

City of Somerville, Massachusetts
Matters of Business of the Board of Aldermen

REGULAR MEETING MINUTES

November 9, 2017, 7:00 PM
Aldermanic Chambers, City Hall, 93 Highland Avenue

NOTICE: This is NOT the official version of the Board of Aldermen's minutes. While reasonable efforts have been made to assure the accuracy of the data provided, do not rely on this information without first checking with the City Clerk.

OPENING OF THE MEETING

The meeting was called to order at 7:05 PM by Alderman At Large William A. White Jr.

Attendee Name	Title	Status	Arrived
John M. Connolly	Alderman At Large	Present	
Mary Jo Rossetti	Alderman At Large	Present	
Dennis M. Sullivan	Alderman At Large	Present	
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	Present	
Mark Niedergang	Ward Five Alderman	Present	
Lance L. Davis	Ward Six Alderman	Present	
Katjana Ballantyne	Ward Seven Alderman	Present	

1. Roll Call 204537 (ID:17291) Call of the Roll.

Alderman McWatters sponsored a moment of silence for Ann Murphy.
Alderman Rossetti sponsored a moment of silence for Elizabeth Pellecchia.
RESULT: APPROVED

2. Minutes 204538 (ID:17292) Approval of the Minutes of the Regular Meeting, October 12, 2017.

RESULT: APPROVED

CITATIONS

3. Citation 204539 (ID:17293) By Ald. McWatters, the Entire Board and the Mayor Commending ten Fire Department employees on the auspicious occasion of their retirement, including District Chief Dennis Murphy, Lieutenants James Nolan and Stephen Ortolani, and Firefighters John Beckwith, Michael Bennett, Thomas Brown, Thomas Lopez, Vincent Mattera, Frederick Popken, and Joseph Rossi.

Alderman McWatters reported that these Firefighters received their Citations Tuesday.
RESULT: APPROVED

PUBLIC HEARINGS

4. Grant of Location 204540 (ID:17294) Submitted by Eversource to install 48 feet of conduit in Highland Avenue, from Manhole 15226 to a point of pickup at the High School.

The President opened the public hearing. Jacqueline Duffy with Eversource discussed the details of work to be completed. With no other speakers, the President closed the public hearing.

RESULT: APPROVED

5. Officer's Communication 204541 (ID:17274) Chief Assessor's Classification Hearing Report regarding the adoption of Tax Levy Percentages for FY 2018, including a minimum residential factor and a residential exemption.

The President opened the public hearing. Frank Golden, new Chief Tax Assessor, was introduced to the Board. Chief Tax Assessor Marc Levye reviewed a slide presentation and handouts with the Board, showing his FY18 Classification Hearing Report recommendations. Mayor Joseph Curtatone said he would have information available for the Board regarding the increase in residential exemption at the December meeting. With no other speakers, the President closed the public hearing.

Two motions were approved by Roll Call vote:
1. That this Board adopts a minimum residential factor of 87.5435, the legal minimum for the City of Somerville for FY2018.

RESULT: APPROVED. [UNANIMOUS]
AYES: Rossetti, Sullivan, White Jr., McLaughlin, Heuston, McWatters, Lafuente, Niedergang, Davis, Ballantyne

ABSENT: Connolly
2. That this Board accepts the provisions of Chapter 59, Section 5c approving a residential exemption of 35% of average assessed value for owner occupied properties for FY2018.

RESULT: APPROVED. [UNANIMOUS]
AYES: Connolly, Rossetti, Sullivan, White Jr., McLaughlin, Heuston, McWatters, Lafuente, Niedergang, Davis, Ballantyne

ORDERS, ORDINANCES, RESOLUTIONS AND MOTIONS OF MEMBERS

6. Order 204542 (ID:17269) By Ald. Davis That the City Arborist discuss with this Board the feasibility of pruning the trees along the Community Path opposite the community garden, near Grove Street.

Alderman Davis reported that these trees are causing shade and would like them pruned as long as it doesn't hurt them.

RESULT: APPROVED

7. Order 204543 (ID:17278) By Ald. Niedergang
That the Director of SPCD report to this Board on the neighborhood traffic calming planned for Central Street in 2018, especially around the Hoyt Sullivan playground.

RESULT: APPROVED
FOLLOWUP: Traffic and Parking Committee

8. Order 204544 (ID:17279) By Ald. Niedergang, McWatters
That the Director of Traffic and Parking install a “STATE LAW–YIELD TO PEDESTRIANS IN CROSSWALK” sign on Central Street, on the telephone pole facing northbound traffic near Willoughby and Albion Streets.

RESULT: APPROVED
FOLLOWUP: Traffic and Parking Committee

9. Order 204545 (ID:17280) By Ald. Niedergang
That the Director of Traffic and Parking install flashing “SLOW-CHILDREN CROSSING”, “SLOW-YIELD TO PEDESTRIANS”, and/or "SPEED LIMIT 20MPH" signs on Central Street near the Hoyt Sullivan Playground.

RESULT: APPROVED
FOLLOWUP: Traffic and Parking Committee

10. Order 204546 (ID:17281) By Ald. Niedergang
That the Commissioner of Public Works post “NO DUMPING” signs, with the amount of the fine, on the north edge of the Cambridge Health Alliance parking lot on Central Street. (2nd request)

Alderman Niedergang stated that for several years contractors have been illegally dumping at this parking lot, and he would like to see "No Dumping" signs installed.

RESULT: APPROVED
FOLLOWUP: Public Utilities and Public Works Committee

11. Order 204547 (ID:17282) By Ald. Niedergang
That the Commissioner of Public Works replace the broken bollard at the intersection of Cedar Street and the Community Path. (2nd request)

RESULT: APPROVED

12. Order 204548 (ID:17283) By Ald. Niedergang
That the Commissioner of Public Works fix the broken street light and the drooping wire at 436 Broadway.

RESULT: APPROVED

-
13. Order 204549 (ID:17284) By Ald. Niedergang That the City Engineer, the Commissioner of Public Works, and the Water Director repair the pavement on Carver Street.
- Alderman Niedergang stated that he has been trying to get something done for over a year. The damage has been caused by private and city work on the street.
- RESULT: APPROVED**
FOLLOWUP: Public Utilities and Public Works Committee
14. Order 204550 (ID:17285) By Ald. Niedergang That the Director of Traffic and Parking and/or the Director of SPCD work with their counterparts in Medford to improve the intersection of Broadway, Albion and Winchester Streets, where there are no street signs or markings, and review other intersections on the Medford-Somerville line before the GLX opens.
- Alderman Niedergang stated that there was a proposed 55-unit housing development opposite Trum Field, mostly located in Medford. There was a community meeting at which the developer committed to pay Somerville \$32,500 for traffic mitigation. There is going to be a lot of development along this corridor that straddles Somerville and Medford, which means that developers could potentially play city against city. We are going to have to have strong relations with our counterparts when developers propose something that straddles the city line.
- RESULT: APPROVED**
FOLLOWUP: Traffic and Parking Committee
15. Order 204551 (ID:17286) By Ald. Niedergang, Ballantyne That the Director of Capital Projects or the Director of Communications share with this Board the plan for keeping community members informed on a regular basis about the High School building project.
- Alderman Niedergang feels that more communication from the Director of Capital Projects regarding the High School project should be shared with the public on a regular basis.
- RESULT: APPROVED**
FOLLOWUP: Public Utilities and Public Works Committee
16. Order 204552 (ID:17287) By Ald. Niedergang That the Director of Capital Projects or the Director of SPCD update this Board about the transportation management and parking plans for both the construction and the post-construction phases of the new High School.
- Alderman Niedergang is concerned about parking after the High School is finished. The City needs to be prepared with a sound plan in place.
- RESULT: APPROVED**
FOLLOWUP: Public Utilities and Public Works Committee

UNFINISHED BUSINESS

- | | | |
|-----|----------------------------------|---|
| 17. | Citation
204454
(ID:17224) | By Ald. the Entire Board and the Mayor
Commending Mary Caruso, on the happy occasion of her 85th birthday. |
| | | Alderman Sullivan spoke to Mary Caruso's son and he would like to receive this citation on behalf of his mother.
RESULT: APPROVED
FOLLOWUP: Board of Aldermen |
- | | | |
|-----|------------------------------------|---|
| 18. | Resolution
204160
(ID:16874) | By Ald. Rossetti
That the Mayor provide to this Board, by October 26, 2017, the analysis he referenced in a communication on June 28, 2017 regarding the costs and uses of Dilboy Field by city nonprofit sports programs. |
| | | RESULT: WORK COMPLETED |
- | | | |
|-----|-------------------------------|---|
| 19. | Order
204377
(ID:17109) | By Ald. 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. |
| | | Alderman Niedergang reported that the Director of Planning, Superintendent of Inspectional Services, and City Solicitor could all appear at the Board's December 14 meeting.
RESULT: LAID ON THE TABLE
FOLLOWUP: Board of Aldermen |

REPORTS OF COMMITTEES

20. LEGISLATIVE MATTERS COMMITTEE

- | | | |
|----|---|---|
| A. | Committee
Report
204553
(ID:17288) | Report of the Committee on Legislative Matters, meeting on November 2, 2017. |
| | | Ald. Rossetti recused for discussions of #203789, #203868, and #204026

Alderman Rossetti reported on the items discussed at the meeting. The Committee took up the Smoking in Parks ordinance to extend the smoking prohibition to fifty feet. The fine was increased to \$100 to be consistent with the fine for having an open alcoholic beverage container. Smoking marijuana in public is covered under the state laws covering tobacco. The Committee also discussed a new demolition review ordinance, including the right of appeal and different time lines for residential vs. commercial development. The Committee also discussed strengthening the provisions for rodent eradication prior to construction. Alderman Rossetti then recused herself, and Alderman Niedergang reported on the proposed ordinance to limit the holdover period of city board members after their terms have |

ended, to require their re-appointment. Mayor's assistant Annie Connor and Planning Director George Proakis expressed different concerns about this proposal, and City Solicitor Frank Wright said it could be subject to legal challenge. The Committee discussed changing the City Charter to accommodate this provision, which would require a Home Rule Petition, and asked for information about other cities' and towns' policies.

RESULT: APPROVED

B. Order
204171
(ID:16891)

By Ald. Niedergang
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.

For the approved Ordinance, see #504581.

RESULT: WORK COMPLETED

C. Order
204492
(ID:17197)

By Ald. Niedergang
That the City Solicitor draft a revised version of Ordinance 6-3(b)(3), Smoking in Parks, to extend the smoking prohibition to 50 feet.

For the approved Ordinance, see #504581.

RESULT: WORK COMPLETED

COMMUNICATIONS OF THE MAYOR

21. Mayor's
Request
204554
(ID:17276)

Requesting an appropriation of \$2,400,000 in Parking Meter Receipts to reduce the FY18 Tax Levy.

Mr. Bean stated that parking meter receipts are always used to reduce the tax levy. The city currently averages \$180,000 to \$200,000 per month in receipts.

RESULT: APPROVED

22. Mayor's
Request
204555
(ID:17272)

Requesting the appropriation of \$1,000,000 from the Overlay Surplus approved by the Board of Assessors on October 6, 2017, to reduce the FY18 Tax Levy.

Mr. Bean thanked the Board of Assessors for voting an overlay surplus to be used to reduce FY18 tax levy.

RESULT: APPROVED

23. Mayor's
Request
204556
(ID:17277)

Requesting the appropriation of \$140,151 from the Receipts Reserved-Deposits Account to reduce the FY18 Tax Levy.

Mr. Bean stated that this is old money found on the ledger and will be used to reduce the FY18 tax levy.

RESULT: APPROVED

- | | | |
|---------------------------------------|---|--|
| 24. Mayor's Request 204557 (ID:17203) | Requesting approval to appropriate \$40,357.05 from the Union Square Revitalization Fund for legal services. | <p>Alderman Heuston requested to waive the readings of items 24 through 30 and refer them to the Finance Committee except for item 30, which will go to the Committee on Confirmation of Appointments. There being no opposition, the motion was approved.</p> <p>RESULT: REFERRED FOR RECOMMENDATION</p> <p>FOLLOWUP: Finance Committee</p> |
| 25. Mayor's Request 204558 (ID:17202) | Requesting approval to create the 290 Highland Ave Stabilization Fund, and accept a payment to the Fund of \$10,000 from 290 Highland Ave LLC for Ward 5 Improvements. | <p>RESULT: REFERRED FOR RECOMMENDATION</p> <p>FOLLOWUP: Finance Committee</p> |
| 26. Mayor's Request 204559 (ID:17267) | Requesting acceptance of a \$61,610 grant with no new match required, from Mass Development to the Arts Council to develop a co-working kitchen space for the Nibble program. | <p>RESULT: REFERRED FOR RECOMMENDATION</p> <p>FOLLOWUP: Finance Committee</p> |
| 27. Mayor's Request 204560 (ID:17200) | Requesting acceptance of a \$34,200 grant with no new match required, from the MA Cultural Council to the Arts Council for its grant program. | <p>RESULT: REFERRED FOR RECOMMENDATION</p> <p>FOLLOWUP: Finance Committee</p> |
| 28. Mayor's Request 204561 (ID:17266) | Requesting acceptance of a \$22,460 grant with no new match required, from the MA Emergency Management Agency to the Fire Department for emergency operations. | <p>RESULT: REFERRED FOR RECOMMENDATION</p> <p>FOLLOWUP: Finance Committee</p> |
| 29. Mayor's Request 204562 (ID:17201) | Requesting acceptance of a \$6,900 grant with no new match required, from the MA Cultural Council to the Arts Council for operational support. | <p>RESULT: REFERRED FOR RECOMMENDATION</p> <p>FOLLOWUP: Finance Committee</p> |
| 30. Mayor's Request 204563 (ID:17176) | Requesting the appointment of Eric Collins to the position of Fire Fighter. | <p>RESULT: REFERRED FOR RECOMMENDATION</p> <p>FOLLOWUP: Confirmation of Appointments and Personnel Matters Committee</p> |

COMMUNICATIONS OF CITY OFFICERS

31. Officer's Communication 204564 (ID:17268) Director of Water responding to #204375 re: cleaning the sewers on certain streets.

Alderman McWatters requested to waive the reading of item 31 and place it on file. There being no opposition, the motion was approved.
RESULT: PLACED ON FILE

NEW BUSINESS

32. License/Permit 204565 (ID:17295) Public Event Permit, Arts Council Illuminations Tour, Citywide, Dec 16, 3-10:30PM (raindate Dec 17).

Alderman Sullivan requested to waive the readings of items 32 through 36 and approve them, except for items 35 and 36 which will go to the Committee on Licenses and Permits for a Public Hearing. There being no opposition, the motion was approved.
RESULT: APPROVED

33. License/Permit 204566 (ID:17296) Transferring Flammables License, Shield Broadway, 620 Broadway.

RESULT: APPROVED

34. License/Permit 204567 (ID:17297) Sign/Awning Permit, Hair By Christine, 217 Highland Ave, 1 awning.

RESULT: APPROVED

35. License/Permit 204568 (ID:17298) New Garage License, K Professional Auto Detailing, 682 Mystic Ave, washing vehicles only, 3 vehicles inside, 4 outside.

RESULT: REFERRED FOR RECOMMENDATION
FOLLOWUP: Licenses and Permits Committee

36. License/Permit 204569 (ID:17299) New Garage License, Mercedes Benz of Boston Commercial Vans, 161 Linwood St, mechanical repairs, washing vehicles, storing vehicles, 10 vehicles inside, 30 outside.

RESULT: REFERRED FOR RECOMMENDATION
FOLLOWUP: Licenses and Permits Committee

37. Public Communication 204570 (ID:17300) 35atSummer LLC proposing a zoning amendment to re-zone their property at 3-5 Summer St to NB.

Also referred to the Planning Board. Ald. White recused.
RESULT: REFERRED FOR RECOMMENDATION
FOLLOWUP: Land Use Committee

SUPPLEMENTAL ITEMS

- | | | |
|---|-------------------------------|--|
| 38. | Order
204571
(ID:17303) | By Ald. White Jr.
That this Board amends Rule 24 of the Rules of the Board to add the Open Space, Environment and Energy Committee as a Standing Committee, consisting of five members. |
| Alderman White said that this Committee should gain Standing Committee status for the Board.
RESULT: APPROVED. [UNANIMOUS]
AYES: Connolly, Sullivan, White Jr., McLaughlin, Heuston, McWatters, Niedergang, Davis, Ballantyne
ABSENT: Rossetti, Lafuente | | |
- | | | |
|--|-------------------------------|---|
| 39. | Order
204572
(ID:17307) | By Ald. Ballantyne
That the Chief of Police, the Director of Traffic and Parking and the Director of SPCD monitor traffic speeds on North Street, High Street, Fairfax Street, Sterling Street, Gordon Street and Woods Avenue and suggest traffic dampening measures. |
| RESULT: APPROVED
FOLLOWUP: Traffic and Parking Committee | | |
- | | | |
|--------------------------------|-------------------------------|---|
| 40. | Order
204573
(ID:17308) | By Ald. Ballantyne
That the Director of SPCD prioritize Cameron Avenue for repaving. |
| RESULT: APPROVED | | |
- | | | |
|--------------------------------|-------------------------------|---|
| 41. | Order
204574
(ID:17309) | By Ald. Ballantyne
That the Commissioner of Public Works remove the wooden placard horse on Ware Street. |
| RESULT: APPROVED | | |
- | | | |
|---|--|--|
| 42. | Mayor's
Request
204575
(ID:17306) | Requesting an appropriation and authorization to borrow \$2,100,000 in a bond to design a Stormwater Pump Station and Force Main on Poplar Street. |
| Alderman Heuston requested to waive the readings of items 42, 43, 46 and 47 and refer them to the Finance Committee. There being no opposition, the motion was approved.
RESULT: REFERRED FOR RECOMMENDATION
FOLLOWUP: Finance Committee | | |
- | | | |
|---|--|---|
| 43. | Mayor's
Request
204576
(ID:17305) | Requesting an appropriation and authorization to borrow \$1,500,000 in a bond, for the Spring Hill Sewer Separation Project Design Phase. |
| RESULT: REFERRED FOR RECOMMENDATION
FOLLOWUP: Finance Committee | | |

- | | | |
|---|---|--|
| 44. Mayor's Request
204577
(ID:17302) | Requesting the appropriation of \$450,000 from the FY18 Tax Levy to the Green Line Extension Stabilization Fund, to fund debt service for the city's contribution to the GLX. | <p>RESULT: APPROVED. [UNANIMOUS]</p> <p>AYES: Connolly, Rossetti, Sullivan, White Jr., McLaughlin, Houston, McWatters, Niedergang, Davis, Ballantyne</p> <p>ABSENT: Lafuente</p> |
| 45. Mayor's Request
204578
(ID:17304) | Requesting the appropriation of \$450,000 from the FY18 Tax Levy to the Facility Construction and Renovation Stabilization Fund, to fund debt service for the new High School. | <p>RESULT: APPROVED [UNANIMOUS]</p> <p>AYES: Connolly, Rossetti, Sullivan, White Jr., McLaughlin, Houston, McWatters, Niedergang, Davis, Ballantyne</p> <p>ABSENT: Lafuente</p> |
| 46. Mayor's Request
204579
(ID:17301) | Requesting approval to pay prior year invoices using \$16,092 in available funds in the Law Department Legal Services Account for outside legal counsel services. | <p>RESULT: REFERRED FOR RECOMMENDATION</p> <p>FOLLOWUP: Finance Committee</p> |
| 47. Mayor's Request
204580
(ID:17275) | Requesting acceptance of a \$32,000 grant from the MA Department of Environmental Protection for the Public Works Department's Recycling Dividends Program. | <p>RESULT: REFERRED FOR RECOMMENDATION</p> <p>FOLLOWUP: Finance Committee</p> |
| 48. Officer's Communication
204581
(ID:17270) | Assistant City Solicitor submitting amendments to Ordinances 6-3, Smoking in Parks, and 9-3, Marijuana in Public Places and Parks, as recommended by the Committee on Legislative Matters at its 11/2/17 meeting. | <p>For discussion of this item, see #204171 and #204492.</p> <p>RESULT: ORDINANCE ORDAINED. [UNANIMOUS]</p> <p>AYES: Connolly, Rossetti, Sullivan, White Jr., McLaughlin, Houston, McWatters, Niedergang, Davis, Ballantyne</p> <p>ABSENT: Lafuente</p> |
| 49. Officer's Communication
204582
(ID:17311) | Director of Parks & Recreation and City Solicitor responding to #204160, #203889, and #203733 re: nonprofit soccer and football organizations' use of Dilboy Field. | <p>RESULT: PLACED ON FILE</p> <p>FOLLOWUP: Finance Committee</p> |

- | | |
|---|---|
| 50. Officer's Communication 204583 (ID:17289) | Director of Water and Sewer responding to #204370 re: residential notifications for excessive water use. |
| | <p>Alderman McWatters requested to waive the readings of items 50 and 51 refer them to the Committee on Public Utilities and Public Works. There being no opposition, the motion was approved.</p> <p>RESULT: PLACED ON FILE</p> <p>FOLLOWUP: Public Utilities and Public Works Committee</p> |
| 51. Officer's Communication 204584 (ID:17290) | Director of Water and Sewer responding to #204371 re: customer service for questioned water bills. |
| | <p>RESULT: PLACED ON FILE</p> <p>FOLLOWUP: Public Utilities and Public Works Committee</p> |

LATE ITEMS

- | | |
|----------------------------------|---|
| 52. Resolution 204585 (ID:17314) | <p>By Ald. Davis</p> <p>That the city's Storm Water Management Policy regarding inflow and infiltration be amended to remove the 2,000 GPD threshold and require a 4:1 (or other) ratio for the removal of infiltration and/or inflow for any new sanitary sewer connection and any increase in unit count or other property improvement, together with any other changes designed to shift the burden of increased storm water and sanitary flow off of the taxpayers.</p> |
| | <p>Alderman Davis sponsored Assistant City Solicitor David Shapiro to speak on the proposed Ordinance. Essentially, there are two options. Option one is that the permit granting authority can set the fee, and option two is that the Board of Aldermen can ordain the fee. Mayor's Administrative Assistant Tim Snyder said the Administration is putting together an Ordinance, and will be looking to adjust the 2,000 gallon per day threshold in the interim.</p> <p>RESULT: APPROVED</p> |
| 53. Order 204586 (ID:17315) | <p>By Ald. Davis</p> <p>That the Solicitor's Office submit to this Board at its first meeting in January, a proposed ordinance to formalize the city's Storm Water Management Policy so all new inflow or infiltration, whether resulting from new development or improvements to existing properties, require mitigation, including payments into the dedicated fund for such mitigation.</p> |
| | <p>RESULT: APPROVED</p> <p>FOLLOWUP: Legislative Matters Committee</p> |
| 54. Order 204587 (ID:17316) | <p>By Ald. Davis</p> <p>That the City Arborist and the Commissioner of Public Works inspect and prune the trees in Seven Hills Park to avoid potential damage from wind, snow or ice.</p> |
| | <p>RESULT: APPROVED</p> |

55. Resolution 204588 (ID:17317) By Ald. Davis
That the Administration prioritize restorative and preventative maintenance in Seven Hills Park, including the statues and pillars, the brick Community Path, and the soil and grass.

RESULT:	APPROVED
FOLLOWUP:	Open Space, Environment and Energy Committee

ADJOURNMENT

The meeting was Adjourned at 9:10 PM.