



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

April 5, 2018
REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Mark Niedergang	Chair	Present	
Lance L. Davis	Vice Chair	Present	
Mary Jo Rossetti	Alderman at Large	Present	
Matthew McLaughlin	Ward One Alderman	Present	
Katjana Ballantyne	Ward Seven Alderman	Present	

Others present: Alderman Wil Mbah, David Shapiro - Law, Frank Wright - Law, Shannon Phillips - Law, Rich Raiche - Engineering, Vithal Deshpande - Engineering, Oliver Sellers-Garcia - OSE, Tim Snyder - Mayor's Office, Annie Connor - Legislative Liaison, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 6:00 PM by Chairman Niedergang and adjourned at 8:40 PM.

204586: That the Solicitor's Office submit to this Board at its first meeting in January, a proposed ordinance to formalize the city's Storm Water Management Policy so all new inflow or infiltration, whether resulting from new development or improvements to existing properties, require mitigation, including payments into the dedicated fund for such mitigation.

RESULT:	WORK COMPLETED
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205043: Assistant City Solicitor responding to #204586 with a draft ordinance amending the Ordinances at Chapter 11 Article VII re: stormwater management and infiltration and inflow mitigation.

Mr. Raiche told the committee that the city's written policy for stormwater management is brief at just under 2 pages, and offers some direction but is far from detailed, given the amount of private property in the city. Additionally, the Infiltration/Inflow (II) policy has never been codified. Mr. Raiche reviewed a draft policy for connections/modifications to the municipal sewer and drain system, stormwater management and II mitigation, highlighting some key points. Lateral lines are the responsibility of the property owners and the standing policy is to replace laterals when owners apply for a permit, unless the owner can produce evidence that the pipe is sound. For sewer connections, the property owner owns the lateral all the way to the main

connection point. For water connections, the property owner owns the lateral pipe up to the curb stop. Members were informed that 4,406 manholes have been inspected in the city.

The city now requires an accurate as-built drawing before the Engineering Department will sign off on the connection and the threshold for projects requiring an engineering review have been lowered to a manageable level. Mr. Raiche said that the city does not currently have long-term monitoring of ground water. The city wants to start capturing data for future stormwater calculations and it's important to study different types of storms in order to design an adequate system. Mr. Raiche told the committee that at some point, it becomes impossible to handle the runoff. He also noted that the city's policy has some conflicts within it.

The city's Chief Plumbing Inspector is working with engineering to require that backflow preventers be installed in the proper location in new developments, however, the Engineering Department can't dictate that they be placed inside the house. Mr. Raiche will examine the possibility of changing this so that backflow preventers will be required on below grade plumbing fixtures.

With regards to II mitigation, there was ambiguity under 4 different engineering directors. The city's policy is consistent with state policy, and Mr. Raiche explained that when measuring discharge, it's important to use the amount of discharge that could be realized if there were no restrictions imposed. Alderman Davis spoke about people adding an extra bedroom and the effect on the overall system, saying that everyone adding on should pay his fair share, i.e., if an owner is doing work that adds to the system, that person should be charged. He asked that language be included in the policy stating that it will be reviewed. Alderman Rossetti inquired about a method to follow up after the fact to ensure that a 2-bedroom addition stays a 2-bedroom addition, so as to not put an additional strain on the system.

Overall, Mr. Raiche stated that the city has the power to enforce most of the policy presented tonight but is weak on the II section, since it has not been codified. Chairman Niedergang asked Mr. Raiche to consider tonight's discussion and return with recommendations. The Chair hopes to work through and possibly approve an ordinance at a committee meeting, perhaps in May.

RESULT:	KEPT IN COMMITTEE
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198398: That this Board's Committee on Legislative Matters review the current pervious surfaces ordinances for their effectiveness and sufficiency.

RESULT:	KEPT IN COMMITTEE
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204793: That Ordinance 9-116(3) be amended as described within with respect to activities restricted under the Noise Ordinance.

Alderman Davis spoke about the proposed changes and clarified the term "related activity" for Mr. Snyder. The committee noted that some holidays are celebrated by the School Department but not by City Hall and Alderman Davis indicated that he had no problem adding days. Members shared their opinions about including Bunker Hill Day and Patriots, Day on the list. Mr. Snyder will review the established times used by other communities and said that getting clarity on the holidays makes sense. The changes will take effect as of the date of passage.

RESULT:	APPROVED AS AMENDED
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205421: Assistant City Solicitor submitting proposed amendments to Ordinances 11-31 and 11-40 re: household trash and rubbish collection and mandatory recycling.

Mr. Sellers-Garcia told the committee that the city will be commencing a textile recycling program for clothing, shoes and small 'household items' this spring and that more information would be forthcoming through resident outreach. The program is a zero dollar contract, i.e., there is no cost to the city or residents. The city will receive \$20 per ton of material collected and will use the revenue for recycling programs. The city has not anticipated doing an assessment of the tonnage since the main goal is to get these materials out of the regular trash collections, thereby lowering the trash tonnage collected, producing a cost savings for the city. Other communities have participated in this program and have been pleased with the results. The contract would be for 3 years and would include the city's 'boilerplate' language regarding the city's ability to void the contract for convenience, (180 days prior to the contract's renewal date). Alderman Rossetti asked for a copy of the contract and for quarterly reports on the city's trash and recycling tonnage and cost for the fiscal year. The committee was told that this program actually increases residents' awareness of unwanted items within the home and leads to increased donations to thrift shops.

Mr. Sellers-Garcia displayed the plastic bag that will be provided to residents for use in the program. This led to a brief discussion about the city's ban on plastic bags and whether these bags would be exempted from the regulations of the ordinance. Members also had concerns about using plastic bags, given the rat problem in the city. Mr. Sellers-Garcia will contact the vendor to inquire if another type of bag or receptacle might be available for use.

Ms. Phillips reviewed the changes made to the ordinance and will add the additional amendments made at tonight's meeting.

Alderman Davis' *motion that the Director of the Office of Sustainability and Environment update the Board of Aldermen on the city's textile recycling program in mid-September, 2018, identifying the concerns raised by the Committee on Legislative Matters at its meeting on April, 5, 2018,* was approved.

RESULT:	KEPT IN COMMITTEE
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204364: That the City Solicitor and the Director of SPCD submit to this Board, amendments to the Tree Preservation Ordinance with criteria for removal and notification to add safeguards for street reconstruction projects.

RESULT:	KEPT IN COMMITTEE
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204886: That the City Solicitor and the City Arborist clarify the ordinance requiring tree removal for a new driveway or other construction project.

RESULT:	KEPT IN COMMITTEE
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