



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

December 7, 2017

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Mary Jo Rossetti	Chair	Present	
Mark Niedergang	Vice Chair	Present	
Katjana Ballantyne	Ward Seven Alderman	Present	
John M. Connolly	Alderman At Large	Absent	
William A. White Jr.	Alderman At Large	Present	

Others present: Alderman Lance Davis, Alderman Matt McLaughlin, David Shapiro - Law, Shannon Phillips - Law, Eileen McGettigan - Law, Goran Smiljic - ISD, Cortni Desir - SomerStat, Michael Glavin - OSPCD, 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 Rossetti and adjourned at 7:25 PM.

Approval of the November 16, 2017 Minutes

RESULT:	ACCEPTED
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204278: Requesting the replacement of Ordinance 7-28 with a new Demolition Review Ordinance. with relevant updates to Ordinance 1-11 for violations.

This item was not discussed at this meeting due to the unavailability of city staff.

RESULT:	KEPT IN COMMITTEE
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204422: Alan Bingham submitting comments re: #204278, the Demolition Review ordinance.

This item was not discussed at this meeting due to the unavailability of city staff.

RESULT:	KEPT IN COMMITTEE
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203097: Assistant City Solicitor submitting the US2-City Development Covenant.

See discussion of item #203098.

RESULT:

KEPT IN COMMITTEE

203098: Assistant City Solicitor submitting an Ordinance to create a Community Benefits Committee.

Ms. McGettigan spoke about the two summaries (the current CBO draft and the direct pay option) that were requested at the last committee meeting. She highlighted the most important points of each option and told the committee that if the direct payment option is pursued, there would be no need for a community benefits ordinance.

Alderman Niedergang expressed his concern about having the developer, (US2, in this case) decide who they give funds to, since this could provide an avenue to punish groups working against them, and he asked if the funds could go to neighborhood groups. Ms. McGettigan's opinion is that if the city is involved and directs that the developers' funds go to the neighborhood council(s), that action might violate the anti-aid amendment. Alderman White disagreed with that opinion. Ms. Connor said that US2 is open to discussing a re-write of the covenant it has with the city in order to accommodate the direct pay option.

Ms. McGettigan explained that both options place groups seeking funds in competition with each other. Alderman Niedergang acknowledged that both options have problems and said that the Community Benefits Ordinance option seems fairer to organizations seeking funds. He asked whether "in-kind" contributions would count as a credit (in the direct pay option) and Ms. McGettigan stated that it was not envisioned that they be counted as credits.

Alderman Niedergang suggested that this matter be kept in committee to give Ms. McGettigan time to research the anti-aid amendment issue and to allow any possible new committee members to weigh in on the issue. Alderman White asked Ms. McGettigan to research who could raise a challenge to the anti-aid amendment under the covenant?

RESULT:

KEPT IN COMMITTEE

203192: Union United submitting comments re: the Union Square Development Covenant.

See discussion of item #203098.

RESULT:

KEPT IN COMMITTEE

203555: The Chamber of Commerce, Union Square Main Streets, and Somerville Local First submitting comments re: the Union Sq proposed zoning, the US2 Covenant, and the Community Benefits Ordinance.

See discussion of item #203098.

RESULT:

KEPT IN COMMITTEE

203556: The Maurice and Jane Sugar Law Center for Economic and Social Justice submitting comments re: #203098, the Community Benefits Ordinance.

See discussion of item #203098.

203839: That the City Solicitor draft an amendment to Ordinance 11-38(d)(2) to strengthen the language regarding rodent eradication prior to developments being constructed.

Ms. Desir told the committee that she researched literature regarding rodents and found very little mentioned about construction activity being a cause for increased rodent activity, however, there was some reference to disturbing rodents' habitats. The consensus for the information researched is that it's better to manage the habitat factors rather than utilizing poisoning. In the short term, poisoning will cause the rodent population to decrease but when the poisoning stops, the population will increase. Additionally, over time, rats will become more resistant to poisons. Ms. Desir said that she analyzed data from Somerville, including rat sightings, 311 data, hot spots of building permits and hot spots of rodent activity and concluded that it is not indicative that construction is driving the rat population. Ms. Desir noted that in a recent study, construction was not a predictive variable in rat populations. Chairman Rossetti asked Ms. Desir to provide members with written copies of her report.

Ms. Connor commented that the city has limited resources and asked if perhaps a more holistic approach could be taken or what other methods might be more effective ways to address the cause of the problem. Mr. Smiljic told the committee that he spoke to the City of Boston's building department and was told that they enforce their ordinance, but only when soil is being disturbed. With regard to Somerville's rodent problem, Mr. Smiljic said that although there are spikes, overall the rat population is decreasing slightly. Mr. Smiljic reviewed the proposed changes in the Rodent Control ordinance (Sec. 11-38) and told the committee that he is in favor of them.

Alderman McLaughlin, who submitted this order, was asked to comment. He explained that although the data presented is important, he would rather it be discussed in a Rodent Issues Committee meeting. He stated that he believes that construction is part of the problem and he wants to have a discussion on the ordinance, not the data. He said that there are numerous sites in ward one that need baiting. He explained that his order was to address a very specific situation, not the larger picture. He referenced Concord's practice of providing weekly, monthly, and quarterly reports of rodent activity on construction projects.

Ms. Desir told the committee that the city has formed an interdepartmental group to discuss the rodent problem and that this group has met once, so far, and will be meeting more frequently in the future.

Chairman Rossetti's motion **that the city's Interdepartmental Rodent Action Team submit to the Board of Aldermen, by its January 11, 2018 meeting, its action plan to bait for rodents**, was approved.

Alderman Davis was permitted to comment on the issue and said that he believes that many sightings go unreported and that he thinks that taking away the harborage is leading to increased sightings. He also said that he has some concerns with the language in Sec 11-38 (d) (3). Mr. Smiljic explained that taking down a structure and leaving the foundation falls under the category of "demolition" and would be covered by the ordinance. Chairman Rossetti commented that Aldermen Davis and McLaughlin are looking for some assurance that the enforcement is being done and that proof of eradication is being provided. Mr. Shapiro explained that the city could require someone to make efforts to achieve eradication, but can't require them to totally eradicate rodents.

Alderman Niedergang wants to see the requirements for the demolition ordinance as it relates to rodents and he thinks that a partial demolition should require rodent control. Mr. Smiljc stated that if 25% of a structure is demolished, the entire property falls under the demolition requirements.

RESULT:

KEPT IN COMMITTEE

204238: That the City Solicitor draft an amendment to the ordinance regarding construction, so that rodent eradication is required on all construction, not just demolition.

See discussion of item #203839.

RESULT:

KEPT IN COMMITTEE

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.

Chairman Rossetti submitted an email from Green and Open Somerville and asked Ms. Phillips to comment on it. Ms. Phillips said that she thinks it would be better for Dr. Boukili to respond to it. Alderman Ballantyne recommended that this item be kept in committee to give members time to review the communication from Green and Open Somerville, which was received late today. Chairman Rossetti would like Dr. Boukili to provide her thoughts on that communication and on the idea of also posting notices, for the public's benefit, two weeks in advance on trees that are scheduled for removal from Capital Improvement and Parks projects.

Alderman Niedergang said that he still has some concerns and would like an ordinance agreed to at the next committee meeting. Alderman White pointed out that it's possible that the committee might have different members for the next meeting, so an agreement might not be reached that quickly. Alderman Niedergang questioned the definition of 'Capital Improvement Project', saying that the threshold seems low. Ms. Phillips replied that the definition was taken directly from the Capital Improvement Department's definition.

RESULT:

KEPT IN COMMITTEE

Handouts:

- Community Benefits - Direct Payment Summary Sheet (with 203098)
- Community Benefits Ord Summary Sheet (with 203098)
- Draft Ordinance Sec. 12-106 - Trees (with 204364)
- Green & Open Somerville (with 204364)