



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

October 9, 2018

REPORT OF THE LICENSES AND PERMITS COMMITTEE

Attendee Name	Title	Status	Arrived
Mary Jo Rossetti	Chair	Present	
Wilfred N. Mbah	Vice Chair	Present	
Jefferson Thomas ("J.T.") Scott	Ward Two Alderman	Present	

Others present: Alderman Katjana Ballantyne, Alderman Mark Niedergang, Alderman Lance Davis, Alderman Ben Ewen-Campen, John Long - City Clerk, Jim Aurilio - ISD, Annie Connor - Legislative Lisison, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 5:45 PM by Chairman Rossetti and adjourned at 6:40 PM.

Approval of the July 11, 2018 Minutes

RESULT:	ACCEPTED
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206729: Public Event License, Somerville Honor Run, Davis Sq area, Nov 11, 5AM-3PM.

Mr. Ed O'Connor and Mr. Gordon Pilotte appeared before the committee and told members that proceeds from this road race will be given to Somerville's Dilboy VFW Post. This will be the first time that this race is run in Somerville. According to a memo from the Administration, a meeting is scheduled for Thursday morning, October 11th, between the applicants and city officials to review race details and agree on a plan. There was an initial concern that Somerville's Auxiliary Police would not be able to provide details for the event, but that concern has been removed, since the Somerville Police Department has stated that it will provide the needed details. The cost of the details will be covered by the applicant.

Two different courses were considered for the race and the alternate course #2 was selected because the city was more comfortable with that one. Street closures were discussed and Alderman Ewen-Campen told the committee that the Administration assured him that a robo call would go out to abutters and that road closings would not be for extended periods. Alderman Ewen-Campen asked that the applicant contact St. Catherine's church to make sure that the race time does not interfere with church services. Alderman Davis asked if there was a way to let motorists know which streets would be available to travel and he suggested contacting Waze and posting signs. Mr. Long will bring that request to the Administration.

The item was approved with the following conditions:

- That the race not interfere with services at St. Catherine’s Church, and
- That all details and plans for the event are agreed to by city staff at the scheduled meeting with the applicant on October 11th, and that this Committee is updated prior to the BOA's evening meeting.

RESULT:	APPROVED WITH CONDITIONS
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206730: Public Event License, Boston Turkey Trot 8K Run, Assembly Row-Mystic Reservation, Nov 22, 4AM-Noon.

RESULT:	WITHDRAWN
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206754: Renewing Lodging House License, Theta Delta Chi, 123 Packard Ave.

Chairman Rossetti told members that the Somerville Police Department denied this renewal request due to prior violations by members of Theta Delta Chi. A letter from Mr. Rocco DiRico, the Director of Government and Community Relations at Tufts, informed the Board of Aldermen that the fraternity Theta Delta Chi, located at 123 Packard Avenue in Somerville, has been suspended and would not be eligible to petition to return until 2027. Alderman Ballantyne, in whose ward the property is located, was asked if she wanted to speak on the item but she declined, saying that she would prefer that this item go through the normal process.

Mr. Richard Walsh, the Secretary of Kappa Charge (of the Theta Delta Chi Fraternity) informed the committee that Kappa Charge, which is a corporation, is the owner of the property in question. It is Kappa Charge’s contention that they get to decide if they are a fraternity. He noted that discipline was handed out by the fraternity and that the students responsible for the infractions were expelled from fraternity last year. Mr. Walsh went on to say that Tufts took no disciplinary action against those students, but did suspend the fraternity for 10 years and won’t allow the property to be used during that period. He doesn’t believe that the property should be vacant for nine more years, so it is being used a lodging house for 17 undergrad students with a graduate student as the house master or overseer.

Alderman Ballantyne inquired about the city’s lodging house rules and Mr. Long replied that the enabling legislation is state law. Mr. DiRico and Mr. Robert Chihade, also from Tufts, informed the committee that Tufts has the authority to allow Theta Delta Chi to act as a fraternity and chose to suspended them for 10 years, noting that this was the harshest punishment ever handed out by Tufts. The fraternity will not be recognized until 2027. Members were also informed that Tufts has an option giving it the right to forbid the property from being occupied if the property is not being operated as a fraternity. Mr. DiRico & Mr. Chihade challenged Mr. Walsh’s claim that the property is being operated as a fraternity without fraternity members. Mr. DiRico said that as an abutter, approval of this item is not in the best interest of Tufts, the neighborhood or the city. He noted, also, that the Tufts Police Department has also expressed grave concerns about this matter.

Chairman Rossetti will ask the City Solicitor to review the video of this meeting advise the committee how to proceed. Alderman Mbah commented that he needs more information before making a decision. Alderman Scott stated that the status of being a corporation is not relevant

when the city grants licenses, adding that he is ready to vote on the item now. He stated that there is no reason to grant a lodging house license to an entity that is not in the lodging house business and wanted to make a motion to that effect, however, Chairman Rossetti again stated that she would prefer to withhold any action on this item until the committee hears from the City Solicitor. Mr. Long noted that his understanding is that the BOA is the licensing authority for lodging houses, but beyond that, he can't speak to any legalities. Chairman Rossetti requested that ISD review the status of current occupancy vs. the City Ordinance and advise this Committee. Alderman Scott asked when the license on this property expired and said that he wants fines issued for every day that the property is being operated as lodging house without a license.

Chairman Rossetti's motion *that the City Solicitor review the video of the October 9, 2018 Licenses and Permits Committee meeting and advise the committee how to proceed with item 206754*, was unanimously approved.

RESULT:	KEPT IN COMMITTEE
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206563: Tufts Director of Government and Community Relations submitting comments re: a lodging house license application for 123 Packard Ave.

RESULT:	KEPT IN COMMITTEE
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Handouts:

- Corp Certificate (with 206754)
- Memo (with 206754)