



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

April 15, 2021
REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Lance L. Davis	Chair	Present	
Mark Niedergang	Vice Chair	Present	
Ben Ewen-Campen	Ward Three City Councilor	Present	
Matthew McLaughlin	Ward One City Councilor	Present	
Jesse Clingan	Ward Four City Councilor	Present	

Others present: Shannon Phillips - Law, Hannah Pappenheim - Law, Nick Antanavica - ISD, Chief Charles Femino - SPD, Jill Lathan - DPW, Eric Weisman - DPW, Ben Waldrup - Parks/Recreation, Lauren Racaniello - Legislative Liaison, Kim Wells - Assistant Clerk of Committees, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:02 PM by Chair Davis and adjourned at 7:27 PM on a roll call vote of 4 in favor (Councilors McLaughlin, Ewen-Campen, Niedergang and Davis), 0 against and 1 absent (Councilor Clingan).

Approval of the March 18, 2021 Minutes

The minutes were accepted on a roll call vote of 5 in favor (Councilors Clingan, McLaughlin, Ewen-Campen, Niedergang and Davis), 0 against and 0 absent.

RESULT:	ACCEPTED
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Approval of the March 24, 2021 Minutes

The minutes were accepted on a roll call vote of 5 in favor (Councilors Clingan, McLaughlin, Ewen-Campen, Niedergang and Davis), 0 against and 0 absent.

RESULT:	ACCEPTED
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Approval of the April 1, 2021 Minutes

The minutes were accepted on a roll call vote of 5 in favor (Councilors Clingan, McLaughlin, Ewen-Campen, Niedergang and Davis), 0 against and 0 absent.

Leaf Blowers

209061: That the City Solicitor and the Director of Sustainability and the Environment draft with the Ward 5 Councilor an ordinance to ban or regulate the use of gas-powered leaf blowers.

Councilor Niedergang related that he had detailed conversations with several City Councilors and with Nicole Murati Ferrer, the Director of the City of Cambridge License Commission, the enforcing agent in Cambridge, about their ordinance. He thinks that this ordinance would be great for Somerville's residents and for workers who use these machines. Through his conversations with Cambridge staff, he's come to believe that their ordinance has changed the behavior around leaf blowers for the better and has been well received. Councilor Niedergang noted that Ms. Ferrer said that 90% of landscape companies working in Cambridge are complying with the ordinance and that workers are performing their jobs in a safer manner as a result. Although some Cambridge residents want a complete ban on leaf blowers, the majority of residents are pleased with the ordinance. Mr. Weisman and Mr. Waldrip spoke to Cambridge's DPW staff who told them that they switched to lower decibel machines prior to the ordinance's implementation and that those blowers are less powerful. Additionally, the service life of electric blowers and carrying 3-4 extra batteries per machine, was an issue, as was finding places to charge them. There is currently not a charging facility in the DPW yard, and if they are charged from the trucks, the vehicle would have to be kept running, which in turn causes other environmental problems. Councilor Davis remarked that clearly idling the trucks all day to charge batteries is not a viable solution. The batteries for those blowers needed to be replaced every few years, increasing cost and waste. Replacement batteries cost about as much as the blowers themselves. Councilor Niedergang said he looks forward to the Administration's promised memo detailing the related expenses of implementing the ordinance.

Councilor Niedergang reviewed the changes that he was proposing with the Committee and asked if it made sense to give owners of large property the same exemption afforded to the DPW. He would like drafting of the regulations to begin soon as he believes that they are more important than the ordinance itself, since the regulations are what users will actually read. He pointed out that Cambridge's regulations are clear and available in multiple languages, and that the Cambridge City website also presents information about their leaf blower restrictions well. Councilor Ewen-Campen thinks the suggestions, at first look, seem reasonable and Ms. Lathan commented that she thinks that Tufts should be part of the owners of large property discussion. Chair Davis asked about the maintenance of state-owned parks and whether this ordinance would apply to the state. Ms. Lathan stated that the city maintains Dilboy Field and the state is responsible for Foss Park. Ms. Pappenheim said that if the owners of large property portion is passed, she thinks it would apply to the state because the measure is a noise ordinance. Chair Davis stated that that primary purpose of this ordinance is to address owners of large property and municipal use. Given this, he is open to considering a de minimus exception to address those times when someone may be using equipment for 5-10 minutes. Procedurally, there is not a formal draft before the Committee, so Chair Davis asked Councilor Niedergang to submit a formal draft to the City Council at its next meeting, and suggested that he include the changes that he has proposed.

Councilor Niedergang appreciates the work done by the Administration but he said that while they have provided some feedback, they haven't suggested concrete changes to this draft ordinance. He would like a memo from the Administration that addresses any additional costs and wants to know

what parts of the proposal are not acceptable to them. Ms. Racaniello commented that she would be willing to coordinate the efforts of city staff and said that the Administration is currently in a place of just listening to staff feedback. She wants to organize that feedback for presentation to the Committee and will provide it in written form if that's what the Committee desires. Chair Davis said that he is still waiting for the Administration to come up with a longer-term plan to move away from using leaf blowers, as he requested at the last Committee meeting. Councilor Niedergang said that he would like to have feedback from the people managing those who use the equipment. He asked if the regulations could be developed in time for a September 1st effective date and Mr. Antanavica replied that he likes the Cambridge regulations and there is no need to reinvent the wheel, so it shouldn't be difficult to modify them to fit Somerville. ISD is getting some new positions filled and Mr. Antanavica hopes to have everyone in place by May, which would allow the new safety inspector to work on the regulations. As an aside, Mr. Antanavica mentioned that he has had direct personal experience using leaf blowers thru his work with a landscape company that is owned and run by his family.

RESULT:	KEPT IN COMMITTEE
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PILOT

210742: That the City Solicitor draft an ordinance similar to Boston's PILOT ordinance, formalizing payments in lieu of taxes to create a fair and transparent system of taxation for large tax-exempt non-profit organizations.

Ms. Racaniello told the committee that no city staff was available to discuss this item tonight, however, Assistant City Solicitor David Shapiro has been working on it. Councilor McLaughlin has had conversations with Mr. Shapiro and told members that a draft has been prepared, based on Boston's ordinance, adding that it has been "lawyer and activist approved". The measure basically states that large non-profits would be expected to pay 20% of the taxes that would be due if they were not non-profits. Since a formal document was not before the committee, Chair Davis asked Councilor McLaughlin to submit a formal ordinance to the City Council at its next meeting. Councilor Ewen-Campen inquired if the Boston ordinance was passed and Councilor McLaughlin said it's been established for a few years.

RESULT:	KEPT IN COMMITTEE
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Other

211601: That the City Solicitor and the Chief of Police discuss with the Committee on Legislative Matters a formal policy or ordinance to decriminalize or deprioritize arrests for drug possession, and prioritize treatment over incarceration.

Councilor McLaughlin explained that he is looking for something beyond an unspoken policy. Ms. Pappenheim said that she did not have any specific questions at this time and understands what Councilor McLaughlin is looking for. She asked that any additional desired detail be brought to her attention as she looks into this matter. Councilor Ewen-Campen thinks that, to the extent legally possible, no one should be arrested for drug possession in Somerville. Councilor Clingan is in support of the item. Councilor McLaughlin noted that Oregon has just decriminalized drug possession. Chair Davis thinks that this is within the City Council's authority and he noted that there are some similar items in the Public Health and Public Safety Committee that will be on that committee's next agenda. Chair Davis sponsored Chief Femino to speak. The Chief credited former Chief Fallon for introducing the practice of treatment rather

than arrest back in 2015. Chief Femino stated that he plans to work on and memorialize the Police Department's policy on this matter.

RESULT:

KEPT IN COMMITTEE

211605: That the City Solicitor work with this Council on an ordinance to deny, revoke or suspend permits to companies with a history of engaging in unsafe, hazardous or dangerous practices based on work safety histories or concerns.

Councilor Clingan stated that Boston passed similar legislation in 2016 and he thinks that Somerville should pass a similar ordinance. Ms. Phillips had no initial input and said that she will refer to Boston's ordinance as she begins work on this matter. She asked if the ordinance should apply to any business pulling a permit to do work in the city. Mr. Antanavica stated that ISD has been considering making this part of the permit application process and that the Purchasing Department is also working to get set up so that companies that have a history of unsafe practices cannot get City contracts. Councilor Ewen-Campen asked how workplace issues are dealt with now and Mr. Antanavica explained that worker safety falls under OSHA, so a worker would make a report to OSHA. Recently, the state passed regulations that cities/towns also had to follow OSHA guidelines. He noted that there is nothing in MGL or the building codes that requires that past violations be made known. Councilor Clingan thinks this measure will work in tandem with the steps taken by ISD and the state.

RESULT:

KEPT IN COMMITTEE

Referenced Material:

- Somerville Leaf Blower Ordinance DRAFT 4.14.21 (with 209061)
- 2019-05-01 Ordinance Committee - Full Minutes-2055 (with 209061)
- Proposed changes to Leaf Blower ordinance - M Niedergang (with 209061)