



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

October 5, 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	Present	
William A. White Jr.	Alderman At Large	Present	

Others present: Alderman Robert McWatters, Eileen McGettigan - Law, Dr. Vanessa Boukili - OSPCD, Arn Franzen - OSPCD, Luisa Oliveira - OSPCD, Tom Galligani - OSPCD, Dan Bartman - OSPCD, Michael Bertino - Treasurer, Jason Grossfield - Law, David Shapiro - Law, Frank Wright - Law, Alan Bingham - HPC, Abby Freeman - HPC, George Proakis - OSPCD, Sarah White - OSPCD, Tori Antonino - Resident, Tim Snyder - Mayor's Office, Annie Connor - Legislative Liaison, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 7:01 PM by Chairman Rossetti and adjourned at 9:50 PM.

Approval of the August 31, 2017 Minutes

RESULT:	ACCEPTED
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201753: That the Mayor re-establish the Tree Advisory Committee, to be staffed by the full-time Arborist, expand its membership to 9 or 11 members, and broaden the scope of the Committee's duties.

Mr. Shapiro reviewed the draft document re-establishing the Tree Advisory Committee and said that city staff made some additions to the language. Alderman White asked that the language dealing with proposals/policies in **Sec. 12-100 b) Duties**, be modified.

RESULT:	WORK COMPLETED
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203059: That the City Solicitor submit updated language to expand the Tree Advisory Committee ordinance.

RESULT:**WORK COMPLETED**

203365: That the City Solicitor draft an ordinance requiring native tree and plantings for all open space, to meet the goals of sustainability and biodiversity.

Resident Tori Antonino was sponsored by Alderman Ballantyne to address the committee and she gave a brief presentation and spoke about pollinators and the type of trees they need to get us through this climate crisis. She noted that the city has a diversity of trees but said that planting only native trees will open doors for the environment and get the ecosystem back in check. She reminded the committee that an all native garden using CPA funding was recently approved. Mr. Snyder said that Ms. Antonino's goals overlap with the city's, but that the city wants to understand what may happen if it shifts to all native trees.

Mr. Franzen, Ms. Oliveira and Dr. Boukili spoke on the item, informing the committee that the city does not plant invasive species and that qualifiers are needed when talking about planting native species. They support native plantings in appropriate places and acknowledged that they provide a habitat for birds. They urged members to consider urban planting policy modifications and said that we need to deal with conditions that are affecting trees, such as air pollution and salt from snow removal. We are in a position where we must adapt to climate change and trees need to respond to drought and heat conditions to be adaptive

Dr Boukili said that urban landscaping is not the same as planting in a natural environment. Sidewalk trees get high amounts of salt from roadways and their roots don't get enough water. It's not appropriate to plant trees having weak wood and acorns pose a hazard to individuals traversing the sidewalks. She is considering planting small native trees and said that of a list of 29 native species, only 6 are suitable for sidewalk planting. She also pointed out that having a monoculture may lead to pest problems and suggested abiding by the '10/20' rule, i.e., no more than 10% is one species and no more than 20% is the same genus.

Mr. Snyder said that some data has been compiled and will be put into a document for the committee. Alderman Connolly asked that the 2009 tree inventory be updated and provided to committee. Alderman White asked Mr. Snyder to find any ordinances on this topic in other communities and comment on them. Alderman Ballantyne asked that this item be kept in committee until additional information is received from the administration, and then move it, or part of it into OSEE. Chairman Rossetti that requested written details be delivered to the committee within 30 days.

RESULT:**KEPT IN COMMITTEE**

202023: That the Director of SPCD report to this Board on the Administration's plans for the Somerville Municipal Job Creation and Retention Trust Fund and jobs linkage fee for new commercial development.

RESULT:**KEPT IN COMMITTEE**

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

RESULT:**KEPT IN COMMITTEE****204329: Conveying the Nexus Study Report on Housing and Jobs Linkage.**

Alderman Ballantyne reported that the working group has met since receiving the report and that a draft recommendation letter from the Administration is due tomorrow (10/6/17). Mr. Galligani said the fee will be \$2.46. Chairman Rossetti noted that the report showed a combined housing/jobs fee and Mr. Galligani said that the working group only focused on the job linkage fee and setting up its trust fund. He noted that not everything in the report was agreeable to the working group, so some adjustments were made. Mr. Snyder expects to have the jobs linkage proposal submitted this month.

RESULT:**WORK COMPLETED****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.**

Ms. McGettigan informed the committee that changes were made to the document making it clear that the body serves in an advisory capacity only. Resident Dave Gibbs was sponsored to address the committee by Chairman Rossetti. He asked if the neighborhood council's corporate purpose could deviate from its stated duties, i.e., do the council's by-laws need to be consistent with the BOA's Community Benefits Committee ordinance. Ms. McGettigan said that it is really important that the neighborhood council self organizes and again stressed that the city can't get involved in how they set things up.

Alderman White said that neighborhood groups would be negotiating with developers absent the constraints that might otherwise be included in an ordinance. He's not sure, however, how a group would negotiate with developers who say that they already made their contributions through the covenant with the city. He doesn't see what authority the neighborhood group actually has and he thinks this needs to be addressed by BOA and the Administration. Mr. Snyder stated that the covenant requires US2 to negotiate with neighborhood groups.

Alderman Niedergang commented that the Administration "sucked all the money out of US2 in the covenant". He said that the city has money for community benefits, but if an ordinance isn't passed, how does that money get used? Alderman Niedergang said that unless there's an alternative to this, the item should move forward, adding that he still has several amendments that have yet to be discussed. Alderman Connolly commented that the Davis Square Task Force wasn't as formal as what's being discussed here, but it developed political leverage to get things accomplished.

Chairman Rossetti will schedule a Committee of the Whole meeting for November 2nd to continue discussion of this item. A public hearing will also be scheduled for a later date.

RESULT:	KEPT IN COMMITTEE
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203192: Union United submitting comments re: the Union Square Development Covenant.

RESULT:	KEPT IN COMMITTEE
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203555: The Chamber of Commerce, Union Square Main Streets, and Somerville Local First submitting comments re: the Union Sq proposed zoning, the US2 Covenant, and the Community Benefits Ordinance.

RESULT:	KEPT IN COMMITTEE
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203556: The Maurice and Jane Sugar Law Center for Economic and Social Justice submitting comments re: #203098, the Community Benefits Ordinance.

RESULT:	KEPT IN COMMITTEE
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203230: That the City Solicitor advise this Board whether the city may restrict financial institutions from participating in city borrowing based on their business activities, and whether the city may engage in a negotiated underwriting process with a pre-selected lending institution under certain circumstances.

Mr. Grossfield said that the answer to both questions is ‘yes’, so long as the criteria used is lawful and any proposed local action is not preempted by federal or state law.

Mr. Bertino spoke about his discussions with the city's financial advisor and pointed out that any impact is realized only when the bonds are sold. If an ordinance eliminates an entire group of lenders, then it removes the benefit of competition in securing the lowest interest rates.

Alderman White spoke about the legality of doing this if the lending institutions activities are legal in the United States. Alderman Niedergang said that the City of Seattle passed a similar resolution and he would like city staff to research it. Mr. Grossfield was aware of the resolution and believes that it may not have been implemented. Mr. Grossfield will research this matter further and report back to the committee.

RESULT:	KEPT IN COMMITTEE
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204025: Asst. City Solicitor responding to #203230 re: restricting or pre-selecting financial institutions for city borrowing.

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

Mr. Snyder distributed a memo from PERAC which should assist in explaining this request. He will discuss this matter at the next meeting of the committee.

RESULT:

KEPT IN COMMITTEE

203881: That the Administration draft a Dark Sky ordinance addressing applicability, color temperature standards, prescriptive or performance standards, DPW oversight, and exemptions.

Alderman Ballantyne informed the committee that the AMA released a document regarding the impact of LED lighting. The idea of the ordinance is to protect and reclaim the night sky, to think about wildlife and birds, to provide enough light for safety, create zone lighting and reduce light pollution.

Mr. Bartman told the committee that a Dark Sky ordinance can be accomplished via the city code, in which case it would apply to everyone. If it is implemented through a zoning ordinance, then it would apply only to those doing work. He spoke about creating lighting zones, measurable by lumens, and assigning lighting districts to coincide with zoning districts. Site plans would get reviewed by the Planning Department for compliance with the requirements of a Dark Sky Ordinance, and would also be reviewed a second time, unless it is BY RIGHT, in which case it only gets reviewed once. Decisions need to be made about lighting levels. Blue light affects the circadian rhythm, or sleep/wake cycle, and has an impact on sleep pattern. A departmental standard would have to be developed for the DPW when replacing lighting. Approaching this matter through zoning won't get to all of the public fixtures. Mr. Bartman recommended writing an ordinance stating what the goals are and then writing a departmental policy.

Alderman Ballantyne stated that she is not convinced that everything is being covered and asked if a 2 prong draft could be developed, i.e., using both city code and zoning code. Alderman Connolly asked how this would be phased in and said that there would be an associated cost. He suggested getting that information prior to setting the goal. Chairman Rossetti directed that the Law Department consult with the DPW and Planning Department regarding the potential cost of replacing street lamps in the public realm.

RESULT:

KEPT IN COMMITTEE

202400: Green and Open Somerville submitting comments re: a dark sky ordinance.

RESULT:

KEPT IN COMMITTEE

202495: Tori Antonino submitting comments re: a dark sky ordinance.

RESULT:

KEPT IN COMMITTEE

203839: That the City Solicitor draft an amendment to Ordinance 11-38(d)(2) to strengthen the language regarding rodent eradication prior to developments being constructed.

RESULT:

KEPT IN COMMITTEE

204238: That the City Solicitor draft an amendment to the ordinance regarding

construction, so that rodent eradication is required on all construction, not just demolition.

RESULT:	KEPT IN COMMITTEE
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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.

Mr. Proakis gave a brief overview of the proposed ordinance. Mr. Bingham and Ms. Freeman, from the Historic Preservation Commission, expressed their concerns with portions of the proposed ordinance, specifically: exempting city buildings from demolition review; and having different delay periods for non-residential buildings to that of residential buildings. The committee will continue discussion of this matter at its next meeting.

RESULT:	KEPT IN COMMITTEE
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204278: Requesting the replacement of Ordinance 7-28 with a new Demolition Review Ordinance. with relevant updates to Ordinance 1-11 for violations.

RESULT:	KEPT IN COMMITTEE
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203789: Proposing an amendment to Ordinance 2-24 regarding the terms of city officers.

RESULT:	KEPT IN COMMITTEE
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203868: That the City Solicitor provide an opinion to this Board no later than August 1, 2017 on the legality of #203789, a proposed amendment to Ordinance 2-24 regarding the terms of city officers.

RESULT:	KEPT IN COMMITTEE
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204026: City Solicitor responding to #203868 re: an ordinance to limit the "holdover" period of officers and boards specified in Ordinance 2-24(c).

RESULT:	KEPT IN COMMITTEE
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Handouts:

- Draft CBC Ordinance – redlined (with 203098)
- Draft CBC Ordinance – highlighted (with 203098)
- Email - L Morales (with 201857)
- Email - R Scott (with 201753, 203365, 203881)
- Tree Advisory Committee (with 201753, 203059)
- Native Species info (with 203365)

- PERAC Memo (with 203464)