



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

October 18, 2018

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

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

Others present: George Proakis - OSPCD, Alex Mello - OSPCD, Ellen Shachter - OSPCD, Frank Wright - Law, Annie Connor - Legislative Liaison, Peter Forcellese - Legislative Clerk.

The meeting took place in the Aldermen's Chamber and was called to order at 6:39 PM by Chairman Niedergang and adjourned at 9:07 PM.

203965: That the City Solicitor draft an ordinance for review by this Board related to recreational marijuana.

Chairman Niedergang identified 3 key issue that need to be discussed:

1. Are the three existing medical marijuana dispensaries (RMDs) to be considered priority applicants or not?
2. What is the length of time, the exclusivity time window, during which ONLY priority applicants can apply for licenses?
3. Does the committee want to cap the number of licenses that can be issued by the Licensing Commission, and if so, what should that number be?

Alderman Ewen-Campen suggested adding a sub-topic that includes conditioning licenses to encourage the type of businesses being sought. Alderman Hirsch commented that this is an opportunity to invent a new industry to benefit the residents of the city.

Mr. Proakis distributed a slightly revised submittal, dated October 16, 2018, of the proposed ordinance regarding adult use marijuana establishments. Mr. Melo distributed and discussed a memo that responded to 2 questions (raised at the October 2, 2018 Legislative Matters Committee meeting) having to do with the number of marijuana establishments allowed and the potential economic impact to the city. Two questions remain unanswered, specifically, what is the legality of setting a cap on the number of licenses issued, and what is the legal risk to the city if medical marijuana establishments are not granted priority application status. With respect to setting a cap, Mr. Wright will examine the issue and try to provide an opinion by the next meeting of the committee. As to the question of risk, Mr. Wright advised the members that if they wished to discuss legal strategy, or actions that might lead to litigation, the meeting should move into Executive Session.

Alderman Scott spoke about the delay period for priority applicants and spoke about the issue of whether RMD (medical marijuana) establishments are considered priority applicants. He recommended removing RMD establishments and adding language as follows: "The Licensing Commission may only consider granting an application for licensure from a person(s) or entity applying if 50% or more of the total number of active licenses are held by entities who were deemed to be priority (economic empowerment) applicants at the time of their licensure."

Alderman Ewen-Campen requested that the City Solicitor provide an opinion on the Board of Aldermen's ability to condition the licenses of RMD facilities.

A Roll Call vote was taken to enter into Executive Session. All members voted in the affirmative, (Aldermen Scott, Mbah, Rossetti, Clingan, White, Ewen-Campen, Davis, Hirsch, Ballantyne, McLaughlin and Niedergang).

The Committee returned from Executive Session at 8:05 PM and resumed the open session. Alderman Scott explained the proposal he made just before entering into Executive Session by saying that there is a balance in granting licenses on a 50/50 basis. Chairman Niedergang asked if this would nullify the delay period and Alderman Scott replied that it would, because there would be no need for priority status. Mr. Proakis pointed out that there might not be enough economic empowerment applicants to attain a 50/50 split. The reality is that smaller facilities probably won't be growing their own product, so that's another reason for getting economic empowerments up and running. Alderman Davis suggested leaving the proposed ordinance as it is and still implement the 50/50 concept, adding that he envisioned a different process to keep in the spirit of what the ballot question was about. Alderman Scott remarked that there is concern about having the three RMDs in the priority category. Chairman Niedergang asked Alderman Scott to do a write-up describing how his proposal would work and/or to work with Mr. Proakis to draft changes to the proposed ordinance. Alderman McLaughlin commented that the committee is trying to reinvent the law and he suggested that the committee simply follow the state guidelines.

RESULT:	KEPT IN COMMITTEE
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206284: City Solicitor submitting an Ordinance regarding Adult Use Marijuana Establishments.

RESULT:	KEPT IN COMMITTEE
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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.

Ms. Shachter spoke about her research of similar ordinances in other communities in Massachusetts and around the country, highlighting areas of interest, e.g., notice provisions, percentages, relocation expenses and moratoriums. She noted that many municipalities had their regulations nullified by state law, and thus they are in the same position as Somerville with regard to the legality of their regulations.

Alderman Rossetti asked whether the one-year notifications prior to conversion by applicants are being made to the Condominium Review Board. Chairman Niedergang stated that the requirement is in the ordinance, but it is not being enforced, so the one-year notification is not being made. Alderman Hirsch spoke about benevolent landlords and what could be done to help them. She would like to shift the thinking towards helping both benevolent landlords and tenants.

Alderman Ewen-Campen stated that he doesn't see how this proposed ordinance is an unfair burden to landlords and Alderman McLaughlin said that it only becomes a problem when people do the wrong thing, adding that people who care about their tenants aren't going to kick them out to convert a unit to a condo, therefore, the proposed ordinance shouldn't hurt benevolent landlords.

RESULT:	KEPT IN COMMITTEE
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205420: Assistant City Solicitor submitting an updated Condominium/Cooperative Conversion Ordinance.

RESULT:	KEPT IN COMMITTEE
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205807: That the City Solicitor draft an ordinance to establish the city's current green space as a minimum allowed amount, as described within.

Chairman Niedergang expressed his desire to afford the public a chance to review the draft prior to any amendments being proposed.

RESULT:	KEPT IN COMMITTEE
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Handouts:

- Revised Submittal (with 203965)
- Response to questions (with 203965)
- Memo - Other jurisdictions - conversion protections 10.16.18 (with 202523)
- 2018-Green space (with 205807)