



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

December 11, 2019
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 City Councilor	Present	

Others present: Annie Connor-Intergovernmental Affairs Director, John Long-City Clerk, Khushbus Webber-Mayor's Office, Hannah Pappenheim-City Solicitor's Office, Angela Allen-Purchasing Department, Councilor Jesse Clingan, and Councilor Ben Ewen-Campen, Nicholas Antanavica - ISD. There were also members from the Working Group at the table.

The meeting was held in the Committee Room and was called to order at 6:00 p.m. by Chairperson Rossetti and adjourned at 12:45 a.m.

Approval of the November 25, 2019 Minutes

RESULT: ACCEPTED

Public Hearing on the petition of DW Propco JK, LLC, for a Flammables License for the storage of 2,500 gallons of flammables (#209260)

209260: New Flammables License, DW Propco JK LLC, 0 Dawes Street, storing 2,500 gallons.

Both Public Hearings were discussed together. The applicant, Mr. Mark Milone from DivcoWest Real Estate Investment appeared before the committee. He stated this is a new parking garage and he has the receipt of occupancy. There will be 118 vehicles. This property is located on the Somerville and Cambridge line. There is a total of 336 of vehicles and 1,320 diesel storage above ground tank.

The public hearing was closed.

RESULT: APPROVED

Public Hearing on the petition for a Garage License for the storage of 118 vehicles inside, 24 hours per day, 7 days per week (#209261)

209261: New Garage License, DW Propco JK LLC, 0 Dawes Street, 118 vehicles inside, none outside, for storing vehicles only.

This public hearing was discussed with item 2 and was closed.

RESULT:	APPROVED
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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.

Councilor Scott motioned and it was accepted to use Document A as the working document for this meeting. Councilor Scott updated the committee on the working group's work with edits from the group and the administration who met on 11/19 for an extensive session. They reconvened on 11/25/19 to review concerns relating to purchasing. Another meeting was scheduled for 12/4 but was cancelled by the Administration with open questions still not resolved. Councilor Scott convened another meeting with members of the working group. It was stated there are two different version with comments from Ms. Pappenheim's notes from the working group that was sent out 12/9. The working group provided edits dated 12/11/19.

RESULT:	KEPT IN COMMITTEE
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208476: That this Council's Committee on Licenses and Permits consider the attached amendment to Ordinance 9-31 regarding Wage Theft.

The committee made several motions to edit Document A and will present revised Ordinance to the City Councils on Thursday, December 12th.

Councilor Mbah motioned and it was accepted in support of Ms. Allen's recommendation to remove "food, apparel and other" from the first "WHEREAS, on page 1.

Councilor Scott motioned and it was accepted to accept the amended language on the 4th "WHEREAS" line on page 1.

Councilor Scott motioned and it was accepted to change the 5th WHEREAS line to read "WHEREAS, the underreported and potentially high cost of Wage Theft to the City , its business community, and its residents impedes the City's economic development and growth, and

Chairperson Rossetti motioned and it was accepted to capitalize the work City in the 6th "WHEREAS" line.

Chairperson Rossetti motioned and it was accepted to replace the Purchasing Department with the City on the 8th "WHEREAS" line.

Councilor Scott motioned and it was accepted to replace Inspectional Services Department with City of Somerville on the last "WHEREAS" line one page one.

Councilor Scott motioned and it was accepted to add 13. TIF Agreement and 14. TIF Plan from Document B to the Definitions on page 2 and renumber 13, 14 and 15 to be 15, 16 and 17.

Councilor Scott motioned and withdrew the ordering and text for items 1-15 on page 2.

Councilor Scott motioned and it was accepted to accept Section II Wage Theft Advisory Committee A 1 and 2 language as amended.

Councilor Scott motioned and it was accepted to remove Somerville City from B1. Duties on page 4.

Councilor Scott motioned and it was accepted to remove Complaints, any complaints, replace Wage Theft Advisory Committee with WTAC and remove at City sponsored events and in collaboration with other City departments in B2 Duties on page 4.

Councilor Scott motioned and it was accepted to replace language for Section II - Wage Theft Complaint Process A. Filing and Receipt of Complaints with new language.

Any City Department upon notification of a wage theft complaint, shall forward said complaint immediately to the WTAC. The WTAC shall notify the City of Somerville Purchasing Agent, the Somerville Licensing Commission, The Somerville City Council and the Attorney General's office of the complaint. If the complaint pertains to work performed at any property subject to a TIF Agreement, the WTAC shall also send a copy to the EACC.

Councilor Scott motioned and it was accepted to replace the city with WTAC on Section III B. Required Communication with Attorney General's office.

Councilor Scott motioned and it was accepted to remove Section III C.

Chairperson Rossetti motioned and it was accepted to accept the amended Section IV A1-A4.

Councilor Scott motioned and it was accepted to removed Section IV A5 and make A6 the new A5 and accept as amended.

Councilor Scott motioned and it was accepted to replace the word applicant with the word bidder on the first sentence on B. Certification and Disclosures, replace Purchasing Department with City, add bidder to the first line of B1 in two places.

Councilor Scott motioned and it was accepted to replace applicant in B2 on the first line with bidder.

Councilor Scott motioned and it was accepted amending the language in Section C1. Reporting and Notice Requirements during the Contract Term to read "If not already stipulated in the contract terms or otherwise required by law, upon" and adding "City official requesting such payroll reports" towards the end of the C1.

Councilor Mbah motioned and it was accepted to delete C2.

Councilor Mbah motioned and it was accepted to make C3 the new C2.

Councilor Mbah motioned and it was accepted to make C4 the new C3.

Chairperson Rossetti motioned and it was accepted to delete License and Permit and replace with contract Section D. Wage Bonds.

Councilor Mbah motioned to change \$5,000 bond to \$250,000 bond. The motioned was amended to \$25,000 and was accepted.

Chairperson Rossetti motioned and it was accepted to payable to in D2 to held by and to also change License and Permit to contracts.

Councilor Scott motioned and it was accepted to make H. Suspension or Revocation on page 8 to E.

Councilor Scott motioned and it was accepted to accept E. Suspension language as submitted.

Councilor Scott motioned and it was accepted to add Prospective Licenses after Section V - Requirements for Licenses.

Councilor Scott motioned and it was accepted to accept Section V A. Requirements for License Applicants.

Councilor Scott motioned and it was accepted to accept all changes submitted for Section V B. Requirements for License Holders.

Councilor Scott motioned and it was accepted to delete Section V C. and D as submitted and replace E and F as the new C and D.

Councilor Scott motioned and it was accepted to make G. Wage Bonds for License Holders the new E.

Councilor Scott motioned and withdrew his motion to delete the work Permit on the first line of E1.

Chairperson Rossetti motioned and it was accepted to amend the \$5,000 bond to \$25,000 in E. Wage Bonds for License Holders.

Chairperson Rossetti motioned and it was accepted to delete at the end of the paragraph of E1 “and/or Subsection D.”

Councilor Scott motioned and it was accepted to replace “payable to” with “held by” on E2. And motioned to accept E2.

Councilor Scott motioned and it was accepted to delete “following set of mandatory conditions and replace with language to effect the following:

Councilor Scott motioned and it was accepted to replace the word “this” before Agreement with “the” in two places.

Councilor Scott motioned and it was accepted to accept Inspectional Services Department as recommended by the working group on Section VI A3.

Councilor Scott motioned and it was accepted to delete the current Section VI A7 and replace with A8.

Councilor Scott motioned and it was accepted to accept the amended language as submitted for Section VI A7.

Councilor Scott motioned and it was accepted to replace applicant with property owner and add language of certified payrolls in the first line of A8.

Councilor Scott motioned and it was accepted to delete A12 and A13.

Councilor Scott motioned and it was accepted to replace the word “this” before Agreement in two places with the word “the.”

Councilor Scott motioned and it was accepted to delete Section C on page 12 and keep original language C with the replacement of “this” before Agreement with the word “the.”

Councilor Scott motioned and it was accepted to delete the last sentence of C and replace with new language “It will be established that the residents of this municipality shall be considered third party beneficiaries of the agreement for the purposes of enforcing the above provisions in a civil proceeding brought by not less than ten (10) taxable inhabitants.

Councilor Scott motioned and it was accepted to replace language of Section VII - Municipal Construction Contracts A with language submitted by the Purchasing Director’s document noted as Document C Section VII.

Councilor Scott motioned and it was accepted to delete Section VII A1.

Councilor Scott motioned and it was not accepted to amend language of Section VII A2.

Councilor Scott motioned and it was accepted as submitted Section VII A3.

Councilor Scott motioned and it was accepted to reject the word city on Section VII A4.

Councilor Scott motioned and it was accepted to delete Section VII A6 and renumber.

Councilor Scott motioned and it was accepted to accept A7 as amended.

Councilor Scott motioned and it was accepted add the word “Each” at the beginning of the new A8.

Councilor Scott motioned and it was accepted to delete A9.

Councilor Scott motioned and it was accepted add the word “Each” at the beginning of the new A9 and replace “Inspectional Services Department” with “City.”

Councilor Scott motioned and it was accepted to delete A10.

Councilor Scott motioned and it was accepted to delete B in Section VII.

Councilor Scott motioned and it was accepted to amend C in Section VII and to make it the new B.

Councilor Scott motioned and it was accepted to accept Section VII D as amended by working group.

Councilor Scott motioned and it was accepted to accept Section VII E as amended by working group.

Councilor Scott motioned and it was accepted to accept Section VIII A-B as amended by the working group.

Councilor Scott motioned and it was accepted to delete Section IX Employee Worker Safety.

Councilor Scott motioned and it was accepted to delete Section X Wage Bonds 1 and 2.

Councilor Scott motioned and it was accepted to accept as amended Section X - Successors in Interest.

Councilor Mbah motioned and it was accepted recommending this ordinance as amended.

RESULT:

APPROVED AS AMENDED

Handout:

- Pages from Wage Theft Working Group Further Edits 12.6.19.sec.7 (with 208476)