



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

November 25, 2019
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 City Councilor	Present	

Others present: John Long - City Clerk, Steve MacEachern - DPW, Hannah Pappenheim - Law, Brian Postlewaite - DPW, David Shapiro - Law, Jacqui Duffy from Eversource, representatives from Herb Chambers and several others relating to the agenda items.

Next Licenses and Permit meeting will be held on December 11, 2019 with wage theft and two more public hearings.

Approval of the November 6, 2019 Minutes

RESULT:	ACCEPTED
----------------	-----------------

Public Hearing re: Item #208790

208790: New Garage License, Dino's Auto Center, 308 McGrath, 10 cars inside, 3 outside for mechanical repairs only, Mon-Fri 8AM-6PM, Sat 8AM-2PM, Sun closed.

Michael Kotzen, Dino Mufalani and Wilson Mendoza appeared stating Dino bought the existing business formerly known as Souza Brothers. The applicant provided a site plan with 0 cars outside, but his application was for 3 cars outside. The applicant decided to go ahead as per the site plan of 0 cars outside. He will amend his application later if he decides to go with 3 cars outside.

RESULT:	APPROVED AS AMENDED
----------------	----------------------------

Public Hearing re: Item #208791

208791: New Extended Operating Hours License, Dakzen, 195 Elm St, opening Wed-Sun until 2 AM for delivery service only.

Applicant did not appear and Chairperson Rossetti would like to meet with all applicants. The public hearing was closed.

RESULT:

KEPT IN COMMITTEE

Public Hearing re: Item #208792

208792: New Extended Operating Hours License, Lemon Thai Cuisine, 215 Highland Ave, opening Sun-Sat until 2AM for in-store, take-out, and delivery services.

This applicant did not appear before the committee. Mr. Long received emails with very detailed comments about this establishment. See attached emails. Councilor Scott stated that the Falafel restaurant next door was previously approved for similar hours. Chairperson Rossetti kept this item in committee to meet with the applicant. The public hearing was closed.

RESULT:

KEPT IN COMMITTEE

Grants of Location & Small Wireless Facilities

208932: That the City Solicitor advise this Council's Committee on Licenses and Permits about regulating utility/communication dead drops, with background on the low voltage court cases initiated by the City of Boston.

Mr. Shapiro, Mr. MacEachern and Mr. Postlewaite discussed this matter. Mr. Shapiro stated case law that Chapter 166 Section 33 allows the city to enforce utility companies on the behalf of homeowners, if no response from utility companies after 7 days. Mr. MacEachern stated there is currently an ordinance stating that any new construction would have to be underground. He stated for the most part, this is followed whenever possible. Chairperson Rossetti suggested Mr. MacEachern work with the law office to make recommendation to amend the current ordinance.

RESULT:

KEPT IN COMMITTEE

208984: That the City Solicitor take all actions available to enforce any applicable law or regulation requiring utilities to remove wires that are no longer in use.

See item 208932.

RESULT:

KEPT IN COMMITTEE

208601: Submitted by Eversource to install 135 feet of conduit in Medford St from Manhole 12138 to a point of pickup at 340 Medford St.

Ms. Duffy from Eversource appeared before the committee. Mr. Long reached out to the abutter and received an email from 343 Medford Street stating the work has not been done. Please see attached email from Mike Jaffee. Ms. Duffy stated the work had been started but did not have time to complete it.

RESULT:

KEPT IN COMMITTEE

208800: Submitted by Eversource to install 76 feet of conduit in Farragut Ave from Pole 220/1 to a point of pickup at the rear of 1244-1248 Broadway.

Ms. Duffy from Eversource stated the lines do not belong to Eversource, but to Comcast. There were discussions about having DPW escalate requests as per the state statute Chapter 166, Section 33.

Councilor Scott motioned and it was accepted for Superintendent of the City's Lights and Lines communicate with Comcast and report back to the committee with results of this request for removal of all dead drops.

RESULT:	APPROVED
----------------	-----------------

208974: Submitted by Eversource to install 93 feet of conduit in Somerville Ave from Manhole 20650 to a new Extenet handhole near 411 Somerville Ave.

Ms. Duffy from Eversource and Ms. Ferrante from Extenet appeared before the committee. Extenet plans were more complete. Eversource plan for the sidewalk is not laid out. Ms. Duffy will come back tomorrow night for the City Councilor's meeting with an updated engineer plan.

RESULT:	KEPT IN COMMITTEE
----------------	--------------------------

208976: Submitted by Eversource to install 57 feet of conduit in Cedar St from Pole 238/1 to a point of pickup at 171 Cedar St.

Ms. Duffy discussed this matter and it was decided to keep this in committee until the bridge reopens in the spring.

RESULT:	KEPT IN COMMITTEE
----------------	--------------------------

208979: Submitted by Eversource to install 7 feet of conduit in Willow Ave from Pole 198/22 to a point of pickup at 201 Willow Ave.

Ms. Duffy from Eversource and Mr. MacEachern appeared to discuss this matter of relocating the transformer. Mr. MacEachern is still exploring different options for the transformer location. Councilor Davis had submitted a couple of emails from the Brown School parents on this matter.

RESULT:	KEPT IN COMMITTEE
----------------	--------------------------

208798: Submitted by ExteNet Systems to install a wireless small cell antenna and related equipment on a new pole replacing an existing pole at Trum Playground, 546 Broadway.

This item was kept in committee until a report is sent back to the committee.

RESULT:	KEPT IN COMMITTEE
----------------	--------------------------

208981: Submitted by ExteNet Systems to replace a City-owned streetlight at 411 Somerville Ave with a similar streetlight that includes a wireless small cell antenna and related equipment.

This item was discussed together with item 208974.

RESULT:	APPROVED
----------------	-----------------

209162: Assistant City Solicitor conveying 15 "Eligible Facilities Requests" from Crown Castle, which is requesting approval to modify 15 of its existing transmission installations.

Attorney Edward Pare, Mr. MacEachern, Mr. Postlewaite and Mr. Shapiro discussed the size of the cell site and the antenna which is slightly larger than the current one. It was stated this is all according to federal law. The new ones will be painted the same color as the current one.

RESULT:	APPROVED
----------------	-----------------

Show Cause Hearing

208957: That this Council’s Committee on Licenses and Permits schedule a Show Cause hearing to determine why any business licenses issued to the Herb Chamber companies by this body should not be suspended or revoked for violations of the City’s Wage Theft Ordinance.

Attorneys Colluccio, Davis and Horvitz along with Alan McLaren CEO for Herb Chambers appeared before the committee. Also at the table were John Long and Hannah Pappenheim. There were discussions about the wage theft document from the Attorney General’s office dating back to 2017. It was stated by Attorney Colluccio that this was a matter of \$5.00 a week for uniform cleaning. There were over 300 employees with 21 from Somerville that were on the list and were resolved in 2018. It was stated by the attorneys that this was cooperative resolution and full payment was made to the employees. Councilor Scott stated that the most recent download from the AG’s office does not look like the payments have been made to the employees. Attorney Davis confirmed by the AG’s office that money had been paid with records sent to the AG’s office. One of the attorney’s read an email from the AG’s office, Anita Maietta dated November 21, 2019 at 10:11 a.m. stating that Herb Chambers paid all restitution checks and no further payments are needed. One of the attorney’s sent Mr. Long a copy of the email which is attached to this agenda item. There were some checks returned because the AG’s office could not find the individuals.

Councilor Mbah asked Herb Chambers involvement in the community. Attorney Colluccio will send a document detailing the multimillion dollar donations Herb Chambers has made to Somerville, Boston and surrounding areas.

RESULT:	WORK COMPLETED
----------------	-----------------------

207227: Renewing Used Car Dealers License Class 1, Mercedes Benz of Boston, 259 McGrath Hwy.

RESULT:	WORK COMPLETED
----------------	-----------------------

207228: Renewing Used Car Dealers License Class 1, Smart Center Boston, 257 McGrath Hwy.

RESULT:	WORK COMPLETED
----------------	-----------------------

207229: Renewing Used Car Dealer Class 1, Herb Chambers Mercedes Benz of Boston Commercial Vans, 161 Linwood St.

RESULT:	WORK COMPLETED
----------------	-----------------------

208129: Renewing Flammables License, Mercedes Benz of Boston, 259 McGrath Hwy.

RESULT:	WORK COMPLETED
----------------	-----------------------

208211: Renewing Garage License, Mercedes Benz of Boston, 19 Joy St.

RESULT:	WORK COMPLETED
----------------	-----------------------

208212: Renewing Garage License, Mercedes Benz of Boston, 161 Linwood St.

RESULT:	WORK COMPLETED
----------------	-----------------------

208213: Renewing Garage License, Mercedes Benz of Boston Commercial Vans, 161 Linwood St.

RESULT:	WORK COMPLETED
----------------	-----------------------

208214: Renewing Garage License, Herb Chambers I-93, 71 Linwood St.

RESULT:	WORK COMPLETED
----------------	-----------------------

208215: Renewing Garage License, Herb Chambers I-93, 259 McGrath Hwy.

RESULT:	WORK COMPLETED
----------------	-----------------------

208216: Renewing Outdoor Parking License, Mercedes Benz of Boston, 161 Linwood St.

RESULT:	WORK COMPLETED
----------------	-----------------------

209115: Renewing Used Car Dealers License Class 1, Mercedes Benz of Boston, 259 McGrath Hwy.

RESULT:	APPROVED
----------------	-----------------

209116: Renewing Used Car Dealers License Class 1, Smart Center Boston, 257 McGrath Hwy.

RESULT:	APPROVED
----------------	-----------------

209117: Renewing Used Car Dealer Class 1, Herb Chambers Mercedes Benz of Boston Commercial Vans, 161 Linwood St.

RESULT:	APPROVED
----------------	-----------------

Handouts:

- Comments (with 208792)

- Comments (with 208979)
- Email (with 208957)
- Somerville Wage Theft Citations since 2015 (with 208957)
- Response to Records Request (with 208957)
- Herb Chambers Responsive Records (with 208957)