



CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES

October 6, 2016

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Mary Jo Rossetti	Chair	Present	
Mark Niedergang	Vice Chair	Present	
Katjana Ballantyne	Ward Seven Alderman	Present	
John M. Connolly	Alderman At Large	Absent	
William A. White Jr.	Alderman At Large	Present	

Others present: Alderman Maryann Heuston, Marc Levey - Assessing, Mark Lawhorn - Water/Sewer, Alex Bob - OSPCD, Mike Feloney - OSPCD, David Shapiro - Law, Jason Grossfield - Law, Frank Wright - Law, Ed Bean - Finance, Tim Snyder - Mayor's Office, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 6:06 PM by Alderman Rossetti and adjourned at 7:50 PM.

**Approval of the September 15, 2016 Minutes**

<b>RESULT:</b>	<b>ACCEPTED</b>
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**201869: Amending Ordinance 11-125 to include notification to this Board with respect to water rates.**

Mr. Shapiro distributed copies of the revised ordinance and Mr. Snyder explained the notification timeline. Mr. Bean pointed out that the dates were set to allow the city to close out 3 quarters of the fiscal year before setting the rates.

The committee made the following edits to the ordinance:

- strike the words "and approval" from the third sentence, and
- change June 15 to June 1 in the third sentence.

Mr. Grossfield reported that he was unable to find any records indicating that the Water & Sewer Commission was under the Board of Aldermen. After researching various advisory and other commissions, and the ways they are set up, Mr. Grossfield said that one could be set up to give oversight to the BOA. Alderman White disagreed with that explanation.

Mr. Snyder said that the Administration is reviewing procedures from other communities and he asked that the BOA hold off on passing this ordinance, temporarily. Mr. Wright inquired if it is the BOA's intention to make similar changes to Ordinance 11-164, which deals with sewer rates. He will have the changes ready in time for the 10/13/16 BOA meeting.

<b>RESULT:</b>	<b>APPROVED AS AMENDED</b>
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**201914: Requesting approval of an ordinance establishing a senior citizen water/sewer rate discount program.**

Mr. Snyder stated that the mayor is in agreement with this proposal. Mr. Leveye explained how eligibility is determined and noted that much of the needed data isn't available until December. He pointed out that the thresholds of the applicable parts of the legislation (41C & 17D) are set by the state. There was a discussion about how notification would be provided to residents for bills prior to December, with one possible option being a rebate. Mr. Lawhorn spoke about how this would factor into the billing cycle overlap of the fiscal year and Mr. Bean added that the Administration would be studying this matter, as it is confusing, and will be considering ways to adjust the billing cycles.

<b>RESULT:</b>	<b>APPROVED</b>
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**201890: That the City Solicitor research the potential illegality of the Condominium Conversion Ordinance and provide a written opinion to this Board's Committee on Legislative Matters at the earliest opportunity.**

See discussion of item 202039

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**201901: That the City Solicitor and Director of SPCD develop with this Board a revised Condominium Conversion Ordinance to remove the illegal sections in the current ordinance, and provide maximum protections to prevent the displacement of tenants or ease their transition.**

See discussion of item 202039

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**202039: That the Administration schedule a gathering of SPCD and Law Department**

**personnel, Attorney DiGirolamo and Attorney Schacter, to discuss the Condominium Conversion Ordinance, and report the results in 4 weeks to the Committee on Legislative Matters, along with a recommendation for moving forward.**

Mr. Snyder reported that Mr. Shapiro has been coordinating the meeting, but that no date has been set. Chairman Rossetti asked to be informed of the date of the meeting, when it is scheduled.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**199603: Requesting approval of a Home Rule Petition authorizing the City to appropriate funds to assist commercial properties in maintaining and improving exterior storefronts.**

Mr. Snyder stated that the city has yet to receive an opinion from the Department of Revenue on this matter. Alderman Niedergang stated that he is in total opposition to this item and believes that the city should not be using taxpayer money to help private businesses, but rather should use those funds to help the poor and needy. Alderman White believes that the language is too broad and that some guidelines should be spelled out.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**201023: That the two non-zoning proposals on tenancy preservation and waiting lists be severed from the Planning Board's recommendation (#200995) and referred to the Committee on Legislative Matters for consideration.**

Mr. Snyder and Mr. Feloney spoke about federal regulations and procedures in other communities. There was a discussion about inclusionary housing in projects with state and/or federal subsidies and Mr. Feloney said that such projects could be open to an FHA challenge if the city receives ANY federal funding for ANY purpose. The city of Cambridge gives 100% residential preference. Boston does not have an inclusionary statute, as it has a policy (BRA). New York and San Francisco are trying to introduce less than 50% preferential placement, (i.e. 40%).

OSPCD is pursuing technical assistance from other agencies to clarify the issues surrounding this subject, while at the same time freeing up internal staff. The Administration shares the BOA's desire to have strong local preference for housing and is trying to think creatively of ways to have preference that would be allowed. Presently, there are approximately 200 inclusionary units in the city, and although the ordinance was passed in 1990, 70% of that number has been created in the last 5-7 years, mainly from the residences built at Assembly Square. The current number of affordable units in the city stands at about 1000. Mr. Shapiro has some concerns about the term "just cause" and will do additional research.

The committee voted to sever the 2 non-zoning proposals, individually, and as such, each proposal will receive a new item number.

Alderman White's motion *that the Tenancy Preservation section (Number 7 - Item 3) of the Planning Board's recommendation, item #200995, be severed, assigned a new item number and referred to the Committee on Legislative Matters,* was approved.

Alderman White's motion that the "waiting list" section (Number 7 - Item 9) of the Planning Board's recommendation, item #200995, be severed, assigned a new item number and referred to the Committee on Legislative Matters, was approved.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**201306: That the Director of SPCD and the City Solicitor draft an amendment to the demolition ordinance notification to abutters that includes a reason why the demolition permit was granted.**

Alderman Heuston explained that she submitted this item in response to inquiries from neighbors regarding why a property is being demolished and what may be built in its place. Mr. Shapiro stated that the building code has clear requirements and he doesn't see how the city could require that a reason for the demolition be included in the notification. Alderman White suggested adding a question (as to the reason for demolition) on the application and if the information is provided, it could then be included in the notification. Mr. Snyder will work with ISD to have that line included in the application. Alderman Ballantyne pointed out that property owners get the notices, not necessarily the tenants. Mr. Shapiro will check into this. Alderman Heuston recommended that a notice be posted on the property itself and Alderman Ballantyne asked that a different color sign be used for demolitions.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**202123: That the Administration consider a Home Rule Petition to provide relief from water and sewer charges and rates to property owners who occupy their homes, by shifting the excess cost to non-owner-occupied property owners.**

Alderman White inquired whether this could be handled within the city or if a Home Rule Petition would be needed. Mr. Shapiro said there was a case in Malden that was found to be discriminatory. Mr. Snyder indicated that the city's state delegation would support the item.

Alderman White's motion that the City Solicitor draft a Home Rule Petition to provide relief from water and sewer charges and rates to property owners who occupy their homes, by providing an exemption similar to the residential property tax exemption, was approved.

The Law Department will prepare the Home Rule Petition for submission to the legislature in time for its next formal session.

<b>RESULT:</b>	<b>WORK COMPLETED</b>
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**202152: Requesting the adoption of MGL Chapter 90, Section 17C, to reduce the prima facie speed limit in the City to 25 MPH.**

Mr. Snyder informed the members that Representative Provost has been working on this for a decade. After analysis and consultation with MA DOT, the city can set a city-wide speed limit of 25 mph, however not on state roadways. Four speed zone studies have been conducted. Some areas have higher speed limits posted, and Mr. Snyder will follow up with the Law Department to determine if those higher speeds may be lowered to the city-wide speed limit. The procedure

would be for the BOA would accept the statute and then have it implemented through the traffic commission.

Alderman White's motion *that the Mayor submit a request for the Board of Aldermen to accept the statute contained in MGL Ch 90 Sec 194*, was approved.

**RESULT:**

**APPROVED**

**Handouts:**

- Proposed Revised Ord 11-125 (with 201869)
- Residential Exemption Chart (with 201914)
- Law Department Response (with 201890, 201901, 202039)
- Establishment of Speed Limits (with 202152)