



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

September 15, 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	Present	
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	Present	
Dennis M. Sullivan	Alderman At Large	Absent	

Others present: David Shapiro - Law, Jason Grossfield - Law, Frank Wright - Law, Ed Bean - Finance, Marc Levey - Assessing, Michael Mastrobuoni - Somerstat, Goran Smiljic - ISD, Tim Snyder - Mayor's Office, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 6:01 PM by Alderman Rossetti and adjourned at 8:05 PM.

Alderman White reported that Alderman Lafuente was unable to attend due to his presence at a community meeting.

Approval of the September 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.

Alderman Heuston explained the motivation for this proposal and offered her view of how the program would work. Mr. Snyder said that he has had discussions with Alderman Heuston and the Law

Department regarding this item and has examined the City of Boston's ordinance on this subject. He said that it would take a tremendous effort on the city's part to inspect the affected units on a yearly basis. Realizing that it would take much time and effort to develop and implement this program, Alderman Heuston said that there are things that the city could get done quickly, such as having the property owners' (and/or their agents') contact information posted in the buildings so that tenants don't have to search for the owner when there is an emergency or problem that needs to be addressed. Alderman Heuston noted that Boston, Buffalo and many other large cities have similar programs. Boston requires that non owner occupied buildings of 6 or more units be registered annually and inspected every 5 years, either by the city's Inspectional Services Department or by an independent inspector hired by the property owner/agent. MAH feels that tenants should not have to hunt to find property owners. Mr. Shapiro spoke briefly about Boston's ordinance and outlined the conditions for designating a property as a problem property.

Mr. Smiljic stated that in Somerville, there are 578 buildings, comprising 9,165 non-commercial units, that meet the criteria of the proposal, i.e., 6 or more rental units, non-owner occupied. He explained which buildings need to be inspected and the frequency of those inspections. Mr. Smiljic said that he does not foresee a problem in registering these 578 buildings, however, a plan needs to be developed to specify what the city is looking for with respect to registrations, inspections, etc. He will create a draft plan using Boston's ordinance as a guide. Chairman Rossetti said that her expectation was that the Administration would be presenting some recommendations on this matter at this meeting. Mr. Snyder replied that it would be premature to make any recommendations until there is a clear understanding of what the committee is looking for, noting that it would take some time to address this matter properly.

Chairman Rossetti's motion, that the Administration present its recommendations and a draft ordinance for the proposed Rental Registration Program (item 199934) to the Committee on Legislative Matters at its meeting on October 20, 2016, was approved.

RESULT:

KEPT IN COMMITTEE

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

Alderman White explained the importance of this proposal, especially in light of the recently imposed water charge and other pending expenses, saying that it would be helpful for the Board of Aldermen to have a snapshot of the city's finances at the mid-point of a fiscal year, in order to aid in the planning of the following fiscal year's budget. Mr. Snyder has had conversations with Alderman White and the mayor and feels that there is a benefit to the proposal. Mr. Bean stated that the proposal can only help him to get pertinent information to the BOA in a timely fashion, adding that he is interested in working with BOA as budget evolves. He suggested including the Water and Sewer Enterprise Funds, as well. Mr. Bean explained that department heads are asked each January to submit a level service budget to establish the city's baseline. He pointed out that many factors during the year affect the city's budget, e.g., the GIC appropriations, state aid, etc.,

and that many of these variables are not known until later in the budget process. The Assessor's office, as always, is working diligently to capture new growth before the June deadline. Alderman Ballantyne inquired about month-to-date reporting and asked if year-to-date performance information will be provided. Mr. Bean replied that the information is on the city's website now. Alderman White suggested that any items above a "level service" budget be noted and listed in future proposed budgets.

RESULT:

KEPT IN COMMITTEE

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

Alderman White explained that the purpose of this proposal is to provide the BOA with more notice. Mr. Snyder spoke about creating an independent rate setting commission to improve the process and get information out to the public and said that the concept for the commission will be presented to the BOA in next several weeks. Alderman Ballantyne stated that she was not in favor of this, citing the city's inability to fill several vacant positions on various commissions. Alderman McLaughlin noted that there are many commissions in the city that the BOA has no authority over, and he would prefer that the BOA and the mayor approve the rates. Alderman Connolly suggested that the idea of a commission is worth exploring and that professional guidance with respect to water/sewer rates would be welcomed. He noted that the BOA should have approval power of the commission's recommendations. Alderman Heuston questioned who would be on the commission and what expertise would be required and added that the BOA needs to have some say in the process of setting the rates. Alderman Niedergang stated that the BOA has relinquished a lot of power over the years and he would like the BOA to be the final authority for setting water/sewer rates. Alderman McWatters suggested that a member(s) of the BOA be part of the proposed commission. Chairman Rossetti requested that the Law Department provide an opinion as to whether commissions may be appointed by or be responsible to the Board of Aldermen.

Mr. Bean apologized for not providing the water/sewer service charge information to the BOA in time for the FY-17 budget deliberations. New technology is being implemented to make usage and other pertinent data available sooner. Mr. Bean praised Water Superintendent Mark Lawhorne for his work and said that he wants to give him (Mr. Lawhorne) all the help and support he can. Alderman Ballantyne suggested that perhaps the June 1 date in the ordinance should be changed to an earlier so that the department's numbers could be finalized and included in the upcoming proposed FY budget. Mr. Bean will look into a suitable alternate date.

Alderman Davis questioned whether commission members would have a better handle on the city's finances than the BOA and/or other city departments however, he is willing to explore the idea. While the administration works on its proposal, Alderman Davis would like to continue discussing the ordinance currently on the books. *Alderman McLaughlin's motion to amend the*

draft ordinance by adding the words “and the Board of Aldermen” after the words “approval of the mayor” in the five occurrences in the ordinance, was approved. Mr. Snyder asked the Law Department to determine if this motion would infringe on any other ordinances.

Alderman Davis asked for a time period clarification relative to additional charges assessed to the city and he also asked what would happen in the event that the conditions of the ordinance were not followed. Alderman Heuston questioned if another public hearing and/or notification to the public would be triggered in the event that the adjusted rate is higher than the set rate. Mr. Shapiro will insert language to address this. Mr. Shapiro will rework the draft to include the amendments and suggested changes. Mr. Snyder asked that the statutory obligations of the city also be examined with regard to water/sewer charges.

Alderman White’s motion, that the Administration explore the possibility of filing a Home Rule Petition to provide a residential exemption for water and sewer rates and charges, was approved.

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

Mr. Levye defined assets as stocks, bonds, IRA's, CD's savings and checking accounts. Real estate used as a primary residence is not considered to be an asset for the purposes of this proposed exemption. Mr. Grossfield explained that the term "infirmary" could be added as another eligibility requirement to expand the exemption to those with disabilities. It would be up to the assessors to define "infirmary" and then apply their discretion to grant the exemption, or not. Alderman Heuston stated that the process seems totally subjective and Mr. Levye replied that the statute is vague and gives assessors great flexibility in the matter however, assessors do look at each case for eligibility. She asked that information on other communities' base water/sewer charges be provided during the water/sewer rate study presentation at next week’s Board of Aldermen meeting. Mr. Levy reported that the Work Off Program amount was raised from \$750 to \$1,000 and that the state has just approved another increase to \$1,500. The item will be presented to the BOA at an upcoming meeting. The state statute governing this program requires that the person receiving the exemption be 65 years of age or older.

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 informed the committee that Superior Court cases were checked, and there is no guidance from the courts, therefore, he stands by his previous opinion. There is no case law and the statute is not specific enough. The city could pursue the matter by putting itself in a position

to have it decided by the courts. Responding to questions from the previous meeting, Mr. Wright said that the BOA would issue the summons/subpoena and that it could be served by the police or a process server. Members discussed adding a rule to the Rules of the Board of Aldermen spelling out its power to call individuals before the Board. Alderman White will submit an item to the BOA address that issue.

RESULT:

WORK COMPLETED

Handouts:

- Senior Water Exemption Chart (with 201914)