



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

August 31, 2017

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	
Matthew McLaughlin	Ward One Alderman	Present	
Maryann M. Heuston	Ward Two Alderman	Present	
Robert J. McWatters	Ward Three Alderman	Present	
Tony Lafuente	Ward Four Alderman	Absent	
Lance L. Davis	Ward Six Alderman	Absent	
Dennis M. Sullivan	Alderman At Large	Present	

Others present: Vanessa Boukili - OSPCD, Eileen McGettigan - Law, Shannon Phillips - Law, David Shapiro - Law, Frank Wright - Law, Tim Snyder - Mayor's Office, Annie Connor - Legislative Liaison, Peter Forcellese Legislative Clerk.

The meeting took place in the Aldermen's Chamber and was called to order at 7:00 PM by Chairman Rossetti and adjourned at 8:45 PM.

Approval of the June 28, 2017 Minutes

RESULT:	ACCEPTED
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Approval of the July 6, 2017 Minutes

RESULT:	ACCEPTED
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201753: That the Mayor re-establish the Tree Advisory Committee, to be staffed by the full-time Arborist, expand its membership to 9 or 11 members, and broaden the scope of the Committee's duties.

Ms. Phillips reviewed the proposed ordinance and informed the members that language referencing the city's SomerVision plan has been included. Ms. Boukili said that the Urban

Forestry Committee (UFC) could offer advice regarding park plantings, however it would not have jurisdiction. Alderman Niedergang would like head of Parks to be a member of the UFC and would also like to allow the UFC to have jurisdiction over park plantings. Ms. Boukili said that the UFC might not be the best committee to oversee other public plantings.

The committee suggested changes to the draft and Ms. Phillips will delete the term "public shade trees" from Sec. 12-100 a) Purpose, thereby causing all trees fall under the ordinance.

Alderman Niedergang asked that members of the UFC have some experience in the field and would like it so stated in the ordinance. Chairman Rossetti agreed and wants at least 1 of the 7 public members to demonstrate expertise in the area of urban forestry.

Ms. Phillips explained that the city only has control of publicly owned trees, not those on private property. Alderman Niedergang spoke about other communities' tree ordinances and their authority to regulate trees on private land. He thinks that a conversation should ensue about this at some point.

Ms. Phillips will incorporate Alderman White's suggestion that the UFC be given the ability to comment on developments during the permitting process. Alderman Heuston stated that the ordinance should have a specific point at which the UFC is brought into the permitting process.

RESULT:	KEPT IN COMMITTEE
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203059: That the City Solicitor submit updated language to expand the Tree Advisory Committee ordinance.

See 201753

RESULT:	KEPT IN COMMITTEE
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202023: That the Director of SPCD report to this Board on the Administration's plans for the Somerville Municipal Job Creation and Retention Trust Fund and jobs linkage fee for new commercial development.

Ms. Connor updated the committee on this item saying that 3 meetings were held and that a draft should be ready after Labor Day. Ms. Connor said that the BOA would vote on the committee's fee recommendation.

RESULT:	KEPT IN COMMITTEE
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202360: That the City Solicitor prepare a draft ordinance for jobs linkage fees.

See 202023

RESULT:	KEPT IN COMMITTEE
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203869: That the Director of SPCD report to this Board no later than August 1, 2017, with an update on an ordinance to establish the Somerville Municipal Job Creation and Retention Trust Fund and a Jobs Linkage Fee for new commercial development.

See 202023

RESULT:

WORK COMPLETED

202923: That the City Solicitor draft a Home Rule Petition to eliminate the requirement that members of the Licensing Commission be members of any political parties.

RESULT:

WORK COMPLETED

202924: That the City Clerk, in consultation with the Administration, review qualifications for all boards and commissions as to whether political party membership is required, and report back to this Board.

See 203303

RESULT:

WORK COMPLETED

203303: Asst. City Solicitor responding to #202923 with a draft Home Rule Petition to eliminate the political party requirement for members of the Licensing Commission.

Mr. Wright explained the changes that would be incorporated upon passage of the proposed Home Rule Petition (HRP). Aldermen White and Heuston suggested expanding the provisions of the HRP to include all Boards and Commissions in the city. Chairman Rossetti requested that the Law Department make the necessary changes to the HRP to accomplish that suggestion. Alderman Heuston's motion that the Election Commission be included in the HRP was approved.

RESULT:

APPROVED AS AMENDED

203464: City Solicitor submitting a proposed Order designating the position of Retirement Board Member as a Special Municipal Employee position.

Mr. Shapiro explained what a special municipal employee is and said that the designation provides more flexibility for the employee to conduct business, e.g., in representation matters. The designation also allows an employee to hold a 2nd position in the city without creating a conflict. Alderman Niedergang questioned why the Retirement Board is requesting this and Mr. Shapiro said that he doesn't have all the facts. Chairman Rossetti would like to hear from a member of the Retirement Board regarding this item or have them submit a letter of explanation for the request. Chairman Rossetti asked Mr. Snyder to arrange this for the next meeting of the committee.

RESULT:

KEPT IN COMMITTEE

203789: Proposing an amendment to Ordinance 2-24 regarding the terms of city officers.

Chairman Rossetti informed the members that the appropriate paperwork is on file regarding her spouse's position on the city's Zoning Board. Upon the recommendation of counsel, Chairman Rossetti is able to speak about all boards except the Zoning Board. Following consultation with members, she recused herself from all discussion/votes on this item.

RESULT:

KEPT IN COMMITTEE

203868: That the City Solicitor provide an opinion to this Board no later than August 1, 2017 on the legality of #203789, a proposed amendment to Ordinance 2-24 regarding the terms of city officers.

Chairman Rossetti informed the members that the appropriate paperwork is on file regarding her spouse's position on the city's Zoning Board. Upon the recommendation of counsel, Chairman Rossetti is able to speak about all boards except the Zoning Board. Following consultation with members, she recused herself from all discussion/votes on this item.

Mr. Wright explained his opinion and said that since the words "unless otherwise provided" are not in the charter, the proposed ordinance might be open to challenge. He believes that any attempt to change the current ordinance would be met by a legal challenge. Mr. Wright was unable to find any specific cases dealing with holdover appointments, but will conduct additional research for examples. Alderman White explained that in cases of vacancies, if a quorum is not present, items may be presumptively passed by some boards. Alderman Niedergang said that the simple solution would be for the Administration to submit names when terms expire.

RESULT:	KEPT IN COMMITTEE
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203097: Assistant City Solicitor submitting the US2-City Development Covenant.

RESULT:	KEPT IN COMMITTEE
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203098: Assistant City Solicitor submitting an Ordinance to create a Community Benefits Committee.

Chairman Rossetti reviewed the discussion from the last committee meeting.

Ms. McGettigan spoke about her legal opinion regarding city support for neighborhood councils and said that this memo is intended to be a supplemental response to an earlier memo that resulted in several issues being raised. She explained that the more the city is involved in the creation of neighborhood councils, the more likely it is that they will become a public entity. Alderman Niedergang asked where the line is and Ms. McGettigan replied that if the city stays out of it and the neighborhood council negotiates an agreement with developers on its own, then the council is absolutely a private entity. Ms. McGettigan suggested a change regarding the stipend for members and asked for more time to review and present something on this topic.

Alderman Heuston thinks that the ordinance, as written, ties the hands of neighborhood councils because they would only be able to advise the Community Benefits Committee (CBC) and said that she needs to be convinced of the purpose and benefit of a community benefit ordinance. Alderman White said that the problem is with the way the covenant was structured and that the process, as written, is convoluted. Chairman Rossetti noted that any future changes made to covenant have to come before the BOA for approval.

Alderman McLaughlin asked how an agreement between a developer and council would be enforced, if the council was a private entity. Ms. McGettigan will look into that issue. Alderman Sullivan asked how council members would be elected and who could vote. Ms. McGettigan replied that if the council is truly "organic" then the process would be held in a 'black box', so to speak, so we don't know.

Chairman Rossetti informed the members that Ms. McGettigan has offered to prepare a modified ordinance on matter.

RESULT:	KEPT IN COMMITTEE
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203556: The Maurice and Jane Sugar Law Center for Economic and Social Justice submitting comments re: #203098, the Community Benefits Ordinance.

RESULT:	KEPT IN COMMITTEE
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203555: The Chamber of Commerce, Union Square Main Streets, and Somerville Local First submitting comments re: the Union Sq proposed zoning, the US2 Covenant, and the Community Benefits Ordinance.

RESULT:	KEPT IN COMMITTEE
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203192: Union United submitting comments re: the Union Square Development Covenant.

RESULT:	KEPT IN COMMITTEE
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Handouts:

- Tree Advisory Comm (with 201753)
- Draft Ordinance (with 201753, 203059)
- Home Rule Petition (with 203303)
- Opinion re holdover positions (with 203868)
- Opinion re city support (with 203098)