



**CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES**

February 12, 2020
REPORT OF THE LICENSES AND PERMITS COMMITTEE

Attendee Name	Title	Status	Arrived
William A. White Jr.	Chair	Present	
Wilfred N. Mbah	Vice Chair	Absent	
Jefferson Thomas ("J.T.") Scott	Ward Two City Councilor	Present	

Others present: Khushbu Webber-Mayor's Office, David Shapiro-City Solicitor's Office, John Long-City Clerk, Steve MacEachern-DPW, Mark Lawhorne-DPW and applicants as listed on the sign in sheet.

The meeting was held in the Committee Room and was called to order at 6:00 p.m. by Chairperson White and adjourned at 7:25 p.m.

Approval of the December 11, 2019 Minutes

RESULT:	ACCEPTED
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License Applications

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

The applicant appeared before the committee requesting extended hours for delivery service. No members from the public were in attendance. This business does not have a liquor license. The applicant stated they have received 42 awards and 50 positive Yelp reviews. The restaurant's regular closing time is 9-10 p.m. depending on the days of the week. The delivery would be done by a third party service. There is an off street parking spot for the delivery services to use when picking up items.

RESULT:	APPROVED
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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.

The applicant was in attendance. Mr. Long stated he had received an email from a neighbor who had no objection to extended hours providing they control patrons after 12 midnight and there

are no traffic issues. Other businesses on that same strip have similar hours and have not received any complaints. It was stated by the committee they would contact the applicant should there be any complaints.

RESULT:	APPROVED
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209527: Renewing Outdoor Seating License, Ball Square Cafe and Breakfast, 708 Broadway.

Mr. Long stated he did not invite the applicant because this license has approved for many years in the past and there were no problems. The Committee had held up the approval of this license because there had a complaint brought to the City's Licensing Commission because a patron had raised a complaint. The matter was agreeably resolved by the patron and owner before the Licensing Commission.

RESULT:	APPROVED
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209602: Amending Dog Kennel License, Elliots House Pet Care and More, 230 Somerville Ave, adding overnight boarding for 10 dogs.

The applicant appeared before the committee to be the first overnight boarding kennel in Somerville. This business is currently operating day care service only. The applicant stated that due to the construction, their business is suffering tremendously. They are only receiving 20 dogs a day, even though full capacity is 60 dogs. Councilor Scott asked that the Committee hold a public hearing to allow neighbors to express any concerns. The Committee agreed to hold a public hearing on March 11 and the City Clerk will send notices to abutters at least 7 days in advance. This item was held in committee to be reheard on March 11, 2020 meeting.

RESULT:	KEPT IN COMMITTEE
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Lemon Law Audit

208446: MA Office of Consumer Affairs reporting on a recent audit of used car dealers' compliance with the Lemon Law posting requirements.

This item was held in committee to review other used car dealers that were listed on the State's Lemon Law posting requirement letter. Chair White stated to all of the dealers that the Committee took this matter seriously because it was obligated to insure that all consumers received the protection required and that the Committee could hold a "show cause" hearing about revoking permits for repeat offenders.

RESULT:	KEPT IN COMMITTEE
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209120: Renewing Used Car Dealers License Class 2, Master Used Cars, 121 Prospect St.

The applicant appeared before the committee stating that all cars now have the Lemon Law stickers on the windshields. Councilor Scott will check on this dealership periodically to insure that stickers appear on all cars.

RESULT:

WORK COMPLETED

209128: Renewing Used Car Dealers License Class 2, Somerville Motors, 182 Washington St.

Mr. Long notified the applicant and did not appear before committee meeting.

Chair White motioned and it was accepted for the City Clerk to notify that applicant and alert that applicant that if the applicant does not appear at the next meeting, the Committee will then issue a “show cause” notice to the applicant.

RESULT:

KEPT IN COMMITTEE

209256: Renewing Used Car Dealers License Class 2, John's Auto Sales, 181 Somerville Ave.

The applicant appeared before the committee stating he had made a few mistakes, but all cars are 100% in compliance. The applicant discussed his participation with the drafting of the Lemon Law and his work with a dealer association to alert all dealers to the Lemon Law requirements.

RESULT:

WORK COMPLETED

209600: Renewing Used Car Dealers License Class 2, Webster Auto Sales, 61 Prospect St.

The applicants appeared before the committee stating they are re-establishing their business with a better structure. They each will stay in one location to make sure stickers go on vehicles as required. He stated he did not have time to train people fast enough to put stickers on vehicles. Chair White stated that was not a legitimate excuse and that the applicant was responsible. Chair White suggested they contact John’s Auto to help understand the laws, who had previously offered to meet with any of the dealerships.

RESULT:

WORK COMPLETED

209623: That the City Solicitor advise the Committee on Licenses and Permits on its ability to deal with car dealers that have failed a state Lemon Law audit.

Mr. Shapiro stated the city council would bring in the offenders to review the problem and verify remedied problem and revoke licenses where appropriate. The City’s process is in line with the state of Massachusetts’s policy.

RESULT:

WORK COMPLETED

Utility Company Issues

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. MacEachern, Mr. Shapiro and Mr. Lawhorne discussed dead drops, which is a low voltage cable service line connected from the utility pole to a house or building that is no longer in service. Mr. Shapiro stated that the City of Boston case's decision allows the city to enforce removal if the company fails to remove dead drops.

RESULT:	WORK COMPLETED
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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.

David Shapiro stated that he had reached out to an individual in the City of Boston to discuss their procedure.

RESULT:	KEPT IN COMMITTEE
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209297: That the Commissioner of Public Works communicate with Comcast and report back to the Committee on Licenses and Permits with results of the request for removal of all dead drops.

Mr. MacEachern stated that he had reached out to Eversource, Verizon, RCN and Comcast but only Eversource contacted him. Mr. MacEachern also stated that there is no way to verify that the line is dead or knowing whose line belongs to which company. It was also stated there companies make money when installing the lines, not removing them. Mr. Lawhorne brought in a hot stick that is used to check wires, but it cannot determine whether a line is a dead drop or not because of its low voltage.

Chair White asked Mr. Shapiro to get copies of the cable companies license agreements and send to the committee members for further review before the March 11th meeting in order to evaluate potential enforcement options.

RESULT:	KEPT IN COMMITTEE
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209463: Submitted by 86 Franklin Street LLC to install 36 feet of conduit in Franklin Street from utility pole 134/20 to a point of pickup at 84 Franklin Street.

RESULT:	PLACED ON FILE
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Wage Theft Ordinance

206864: That the Administration report to this Board, any instances of businesses found guilty of wage theft by the Attorney General's Office, and what action was taken in accordance with our wage theft ordinance.

Ms. Webber stated this is an old order as a place holder for Wage Theft ordinance.

RESULT:	WORK COMPLETED
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209542: That this Council's Committee on Licenses and Permits consider several amendments to the newly passed Wage Theft Ordinance, including wage bond advisory

provisions.

Councilor Scott moved and it was approved to accept the two amendments set forth in 209542. There also was discussion about whether to change the date as to the deadline to appoint members and Councilor Scott stated that he would review it and work with John Long if an amendment was appropriate.

RESULT:

APPROVED

Handout:

- Ordinance 2019-24 (with 209542)