Zoning Code Enforcement Officer and the Code Enforcement Officer carry tablets that allow them to pull up the owners of properties who are in violation of city codes, including the existing snow remove codes.
- f) A more extensive discussion of the enforcement section of the draft ordinance will take place at a separate meeting of the Committees.

The Committees returned to the discussion of the draft Regulations for Exemptions as prepared by DCDP. There were a number of comments about the draft as well as suggestions for additional information.

- a) There was agreement that the exemptions should apply to the property owner not the tenant. However a number of questions will need to be addressed. For example, can exemptions apply to absentee property owners? If an owner lives in Sudbury and he/she is disabled, can he/she apply to have their property in Watertown exempt?
- b) What happens when there is a multi-family house shared by relatives and one of the relatives is disabled? Is the property exempt?
- c) The draft regulations state that all members of a household must qualify for an exemption based on income. Does this assume that the members are joint property owners? If there was an elderly property owner, who qualifies for exemption base on income, but s/he lives with a son or relative who is not an owner and does not qualify for the exemption based on income, should the property be exempt?
- e) Similarly, in regards to the exemption based on disability, if a property is owned jointly, do both owners have to be disabled to qualify for an exemption?
- f) Can there be temporary exemptions? For example a property owner is temporarily injured or is temporarily hospitalized.
- g) There should be a deadline for applying for exemptions in the Regulations as well as what is the process for filing an appeal and who will hear the appeal.
- h) Enforcement officers will need to have a list of the exempt properties.

The Committees asked DCDP to consider these questions and prepare a revised “Regulations for Exemptions”.

Members of the Committees raised additional concerns that either require more research or provide the basis for discussion at future meetings. These included the following.

- a) How will residents learn when the clock starts to tick, that is when does the time for clearing their sidewalks begins? Will it be through a reverse 911 call? Notice on the City’s website? Announced on the City’s social media platforms?
- b) Returning to the issue of enforcement, there was a discussion about scofflaws, that is someone who refuses to pay their fines. The Committees requested an opinion of KP Law about adopting state regulations that would allow the City to put a lien on the property or apply the unpaid fees to the property owner’s tax bill.
- c) There were suggestions how to assist those who have an exemption, but still need to have their sidewalks cleared.

- 1) Expand and incentivize the existing program that the Department of Recreation and the Senior Center operate.
 - 2) Enlist the support of local scout troops and/or teen groups at houses of worship.
 - 3) Reach out to civic and community groups who would take responsibility for particular exempt properties for the duration of the winter, similar to the Adopt- an- Island program.
 - 4) Create a pool of temporary workers who would be paid by the City to shovel walks wherever they are needed, similar to what package deliver companies do during the peak holiday season.
- d) Explore the possibility of creating a fund to pay for hiring temporary workers.

Finally there were two requests from the Committees –

a) Ask the Chairs to consider inviting KP Law to attend the next meeting given that there were two requests for legal opinions made during the meeting and there could be more. Having KP Law present to render a ruling could save time and be more efficient.

b) Request that the Department of Public Works provide the following information:

- 1) The priority list of sidewalks and corners they clear.
- 2) The priority list of city-owned properties they clear.
- 3) The list of state-owned properties they clear.

Councilor Feltner made a motion to adjourn, seconded by Councilor Airisian and passed 5 – 0. The meeting adjourned at 7:56 PM. The Secretary did not receive any comments via email. The minutes were prepared by Councilor Palomba.

Watertown Ordinance.

SUBCHAPTER II Snow and Ice Removal

§ 96.25 Snow and ice on public way.

[1982 Code, Ch. VII, § 5; amended Ord. 90, passed 12-10-1991; amended Ord. 4, passed 1-28-1992; amended Ord. 38, passed 5-13-1997; amended Ord. 13, passed 3-11-2003]

No person or entity, regardless of its ownership, tenancy, or other status or relationship to any real property, nor any agent, employee, contractor, or servant of any such person or entity, shall place, throw, plow or in any way move, any snow or ice onto any portion of the city's streets and ways. Without limiting the generality of the foregoing, streets and ways shall include the vehicular pavement, sidewalks, ramps, islands, and medians, whether or not used by vehicles or pedestrians. Notwithstanding the foregoing, however, this section shall not be construed to prohibit owners or lawful occupants of residential premises from placing snow and ice on the sidewalks immediately adjacent to the driveway opening as long as a minimum 42 inch pathway along the sidewalk, or the full width of the sidewalk if narrower, is provided for passage within 24 hours of cessation of snow, sleet or freezing rain.

§ 96.26 Removal of snow and ice on sidewalks by abutting property owners

[Ord. 39, passed 5-13-1997]

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SIDEWALK

That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, paved and intended for the use of pedestrians.

SMALL RESIDENTIAL PROPERTY

Any residential property with one, two or three residential units contained within.

(B) Snow and ice to be removed from sidewalks by abutting property owners.

(1)

(a) In order to provide for safe pedestrian passage and universal access, abutting property owner shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path of at least 42 inches, or to the full width of the sidewalk if narrower, from that portion of the sidewalk which abuts their property. For properties abutting sidewalks with curb cuts, ramps, and other access points, the abutting property owner shall provide unimpeded access to the street.

(b) Except as provided in (B)(2), snow, and ice shall be removed from sidewalks within 24 hours of cessation of snow, sleet or freezing rain.

(2) In the event that snow and ice on a sidewalk have become so hard that it cannot be removed without likelihood of damage to the sidewalk, the abutting property owner shall, within the time mentioned in this section, cause enough sand or melting agent to be put on the sidewalk to make travel thereon reasonably safe, and thereafter, as soon as weather permits, shall cause a path to be cleared of such snow and ice of at least 42 inches in width, or to the full width of the sidewalk if narrower.

(3) In the event of a declaration of a State of Emergency by the Governor, applicable to an area of the Commonwealth which includes the City of Watertown, as a result of snow, sleet or freezing rain, the provision of this section shall be suspended for a period of 24 hours after the cessation of the fall of such snow, sleet or freezing rain or until the end of the State of Emergency, whichever is the latest to occur. The City Manager may extend the deadlines set forth above as conditions may warrant.

§ 96.27 Enforcement of snow and ice removal.

[1982 Code, Ch. VII, § 5(C); amended Ord. 90, passed 12-10-1991; amended Ord. 4, passed 1-28-1992; Ord. 39, Sec. C(2), passed 5-13-1997; amended Ord. O-2016-47, passed 8-9-2016]

(A) The City Manager, the Superintendent of Public Works, all Watertown police officers, the Code Enforcement Officer, and any other city employees from time to time designated by the City Manager, are empowered and authorized to enforce § 96.25 and § 96.26.

§ 96.99 Penalty.

[1982 Code, Ch. VIII, § 24; 1982 Code, Sec. 5(B); amended Ord. 90, passed 12-10-1991; amended Ord. 4, passed 1-28-1992; Ord. 39, passed 5-13-1997; amended Ord. O-2016-47, passed 8-9-2016]

(A) And (B) unchanged

(C) Anyone violating § 96.26 of this chapter shall be fined as follows:

(1) For Small Residential Projects

- a. First Violation: documented warning
- b. Second Violation: \$50 shall be imposed
- c. Third and Subsequent Violations: \$100 shall be imposed for the third and all subsequent violations in the same winter season

(2) All Other Properties

- a. First Violation: documented warning.
- b. Second Violation: \$100 shall be imposed
- c. Third Violation: \$200 shall be imposed

d. Fourth and Subsequent Violations: \$300 shall be imposed for a fourth and all subsequent violations during the same winter season.

(D). Exemptions. The City Manager may issue Regulations providing exemptions from this Section for residents who are unable to meet the physical requirements of this section, particularly for low income elderly or disabled residents, or for other unusual circumstances.

(E) These penalties may be enforced by non-criminal disposition procedures pursuant to Mass. Gen. Laws Ch. 40, § 21D and § 36.05 of this code.

(F) Any person violating any other provision of this chapter shall be punished according to **§ 10.99** of this code.

Sidewalk Snow Shoveling Exemptions

DRAFT: 4-22-22

Regulations for Exemptions from Watertown Ordinance, SUBCHAPTER II Snow and Ice Removal, § 96.26 Removal of snow and ice on sidewalks by abutting property owners

The Watertown City Manager or designee may exempt certain property owners from the requirements of **§ 96.26 Removal of snow and ice on sidewalks by abutting property owners** for reasons of physical and financial limitations that prevent them from clearing snow from abutting sidewalks. Applicants must be over 65 OR have a disability, AND be income eligible, and must show proof. Income limits are set at 50% of median income as determined by HUD and updated from time to time. Acceptable proof of income includes a copy of SNAP EBT card, MassHealth Card, fuel assistance authorization, Watertown property tax exemption, or other income limited program, or your most recent tax return showing gross household income. Proof of disability includes information from a doctor or other health care provider, or SSDI documentation. All members of the household must be qualified.

The City Manager or designee may also exempt property owners and properties from the requirements of § 96.26 for other unusual or extenuating circumstances including physical constraints of the property.

Application for Exemption is available online or from the Council on Aging. Call 617 972-6490. Certified exemptions will be kept at the Zoning Office for enforcement. The Recreation Department may also be able to provide shoveling assistance.

HUD Income Limits 2021

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