



**CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES**

September 1, 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	Absent	
John M. Connolly	Alderman At Large	Absent	
William A. White Jr.	Alderman At Large	Present	

Others present: Frank Wright - Law, David Shapiro - Law, Tim Snyder - Mayor's Office, Charles Sillari - Clerk of Committees.

The meeting took place in the Committee Room and was called to order at 6:23 PM by Alderman Rossetti and adjourned at 7:34 PM.

Approval of the August 23, 2016 Minutes

RESULT:	ACCEPTED
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201869: Amending Ordinance 11-125 to include notification to this Board with respect to water rates.

Mr. Snyder stated that the Administration failed to communicate information regarding the recent addition of a base charge to the water bills and said that the Board of Aldermen would be included in developing an appropriate system to notify the public. Alderman White questioned if the additional charge was legal and compliant with the city's ordinances. This amendment would mandate, not direct, that the Board of Aldermen be involved in future water/sewer rate matters. Alderman Niedergang inquired why the DPW was heading up the public hearing (scheduled for next week), rather than the Water Department, and Mr. Snyder replied that both departments would conduct the hearing.

RESULT:	KEPT IN COMMITTEE
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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.

Mr. Shapiro gave a synopsis of the Condo Conversion Ordinance (CCO) and explained its relationship to rent control. The question posed is, did the abolition of rent control do away with Somerville's CCO? Mr. Shapiro gave examples of valid arguments representing both sides of the question, adding that the schemes for Boston, Cambridge, Brookline and Somerville were tied to rents. Mr. Snyder reported that the Condo Review Board has received an opinion from the Law Department and that no new policies would be enacted until further notice. Mr. Shapiro will provide the BOA with a written opinion. Alderman Niedergang inquired about the one-year notice requirement and said that the solicitor's opinion should be recommended to the Condo Review Board, adding that he feels that there is waffling going on. He would like the CCO rewritten and favors strengthening the powers of the Condo Review Board. Mr. Snyder pointed out that changes now, could invalidate the city's entire scheme. Chairman Rossetti said that she has been hearing that housing advocates are in favor of enforcing what was enacted in 2007 and she suggested having a meeting to hear from people on both sides of the matter. It was suggested that Attorneys DiGirolamo and Schacter be invited to attend the meeting. Mr. Christopher Potet told the members that the meeting being proposed seems to be very closed and that he would like public access to it, noting that it does not have to be a public hearing.

Alderman Rossetti's motion, that the Administration schedule a gathering of OSPCD's Housing Division and Law Department personnel, Attorney DiGirolamo and Attorney Schacter, and report back in four weeks, the results of such, to the Committee on Legislative Matters, along with a recommendation for moving forward with proposed changes, was approved.

RESULT:	KEPT IN COMMITTEE
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201902: That the City Solicitor advise this Board on its powers to call property owners and especially developers before this Board to discuss building code violations, stop work orders, dangerous practices, and repeated violations of the City's laws and regulations.

Mr. Wright addressed this item and cited a case involving the City of Gloucester. He believes that the BOA can issue a summons but it is less clear regarding developers and homeowners.. Alderman White inquired about the Law Department's research on the issue and Alderman Niedergang asked what the difference was between a summons and a subpoena. A request was made that Superior Court cases be checked. Additionally, a request was made to review who signs such subpoenas and how are they filed.

RESULT:	KEPT IN COMMITTEE
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201914: Requesting approval of an ordinance establishing a senior citizen water/sewer rate discount program.

Mr. Snyder distributed a draft of the proposed ordinance and an exemption chart. The committee discussed the proposal and requested that a definition of assets be provided. Alderman Niedergang spoke about applying this exemption to disabled people as well, adding that he doesn't feel that the elderly are

more deserving than the disabled. He also spoke about the city's senior work-off program which hasn't been raised in some time. Mr. Wright believed that this was a state statute and will research the matter further. It was recommended that Assessor Marc Levy and Finance Director Ed Bean attend the next meeting of the committee.

RESULT:

KEPT IN COMMITTEE

Handouts:

- Proposed Water - Sewer Discount Ordinance and Exemption Chart (with 201914)