



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

December 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	Present	
John M. Connolly	Alderman At Large	Absent	
William A. White Jr.	Alderman At Large	Present	

Others present: Goran Smiljic - ISD, David Shapiro - Law, Jason Grossfield - Law, Mike Glavin - OSPCD, 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 6:04 PM by Alderman Rossetti and adjourned at 7:20 PM.

Approval of the November 3, 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.

RESULT:	KEPT IN COMMITTEE
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201008: That the City Solicitor report to this Board on why the Statement of Financial Interests forms filed by elected officials and department heads are so heavily redacted when provided to the public.

Mr. Shapiro reported that he looked back at the forms and saw that the information pertaining to real estate investment property was redacted. He told the committee that information about owners of property held in trust is not public information. There was a discussion about adapting the financial form

to include an option to release and make all information available to the public. That change would have to be made by the Ethics Commission.

RESULT:

WORK COMPLETED

201306: That the Director of SPCD and the City Solicitor draft an amendment to the demolition ordinance notification to abutters that includes a reason why the demolition permit was granted.

Mr. Snyder reported that he spoke with ISD and received an opinion from the Solicitor Office stating that the city can not require that the information be divulged, however, it could be asked for as part of the application process. This is now viewable online at the city's website. Mr. Smiljic will forward a copy of the application to the committee. Alderman Ballantyne stated that tenants are not receiving the demolition notices and she asked that the color of the signs be changed. Mr. Smiljic said the tenant notification issue has been addressed. He will inquire about using other colors for the signs, but said it might be impractical. Mr. Smiljic said that he would take the responsibility for printing and posting signs for larger projects.

RESULT:

WORK COMPLETED

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. Snyder reported that this issue is still being reviewed by Solicitor's Office. Mr. Shapiro has determined that in the meantime, a new draft ordinance can be put forth, however there is no case law on the matter. The current case being disputed is seeking to clarify a particular issue AND to gain a clear understanding of what can/can't be done. Several questions need to be answered before a conditional ordinance can be put forth.

Alderman Niedergang's motion 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, was approved.

Chairman Rossetti favored reducing the tenant notification period from 2 years to 1 year. Mr. Snyder pointed out that the 2-year period applies only to elderly and disabled tenants. He also suggested that the existing ordinance be tightened up rather than writing a completely new ordinance.

RESULT:

WORK COMPLETED

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 informed the members that prevailing wage laws apply to all bid projects. Alderman Niedergang feels that the courts have ruled that something that was more directly in the city's purview was illegal. He asked if developers could be required to provide a list of names and addresses of local residents interviewed and/or hired for a project. Alderman White noted that union positions are generally filled through the trade union, not by the developer and he suggested that the language might need to be re-worded. Alderman White asked if developers who received grant funding from the city would have to pay prevailing wages to employees on said projects.

RESULT:	KEPT IN COMMITTEE
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201901: That the City Solicitor and Director of SPCD develop with this Board a revised Condominium Conversion Ordinance to remove the illegal sections in the current ordinance, and provide maximum protections to prevent the displacement of tenants or ease their transition.

See discussion of item 201890

RESULT:	WORK COMPLETED
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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.

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.

Mr. Shapiro said that it's fine to insert a fee based on the last study that was done 5 yrs ago. He informed the members that the ordinance has begun to be written and that it is currently being vetted.

Mr. Glavin said that the time period for the RFP for the new study has been shortened and that the committee will be kept involved. He thinks that the study will be completed in 6 months and hopes to have the committee convened prior to sending out the RFP. Alderman Niedergang is concerned that delays will result in the city losing linkage fee funds as developments get underway and he is also concerned with the makeup of the committee and feels that it is heavy with business, rather than residents. Mr. Glavin said that the message from prior meeting on this subject was clear and that there was a level of anxiety to move the legislation forward. During those meetings, there was much conversation about presenting the full plan prior to inserting a fee amount and Mr. Glavin thinks that setting a fee before the study is complete is inconsistent

with the prior discussions and that adding costs to the cost of development could jeopardize development. Mr. Snyder spoke about other issues that might have to be resolved and said that it's important that the city stick to its initial commitments.

Alderman White said that BOA should have a representative on the committee that Mr. Glavin wants to re-assemble. Chairman Rossetti requested that Mr. Glavin forward a list of the prior committee members.

RESULT:	KEPT IN COMMITTEE
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202074: That all departments post all public hearing dates on the city's website and newsletter.

Ms. Connor reported that all agendas and meetings are currently posted, however, the city is working to make changes to the website to make the information more user friendly by putting it in one place.

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.

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

Mr. Shapiro explained the state statute requirements and said that this action would require a home rule petition. He has contacted the solicitor in Lowell for information on what they did to get the power in the hands of the legislative body.

Alderman White feels that the development decisions should be made by an elected body and he pointed out that the Administration is going to need 8 votes of the BOA to get things done. Alderman Niedergang said that he is troubled about the Redevelopment Authority's understanding of the community and Alderman Ballantyne thinks that this should be done sooner, rather than later. Of concern is that the Somerville of today and the future is very different from prior years.

Mr. Snyder stated that the mayor is willing to engage in discussion on this matter. Chairman Rossetti asked Mr. Snyder to inform the mayor that his attendance is requested when this item is next discussed in committee.

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

See discussion of item 202023

RESULT:

KEPT IN COMMITTEE

202412: That the City Solicitor draft language to amend Ordinance 11-51 to require that all new building construction provide utilities that are underground.

Mr. Grossfield reported that the rate differential, discussed previously, would apply to all customers in the municipality, however, regulation could be accomplished through zoning. Mr. Grossfield said that the new proposal addresses the issue, but the BOA might want other items addressed, as well.

RESULT:

WORK COMPLETED

202487: Requesting approval of the dedication of Lincoln Park as Public Open Space.

Mr. Snyder informed the committee that before end of the year, the city would have to dedicate the land for public open space and recreational use, in perpetuity. The city has already done that, but the state wants it dedicated again. Once this final condition of the grant is done, the state will reimburse the city in the amount of \$400,000. Mr. Grossfield spoke about some edits (which were approved by the committee) that needed to be made to make the language consistent. The updated language will be submitted to the BOA at its next meeting on December 8, 2016.

RESULT:

APPROVED

Handouts:

- Rand Wilson email (with 201899)
- Responsible Employer Article (with 201899)
- Lincoln Park Request (with 202487)