



# CITY OF SOMERVILLE, MASSACHUSETTS

## CLERK OF COMMITTEES

April 4, 2019

### REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Mark Niedergang	Chair	Present	
Lance L. Davis	Vice Chair	Present	
Matthew McLaughlin	Ward One City Councilor	Present	
Jesse Clingan	Ward Four City Councilor	Present	
Katjana Ballantyne	Ward Seven City Councilor	Present	
William A. White Jr.	City Councilor At Large	Present	
Ben Ewen-Campen	Ward Three City Councilor	Absent	
Jefferson Thomas ("J.T.") Scott	Ward Two City Councilor	Present	
Mary Jo Rossetti	City Councilor at Large	Present	
Wilfred N. Mbah	City Councilor at Large	Present	
Stephanie Hirsch	City Councilor At Large	Present	

The meeting was held in the Council Chamber and was called to order by Chairman Niedergang at 6:05pm and adjourned at 9:07pm.

Others present: Annie Connor - Legislative Liaison; George Proakis - OSPCD; Jason Grossfield - Law; Dr. Vanessa Boukili - OSPCD; Luisa Oliveira - OSPCD; Andre Green - Ward 4 School Committee Member; Kimberly Wells - Assistant Clerk of Committees

Councilor Ewen-Campen was attending a Planning Board meeting and Councilor McLaughlin was attending the inaugural meeting of the Jobs Creation and Retention Trust but arrived one hour into this meeting and participated in the remainder of the committee meeting.

### Approval of the March 21, 2019 Minutes

**RESULT:**

**ACCEPTED**

### Public Hearing on Item 207393

Chairman Niedergang clarified that if approved, this would only apply to city elections. The public hearing will remain open until April 12 and written testimony can be submitted to [citycouncil@somervillema.gov](mailto:citycouncil@somervillema.gov).

Sarah Davila spoke on behalf of Somerville Public Schools to express support for granting municipal voting rights to 16 and 17 year-old. We have been led by the voice of our young people, and we must integrate their voices. Joseph Nash shared his story of how as a 16 year-old

he thought he was politically aware and informed. As he got older, he realized he hadn't known anything. Voting affects all of society, and he doesn't believe that 16 year-olds are informed enough to do that. The ordinance to restrict smoking to those 21 and older indicates that young people are not qualified to make these decisions. If the ordinance does pass, it should be delayed by one election cycle.

Adam Gould spoke in support, as young people's voices deserve to be heard. There are plenty of adults who aren't educated on the issues that they are voting on, and young people are closer to civics education. Enforcing the habit of voting young will also help instill long-term voter turnout. Andre Green shared that the School Committee voted 8-0 to endorse giving 16 and 17 year-olds the right to vote. This will allow them to practice their civic engagement and leadership skills. Expanding enfranchisement has always come with concerns, and they have always been unfounded. This will lead to more inclusive policies, as students have proven that they are ready, willing and able to help. Eli Prescott also voiced support, adding that voting rights should be expanded to anyone who has to pay taxes. Peyton Corbett shared some comments that he qualified were neither for nor against, but noted that while it is important to get young people active, this will not pass at the state level. There are more pressing issues that should be addressed lest we get ignored by our state legislators.

Rae Axner, the Youth Employment Program manager at Groundwork Somerville, shared that young people's voices should be heard through the voting process. She shared the thoughts of one of the young people she works with, stating that youth experience the effects of policies and should be able to vote on them. They have the potential to bring about change and call attention to issues and should be granted that ability. Jenifer Fuentes, a Somerville High School student, has been waiting to vote, despite knowing what she cares about and having to work and pay taxes. Alexa English, another SHS student, added that people tend to focus on the teens who don't make the best decisions, but many students are aware of issues and should be able to have a say in things going on in the community and would make positive decisions.

**207393: Requesting approval of a Home Rule Petition to provide legal voting rights in municipal elections for residents aged 16 and 17 years old.**

**RESULT:**

**KEPT IN COMMITTEE**

**206811: Conveying the Report of the Clean and Open Elections Task Force.**

Chairman Niedergang noted that he was interested in hearing the priorities of the Council and the Administration on which items to address next. Ms. Connor noted that all of the recommendations are worth considering, but the administration believes that the recommendations on public financing, allowing the use of campaign funds for childcare and elder-services, aligning municipal elections with state elections, and ranked-choice voting are the items that should be discussed next, and all would require a Home Rule petition. Councilor White noted that many of these are regulated by other bodies and would represent major changes to the way things are done in the Commonwealth, which is not a reason not to pursue these ideas, but requires some strategic thinking around how to present them. Ms. Connor noted that we do need to be aware of the time and resources, but there is also value in making a statement. President Ballantyne asked for clarification on whether the state ruling about using campaign funds for childcare would apply to the city. Councilor White clarified that the bill was sent to a third reading and does not appear to be moving and should perhaps be re-filed. The Chair stated that somebody should look

into this and the Council should consider expressing support for a re-filed bill to the City's delegation in the Legislature.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**207178: That this Board take steps to reduce the terms of the Planning and Zoning Board members from 5 to 3 years.**

Mr. Proakis shared his reasons for maintaining the 5-year terms. He said that boards like Planning and Zoning were created to take the power out of the political machines and to focus on longer-term decision-making. Staggered terms are part of what makes this work. Keeping the terms up-to-date is also important, and the Administration has prioritized this. The creation of the Appointments Advisory Committee has also aided in the process of selecting highly-qualified candidates. A 3-year term could allow major changes to occur very quickly, while a longer term allows for a sustained process for decision-making. Mr. Grossfield clarified that a Home Rule petition would be required to change the terms for the Zoning Board, while for the Planning Board it could be done locally by amending the ordinance.

Councilor McLaughlin added that the process is political regardless of the terms, and there are many individuals who opt not to serve because they are unsure whether they will be able to stay for 5 years or longer. Councilor Niedergang agreed that the Mayor has a lot of power in this City's government, and balancing that with the power of oversight is healthy to constrain the executive. This change would enhance the power of the Council, and more frequent discussions around confirmation are positive. Councilor Rossetti shared the story of her husband choosing not to seek reappointment because another 5-year commitment was too lengthy. President Ballantyne added that the high level of development in the city is notable and the Planning Board members should be accountable to the values of the city through more frequent reappointment. Councilor White agreed and added that the shorter term serves as a good check on the values of the board members.

Mr. Proakis noted that the terms of both the Planning and Zoning Boards sit in the zoning ordinance. Councilor Davis suggested that it could be rolled into the overhaul of the zoning ordinance and addressed through the Land Use Committee. Mr. Grossfield added that there is also a section of the city code that would need to be addressed. The process would involve getting the special act first and then updating the ordinance accordingly.

Councilor McLaughlin moved to update the zoning overhaul draft to reflect the 3-year term for the Planning Board.

The motion was approved on a voice vote.

Councilor McLaughlin moved to amend the general code to reflect the 3-year term for the Planning Board members.

The motion was approved on a voice vote.

Councilor McLaughlin moved to request that the City Solicitor draft a Home Rule petition to change the Zoning Board of Appeals terms to 3 years.

The motion was approved on a voice vote.

<b>RESULT:</b>	<b>WORK COMPLETED</b>
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**207498: Proposing a strengthened, comprehensive Tree Preservation Ordinance to protect**

**trees on City and private property.**

Councilor Scott presented a slide deck describing exactly what the proposed revised ordinance entails. It clarifies the roles and responsibilities of key City employees (the Tree Warden and City Arborist), expands the role of the Urban Forestry Committee (UFC), strengthens protections of both city and public shade trees, establishes protections for significant trees on private land, and sets time limits and a process for private tree removals.

The most significant changes are around private tree removal, but the process is not nearly as onerous as in the proposed zoning amendment, previously discussed as part of the Public Hearing on that amendment before the Land Use Committee on March 12th. President Ballantyne commented that there are some instances where the width of the sidewalk does not allow for new trees. Councilor Clingan agreed and added that this might mislead people about the ease of having a tree removed or moved.

Several Councilors expressed concern about the feasibility of replacing significant or very significant trees. Councilor Scott clarified that the discretion of the UFC to grant waivers is significant. Councilor White noted that perhaps the Council should have approval over the payment in lieu schedule, rather than just the UFC. He also inquired about the process in other communities, to which Councilor Scott replied that Newton and Washington DC have the most relevant examples in their ordinances.

Councilor McLaughlin asked what the maximum possible fine would be and also wondered where the fine fees would go. Councilor Scott replied that the fines would be put into the tree replacement fund; and an approximation of the largest tree would lead to a fine of about \$14,000.

Chairman Niedergang emphasized that he wants to be sure the ordinance affects what developers can do and ensures that developers cannot clear-cut trees when they purchase or begin redevelopment of a property. Ms. Connor commented that the data from other communities to determine whether this proposed ordinance works is an important part of the analysis needed. Councilor White asked for consideration of whether nuisance trees should be excluded from this ordinance.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**207646: Renee Scott submitting comments re: #207498, the Tree Protection Ordinance.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**207697: 16 residents submitting comments re: #207498, the Tree Protection Ordinance.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**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.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**205683: Tori Antonino submitting comments re: #203365, calling for a native planting ordinance.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206495: That the City Solicitor consider the attached language in the drafting of a Native**

**Tree and Plantings Ordinance, as ordered by #203365.**

**RESULT:**

**KEPT IN COMMITTEE**

**Handouts:**

- Native Species White Paper 2019\_FINAL (with 203365, 205683, 206495)
- Tree Ordinance Change Matrix (with 207498)
- Comments - S. Bignet (with 203365, 205683, 206495)
- Tree Protection Ordinance Presentation (with 207498)