

Traffic Commission Minutes
December 9, 2021

Meeting was held virtually on Thursday December 9, 2021 at 5:30pm
<https://global.gotomeeting.com/join/503529653> (Please click this link to attend the virtual meeting)

Attendance: Thomas Graney, Lt. Polito, Lena Webb, Jill Lathan, Mark Niedergang

Staff: Laura Accaputo, Suzanne Rinfret, Nancy Bacci, David Shapiro, Brad Rawson, Adam Polinski, Justin Schreiber, Adrienne Pomeroy

Other: Steve Mackey, Jake Wilson

Meeting Ground Rules:

1. Listen to the other side
2. Focus on issues, not personalities
3. Avoid questioning motives
4. Be polite

The Chair called the meeting to order at 5:30pm

The Chair reordered the menu and the commission took up Item #3 first

Item #3 – Request for Handicapped Parking
323 Somerville Av

- Nancy Bacci introduced the new ADA Coordinator for the City of Somerville Adrienne Pomeroy and stated she would be handling these requests going forward.
- Nancy Bacci explained this space is currently designated as a temporary HP space during the Farmers Market and the request is to make it permanent to mitigate the challenge of finding an HP space in Union Square and she fully supports the request.

A motion to Approve was made by Thomas Graney, 2nd by Lt. Polito. The Chair asked the secretary to call a roll call vote. Thomas Graney answered yes; Lt. Polito answered yes; Mark Niedergang answered yes; Lena Webb answered yes. Motion passed: 4-0.

Item #1 – Open Meeting Law Complaint

- a) Discussion of Open Meeting Law Complaint filed by Jack Connolly against the Traffic Commission on 11/23/21 in connection with claimed inadequate meeting notice for the 11/18/21 Traffic Commission meeting.
- b) In the alternative, Executive Session, pursuant to Purpose (1) of the Open Meeting Law purposes for which an Executive Session may be held, to discuss Open Meeting Law Complaint filed by Jack Connolly against the Traffic Commission on 11/23/21 in

connection with claimed inadequate meeting notice for the 11/18/21 Traffic Commission meeting.

- Jill Lathan asked the commission for a motion whether to proceed with option a or b of Item #1
- David Shapiro stated he reviewed both options and does not see a need for Executive Session however, if something triggers the need he will request it.
- Mark Niedergang stated he would prefer to discuss in open session and be open and transparent

A motion was made by Thomas Graney to proceed with option (a) of Item #1, 2nd by Mark Niedergang. The Chair asked the secretary to call a roll call vote. Thomas Graney answered yes; Lt. Polito answered yes; Mark Niedergang answered yes; Lena Webb answered yes. Motion passed: 4-0

- David Shapiro stated he needs the Traffic Commission to authorize him to respond on their behalf to the Attorney General with regards to the Open Meeting Law complaint. He stated it is his position the meeting was sufficiently noticed and he will respond as such to the complaint.
- Mark Niedergang stated he was happy to hear this but believes it doesn't look good that the Nov 2018 agenda didn't have specific details of the items being addressed with the roll call vote and that although it may legally qualify as being sufficient he thinks the agenda should give more detailed information. He supports Mr. Shapiro's response but hopes in the future the commission and staff will error on the side of too much information rather than too little.
- Lena Webb asked if the definition of Open Meeting Law relative to the complaint being brought forward is about sufficient notice or when the agenda is posted verses the content of the agenda and David Shapiro answered its all of that. It is a broad statute and covers what needs to be in the notice, how far in advance of the meeting it must be posted, and the contents of the notice. In regards to this specific complaint it is alleging the meeting notice was insufficient but it is his opinion that the notice notified the public of the topic to be discussed and was therefore sufficient. She also asked if it is staff's policy the agenda be posted one week prior to the meeting and the secretary replied the meeting is almost always posted one week in advance even though the requirement is only 48hrs in advance.

A motion was made by Lena Webb to allow David Shapiro to respond to this complaint, 2nd by Lt. Polito. The Chair asked the secretary to call a roll call vote. Thomas Graney answered yes; Lt. Polito answered yes; Mark Niedergang answered yes; Lena Webb answered yes. Motion passed: 4-0

Item #2 – Acceptance of the Minutes from the November 18, 2021 Traffic Commission Meeting

A motion to Approve was made by Mark Niedergang, 2nd by Thomas Graney. Mark Niedergang also thanked the secretary for doing such a good job with the minutes and capturing the essence of what is discussed at the meetings and Lena Webb agreed. The Chair asked the secretary to call a roll call vote. Thomas Graney answered yes; Lt. Polito answered yes; Mark Niedergang answered yes; Lena Webb answered yes. Motion passed: 4-0

Item #4 – Request for approximately 60 feet of curb space on the Berkeley St side of 57 Central St, currently regulated as a Loading Zone 7AM-4PM, to be regulated as Permit Parking only.

- The Chair stated Councilor Ewen-Campen has asked for this item to be delayed indefinitely.
- Mark Niedergang stated he spoke with the property owners they are in the process of selling and the building is almost empty but the sale has not gone through yet and there is still a woodworking shop there and they need the loading zone.
- Lena Webb agreed the space should remain and believes it is important to make space for loading zones to support cultural arts and local businesses.

A motion was made by Lt. Polito to delay/table the item indefinitely, 2nd by Lena Webb. The Chair asked the secretary to call a roll call vote. Thomas Graney answered yes; Lt. Polito answered yes; Mark Niedergang answered yes; Lena Webb answered yes. Motion passed: 4-0

Item #5 – Request to add an official “Public Hearing” to each Traffic Commission agenda

- Councilor Niedergang stated this is his last meeting and given all the criticism this board has received he has been thinking about ways to be more open and transparent and to give the public more opportunity to weigh in on the decisions being made. He noted when he first joined the city council the commission was making decisions that were minor in nature but as of a few years ago the decisions have become much more significant, such as not issuing parking permits to people living in new developments within a half mile of transit or the removal of parking at Powder House Circle, College Ave, and Highland Ave. These decisions are among some of the most important in the city and affect the lives of hundreds of residents. Given this he thinks the commission needs to change its ways and at any time a member of the public should know they can come to one of these meetings and speak on an issue they care about. He acknowledged that every chair has always given the public an opportunity to do so but if you look at the agenda folks may not necessarily know that. He believes it’s important to communicate that the public does have an opportunity to speak on the agendas. One suggestion was to note on each agenda the following “A public hearing will be held on any item which a member of the public wants to comment on” and then leave it to the discretion of the chair on how to manage this during the meeting. He asked that if this doesn’t get resolved tonight that the commission continue to discuss it next year and eventually make it part of the operation of the commission.
- Lt. Polito agrees with this and thinks it’s a good way to go.

- Lena Webb asked the difference between a “Public Hearing” and a “Public Meeting” and Mark Niedergang stated it is his understanding the public hearing is part of the public meeting and allows the public to speak with the decision makers. A public meeting may or may not allow members of the public to speak. He acknowledged that prior to most of the major decisions this commission has made there have been several public meetings and the public has had opportunities to participate, share their views and speak out but he thinks it is not sufficient because this body is the decision making body and it’s important that they have the ability to hear directly from the public.
- Lena Webb stated she believes the Mobility Department has done a great job presenting the information to the commission that they present during the public meetings and especially with the larger projects allowing any commission member that wasn’t at the meeting to visualize what is being proposed and she thanks them for that.
- The Chair stated should the commission move forward with this she would like clarification regarding standards and protocols and also asked if the administration has an opinion on this or if it would require charter review. Mark Niedergang stated as the chair she would be most responsible for implementing this but he would be happy to table it to give her time to discuss with the administration to get suggestions. His experience with running and being present at many public hearings is it’s at the discretion of the chair to develop protocols regarding time limits, how many times a person can speak, etc.
- Lena Webb asked if the commission ever meets outside of the regular monthly meetings to discuss these types of things. She believes this will require in depth discussion and outside knowledge from other groups and may be better suited for an off cycle conversation. Mark Niedergang replied he believes any discussion by the commission about matters like this should be held in public, although any member may consult with staff for guidance, it’s a good idea to bring in someone with experience to advise the commission at an upcoming meeting. Given the reasonable and thoughtful concerns he’s hearing he does not feel comfortable moving forward with this tonight, he will withdraw the item for now but asks it be given consideration in the upcoming months.

A motion was made by Mark Niedergang to table the item, 2nd by Lena Webb. The Chair asked the secretary to call a roll call vote. Thomas Graney answered yes; Lt. Polito answered yes: Mark Niedergang answered yes: Lena Webb answered yes. Motion passed: 4-0

The Chair thanked Councilor Niedergang for his service and stated it was an honor and pleasure to work with him and that she values him as a human being, his honesty and ability to tackle tough subjects and to consistently and honorably hold them accountable for their decisions while always advocating for the residents of Somerville is heroic and she is grateful for it. He will truly be missed. He thanked her and stated he was glad for the opportunity and it was very meaningful to him.

A motion was made by Mark Niedergang to adjourn the meeting at 6:11pm, 2nd by Lt. Polito. Motion passed 4-0

