



# CITY OF SOMERVILLE, MASSACHUSETTS

## CLERK OF COMMITTEES

September 20, 2011

### REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Thomas F. Taylor	Chair	Absent	
William A. White Jr.	Vice Chair	Present	
Bruce M. Desmond	Alderman At Large	Present	
John M Connolly	Alderman At Large	Present	
Rebekah Gewirtz	Ward Six Alderman	Present	
William M. Roche	Ward One Alderman	Present	
Maryann M. Heuston	Ward Two Alderman	Present	
Walter F. Pero	Ward Four Alderman	Absent	
Robert C. Trane	Ward Seven Alderman	Absent	
Dennis M. Sullivan	Alderman At Large	Present	
Sean T. O'Donovan	Ward Five Alderman	Absent	
Robert May	OSPCD	Present	
Jason Grossfield	Law Department	Present	
Corey Mashburn	Teen Empowerment	Present	
Stephen Mackey	Chamber of Commerce	Present	
Ton Bent	Chamber of Commerce	Present	
Dave Shapiro	Law Department	Present	
Mark Stern	Director, Sugar Law Center	Present	

#### **191563 - That the City adopt the attached Local Hiring Ordinance.:**

Mr. Shapiro discussed similar ordinances and the legal issues that may be associated with this proposal. The Commerce Clause of the United States Constitution does not present a problem but the privileges and immunities clause of the Constitution does. If an Ordinance can be read to impact workers from out of state, then court decisions place a heavy burden on a community to justify the ordinance. Vice Chairman White asked that Mr. Shapiro provide the members with a decision from the seventh circuit appeals court that provided an in depth analysis of the requirements that local communities must follow to meet the privileges and immunities clause of the constitution. Mr. Stern spoke about the diversity of the community and expressed his opinion that fostering local hiring is fostering diversity. Members then raised the issue of whether the ordinance would not be subject to challenge if it didn't apply to out of state workers and Mr. Shapiro opined it would. Vice Chairman White then said one decision the committee would be required to make would be whether the ordinance should exclude applicability to out of state workers. That issue would be debated at the next meeting. Vice Chairman White also stated that he would be prepared to go over the draft ordinance line by line at the next meeting. Questions

were raised about the proposal's impact on the city's Responsible Employer Ordinance and collective bargaining agreements that unions might have with contractors, which Attorney Shapiro will address at the next committee meeting.

**RESULT: KEPT IN COMMITTEE**

**191788 - Requesting approval of a Home Rule Petition authorizing the increase of the number of liquor licenses that the Licensing Commission may issue.:**

The committee discussed this matter and expressed concern over its impact on the value of current licenses in the city. Mr. May provided his opinion that the privately owned licenses would increase in value as a result of this proposal. Alderman Connolly requested that the Chairman of the Licensing Commission weigh in on the proposal and that the committee be provided with a copy of the Commission's rules and regulations. Vice Chairman White stated that he would contact Commission Chairman Upton to arrange for a convenient time for him to appear before the committee.

**RESULT: KEPT IN COMMITTEE**

**191924 - That this Board ordain the attached Nuisance Control Ordinance to protect the health, safety and welfare of the city's inhabitants.:**

Mr. Shapiro discussed the changes made to the proposed ordinance since the last meeting and reported that Somerville's proposal is consistent with those from other communities. According to the ABCC, fraternity parties do not require a one day license. The committee discussed whether the ordinance could also apply to commercial businesses and was advised that it could. The Committee recommended changes to the ordinance so that it didn't only apply to social gatherings and that the police department contact the landlord of property at which there is a noise disturbance at the time of the offense, if possible.

**RESULT: KEPT IN COMMITTEE**