



## CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

October 22, 2018  
REPORT OF THE FINANCE COMMITTEE

Attendee Name	Title	Status	Arrived
William A. White Jr.	Chair	Present	
Mary Jo Rossetti	Vice Chair	Present	
Ben Ewen-Campen	Ward Three Alderman	Present	
Matthew McLaughlin	Ward One Alderman	Present	
Katjana Ballantyne	Ward Seven Alderman	Present	
Jefferson Thomas ("J.T.") Scott	Ward Two Alderman	Present	
Jesse Clingan	Ward Four Alderman	Present	
Mark Niedergang	Ward Five Alderman	Present	
Lance L. Davis	Ward Six Alderman	Present	
Stephanie Hirsch	Alderman At Large	Present	
Wilfred N. Mbah	Alderman at Large	Present	

Others present: Michael Glavin - OSPCD, Ed Nuzzo - Capital Projects, Frank Wright - Law, Rob King - Capital Projects, Annie Connor - Legislative Liaison, Rositha Durham - Clerk of Committees.

Alderman Scott recused himself from the public hearing portion of the meeting.

The meeting took place in the Aldermen's Chamber and was called to order at 7:00 PM by Chairman White and adjourned at 9:50 PM.

### Approval of the October 9, 2018 Minutes

<b>RESULT:</b>	<b>ACCEPTED</b>
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### Public Hearing: #204755 - Transfer of city-owned parcel to SRA

There were 44 residents who spoke at tonight's public hearing. Ald. White announced that each speaker will have 2 minutes to speak at the podium. Speakers requested that the city not transfer the public property until a strong Community Benefits Agreement is negotiated to include affordable housing, good jobs, union jobs and open and green space. Some of the speakers were from Local 88, Local 25, Local 60, Local 3, Local 17, Mystic View Task Force, Neighborhood Council, Greater Boston Labor Council, members of Somerville Stands Together Coalition and many residents. Some of the speakers were longtime

residents hoping to be able to stay in Somerville. One speaker stated that Allen Street will be blocked by the proposed parking garage. Others stated the city needs more commercial space for better tax base and that delaying the vote would give more leverage. Some speakers talked about feeling forced out of Somerville and rents are going up every year. Some speakers also mentioned that the Board should hold off on approving the transfer request pending discussion of a design change to the building layout that neighborhood residents had submitted providing for green space in the center and underground parking. The public hearing ended at 8:35 p.m. The chair let those in the chambers know that they are free to contact the BOA at any time and he will schedule an update on negotiations on the CBA for a future finance meeting.

City Solicitor Frank Wright appeared before the Committee to address the issue of the options that were available to US2 in the event that the land transfer request was denied by the Board. Mr. Wright referred to an email that had been sent by Ms. McGettigan that stated: “Under the MLDA, transfer of the City-owned parcel to the SRA is a pre-condition to closing. US2 has no obligation to close on the D-2 Block until such time as the City parcel is transferred. However, if US2 has met all of its pre-closing conditions, it may opt to compel the SRA to convey those portions of the D2 Block that the SRA owns. This would mean that US2 could require the SRA to convey only that portion of D2 that is necessary to build the proposed residential building. Given the location of the City-owned parcel, US2 could not build their proposed commercial building until the City-owned parcel is transferred to the SRA for conveyance to US2. Alternatively, US2 could opt to terminate the MLDA in its entirety; the practical effect of this would be no development at all on the D2 Block, or payment to the City, within the timeframe needed to pay the eminent domain judgments.”

In response to a question from the Chair, Mr. Wright stated that 8 votes of the members of the Board of Aldermen would be necessary to approve the transfer request.

After the public hearing, the Board took the following action:

**204755: Requesting the transfer of a City-owned parcel (82-D-1) in the North Prospect Block to the Redevelopment Authority.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206154: Union Square Neighborhood Council Board submitting comments re: US2's proposed development of the D2 parcel in Union Square.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206455: Special Counsel submitting D2 Block Acquisition and Legal Costs.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206245: Special Counsel submitting Notice of a Settlement in the matter of Prospect Iron v. the Somerville Redevelopment Authority.**

Chairman White stated that the items would be revisited.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206003: Requesting approval of an Order of Taking for 90 Washington Street.**

Items 6-10 were discussed together. Mr. King appeared before the Board. His last day with the City of Somerville will be November 9th. No votes were taken on this item.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206005: Requesting an appropriation and authorization to borrow \$1,860,000 in a bond for new Public Safety Building design, architectural, engineering, and owner's and contractual project management services.**

Chair White questioned Mr. King about the total cost of the project. Chair White stated that the items before the Board did not include the anticipated cost of actual construction of the building. Mr. King stated that there had been an estimate of \$30M done earlier, that did not include the cost of housing the fire unit from Union Square. Chair White asked Mr. King to return at the next committee meeting with a revised cost estimate that includes an estimate for the building with the fire unit. Questions were also raised about the services that were included in the \$1,860,000 amount. This amount included initial designs and schematics but did not include the amount for the total plans. The Owners Project Management services included in the amount was obtained through a Request for Qualifications process. After Board approval, Mr. King stated that it would probably take a month to bring the project management company on board.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206004: Requesting an appropriation and authorization to borrow \$8,745,000 in a bond to purchase land by eminent domain.**

Chairman White questioned Mr. King about the anticipated value of selling the current public safety building to US2 as part of the urban renewal plan, since those proceeds could be used to offset part of the costs of the new public safety building. Chair White asked what the Land Disposition Agreement stated and was informed that US2 would pay the appraised value at the time of sale. Chair White asked if the City had an appraised value from the city's assessor. Mr. King said that information would be provided at the next Committee meeting. Alderman Niedergang has concerns about the long-term best use of the parcel and whether part of it could be used for commercial purposes if there was less surface parking. Mr. King was asked if he could look at what are the additional costs to put in underground parking.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206286: Director of Capital Projects and Planning submitting the Public Safety Feasibility Study/Programming and Site Evaluation Report (related to #s 206003, #206004, and**

#206005).

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206735: Attorney Robert McLaughlin, Sr., submitting a court decision relevant to #206003, an Order of Taking for 90 Washington St.**

Mr. Mullens appeared before the BOA to talk about past experiences in building affordable housing, especially with respect to Cobble Hill. He briefly discussed the partnership dispute involving the site. He had lost the lawsuit that had been filed involving the partners who owned 90 Washington St. and filed an appeal. He provided a copy of the brief that his attorneys had filed in the appeal. He stated he did not want the city to use public funding to take the site. Instead, he would like the opportunity to develop the site as set forth in a plan gave the members. In response to a question from Alderman White, he agreed that before he could even move on his proposed development plan, he would first have to win his appeal.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206099: City Solicitor submitting an Ordinance to replace Ordinance 5-32 regarding Fire Department salaries.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206153: KP Law requesting this Board's consent to represent Powderhouse Studios, including its development of the new innovation school.**

Mr. Wright read a letter that was received by the Mayor, which was the same as the one sent to the Board, requesting that KP Law be allowed to represent Powderhouse Studios. Chair White questioned why this item came from the law firm and not the City Solicitor's office. Mr. Wright explained that this was a communication from the law firm itself so the Board received it as a communication from the City Clerk's office. Chair White asked if the City Solicitor's office had reached a decision on whether the request was appropriate and was informed that discussions were ongoing with KP Law. This was put on the agenda as a communication and would be kept in committee pending the City Solicitor's recommendation.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206322: Requesting a supplemental appropriation of \$47,940 to the DPW School Custodians Salaries Account to fund a Jr. Custodian position.**

This item was the result of an oversight by the DPW in the fiscal 2019 budget that Ald. Rossetti had brought up during the 2019 budget hearing. During that hearing, Commissioner Koty of the DPW stated that a supplemental request would be submitted later in the year, which is the one that was before the Committee.

<b>RESULT:</b>	<b>APPROVED</b>
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**206807: Requesting acceptance of a \$18,723.97 grant with no new match required, from the**

**MA Office of Public Safety and Security to the Police Department for the Law Enforcement and Youth Partnership Jr. Academy summer program.**

Alderman McLaughlin recused himself from this item. No match required for this grant.

<b>RESULT:</b>	<b>APPROVED</b>
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**206164: That, pursuant to Ordinance 2-121, this Board authorizes and requires the employment of other counsel to issue legal opinion and assist in resolving the questions of the Confirmation of Appointments and Personnel Matters Committee around sequencing of appointments and confirmation, and on release of requested information from the Administration for consideration by the Committee.**

Ald. Scott and Davis both inquired about this Ordinance with City Solicitor Wright on the ability of the Board to hire outside counsel. It was Mr. Wright's opinion that the BOA cannot hire outside counsel on its own. Mr. Wright stated that under the City Charter, only the Mayor has the authorization to enter into a contract to do so. Ald. Davis asked about the process to becoming an ordinance and that it was not necessarily in conflict with the City Charter. Discussions continued and the matter was kept in committee for further review and discussion.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**204888: That the Director of Parks and Recreation and the Director of Finance report to this Board how much money was spent per year on girls' programs and boys' programs during FY16, FY17 and FY18 to date.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**205109: That the Administration and Director of Parks and Recreation develop a financial policy for programming for persons under 18 years of age that ensures gender equity when using public funds.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**205004: That the City Solicitor provide an opinion this Board's participation in the Buena Vista garage lease re-negotiation in 2020.**

<b>RESULT:</b>	<b>WORK COMPLETED</b>
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**205121: Requesting that this Board declare a portion of the Somerville Recreation Building at 19 Walnut Street available for disposition by lease.**

It was stated that the city is not ready to move on this item yet.

<b>RESULT:</b>	<b>PLACED ON FILE</b>
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**206827: Director of Parks & Recreation responding to #205109 re: a policy for gender**

equity for programs serving persons under 18.

**RESULT:**

**KEPT IN COMMITTEE**

**205956: Requesting acceptance of a rapid deployment vehicle, ballistics helmets, and sunglasses from OEM, with no match required, for the Police Department's Special Response Team.**

**RESULT:**

**KEPT IN COMMITTEE**

**Handouts:**

- Cobble Hill Preliminary Redevelopment Plan for Mullins Company
- Appellant's brief in the matter of Commonwealth of Massachusetts Appeals Court, No. 2018-P-1163  
Joseph R. Mullins Plaintiff-Appellant vs. Joseph E. Corcoran and Gary A. Jennison Defendants-Appellees dated September 24, 2018