



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

January 19, 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	Present	
John M. Connolly	Alderman At Large	Absent	
William A. White Jr.	Alderman At Large	Absent	

Others present: Alderman Maryann Heuston, Michael Glavin - OSPCD, Marc Levy - Assessing, Frank Wright - Law, Shannan Phillips - Law, David Shapiro - Law, Jason Grossfield - Law, Goran Smiljic - ISD, Michael Mastrobuoni - SomerStat, Ed Bean - Finance, Annie Connor - Legislative Liason, Tim Snyder - Mayor's Office, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 6:30 PM by Alderman Rossetti and adjourned at 8:30 PM.

Committee members William White and John Connolly were absent due to illness.

1. Approval of the December 1, 2016 Minutes

RESULT:	ACCEPTED
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199934: That the Supervisor of Inspectional Services create a Rental Registration Program to require owners of 6 or more rental units that are not owner-occupied to annually register those units, pay a registration fee, and provide information to facilitate inspections, notices of violations, and resolution of complaints.

Mr. Snyder spoke about the Board of Aldermen's concerns regarding absentee landlords. Under state law, the property owner's (and in some cases, the property manager/agent's) contact information must be posted on the premises. If a tenant of a property believes that the owner's obligations are not being met, he/she may call ISD to inspect property. Mr. Shapiro thinks that an ordinance would be needed to clarify any questionable areas. Alderman Heuston said that the contact info for ISD should also be listed on the posted document and she expressed concern that tenants could be put at risk by reporting violations. Mr. Smiljic stated that 100% of properties of 4 or more units are inspected every 5 years and that 85% of those properties are in compliance with the regulation. Alderman Heuston asked Mr. Smiljic to provide the data to back up those statements. (The information will be provided in one week.)

Alderman Niedergang wants to pursue the inspection of problem properties and asked if there was a legal way to do that. Mr. Snyder said that it could be done based on reports or sustained complaints.

Alderman Heuston said that there is no way to know if a property is in compliance at any given time unless it is inspected. She spoke about a point system to document and track problem properties and asked if there was a tracking system for the inspections. Upon being told that said tracking system did exist, she asked why it couldn't be incorporated with a registry. Alderman Heuston also inquired how new owners of properties of 4 or more units are informed that they have to register with the city.

Chairman Rossetti asked about a draft ordinance on the matter and Mr. Snyder explained that there were two potential issues in play, 1) to include the ISD contact information on the posted document, and 2) to understand the practical implications of the proposal. Chairman Rossetti asked Alderman Heuston to share her research with Mr. Shapiro so that a draft ordinance could be ready for next committee meeting.

Alderman Ballantyne had concerns about the posting's location requirement and Mr. Shapiro will provide some ideas to improve the requirement's language.

RESULT:	KEPT IN COMMITTEE
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201913: That the Administration meet with Alderman Heuston and other Aldermen as necessary to prepare recommendations re: #199934 before the Legislative Matters Committee's next meeting.

See item 199934

RESULT:	WORK COMPLETED
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202122: That the Administration present its recommendations and a draft ordinance for the proposed Rental Registration Program (#199934) to the Committee on Legislative Matters at its meeting on October 20, 2016.

See item 199934

RESULT:	KEPT IN COMMITTEE
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201740: Proposing an ordinance relative to a mid-fiscal year report of municipal finances, with next-fiscal year budget projections.

Mr. Bean told the committee that the city is expecting an initial projection of state aid on January 20th. He said the FY-18 budget process will start with department heads on February 1st but that the city won't have a good handle on revenue until April. He also pointed out that health insurance information won't be available until May. Mr. Bean said that a mid year-report could be performed in mid February and he noted that reports are posted on the Finance section of the city's website at the close of each month. He told the members that, in the past, the Finance Committee reviewed data and called in department heads for clarification, when needed. Mr. Shapiro gave his opinion that some of the language in the proposed ordinance intrudes on the executive function of the city's government, however, the language could be changed to make it more acceptable. Chairman Rossetti asked Mr. Shapiro to consult with Alderman White and to provide an updated version of the proposed ordinance.

On a side note, Mr. Bean reported that funds from a sale of the city's real estate could, in fact, be used to net down the principal in borrowing, i.e., the \$2 million from the sale of the old Powderhouse School can be applied to reduce the borrowing amount for the GLX from \$50 million to \$48 million.

RESULT:**KEPT IN COMMITTEE**

201899: That this Board calls upon developers that receive any form of public financial support to use responsible prevailing-wage contractors that provide health insurance, worker's compensation, retirement benefits, and apprenticeship training to build their projects.

Mr. Shapiro reported that he was unable to find any cases on point in the state that would allow the city to impose such demands. One case was found in New York and it was ultimately invalidated.

RESULT:**WORK COMPLETED**

201905: That this Board, with the City Solicitor, develop an ordinance for trees on city-owned property that extends to them the requirements for public notices and hearings currently in place for all "public shade trees."

See 202457

RESULT:**WORK COMPLETED**

202457: Assistant City Solicitor responding to #201905 with a draft ordinance to extend protections for trees on city-owned property.

Ms. Phillips explained the proposed draft and Mr. Snyder noted that this draft is from the Solicitor's Office in response to a BOA order (#201905), adding that although the administration is in agreement with the underlying intent of the proposal, it does have some concerns with the draft and would like to bring in other city personnel to speak on it. Public Hearings will be incorporated into the draft as requested. Chairman Rossetti asked Ms. Phillips to work with the administration on their ideas and to prepare an updated draft.

RESULT:**KEPT IN COMMITTEE**

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.

Chairman Rossetti acknowledged receipt of an email from Mr. Glavin regarding the 2013 Mayor's Advisory Committee on Jobs Linkage. Mr. Glavin told the committee that Beatrice Kwaa was also on that committee. Mr. Glavin reported that Carl Seidman, a senior lecturer at MIT, was the sole respondent to the city's RFP regarding linkage. The cost for the Nexus portion of the study is \$44,770 and the cost for the linkage portion is \$32,175. Mr. Glavin thinks that everything should be ready to present to the committee prior to the FY-18 budget deliberations and said that this study will include some elements that were not part of the 2013 study. Chairman Rossetti asked Mr. Glavin to keep committee members updated via email and to have a written memo ready by February 16th on the progress.

RESULT:**KEPT IN COMMITTEE**

202360: That the City Solicitor prepare a draft ordinance for jobs linkage fees.

RESULT:

KEPT IN COMMITTEE

202361: That the City Solicitor provide an opinion on inserting a fee in the proposed jobs linkage ordinance, prior to the next Nexus study being completed.

RESULT:

WORK COMPLETED

202238: That this Board review the attached policy from Cambridge regarding Globe Direct advertising and consider adopting it for Somerville.

Chairman Rossetti asked Mr. Shapiro to provide a draft policy based on Cambridge's policy.

Mr. Snyder told the committee that Globe Direct is working with the City of Cambridge because it wants to, not because it's mandated to. He explained that if Somerville passes an ordinance to address this matter, there may be an enforcement issue. Mr. Shapiro added that there is a first amendment issue, but he thinks that a ban could be imposed across the board. Mr. Snyder will contact Globe Direct to attempt to work something out. Alderman Niedergang stated that he wants to ban all plastic bags.

RESULT:

KEPT IN COMMITTEE

202201: 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.

Mr. Mastrobuoni said that, currently, the water/sewer billing process does not connect with the assessing database. The city is working on moving the assessing operation to a system capable of interfacing with the MUNIS system, however the time line for implementation would be later in the current fiscal year, possibly in June. Speaking in general terms, Mr. Mastrobuoni said that if, for instance, 9,000 residents each received a \$100 discount on their water/sewer bills, there would be an increase in the water/sewer bills to offset that loss and attain a balanced budget. He suggested that at some point, a consultant be brought in to examine this in more depth. Mr. Grossfield added that a Home Rule Petition would be required to implement the proposed exemption and that questions need to be answered before pursuing that avenue, e.g.,

- what is the reasonable basis for seeking this exemption?
- Is an average of water/sewer charges being used or will a straight discount be sought?

RESULT:

KEPT IN COMMITTEE

202256: That this Board be given the powers of the Redevelopment Authority for Union Square redevelopment.

RESULT:

KEPT IN COMMITTEE

202510: That the City Solicitor draft a Home Rule Petition allowing residents who purchase a home from an absentee landlord the ability to claim residential tax exemption

from the date of purchase.

Mr. Levy explained that the Assessing Department would have to determine the status of each property as of January 1st. This would result in partial abatements, as well as tax due notices, being issued. Essentially, work that is currently performed over a two year period would need to be completed in a 12 month period. If this proposal is approved, the staff time involved to process residential exemptions would triple. About 300 owners would be entitled to a partial exemption resulting in an increase of \$400,000 in the fiscal budget. There are also legislative issues involved regarding the application of specific dates and times that would require legislative approval. Mr. Grossfield said that state law governs residential exemptions, but the city could draft a Home Rule Petition. Mr. Snyder said that the legislature would reach out to the Department of Revenue (DOR) for advice, but it is very unlikely that the measure would pass, since DOR isn't in favor of the idea. Chairman Rossetti said that there needs to be a way to make this happen. Mr. Levy suggested that the difference in revenue could be made part of real estate closings. Chairman Rossetti said that she will speak to real estate agents in the area for their input.

RESULT:

WORK COMPLETED

202511: That the City Solicitor advise this Board of its ability to not allow absentee landlords the continued benefit of the residential tax exemption at the time of purchase from a residential tax exempt homeowner.

See 202510

RESULT:

WORK COMPLETED

202523: That the City Solicitor prepare a draft ordinance to amend or replace the current Condominium Conversion Ordinance, and incorporate the strongest parts of relevant state law.

Mr. Snyder explained that there are several approaches to take and that the question of content needs to be addressed. State statute gives explicit options to the city, but then there are some other options that the city might want to add. The administration would like an in-depth meeting with the committee and all involved departments to prepare something that would be ready in case of a court challenge, i.e., isolate the issues, get a consensus and then put them in the form of an ordinance. The administration's preference is to meet in a Committee of the Whole to work on this matter, as there are several difficult and legal issues involved. Chairman Rossetti will schedule a Committee of the Whole for March 30th to take up this item.

RESULT:

KEPT IN COMMITTEE

202689: Requesting approval to amend Ordinance 9-1 regarding alcohol in public parks.

David Flanagan spoke about the annual Taste of Somerville event saying that it has been sold out every year with an attendance of 1,500 people. Event organizers would like to hold this year's event at Powder House Park to accommodate an additional 300 people. Mr. Flanagan assured the committee that security would be in place to prevent/address any problems. Ms. Connor explained that the city currently has a ban on alcohol in public parks. Mr. Snyder said the language of the amendment might be changed so that it would not apply to playing fields. In all instances, any requests would come before the BOA for approval.

Alderman Niedergang's motion that *the words "excepting athletic fields," be added immediately following the words "public park or recreational area," in Section 9-1(a)(1) of the Code of Ordinances*, was approved.

RESULT:

APPROVED AS AMENDED

1. ISD Draft Letter (with 199934)
2. Draft Ordinance (with 202457)
3. M Glavin email (with 202023)