



CITY OF SOMERVILLE, MASSACHUSETTS

CLERK OF COMMITTEES

May 4, 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	
Matthew McLaughlin	Ward One Alderman	Present	
Maryann M. Heuston	Ward Two Alderman	Present	
Robert J. McWatters	Ward Three Alderman	Present	
Tony Lafuente	Ward Four Alderman	Absent	
Lance L. Davis	Ward Six Alderman	Present	
Dennis M. Sullivan	Alderman At Large	Present	

Others present: Michael Glavin - OSPCD, David Shapiro - Law, Eileen McGettigan - Law, Frank Wright - Law, Tim Snyder - Mayor's Office, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 7:00 PM by Alderman Rossetti and adjourned at 9:10 PM.

202626: Proposing an Ordinance to safeguard vulnerable road users.

The committee was given a revised draft of the proposed ordinance for review.

Section 8. (Waiver/Exemptions)

Alderman Davis commented that the language could be modified at a later time, after additional data is received and analyzed. Alderman Niedergang's *motion to add language to this section making the Fleet Division responsible for granting waivers, was approved.*

Members discussed different options for which department would be responsible for granting waivers. Aldermen Heuston and Ballantyne, along with Chairman Rossetti, believe that the responsibility belongs with the Fleet Division. Alderman Davis disagreed as he thinks that there may be community concerns involved in granting waivers and he would prefer that the administration come up with a waiver process.

Alderman Heuston said that for the practical management of this ordinance, the waiver responsibility should only belong to one department, so that the process doesn't get convoluted. Alderman

Niedergang agreed with Alderman Heuston and his *motion that waivers be issued by both the Fleet Division and Purchasing Departments, was approved.*

Section 6 (Compliance and Enforcement)

Alderman White asked how the Police Department would enforce the ordinance and Mr. Shapiro explained that the police have authority to enforce all ordinances. Alderman White asked how the police would be made aware that a vendor had been issued a waiver. Mr. Snyder explained that multiple departments are involved in the working of this ordinance and that the intent is not to have the Police Department issue waivers.

Section 9. Effective Date

Mr. Snyder discussed Section 9 (Effective Date) and told the members that the plan is to give the Fleet Division enough time to develop an inspection program and to provide time for vendors to comply.

Alderman Davis' *motion to add language to part (c), referencing waivers was approved.* Part (c) now reads as follows:

(c) The Office of Strategic Planning and Community Development shall issue rules and regulations to implement the provisions of this section, including without limitation, a process by which waivers may be granted, upon the day it takes effect.

A correction was made to the schedule of Fines as follows:

1st offense: \$100

2nd offense: \$200

3rd and subsequent offense: \$300

RESULT:

APPROVED AS AMENDED

203097: Assistant City Solicitor submitting the US2-City Development Covenant.

RESULT:

KEPT IN COMMITTEE

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

Alderman Niedergang stated that if the new zoning is not passed by May 31st, the covenant between the city and the developer may be nullified by either party, resulting in nullification of community benefits. Chairman Rossetti explained that the proposed ordinance before the committee is not solely for Union Square, but rather it is intended to be applied to any development in the city. Mr. Snyder stated the administration's agreement with Chairman Rossetti's explanation.

Alderman Niedergang distributed a list of his recommended changes and asked about the review procedure going forward. Chairman Rossetti said that the plan is to continue to review the proposal, line by line, from the point where the committee left off at the prior meeting.

Mr. Shapiro provided an answer to a question raised at a prior meeting relative to the mayor's executive authority to change a request in the CPC's recommendation, saying that the mayor is charged with sending CPA requests to the BOA, however, the mayor may delete a request or decrease the amount of funding for a request, but he/she cannot increase the amount of a request.

Mr. Snyder told the committee that the administration has not yet performed an in-depth review of the recommendations submitted by Union United (UU). Chairman Rossetti asked that the Law Department edit the UU document, in a different color ink, and provide it to all BOA members prior to the committee's next meeting on this subject. Chairman Rossetti then suggested holding off on further review of those sections modified by UU until the Law Department completes its review.

The committee continued to review the proposed ordinance.

- V - "Interim Neighborhood Council"
 - Alderman Niedergang asked about the term "duly democratic". Ms. McGettigan explained that it's an attempt be open, as opposed to totalitarian
 - Alderman White suggested that a termination date be included to make the language clearer
- V - "Neighborhood Advisory Committee"
 - Chairman Rossetti suggested adding the words "and approved by the Board of Aldermen," after the word "Mayor"
 - The words "or interim neighborhood council" was added after the word "council" and Alderman McLaughlin said he wasn't sure that an interim period would be necessary
 - Alderman Niedergang added the following language (from his handout) after the last sentence of this part: "The Neighborhood Advisory Committee shall represent the diversity of the neighborhood and make special efforts to seek out and listen to a broad range of people and groups in the neighborhood."
 - Alderman Heuston added the words ",to the extent possible," between the words "shall" and "represent" in Alderman Niedergang's addition
 - Alderman Davis asked that a time structure be included. Ms. McGettigan will explore this.
- V - "Neighborhood Council" (a)
 - Alderman Niedergang asked to modify this section by making the changes noted on his handout of recommended changes, however no action was taken at this time as the committee decided to wait for the Law Department's review of the UU document before proceeding further.

Mr. Snyder asked the members to think about the relative powers of neighborhood councils and their implications.

Chairman Rossetti sponsored Van Hardy to make a short statement on behalf of Union United. Mr. Hardy said that a city-wide approach is good and that neighborhoods need to be involved to focus on matters at the very local level. He also said that neighborhood councils should negotiate with developers. Union United would like to sustain funds over a 30 year period so that the process might be able to operate during slow development periods.

RESULT:

KEPT IN COMMITTEE

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

RESULT:

KEPT IN COMMITTEE

Handouts:

- Draft Ordinance – Vulnerable Road Users (with 202626)
- Draft Ordinance – Community Benefits Committee (with 203098)
- Suggested Changes to CBC by Ald. Niedergang (with 203098)
- Suggested Changes to CBC by Union United (with 203098)