



CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES

October 19, 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	Absent	
John M. Connolly	Alderman At Large	Absent	
William A. White Jr.	Alderman At Large	Late	
Maryann M. Heuston	Ward Two Alderman	Present	

Others present: Frank Wright - Law, Shannon Phillips - Law, Brad Rawson - OSPCD, Sarah White - OSPCD, Rick Willette - DPW, Stan Koty - DPW, Tim Snyder - Mayor's Office, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 6:30 PM by Chairman Rossetti and adjourned at 7:35 PM.

President White appointed Alderman Heuston to the committee for this meeting only, to effectuate a quorum.

**Approval of the October 5, 2017 Minutes**

<b>RESULT:</b>	<b>ACCEPTED</b>
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**203870: That the Director of SPCD report to this Board no later than August 1, 2017 on progress on a revised demolition review ordinance following the 3 community meetings this spring.**

The Demolition Review Ordinance will be discussed at the Legislative Matters Committee of the Whole meeting on November 2, 2017.

<b>RESULT:</b>	<b>WORK COMPLETED</b>
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**203711: That the City Solicitor consult with the Commissioner of Public Works to draft an ordinance requiring contractors and utilities to secure metal plates during street construction.**

Mr. Willette informed the committee that the city has a process for securing street plates that specifies how long the plates may remain in place, the materials that must be used and the necessary maintenance. Each plate must have the vendor's name and phone # on it. Mr. Willette said that the city doesn't have the equipment to move the plates, so the vendor has to be called in when needed. He added that no permits are issued until the plate issues are taken care of.

Ms. Phillips said the Law Department wanted more information before deciding if this should be dealt with by adding language to the permit manual or by an ordinance. Mr. Koty said that the permit manual is very detailed and that the DPW wants to know what, specifically, the BOA is looking for.

Alderman Heuston asked if the City of Boston has an ordinance dealing with this matter and also asked if it is even possible to have an ordinance that would govern how utility companies operate in the city. Mr. Koty thinks that the city needs to look at other avenues for issuing fines and he mentioned creating a position between the Highway and Engineering Departments. Alderman White thinks that it would be helpful if authority and/or discretion to fine vendors is given to DPW commissioner. Chairman Rossetti asked Ms. Phillips to review the City of Boston's and other communities' ordinances and prepare a draft for review that includes giving the Commissioner authority and/or discretion to issue fines. Alderman Heuston said that she liked idea of the new position, but asked who would manage things on a project and who would she call when there is a concern that needs to be addressed; oversight between DPW and Engineering is vital.

Alderman Heuston made a motion *that the Administration consider adding a position for a person who would be tasked with oversight of street reconstruction and utility work in the city to ensure that all rules and regulations are being followed.*

Speaking on the motion, Alderman White suggested that permit fees be increased to help cover the cost of the new position and Mr. Koty requested that the position not require that the applicant be an engineer. Alderman Heuston asked to see the job description, if the position is created. Chairman Rossetti offered an amendment to the motion before the body *that the Administration provide the duties of the position to the Board of Aldermen.*

The motion, as amended, was approved.

Alderman White's motion *that the Administration consider increasing permit fees to cover the cost of a new position that would be tasked with oversight of street reconstruction and utility work in the city,* was approved.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**204171: That the Director of Health and Human Services report to this Board whether smoking tobacco and marijuana is restricted to beyond a 50 foot radius around parks, playgrounds and athletic fields, and, if it is not, work with the City Solicitor's Office to change the regulations to prohibit such smoking on public property within 50 feet of parks, playgrounds and athletic fields.**

Alderman Niedergang distributed and summarized emails from HHS Director Doug Kress and Bonny Carroll and requested that the City Solicitor review it, as Mr. Kress had suggested a few changes. Mr. Wright will review the document and report back to the committee.

Alderman Niedergang's motion, *that the City Solicitor draft a revised version of the city's "Smoking in Parks" ordinance, extending the prohibition to 50 feet,* was approved.

**RESULT:**

**KEPT IN COMMITTEE**

**203464: City Solicitor submitting a proposed Order designating the position of Retirement Board Member as a Special Municipal Employee position.**

Mr. Wright reviewed the PERAC document presented at the last committee meeting. Chairman Rossetti asked Mr. Wright about the meaning of the last sentence in the document, (“*Boards should consult with counsel for assistance in assessing the status of the positions and effectuating the necessary classifications.*”). Mr. Wright replied that positions are designated, not individuals. Mr. Snyder explained that part of the suggestion is to allow people with the skill sets needed for a particular position, who may be involved in possible conflict of interests areas, to be employed, e.g., having an architect serving on a design review committee.

Alderman Niedergang stated that he isn’t sure why it’s necessary for this particular board, (the Retirement Board) and he wondered what the compelling reason for the request is. He requested that Mr. Wright contact surrounding communities to ascertain if their retirement boards have the designation. Alderman White asked for list of all of the city’s special municipal employee positions.

**RESULT:**

**KEPT IN COMMITTEE**

**202360: That the City Solicitor prepare a draft ordinance for jobs linkage fees.**

Mr. Snyder informed the committee that a report will be available in 2 weeks and discussed in the Land Use Committee.

**RESULT:**

**WORK COMPLETED**

**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 Alderman Davis into the record. The committee reviewed the latest draft of the ordinance and approved the changes suggested in Alderman Davis’ email. The amended language is as follows:

“This exemption shall only apply to a public project of the type listed in (1) - (3) above if public meetings for the project were duly noticed and advertised, and the size, type, and location of all tree (s) to be cut down or removed, and planting proposals for the location of the tree (s), were all clearly identified at such public meeting and the public was provided reasonable opportunity to provide input regarding each tree to be cut down or removed.”

Alderman Heuston said that she wants to know what the proposal really does. Mr. Snyder told the members that the recent removal of 37 trees on Beacon Street is of great concern to the Administration. He said the original ordinance was too narrow and this proposal clarifies when public projects would be exempted from the requirements of the ordinance. Alderman Heuston commented that when a project is a state project, the city gives its streets over to the state until the project is complete. She asked if this needs to be more specific as to state funded projects. Mr. Rawson responded by saying that said city does control some requirements, e.g., working

hours start and stop times. Alderman Heuston pointed out that the city has an ordinance requiring that a public process be held prior to the removal of trees, and asked if a state project includes removing trees, does the city have any control or authority in the matter. Ms. Phillips replied that the contractor would have to identify each tree, up front, and give the public an opportunity to weigh in. She added that the state would have to comply by our ordinance unless there was an exemption in place. Alderman White asked that the scope of work and regulations of the Beacon Street reconstruction project contract be looked at. He also asked how timing issues would tie in to giving notice of public hearings. Ms. Phillips will give immediate attention to this matter and inform the Chair when she is ready to return to the committee on this matter.

**RESULT:**

**KEPT IN COMMITTEE**

**Handouts:**

- Email D Kress (with 204171)
- Amendment to Sec. 12-106 (with 204364)
- Email L Davis (with 204364)