

City of Somerville, Massachusetts
Matters of Business of the City Council

REGULAR MEETING AGENDA

November 14, 2019, 7:00 PM
City Council Chamber, City Hall-93 Highland Avenue

OPENING OF THE MEETING

1. Roll Call Call of the Roll.
(ID # 22093)

2. Minutes Approval of the Minutes of the Regular Meeting,
(ID # 22094) October 10, 2019.

CITATIONS

PUBLIC HEARINGS

3. Grant of Submitted by Comcast to install 75 feet of conduit in
Location Winter Street from Pole 3 to a point of pickup at 17
(ID # 22045) Holland Street.

4. Withdrawn Withdrawn.
(ID # 22086)

5. Grant of Submitted by Eversource to install 96 feet of conduit in
Location Chester Avenue from Pole 64/1 to a new pedestal at 5
(ID # 22038) Chester Avenue.

6. Grant of Submitted by Eversource to install 8 feet of conduit in
Location Avon Street from Pole 20/7 to a point of pickup at 117
(ID # 22096) Summer Street.

7. Grant of Submitted by ExteNet Systems to install a small cell
Location wireless antenna and related equipment on an existing
(ID # 22046) pole on the intersection of 97 Gilman Street and Jasper
Street.

8. Grant of Submitted by ExteNet Systems to install a wireless small
Location cell antenna and related equipment on an existing utility
(ID # 22030) pole near 64 Rush Street.

9. Grant of Submitted by ExteNet Systems to install a small cell
Location wireless antenna and related equipment on an existing
(ID # 22039) utility pole near 10 Flint Avenue.

10. Grant of Location (ID # 22040) Submitted by ExteNet Systems to install a small cell wireless antenna and related equipment on an existing utility pole near 59 Dartmouth Street.
11. Grant of Location (ID # 22041) Submitted by ExteNet Systems to install a small cell wireless antenna and related equipment on an existing utility pole near 124 Walnut Street.

ORDERS, ORDINANCES, RESOLUTIONS AND MOTIONS OF MEMBERS

12. Order (ID # 22047) By City Councilor Ballantyne
That the Director of Parking install the respective missing street signs at the intersection of North Street and Powderhouse Blvd.
13. Ordinance (ID # 22058) By City Councilor Niedergang
Proposing an amendment to Tree Preservation Ordinance 12-102 - Definitions, to add to the definition of Invasive Plant the following sentence: "However, Norway Maples and other trees larger than 24" diameter at breast height shall not be considered Invasive Plants."
14. Order (ID # 22059) By City Councilor Niedergang
That the Director of Inspectional Services and/or the Director of Engineering report to this Council how the construction of driveways with pervious surfaces is inspected to ensure that the subsurface has been correctly installed so precipitation is absorbed.
15. Resolution (ID # 22061) By City Councilor Niedergang, Scott
That the Mayor submit 3 candidates for appointment to the Planning Board as soon as possible, to fill an empty position and to replace the 2 members who have been serving at the Mayor's pleasure since this Council voted overwhelmingly to not reappoint them in August 2018.
16. Communication (ID # 22060) By City Councilor Niedergang
Reporting on decisions of the Traffic Commission for the 2nd and 3rd quarters of 2019.
17. Resolution (ID # 22066) By City Councilor Mbah
Affirming Somerville's commitment to our asylum-seeking residents and condemning the Federal Administrative Decision undermining asylum protection for survivors of domestic violence.

18. Order (ID # 22062) By City Councilor Mbah
That the Director of Engineering, the Director of SPCD, and the Commissioner of Public Works prioritize fixing the roads from Clarendon Hill Towers to Stop and Shop, including better lights for crossing the streets and auditory noises for people with limited vision.

19. Order (ID # 22063) By City Councilor Mbah
That the Director of Engineering and the Director of SPCD work with the State Delegation to install a left turn only green light, or a delayed green light, at the intersection of Alewife Brook Parkway and Broadway, to alleviate traffic turning left from Alewife Brook Parkway onto Broadway going towards Somerville.

20. Order (ID # 22064) By City Councilor Mbah
That the Commissioner of Public Works collaborate with the MBTA to install a bright light at the Clarendon Hill bus stop.

21. Order (ID # 22065) By City Councilor Mbah
That the Director of Engineering and the Commissioner of Public Works submit a plan to repair the bricks on the streets in Davis Square.

22. Ordinance (ID # 22067) By City Councilor White Jr.
Proposing an amendment to Ordinance 2-123 - Prosecution of Legal Proceedings, to add a new last sentence: "Such notice shall include the name(s) of the plaintiff(s), a description of the nature of the claims brought by the plaintiff(s), and the amount of damages and any other relief sought by the plaintiff(s)."

23. Order (ID # 22068) By City Councilor White Jr.
That the Commissioner of Public Works work with the appropriate state agencies to remove the trash that has been dumped between Route 93 and the Boat House, and repair the hole in the fence separating Route 93 and the Boat House.

24. Order (ID # 22069) By City Councilor Ewen-Campen
That the Director of SPCD explicitly encourage real estate developers to pursue net zero building standards during "pre-submittal" meetings with the Planning staff.

25. Order (ID # 22070) By City Councilor Ewen-Campen
That the Administration inform this Council whether any official or unofficial communications channels exist between Somerville and ICE, in light of recent revelations of frequent communications between the Boston Police and ICE regarding "low-level offenses like trespassing and shoplifting." (See attached media report.)

26. Order (ID # 22071) By City Councilor Ewen-Campen
That the Chief of Police report to this Council on the balance of funds in the Law Enforcement Trust Fund, annual income from Civil Asset Forfeiture, and annual spending over the past 5 years.

27. Order (ID # 22072) By City Councilor Ewen-Campen
That the Director of SPCD inform the Ward 3 City Councilor and the High School Parking Working Group of any parking data or studies conducted specifically related to parking needs at the Central Library.

28. Order (ID # 22073) By City Councilor Ewen-Campen
That the Director of SPCD report to this Council the ten largest lots outside of the proposed "Transform" districts and outside of any "Neighborhood Plans" that are likely to come up for redevelopment in the next several years, so that special attention may be given to their redevelopment.

29. Order (ID # 22074) By City Councilor Ewen-Campen, Clingan
That the Director of Engineering keep the Ward 3 and Ward 4 City Councilors apprised of progress on constructing a "Weir Wall" to help alleviate flooding on Richdale Avenue.

30. Order (ID # 22075) By City Councilor Ewen-Campen, Rossetti
That the GLX Liaison and other Administration officials do everything in their power to reduce the amount and volume of overnight GLX construction noise, which is affecting the sleep, well-being, and public health of the surrounding neighborhoods.

31. Order (ID # 22076) By City Councilor Ewen-Campen
That the Commissioner of Public Works repaint the STOP HERE line on Central Street on the northern side of the intersection with Somerville Avenue.

32. Order (ID # 22077) By City Councilor Ewen-Campen
That the Commissioner of Public Works replace the damaged curb ramp mats at the intersection of Highland Avenue and Central Street.

33. Resolution (ID # 22078) By City Councilor Hirsch
That the Administration report on whether the NIT team continues to operate, and, if it does not, how the goals of the NIT process are pursued in other ways.
34. Order (ID # 22079) By City Councilor Hirsch
That the Director of SPCD explain how the ownership for priority applicants for adult-use marijuana licenses is defined and monitored, at both the point of licensing application and after licensing.
35. Order (ID # 22080) By City Councilor Hirsch
That the Director of SPCD consider ways to rate each proposed development based on its likely impact on measures of community health and well-being such as affordability, revenue, environmental health, traffic, flooding, and others.
36. Communication (ID # 22083) By City Councilor Hirsch
Thanking the Police and Public Works Departments for their safety and community building efforts on Halloween.
37. Communication (ID # 22082) By City Councilor Hirsch
Providing results of the 2019 Block Party Challenge.
38. Communication (ID # 22081) By City Councilor Hirsch
Providing an update on the SomerVision Housing Working Group.
39. Communication (ID # 22084) By City Councilor Hirsch
Providing an update on the work of the Community Cabinet.

UNFINISHED BUSINESS

40. License/Permit 209120 Renewing Used Car Dealers License Class 2, Master Used Cars, 121 Prospect St.
(Approved on 10/24/19; Reconsideration moved by Councilor Rossetti on 10/25/19.)
41. License/Permit 209128 Renewing Used Car Dealers License Class 2, Somerville Motors, 182 Washington St.
(Approved on 10/24/19; Reconsideration moved by Councilor Rossetti on 10/25/19.)

REPORTS OF COMMITTEES

42. CAUCUS OF THE 2020 CITY COUNCIL

- A. Committee Report (ID # 22088) Report of the Caucus of the 2020 City Council, meeting on November 14, 2019.

43. CONFIRMATION OF APPOINTMENTS AND PERSONNEL MATTERS COMMITTEE

- A. Committee Report (ID # 22011) Report of the Committee on Confirmation of Appointments and Personnel Matters, meeting on November 4, 2019.
- B. Mayor's Request 209088 Requesting confirmation of the appointment of Bonnie Denis to the Commission for Persons with Disabilities. RECOMMENDED: Approved
- C. Mayor's Request 209089 Requesting confirmation of the appointment of Finn Gardner to the Commission for Persons with Disabilities. RECOMMENDED: Approved
- D. Mayor's Request 209090 Requesting confirmation of the appointment of Brian Postlewaite to the Commission for Persons with Disabilities. RECOMMENDED: Approved

44. FINANCE COMMITTEE

- A. Committee Report (ID # 22015) Report of the Committee on Finance, meeting on November 12, 2019.
- B. Mayor's Request 208938 Requesting acceptance of a \$50,000 grant with no new match required, from the Boston Mayor's Office of Emergency Management to the Police Department for the purchase of 2 all-terrain vehicles. RECOMMENDED: Approved
- C. Mayor's Request 209008 Requesting the adoption of MGL Chapter 200A, Section 9A, regarding the disposition of abandoned funds. RECOMMENDED: Approved
- D. Mayor's Request 209015 Requesting approval to pay prior year invoices from Home Depot totaling \$4,732.72 using available funds in the Department of Public Works Fleet Division and Highway Division Accounts for under-funded Home Depot purchases in June. RECOMMENDED: Approved
- E. Mayor's Request 209016 Requesting acceptance of a \$236,976.00 grant with no new match required, from the State 911 Office to the Police Department to fund E911 personnel costs. RECOMMENDED: Approved

- F. Mayor's Request 209017 Requesting acceptance of a \$80,749.62 grant with no new match required, from the State E911 Office to the Police Department for 911 training and emergency medical dispatch services.
RECOMMENDED: Approved
- G. Mayor's Request 209018 Requesting acceptance of a \$77,047.27 grant that requires a match, from the Department of Homeland Security to the Fire Department for active shooter/hostile event training.
RECOMMENDED: Approved
- H. Mayor's Request 209019 Requesting acceptance of a \$24,500 grant with no new match required, from the State 911 Office to the Police Department to fund E911 emergency medical dispatch services.
RECOMMENDED: Approved
- I. Officer's Communication 209095 City Solicitor requesting to appear in Executive Session to discuss settlement of a pending claim, pursuant to SCO Section 2-124
RECOMMENDED: Placed on File
- J. Mayor's Request 209159 Requesting the adoption of an Order of Taking for the acquisition of 217 Somerville Ave for the creation of neighborhood open space.
RECOMMENDED: Approved
- K. Mayor's Request 209160 Requesting an appropriation and authorization to borrow \$1,400,000 in a bond for the acquisition of 217 Somerville Ave for the creation of neighborhood open space.
RECOMMENDED: Approved

45. HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

- A. Committee Report (ID # 22012) Report of the Committee on Housing and Community Development, meeting on November 6, 2019.
- B. Order 199126 By City Councilor Niedergang, Rossetti, Ballantyne That the Director of Health and Human Services report to this Board on the increase in homeless families and unaccompanied homeless minors, the work of the Homelessness Task Force, and the possible need for city resources to serve them.
RECOMMENDED: Work Completed

- C. Order 204377 By City Councilor Niedergang, Davis, Connolly, and the Entire Board
That the Superintendent of Inspectional Services and the City Solicitor appear at this Board's November 9, 2017 meeting to discuss why developers have gotten building permits without meeting pre-conditions specified in zoning decisions, how the City can more effectively monitor projects for compliance with zoning conditions and other requirements, and what fines and penalties can be levied to deter future violations.
RECOMMENDED: Work Completed
- D. Officer's Communication 204405 Superintendent of Inspectional Services responding to #204168 re: stop work orders issued over the last 2 years.
RECOMMENDED: Work Completed
- E. Officer's Communication 204443 Director of SPCD requesting to brief this Board on the Clarendon Hills redevelopment proposal.
RECOMMENDED: Work Completed
- F. Order 204671 By City Councilor Ballantyne
That the Director of SPCD discuss with the Ward 7 Alderman the traffic strategy and mitigation options for the new projects around Teele Square.
RECOMMENDED: Work Completed
- G. Order 204995 By City Councilor Hirsch, Scott
That the Commissioner of Public Works and the Arts Council Director determine the feasibility of creating a mural (or another graffiti deterrent) on the back side of the Argenziano School.
RECOMMENDED: Work Completed
- H. Resolution 205100 By City Councilor Hirsch
That the Administration appear before this Board to discuss a possible Transit and Pedestrian Advisory Group.
RECOMMENDED: Work Completed

46. LAND USE COMMITTEE

- A. Committee Report (ID # 22010) Report of the Committee on Land Use, meeting on October 29, 2019.
- B. Resolution (ID # 22005) By City Councilor Rossetti
That the Administration advise the Committee on Land Use how compliance with zoning is and will be monitored and enforced post-certificate of occupancy.

47. LEGISLATIVE MATTERS COMMITTEE

- A. Committee Report (ID # 22014) Report of the Committee on Legislative Matters, meeting on November 7, 2019.

- B. Order 203646 By City Councilor Ballantyne
That the City Solicitor draft a Building Energy Use Disclosure Ordinance to reduce greenhouse gas emissions by requiring owners of larger buildings to disclose annual energy use.
RECOMMENDED: Work Completed

- C. Order 208668 By City Councilor White Jr., Mbah, Hirsch, McLaughlin, Rossetti, Niedergang, Ballantyne, Clingan, Scott, Ewen-Campen
That the Legislative Matters Committee prepare an ordinance to regulate the placement of wireless facilities to the maximum extent permitted by state law.
RECOMMENDED: Work Completed

- D. Order 208680 By City Councilor Mbah, Rossetti, White Jr., Davis, Ballantyne
That the City Solicitor determine whether the City may draft an ordinance or implement a policy or procedure to address the Black Swallow-wort problem.
RECOMMENDED: Work Completed

- E. Officer's Communication 208862 Assistant City Solicitor submitting an Ordinance to regulate Small Wireless Facilities in the Public Right of Way.
RECOMMENDED: Approved as Amended

- F. Public Communication 208883 2 residents submitting comments re: the deployment of 5G small wireless facilities.

RECOMMENDED: Work Completed

- G. Resolution 208993 By City Councilor Niedergang
That the Administration provide an update on implementation of the Tree Preservation Ordinance, with any recommendations for amendments to make it as effective and enforceable as possible.
RECOMMENDED: Work Completed

- H. Ordinance 208994 By City Councilor Niedergang
Proposing amendments to the Tree Preservation Ordinance to allow the Tree Warden and Senior Urban Forestry and Landscape Planner to designate a co-worker to perform their duties and attend, count towards the quorum for, and participate and vote in, the meetings of the Urban Forestry Committee.
RECOMMENDED: Approved

- I. Order (ID # 22056) By City Councilor Davis
That the City Solicitor draft an ordinance to address the Black Swallow-wort problem.

48. LICENSES AND PERMITS COMMITTEE

- A. Committee Report of the Committee on Licenses and Permits, meeting on November 6, 2019.
(ID # 22013)

49. RODENT ISSUES SPECIAL COMMITTEE

- A. Committee Report of the Special Committee on Rodent Issues, meeting on November 13, 2019.
(ID # 22016)
- B. Order By City Councilor McLaughlin
208904 That the Director of Inspectional Services inspect Gilman and Aldrich Streets regularly for trash and other violations that increase rodent activities and report back to the Ward One Councilor on any fines issued.
RECOMMENDED: Work Completed

COMMUNICATIONS OF THE MAYOR

50. Mayor's Request (ID # 22091) Requesting the appropriation of \$2,300,000 from the Receipts Reserved for Appropriation Parking Meter Receipts Account in order to reduce the FY2020 Tax Levy.
51. Withdrawn (ID # 22021) Withdrawn.
52. Mayor's Request (ID # 21984) Requesting approval to pay a prior year invoice totaling \$140 using available funds in the Health and Human Services Professional and Technical Services Account for a sign language interpreter.
53. Mayor's Request (ID # 22002) Requesting acceptance of a \$400,000 grant that requires a match, from the Executive Office of Energy and Environmental Affairs to the SPCD Parks and Urban Forestry Division for the Central Hill Playground.
54. Mayor's Request (ID # 22051) Requesting acceptance of a \$68,000 grant with no new match required, from the Boston Mayor's Office of Emergency Management to the Police Department for the purchase of a K-9 vehicle.

- 55. Mayor's Request (ID # 22057) Requesting acceptance of a \$25,600 grant with no new match required, from the MA Emergency Management Agency to the Health and Human Services Department for emergency preparedness equipment trailers and implementation of a live drill to test an emergency dispensing plan.
- 56. Mayor's Request (ID # 22004) Requesting approval of \$7,816 Title IIID grant, with no new matching funds, from Somerville Cambridge Elder Services for the Council on Aging, for support of the Health and Wellness program.
- 57. Mayor's Request (ID # 22003) Requesting acceptance of a \$3,000 Title IIIB grant with no new match required, from Somerville Cambridge Elder Services to the Council on Aging for transportation costs.
- 58. Mayor's Request (ID # 22017) Requesting confirmation of the appointment of David Gibbs to the Affordable Housing Trust.
- 59. Mayor's Request (ID # 22018) Requesting confirmation of the appointment of Newton Tedder to the Conservation Commission.
- 60. Mayor's Request (ID # 22090) Requesting confirmation of the re-appointment of Aladdine Joroff to the Conservation Commission.
- 61. Mayor's Request (ID # 22009) Requesting the opportunity to provide this Council an update on Somerville Community Choice Electricity.

COMMUNICATIONS OF CITY OFFICERS

- 62. Officer's Communication (ID # 22000) Assistant City Solicitor requesting to appear in Executive Session to discuss settlement of a pending claim.
- 63. Withdrawn (ID # 22020) Withdrawn.
- 64. Officer's Communication (ID # 21998) Director of SomerStat responding to #208693 with a citywide heat map of overdoses and improperly disposed needles.
- 65. Officer's Communication (ID # 22022) Director of Sustainability and Environment conveying a recycling education postcard being mailed to residents.
- 66. Officer's Communication (ID # 22048) Director of Health and Human Services submitting the Rodent Control Report and its Executive Summary, re: rodent activity in East Somerville.

NEW BUSINESS

- 67. License/Permit (ID # 22029) Public Event License, Jingle Bell 5K Walk/Run, Davis Sq area, Dec 15, 7AM-2PM.
- 68. License/Permit (ID # 22023) New Drainlayer's License, BSI Engineering Inc.
- 69. License/Permit (ID # 22095) Renewing Lodging House License, Alpha Tau Omega, 134 Professors Row.
- 70. License/Permit (ID # 22026) Renewing Used Car Dealers License Class 2, Aris Auto, 3 Craigie St.
- 71. License/Permit (ID # 22027) Renewing Used Car Dealer's Class 2 License, Barnes and Walsh, 224 Somerville Ave.
- 72. License/Permit (ID # 22028) Renewing Used Car Dealers License Class 2, Hillside Service Center, 45 Mystic Ave.
- 73. License/Permit (ID # 22032) Renewing Used Car Dealers License Class 2, Pat's Enterprises, 308 McGrath Hwy.
- 74. License/Permit (ID # 22033) Renewing Used Car Dealers License Class 2, Pat's Towing, 160 McGrath Hwy.
- 75. License/Permit (ID # 22034) Renewing Used Car Dealers License Class 2, Gene Automotive, 56 Joy St.
- 76. License/Permit (ID # 22035) Renewing Used Car Dealers License Class 2, Simon's Auto Service, 166 Boston Ave.
- 77. License/Permit (ID # 22036) Renewing Used Car Dealers License Class 2, Teele Sq Auto, 1284 Broadway.
- 78. License/Permit (ID # 22050) Renewing Used Car Dealers License Class 2, Tech Auto Body, 9 Union Sq.
- 79. License/Permit (ID # 22085) Renewing Used Car Dealers License Class 2, John's Auto Sales, 181 Somerville Ave.
- 80. License/Permit (ID # 22024) Renewing Outdoor Seating License, When Pigs Fly, 241 Elm St.
- 81. License/Permit (ID # 22025) Outdoor Seating License, Tasting Counter, 14 Tyler St.

- 82. License/Permit (ID # 22031) Renewing Outdoor Seating License, Gauchao Brazilian Cuisine, 102 Broadway.
- 83. License/Permit (ID # 22087) New Flammables License, DW Propco JK, LLC, storing 2,500 gallons.
- 84. License/Permit (ID # 22089) New Garage License, DW Propco JK LLC, 0 Dawes Street, 118 vehicles inside, none outside, for storing vehicles only.
- 85. License/Permit (ID # 22055) New Extended Operating Hours License, Oath Craft Pizza, 278 Elm Street, seeking to remain open for in-store, take-out, and delivery service until 1am daily (no alcohol service after 11pm).

SUPPLEMENTAL ITEMS

- 86. Order (ID # 22100) By City Councilor Hirsch
That this Council consider allowing owner-adjacent short-term rental landlords more flexibility if they provide a predetermined number of days of temporary affordable housing per year at a predetermined charge per day.
- 87. Order (ID # 22101) By City Councilor Niedergang
That the Director of Parking install flashing 20 mph speed limit signs near both ends of Highland Road and at two locations on Morrison Avenue, between Cedar Street and Willow Avenue.
- 88. Mayor's Request (ID # 22054) Requesting a supplemental appropriation of \$75,000 to the Kennedy School Pool Enterprise Fund to replace the pool filter.
- 89. Mayor's Request (ID # 22001) Requesting approval of a transfer of \$3,000 within SPCD's Economic Development Division, from its Ordinary Maintenance Account to its Personal Services Account, for a temporary fabrication lab door monitor.
- 90. Officer's Communication (ID # 22102) Assistant City Solicitor requesting approval to settle a pending claim from Skipton Kennels for \$19,998.
- 91. Officer's Communication (ID # 22103) Assistant City Solicitor submitting an Ordinance relative to Small Wireless Facilities in the Public Right of Way, as approved by the Legislative Matters Committee on 11/7/19.

- 92. Officer's Communication (ID # 22105) Planning Board conveying its recommendations re: #208702, requesting adoption of a new Zoning Ordinance to supersede the current Zoning Ordinance as originally adopted on March 23, 1990.

- 93. Officer's Communication (ID # 22099) Parks and Recreation Director responding to #209152 re: Lincoln Park athletic field use, warranty, and quality control.

- 94. Mayor's Communication (ID # 22104) Conveying the Police Department's After-Action Report on the Boston Straight Pride Parade and counter protest, along with an accompanying memorandum.

LATE ITEMS

ADJOURNMENT