



City of Somerville, Massachusetts

City Council Public Health and Public Safety Committee

Meeting Minutes

Wednesday, April 17, 2024

6:00 PM

The meeting took place virtually via Zoom and was called to order at 6:00 PM by Chair McLaughlin and adjourned at 9:24 PM on a roll call vote of 3 in favor (Councilors Sait, Davis and McLaughlin), none against and none absent.

Others present:

Lieutenant Mike Perrone – SPD, Lieutenant Tim Mitsakis – SPD, Director Gregory Jenkins – Arts Council, Director Karin Carroll – Health and Human Services, Director of Homeless Services Hannah O’Halloran – Somerville Homeless Coalition, Director Nicholas Antanavica – ISD, Director Matthew Mitchell – Prevention Services, Kim Hutter – Legislative Liaison, Peter Forcellese – Legislative Clerk.

Roll Call

Present: Ward One City Councilor Matthew McLaughlin, Ward Six City Councilor Lance L. Davis and Ward Five City Councilor Naima Sait

- Committee Minutes (ID # [24-0407](#)) Approval of the Minutes of the Public Health and Public Safety Committee Meeting of March 20, 2024.

RESULT: ACCEPTED
AYE: Ward One City Councilor McLaughlin, Ward Six City Councilor Davis and Ward Five City Councilor Sait

- Order (ID # [24-0062](#)) By Councilor McLaughlin, Councilor Strezo, Councilor Wilson and Councilor Davis
 That the Director of Health and Human Services provide monthly updates to this Council’s Committee on Public Health and Public Safety regarding ongoing efforts to address homelessness.

Director Carroll reported that the city’s warming center has closed and that it was used by over 200 people for an equivalent of 1,566 bed nights. The weekly interdepartmental meetings are ongoing and new people in need of assistance are being identified. City staff has met with some Davis Square merchants regarding Narcan training, and port-a-potties should be arriving this month. Director O’Halloran told the committee that the plan to remove homeless people from the underpass of RT 93 worked as well as it could and MADOT has been requested to notify her if any identification materials are found. Director O’Halloran said everyone who was living there was contacted and that there was an increase in participation at the engagement

center, however, not many of those who were displaced accepted shelter. She reported that, potentially, 1 person might be able to move into an apartment.

Councilor Sait asked about a report that will be submitted and Director Carroll said that the after action recap is scheduled for May 30th and will be conducted by a contractor, adding that there might be 40 participants involved. Following that, an after action report will be generated.

Chair McLaughlin took a moment to remember Jose Antonio, the homeless person who recently passed away and he inquired about his passing from natural causes. Lt. Perrone reported on the incident, saying that no foul play was involved and that there was nothing suspicious about his death. The toxicology report has not yet been received. Chair McLaughlin noted that there has been some violent crime near the Stop and Shop, mainly perpetrated by 1 person. Lt. Perrone told the committee that SPD will be conducting directed patrols in the area to make their presence known and community affairs personnel will be in the area to make contact with and to provide referrals for those in need of assistance. Additionally, SPD meets weekly with the Mayor's Office.

Resident Kate Byrne commented that there was some concern that people were frightened by the recent death and felt that others might be targeted. Lt. Perrone reiterated that there was no foul play involved and that he has not heard of any threats being made, but he will follow up with SPD detectives.

RESULT: KEPT IN COMMITTEE

3. Order
(ID # [24-0469](#))

By Councilor McLaughlin and Councilor Wilson

That the Director of Inspectional Services update the Ward 1 Councilor on enforcement of the Dark Skies Ordinance.

Inspectional Services Director, Nicholas Antanavica, has submitted a written memo regarding this item.

Chair McLaughlin commented that enforcement is complaint based but Director Antanavica disagreed, saying that all new applications that require a zoning review have this ordinance applied to it. Buildings built prior to the effective date of the ordinance are not subject to the it. He noted that some that were out of compliance with the ordinance requested relief and were granted same. ISD is asking owners to provide lighting plans when a complaint is received and then try to bring them into compliance. Director Antanavica said that the department is able to fully enforce the ordinance.

Resident Sal LaRiccia said that the ordinance was created in August of 2019 and he can't find any documents exempting anyone from it. Director Antanavica explained that Assembly Row has its own zoning district and is not subject to the ordinance. He also noted that variances granted by the

Zoning Board of Appeals (ZBA) provide relief. Mr. Kelly Beatty, a local (Chelmsford) champion for dark skies, was sponsored by Chair McLaughlin to speak on the matter. Mr. Beatty stated that he was amazed at the detail in Somerville's ordinance, but said that it needs to be enforced, adding that he's bothered by the easy path to get a variance. Chair McLaughlin said that he to hear Mr. Beatty's ideas to make Somerville's ordinance stronger. Director Antanavica pointed out that the state establishes the requirements to grant zoning variances and the ZBA's job is to make sure those are met.

Chair McLaughlin put forth a motion *that the city council go on record asking for stricter enforcement of the dark sky ordinance by the ZBA.* Councilor Davis discussed the language of the proposed motion and Director Antanavica noted that there were really only a handful of variances, at the most. He does not have the specifics of any of the variances granted, but he will follow up with a report of them. No action was taken on the motion.

RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED

4. Order
(ID # [24-0430](#))

By Councilor McLaughlin and Councilor Strezo

That the Director of Inspectional Services update the Ward 1 City Councilor on the status of any permits issued to contractors associated with 16 Bonair Street.

Discussed with ID# 24-0429

Director Antanavica noted that the same contractor is also working on the property at 11 MacArthur Street. A permit has been issued for renovation at 16 Bonair Street. An ISD inspector noticed that some underpinning was done to the foundation, so ISD requested engineering documentation to see what was required. In meantime, there was a storm which caused the building to collapse. The contractor has been ordered to make the building safe and they are now working on new plans. Director Antanavica told the committee that the situation might have been avoided if the work was done under supervision and said that it was not intentional. He also explained that the building code does not require a stamped set of plans, however, if the inspector feels or observed something questionable, a stamped design may be requested.

Chair McLaughlin commented that there looked like there was some washout and Director Antanavica said that inspectors are checking on the property regularly and awaiting documentation. As it stands now, there is not a significant danger of a collapse.

Chair McLaughlin said work was being done at the property after collapse and the Director explained that the only authorized work allowed is for demolition. Chair McLaughlin asked to be kept updated on this matter and asked about any standards for contractor repeatedly acting in bad faith. The Director replied that it's difficult and has been done before, but each

individual project is to be viewed on its own merits. If there should be a significant number of repeated incidents, the contractor can be reported by any resident to the Board of Building Regulations and Standards (BBRS). Director Antanavica said that for all general complaints, a report should be made to 311.

Resident Chris Butler said that it was clear to the naked eye that the foundation wasn't level and she asked that, now that a building has collapsed, can the city scrutinize more carefully the work being done there if additional permits are applied for? And can the contractor be required to work with an engineer? The Director explained that there typically isn't any more scrutiny that can be done. With regard to safety on the site, ISD is in the process of updating the ordinance to require additional documents from contractors, e.g., an OSHA safety compliance plan. ISD will keep an eye on the Bonaire Street work for more frequent inspections as time and staff allow. Director Antanavica pointed out that for the past months, all ISD inspector positions have been filled, but now 1 inspector is already leaving.

RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED

5. Order
(ID # [24-0429](#))

By Councilor McLaughlin

That the Director of Inspectional Services update the Ward 1 City Councilor on the recent collapse of a house at 16 Bonair Street.

Discussed with ID# 24-0430

RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED

6. Order
(ID # [24-0389](#))

By Councilor McLaughlin

That the Director of Inspectional Services appear before the Committee on Public Health and Public Safety to discuss the department's methods of reporting, inputting and organizing fines within their databases.

Inspectional Services Director, Nicholas Antanavica, has submitted a written memo regarding this item.

Chair McLaughlin had some questions about the speed with which answers are provided and Director Antanavica replied that if the request is for a single property, a response would be sent fairly quickly, however, if multiple properties are involved, a response could take longer. He said that usually, it would take several days to compile data, but because so many requests are received, it could potentially take months before a response is sent. He also told the committee that the fastest way to get an answer is to email ISD at isd@somervillema.gov <<mailto:isd@somervillema.gov>> . Those requests are usually responded to in 7-10 days.

RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED

7. Order
(ID # [24-0388](#))

By Councilor McLaughlin, Councilor Davis, Councilor Ewen-Campen, Councilor Scott, Councilor Pineda Neufeld and Councilor Sait That the Director of Inspectional Services appears before the Committee on Public Health and Public Safety to discuss implementation of the Vacant Properties Ordinance, and provide the Ward 1 Councilor with a list of registered properties, the dates they were registered and any fees and fines associated with the properties.

Inspectional Services Director, Nicholas Antanavica, has submitted a written memo regarding this item.

Councilor Davis stated that there is concern that there is no capacity for the Administration to seek out vacant properties, thereby making the system complaint based. Director Antanavica explained that it's the responsibility of property owners to register vacant properties within 90 days of becoming vacant. He noted that other communities are experiencing the same problem as Somerville, i.e., some owners register their vacant properties and some don't. Councilor Davis inquired where ISD stands relative to amending or enforcing the ordinance and Director Antanavica replied that the situation is complex, saying that ISD has the ability to generate notices, but there needs to be communication to the public. There are no larger changes in the works, but the registration process need to be less onerous.

Councilor Davis stated that the city has knowledge of multiple vacant properties, so a list could be started, however, it looks like the Administration doesn't have the will to compile a list. He commented that this is a priority to him as this topic comes up often in conversation with constituents.

Fees and fines were discussed and Chair McLaughlin said that fines are issued for not reporting the vacancy, not for having the vacancy. Councilor Davis asked Liaison Hutter to seek clarification of the ordinance from the City Solicitor's Office, adding that he wants to see this enforced. Director Antanavica agreed and said that ISD wants this also, but that they have to work on the most critical items first.

Chair McLaughlin commented that this doesn't seem as difficult as other ordinances, and he thinks it's being willfully ignored. He suggested that if ISD can't manage the ordinance, maybe Housing and Economic Development could help. He noted that the properties he previously mentioned to ISD do not appear on the list provided in the Director's submitted memo. Director Antanavica explained that because of the way the ordinance is written, those properties are not in violation. Chair McLaughlin pointed out that some properties have been vacant for years and that 2 properties in his ward had no complaints but are on the list.

He asked if there is another incentive that could get people to comply and

was told that the fines are the incentive, but a list is needed to start the 90-day clock ticking. To that end, the Director said that if the Chair provides a list to ISD, they will get letters out and start the clock. Chair McLaughlin asked what other ordinances are hard to enforce and the Director replied that there are many, among them, the leaf blower ordinance, noise ordinance, tree preservation ordinance, and the paper box ordinance. ISD makes informed decision of which ones to enforce for the health and safety of the public and noted that the SPD is a primary or secondary enforcement authority on several ordinances.

The Vacant Property Ordinance may be found here:

https://library.municode.com/ma/somerville/codes/code_of_ordinances?nodeId=PTIICOOR_CH11PUWO_ARTIVDIBU_S11-111REMAVAPR&showChanges=true

RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED

8. Order
(ID # [24-0097](#))

By Councilor McLaughlin

That the Director of Inspectional Services address trash and other violations by the Rent-A-Center on Broadway.

Inspectional Services Director, Nicholas Antanavica, has submitted a written memo regarding this item.

RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED

9. Order
(ID # [24-0096](#))

By Councilor McLaughlin

That the Director of Inspectional Services inspect 112 Broadway, 176-182 Broadway, and 24-28 Broadway for violations and report the findings to the Ward 1 City Councilor.

Inspectional Services Director, Nicholas Antanavica, has submitted a written memo regarding this item. Chair McLaughlin noted that this property was put on the list because of repeat offences and he would like more consistent follow up inspections. Director Antanavica said that multiple violations are issued each day and that the ISD staff is trying to do the best they can with the available time and staff.

RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED

10. Order
(ID # [24-0093](#))
- By Councilor McLaughlin
- That the Director of Inspectional Services update the Ward 1 Councilor regarding any fines associated with 24-28 Broadway, the former Taco Loco site, due to repeated cleanliness and business violations within the last two years.
- Inspectional Services Director, Nicholas Antanavica, has submitted a written memo regarding this item. Chair McLaughlin said he is concerned about the months and years when graffiti was on banners and Broadway Brake was using this site to store vehicles. He commented that he didn't see any fines issued for the improper storage of vehicles and Director Antanavica stated that when the property was inspected there were no vehicles being stored there. Chair McLaughlin recalled having a conversation with ISD that resulted in nothing being done to address the situation, and he asked how many complaints, and in what format, are necessary in order to get a problem acted on. Director Antanavica replied that the format is the report the incidents through 311 and to provide pictures with each complaint. Chair McLaughlin pointed out that he did send photos to the Director and those photos are not attached to the documentation. He also said that if an inspector sees a trash violation, action is taken, however, if it should be a windy day, the property owner would be given a chance to clean up the area.
- RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED**
11. Order
(ID # [24-0387](#))
- By Councilor McLaughlin
- That the Director of Inspectional Services update the Ward 1 Councilor regarding any fines associated with 24-28 Broadway, the former Taco Loco site, due to repeated cleanliness and business violations within the last two years.
- Inspectional Services Director, Nicholas Antanavica, has submitted a written memo regarding this item.
- RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED**
12. Order
(ID # [24-0384](#))
- By Councilor McLaughlin
- That the Director of Inspectional Services inspect 112 Broadway, 176-182 Broadway, and 24-28 Broadway for violations and report the findings to the Ward 1 City Councilor.
- Inspectional Services Director, Nicholas Antanavica, has submitted a written memo regarding this item.
- RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED**

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13. Order
(ID # [24-0094](#))
- By Councilor McLaughlin
That the Director of Inspectional Services update the Ward 1 Councilor regarding any fines associated with 112 Broadway, formerly the East End Grill, for any violations within the last ten years.
- Inspectional Services Director, Nicholas Antanavica, has submitted a written memo regarding this item. Chair McLaughlin asked that ISD research this request again.
- RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED**
14. Order
(ID # [24-0386](#))
- By Councilor McLaughlin
That the Director of Inspectional Services update the Ward 1 Councilor regarding any fines associated with 112 Broadway, formerly the East End Grill, for any violations within the last ten years.
- Inspectional Services Director, Nicholas Antanavica, has submitted a written memo regarding this item.
- RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED**
15. Order
(ID # [24-0095](#))
- By Councilor McLaughlin
That the Director of Inspectional Services update the Ward 1 Councilor regarding any fines associated with 176-182 Broadway, formerly Patsy's Pastries, in the last ten years.
- Inspectional Services Director, Nicholas Antanavica, has submitted a written memo regarding this item.
- RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED**
16. Order
(ID # [24-0385](#))
- By Councilor McLaughlin
That the Director of Inspectional Services update the Ward 1 Councilor regarding any fines associated with 176-182 Broadway, formerly Patsy's Pastries, in the last ten years.
- Inspectional Services Director, Nicholas Antanavica, has submitted a written memo regarding this item.
- RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED**
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17. Resolution (ID # [24-0371](#)) By Councilor Burnley Jr.
That the Administration update this Council on plans for the \$244,891.15 received as part of the Massachusetts Municipal Opioid Abatement Payments.
- Director Mitchell said that a needs assessment has to be performed to get a feel of how to spend the funds. The city has partnered with other agencies to interact with and engage people. Interviews with 46 people were held and then the questions were refined for a second round of interviews with 25 people. A community survey intended for those who use or have used drugs, was released and 121 people reached about how to use funds. The final report will be released in June. Somerville has been viewed as a model by the state for use by other communities. Somerville will receive \$1 million through 2038, paid in small installments. There is another 1 million due to be paid to the city by CVS, Walgreen's, etc., bringing the total payments to the city to \$2 million. Chair McLaughlin stated his preference of having the funds go towards overdose prevention. Director Mitchell said there will be a third session to present the report and get feedback on it and Chair McLaughlin would like to direct people to that round of discussions.
- Chair McLaughlin thanked Director Mitchell for his service as he leaves the employment of the city.
- RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED**
18. Order (ID # [24-0417](#)) By Councilor Strezo
That the Executive Director of the Arts Council appear before the Housing and Community Development Committee to present a Porchfest safety plan that addresses pedestrian safety concerns, promotion of street closures, intersection crossing safety and the prevention of aggressive and dangerous driver behavior during the active event hours.
- Councilor Strezo put this forward to implement immediate steps for additional safety measures during PorchFest. She related seeing instances of unsafe activity during last year's event and thinks that, at a minimum, street closures should be in place and contact information for responsible parties should be provided for accountability purposes.
- Director Jenkins summarized the PorchFest process saying that the Arts Council meets with the DPW, Police, Fire, Mobility and Parking weekly to review all events being held throughout the city and said that PorchFest has an Incident Action Plan (IAP). Performance times vary through the city to move people along and to not disturb people for too long a time. Director Jenkins acknowledged that this event has grown to the point that outside monitors are required to deal with issues that may arise. He encouraged neighbors to pull block party permits for the performance times and said that larger streets might not be closed off. Closures for nine streets have been requested via block party permit and residents of those streets are supposed

to be notified by whoever pulled the block party permit for the closure. The Arts Council is working with the Communication Department to get out press releases and flyers. .

Lt. Mitsakis said that SPD has worked this event for several years and noted that police staff has gone down over the years. He told the committee that the department is trying to schedule 7 police officers and 7 cars for this year's event and he noted that they were unable to fill the 7 police slots last year. Street closures are not done on the 'day of' but rather are planned advance. Heavy traffic intersections have been identified but it's unknown where crowds will be heading. Hopefully, having cruisers at those spots might help.

Lt. Mitsakis explained that since PorchFest is not an emergency situation, officers cannot be forced to work, so the event will be staffed with additional 'on duty' personnel plus the sector cars. Chair McLaughlin asked if it's an option to get retired officers or police from other communities to staff the event and Lt. Mitsakis said that the event was switched some years ago so that it's not a detail situation. That means that the city must use SPD staff only. Director Jenkins recalled that the Arts Council had some detail funding available years ago and some officers would not sign up for the detail. As a result, it was changed to an overtime situation with the expectation that officers would sign up. If the problem can be solved by going back to a detailed event, then the Arts Council could probably come up with the funds. Lt. Mitsakis then explained that if a retired officer or an officer from another community were to cover an event where there is a chance of some altercation involving an arrest, then the question becomes 'why is this person making an arrest in Somerville?'. That's a liability issue and he doesn't think any of them would take the detail. Chair McLaughlin asked Liaison Hutter to make the Administration aware of the problem.

Councilor Strezo said she thinks that there needs to be a requirement for a responsible person attached to each performance to be in place. She suggested using volunteers to guide people through the city and said that if it can't be done this year, she'll demand it be done next year. She is concerned that this could be a disaster waiting to happen. Director Jenkins told the committee that the use of volunteers and crossing guards has been discussed and that he is willing to explore their use again.

RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED

Referenced Documents:

- PHPS - 2024-04-17 ISD PHPS Memo
- PHPS - 2024-04-17 PorchFest Safety For PHPS (with 24-0417)