



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

April 17, 2018
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 Alderman	Present	

Others present: John Long - City Clerk, Tom Galligani - OSPCD, Eileen McGettigan - Law, Jason Grossfield - Law, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 6:03 PM by Chairman Rossetti and adjourned at 7:17 PM.

Approval of the March 8, 2018 Minutes

RESULT:	ACCEPTED
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Public Hearing - 205323

205323: New Flammables License, Metropolitan Pipe and Supply, 30 Innerbelt Rd, storing 1,215 gallons.

Attorney Ann Vigorito was present representing the applicant along with David Constantine - General manager of Metropolitan Pipe and Supply and Asset Manager Juan Prieto. The applicant is a new tenant in the building, which it also owns. The Fire Department has inspected the facility and Ms. Vigorito told the committee that the ward alderman supports the application. The applicant previously had their business in Cambridge but closed that facility on March 30th of this year. Mr. Long state that all necessary sign-offs have been received and that abutters were notified of this public hearing. There were no other members of the public present to speak on this matter.

RESULT:	APPROVED
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Public Hearing - 205324

205324: New Flammables License, Internap Corp, 50 Innerbelt Rd, storing 9,600 gallons.

Applicants Paul Manning, the facility manager, and Joseph Lambert explained that their company is an internet provider that services equipment for its customers' and that the fuel is to generate power for 3 days, if needed, so that business operations may continue uninterrupted. The business opened in 2009 and was inspected by the city's Fire Prevention Bureau yearly. When Mr. Manning and Mr. Lambert were brought into the company, they discovered that a city permit was needed to store the fuel and immediately submitted the proper application. There were no other members of the public present to speak on this matter.

The committee inquired how this situation could have gone on for 9 years without being discovered and Mr. Long told the committee that the Fire Prevention Bureau acts independently of the City Clerk's Office and he surmised that it fell through the cracks during the period when city departments didn't share data. At some point, the information may be included in Citizenserve. The regulations are less stringent for the types of inspections performed by the Fire Prevention Bureau as they involve smaller amounts of flammables, however, state law requires that the licensing authority, (in this case, the BOA), issue the license. Chairman Rossetti questioned if there was a way to determine if any other licenses may have been overlooked.

Chairman Rossetti's motion *that the Chief Fire Engineer inform the Committee on Licenses and Permits of the process by which the Fire Prevention Bureau reviews applications and issues licenses for the storage of flammables.*

RESULT:

APPROVED

205007: That the City Clerk confer with the City Solicitor on a policy to review prior infractions for any business applying to renew a license.

Mr. Grossfield provided a chart of the various business licenses granted by the city, showing the number of each, the applicable state law and/or city ordinance, the renewal dates and notes about when code infraction histories may be considered during an applicant's license renewal process. Although conditions are not clearly stated, it appears that it might be possible for the Licenses and Permits committee to review past infractions when the license relates to public safety and health. Mr. Grossfield suggested that the committee exercise caution when reviewing used car dealer licenses.

Chairman Rossetti commented that most aldermen know what businesses in their wards are problematic and she wants to make sure that committee does its due diligence and doesn't overlook complaints that may have been filed. Tickets are recorded by the city but have not been part of the license renewal process. Her thought is that when an application is sent to the committee, it be accompanied by a printout of any infractions for that business over the prior 12-month period. Mr. Long will consult with the Inspectional Services Department and will examine Citizenserve to determine if this could be accomplished. Alderman Scott suggested that perhaps an additional sign-off could be added to the applications for 311 to note any complaints.

The basic question is whether the Licenses and Permits Committee may review past histories, and according to the Law Department, the answer is both yes and no, depending on the criteria or relativity of the particular license. Information would be reviewed by the City Clerk and forwarded to the committee along with the application. Chairman Rossetti asked Mr. Long to consider this matter and advise the committee when he is prepared to discuss it again.

RESULT:

KEPT IN COMMITTEE

205211: That the condition submitted by SPCD for used car dealer licenses issued in the Union Square Urban Revitalization Plan area be reviewed by SPCD, the City Solicitor and the City Clerk to confirm it will not infringe upon licensees' ability to conduct business.

This matter came to light several months ago during a license renewal and the Law Department was asked to provide some clarity. Ms. McGettigan provided a memo that essentially states that the language in question just restates the city's policy. Alderman Scott agreed that the language of Section 8-1 of the city's Code of Ordinances is clear, making the language in question is unnecessary. Mr. Long pointed out that flammable licenses are the only ones that are transferrable, since they run with the land, but any new owner (of a business with a transferrable license) would still have to appear before the Licenses and Permits Committee.

Ms. McGettigan advised the committee to either include the language in question on all licenses or leave it off all licenses, commenting that she gravitates to including it. Mr. Galligani explained that the language was a recognition and reminder to property owners in the Union Square area. When that the city realized that not all tenants were getting the information, OSPCD thought adding it to license would make them aware.

Alderman Scott suggested that a separate note be included about the redevelopment area situation and thinks that if the language is added to all licenses, the city would receive many calls from concerned business owners about it. Chairman Rossetti suggested adding a printout of Section 8-1 of the city's Code of Ordinances to the application, as a separate sheet. Mr. Long cautioned the committee, saying that several ordinance apply to many licenses, so if the city attaches one ordinance, it should attach all ordinances.

Ms. McGettigan told the committee that the more important part of the language is in paragraph two of her memo. She agrees with sending a letter to the businesses located in/on the acquisition parcels and Mr. Galligani said that it would be crafted by OSPCD. Mr. Long pointed out that his office doesn't have the capability to include the letter with the appropriate applications and Ms. McGettigan said it's difficult to know who the tenants are. The committee asked to be notified when the letter is done and when it is ready for mailing

RESULT:

WORK COMPLETED

Handouts:

- License Chart March 2018 (with 205007)
- Memo - Legal Attributes of Licenses (with 205211)