



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

March 20, 2019

REPORT OF THE OPEN SPACE, ENVIRONMENT AND ENERGY COMMITTEE

Attendee Name	Title	Status	Arrived
Wilfred N. Mbah	Chair	Present	
Jefferson Thomas ("J.T.") Scott	Vice Chair	Present	
Mark Niedergang	Ward Five City Councilor	Present	
Katjana Ballantyne	Ward Seven City Councilor	Present	
Stephanie Hirsch	City Councilor At Large	Present	

Others present: Oliver Sellers-Garcia - OSE, Ade Solarin - ISD, Brad Rawson - OSEE, Doug Kress - HHS, Jason Grossfield - Law, Shannon Philips - Law, Colin Killick - Disability Commission, Annie Connor - Legislative Liaison, Kimberly Wells - Assistant Clerk of Committees.

The meeting took place in the Committee Room and was called to order at 6:02 PM by Chairman Mbah and adjourned at 8:26 PM.

Approval of the February 20, 2019 Minutes

RESULT:	ACCEPTED
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206055: That the City Solicitor draft an ordinance banning plastic straws.

This was previously discussed as a step to address plastic pollution and follow the lead of other cities, states, and the EU. Many aspects of a ban were discussed, including transition time and exemptions. Chairman Mbah shared a letter of support from the Mystic River Watershed Association. Mr. Grossfeld shared several edits in sections 3, 4, and 5 (see handout). These edits clarify the list of alternatives and the enforcement of the ordinance.

President Ballantyne asked for clarification about where food trucks and beer gardens are accounted for. Mr. Grossfeld responded that food trucks would be included because they are licensed as food establishments. The one-day licenses for pop-ups and beer gardens would depend on how the entities are licensed. If they are serving food, they would be included. The enforcement would rest with the health inspectors, rather than the Licensing Commission. President Ballantyne also shared that the School Department does not have a problem with this, and the issue may be greater with other kinds of single-use plastic, but they have not planned their procurement contracts to incorporate this change.

President Ballantyne motioned to exclude the School Department from this ordinance.

Councilor Hirsch voiced a concern that there should be more urgency around the waste reduction in schools, and suggested that they should not be exempt. Councilor Niedergang suggested sunsetting the exemption after a period of time, such as a year.

Councilor Niedergang motioned to amend the motion to exclude the School Department from this ordinance to state that the School Department be exempted for one year from the time that this ordinance takes effect.

The amended motion passed on a voice vote.

Councilor Scott asked where this would impact the ordinance and President Ballantyne replied that she was referring to Section 3 (a) (2) and suggested that Mr. Grossfeld update the language accordingly. Councilor Niedergang asked Mr. Killick, the Chair of the Somerville Commission for Persons with Disabilities, to speak about some concerns from the disability community. Mr. Killick shared a draft of changes to the ordinance that was presented as a suggested compromise. He emphasized that plastic straws are a vital tool for many individuals with disabilities. The ordinance should clarify that any individual should be able to request a straw, and that there should be notices posted that plastic straws are available upon request. Additionally, none of the suggested alternative straw types meet the needs of many in the disability community.

Councilor Scott asked whether plastic straws would fall under the requirements for public accommodations under the ADA. Mr. Killick noted that he believes they are, as they are required by some to eat and drink and as such are necessary to provide equal access to the services provided by those businesses. Councilor Scott elaborated that he would like more information about how this would affect City events and hired vendors. Mr. Kress noted that these are needed not only within our spaces, but for events like field trips for the Council on Aging and the schools. They would like to have access to an exemption in order to address needs in these cases. Plastic straws are also needed for cleanliness and sterilization. President Ballantyne noted that there are federal government sites that have removed plastic straws and wondered how that was not in violation of the ADA. Mr. Killick noted that the ADA only provides a legal minimum, and this issue may not have yet been incorporated.

Councilor Hirsch noted that we cannot require private restaurants to provide straws, but this could be a public education effort. Councilor Scott asked where the line would be drawn with what we could require of restaurants. Mr. Killick noted that states and municipalities can go beyond the floor set by the ADA. There has never been a need to legislate that plastic straws be available, because they have been generally popular, but it could potentially be required that businesses have a small number of plastic straws available. Councilor Scott added that it is important to have options in place to support the type of disabilities that are not easy to see. He also cited the EU regulation and noted that while it addresses most single-use plastic, it does not directly ban plastic straws.

Councilor Niedergang suggested that Committee decide which items from Mr. Killick's edits it would like to include and have the City Solicitor re-draft the ordinance accordingly to address at a future meeting. Councilor Scott asked that the re-drafted ordinance be sent additionally to the Commission for Persons with Disabilities and Mr. Kress for input. Ms. Waite noted that it is important to acknowledge that there should be access provided for those who need it, in addition to providing alternatives for those who do not have a specific need, and that straws should not be given as a default. Mr. Killick added that he supports decreasing the use of single-use plastic, but straws are unique in their position as an item required for some individuals.

President Ballantyne asked for the input of ISD on how this would be implemented and Mr. Solarin shared that ISD is an enforcement agency and is not designed to advise or create policy. Mr. Solarin does believe that Section 3(a)(1) should be the focus, but Section 3(a)(2) and Section 3(a)(3) would be difficult to regulate.

Councilor Niedergang disagreed with the suggestion in Mr. Killick's draft to verbally offer plastic straws, as it could encourage use. Additionally, it is a burden and unrealistic for City departments and vendors to be required to do this. He also suggested that the ordinance be effective within 6 months, rather than the suggested 9 month period. Mr. Killick noted that the intention of the language about verbally offering straws was to address blind individuals, who are unable to read signs. He suggested possibly requiring that the language be included in online menus. Councilor Hirsch reinforced the need for a public education component and President Ballantyne confirmed that the 9 month period for implementation was acceptable to ISD.

Chairman Mbah asked that the Solicitor's office work to develop an updated draft to be addressed at the next meeting on May 1.

RESULT:	KEPT IN COMMITTEE
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206980: Requesting the opportunity to provide this Board with an update on Somerville Climate Forward.

The City administration previously presented an update at a City Council meeting.

RESULT:	WORK COMPLETED
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207427: Director of Sustainability and Environment conveying the Somerville Climate Forward plan.

See 206980

RESULT:	WORK COMPLETED
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206745: That the Somerville Climate Coalition provide this Board with updates on their attempts to address climate change.

President Ballantyne shared that the Climate Coalition, which consists of approximately seven organizations, should be invited to present on this item when time allows. Malcolm Cummings from Fossil Free Somerville, which is one of the organizations in the coalition, shared that the coalition serves as a coordinating committee for organizations advocating for climate issues. They are currently advocating to the state legislature to allow retirement boards to divest from fossil fuels.

RESULT:	KEPT IN COMMITTEE
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206698: That the Director of SPCD establish an advisory service to help residents learn how to reduce storm water runoff, cool their yards and homes naturally, plant and preserve trees, reduce invasive species, and waive dumpster parking permit fees for households undertaking de-paving efforts.

Councilor Hirsch noted that this is a large undertaking, but it is important to help residents who want to take on environmental efforts. Councilor Scott added that he supports this idea and something to consider

could be implementing fees, and training around how to mitigate those fees by taking climate-friendly actions. Ms. Connor is working on a public information campaign about the community electricity choice program, and could use a similar strategy for other efforts. President Ballantyne added that perhaps water would be a good place to start, as the benefits for property owners could be significant.

RESULT:	KEPT IN COMMITTEE
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207375: That the Director of Sustainability and Environment and the Director of SPCD improve and expand bicycle infrastructure around the city and report to this Board, quarterly, on progress made.

Mr. Rawson shared that there is a strong desire to provide the ability to ride for persons of all ages and abilities, which requires protection and separation. He provided a chart detailing the increase in on-street bike lanes over the previous 16 years and expressed a desire to continue to work toward the goal of further expansion.

Councilor Hirsch asked what the lane miles were as a percent of all of the streets in the City. Some simple estimates of the local streets indicates that it may be about 25%. Other Committees will also be discussing this issue, and there will be a number of meetings to address street safety.

RESULT:	KEPT IN COMMITTEE
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203646: That the City Solicitor draft a Building Energy Use Disclosure Ordinance to reduce greenhouse gas emissions by requiring owners of larger buildings to disclose annual energy use.

President Ballantyne commented that it is hard to know if we are reducing greenhouse gasses because we don't have energy use information from private businesses. The intent is to follow the blueprint that Cambridge used for its ordinance. Ms. Phillips prepared a comparison of the Cambridge and Boston ordinances and noted that both cities have fine structures in place. She also shared a comparison of ordinances from throughout the country. All of the ordinances use the EPA's Energy Star measurement tool. Both Cambridge and Boston use their Assessing Department to determine which buildings will be included, based on square footage. President Ballantyne noted that it would be difficult to determine who would enforce this ordinance if implemented. Councilor Hirsch added that once the data are tracked, they could be used to craft incentives to affect energy use. Ms. Connor noted a concern about how many buildings this would affect in Somerville, as many buildings are smaller than those in Cambridge and Boston.

RESULT:	KEPT IN COMMITTEE
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Handouts:

- C Killick - Straw ordinance revision (with 206055)
- Letter - MRWA (with 206055)
- Single-Use Plastics Adopted Texts from EU (with 206055)
- Draft Ordinance - Redline 3-13-19 (with 206055)
- Bicycle Data (with 207375)
- Energy Ordinance Comparison (with 203646)