



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

May 10, 2022
REPORT OF THE FINANCE COMMITTEE

| Attendee Name | Title | Status | Arrived |
|---------------------------------|---------------------------|---------|---------|
| Jake Wilson | Chair | Present | |
| Jefferson Thomas ("J.T.") Scott | Vice Chair | Present | |
| Beatriz GomezMouakad | Ward Five City Councilor | Present | |
| Judy PinedaNeufeld | Ward Seven City Councilor | Present | |
| Charlotte Kelly | City Councilor At Large | Present | |

Approval of the March 30, 2022 Minutes

RESULT: **ACCEPTED**

Approval of the April 12, 2022 Minutes

RESULT: **ACCEPTED**

Grant Acceptances

213583: Requesting acceptance of, and approval to expend, a \$94,622.16 grant for FY 2023, with no new match required, from MA Department of Public Health to the Health and Human Services Department for Tobacco Control Prevention.

Dir. Bacci explained that Health and Human Services has been a recipient of this grant for about 20 years. The grant covers the salary for the Tobacco Control Director as well as stipends for youth performing compliance checks in Cambridge, Chelsea, Everett, Revere, Somerville and Winthrop. Through an oversight, the FY 2023 budget for this program was not included in their 2021 presentation to the Council, and that is why Health and Human Services is requesting funds now.

Councilor Kelly referred to the attachments to this item and asked for a description of the tobacco retail surveillance and data collection process. Dir. Bacci explained that youth perform compliance checks in partnership with the Tobacco Control Director and a police officer. The youth would enter a retail store and attempt to buy tobacco. The director provides educational opportunities to the stores as well in these situations. Councilor Kelly asked if the educational component only happens after a violation or is proactive. Dir. Bacci said that the director works

with all businesses to make sure everyone is aware of the regulations, and the department gained a working relationship with many of them a few years ago when the city removed menthol products.

Councilor Kelly asked if other departments besides SPD collaborate with Health and Human Services and asked how youth interact with SPD officers. Dir. Bacci replied that this is a specific collaboration with SPD, and that the youth tend to meet the director and officer near the business location. Councilor Kelly explained her reasoning for the question, referring to an organization that highlights interactions between youth and SPD that may go undocumented.

Chair Wilson asked how often the department finds noncompliance. Dir. Bacci said that the businesses want to be strong partners and understand that selling to underage people is harmful not just to their business, but to the community. She will provide multiple years of statistics to the committee to show long-term trends.

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| RESULT: | APPROVED. [UNANIMOUS] |
| AYES: | Wilson, Scott, GomezMouakad, PinedaNeufeld, Kelly |

Appropriations

213628: Requesting approval to appropriate \$162,896.02 from the Street Tree Stabilization Fund for the Spring/Fall 2022 seasons.

Dr. Boukili explained that the city aims to plant 350 trees throughout Somerville every year, and this request will cover about 40% of that. Councilor Scott asked for the amount of the tree line in the budget. Dr. Boukili said she requested \$350,000, and Dir. Inacio said that \$150,000 made it into the final budget. Councilor Scott asked if most of the funds come through the Tree Preservation ordinance. Dr. Boukili said that and illegal tree removals make up the bulk of their income.

Councilor Scott asked how the city pursues claims for illegal tree removal. Dr. Boukili answered that they can levy fines through the legal department. Another method that has been successful is appraising the tree's value and requiring a replacement caliper per caliper. Councilor Scott asked if the city can withhold someone's certificate of occupancy on a claim. Dr. Boukili said she was not familiar with the whole process, but generally the city cannot withhold based on damage to a tree that is unrelated. Councilor Scott said that adding that as a standard condition on permits could have merit.

Councilor Kelly asked how much has been collected to date this year on fines and illegal removals. Dir. Inacio answered that \$139,650 has been collected so far. Councilor Gomez Mouakad asked if Eversource gets fined for illegal tree removals. Dr. Boukili said she did not think so, but they have offered to replant trees. Councilor Gomez Mouakad commented that the city is seeing the end-of-life for some trees and that climate change may exacerbate stressors for some species.

Councilor Pineda Neufeld asked how much is in the Tree Street Stabilization Fund. Dir. Inacio said that there was a previous appropriation, and after that is spent there will be \$43,000.

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| RESULT: | APPROVED. [UNANIMOUS] |
| AYES: | Wilson, Scott, GomezMouakad, PinedaNeufeld, Kelly |

213491: Requesting a transfer of \$9,000 from the Health and Human Services Professional and Technical Services Account to the Inspectional Services Extermination Account for the SMART rodent control pilot program.

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| RESULT: | WITHDRAWN |
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213495: Requesting approval to pay a prior year invoice totaling \$32,214.61 using available funds in the Department of Public Works from various Admin, Buildings, and Sanitation accounts.

Dir. Bloomenthal gave an update on DPW's efforts. Since the start of this process, DPW has addressed a backlog of invoices with energy suppliers and hazardous waste vendors while identifying more unpaid invoices. DPW is also seeking approval for prior year invoices for GDI (formerly AMPM) and Roca, as well as a small reimbursement for a training session.

Councilor Scott asked if school custodians have their own contract and negotiating unit, and asked if it is standard procedure that this is coming from DPW, not the school department. Dir. Bloomenthal said that custodians do have their own negotiating unit, but the GDI invoices are for outside work. Dir. Bean added that custodians are in DPW, not the school department.

Councilor Kelly asked if the purpose of the sanitation invoices was related to the pandemic, to which Dir. Bloomenthal answered that many predate COVID. Councilor Kelly asked why outside contractors were brought in for this labor. Commissioner Lathan said that there are many more requests for cleaning than there are staff, and special events often require extensive cleaning beyond what permanent staff would do. Councilor Kelly stated that it is important to keep City positions wherever possible and that the Council can partner with DPW to advocate for those. She also asked about the transitional employment program. Commissioner Lathan explained that Roca hires women in difficult situations who are often the sole providers for their households. Roca partners with the city for tasks such as shoveling sidewalks, picking up debris, and working on the bike path. She said that DPW met with Roca this week to renew their contract and how to support the women they hire.

Councilor Kelly asked if there had been discussion of pipelines from Roca into full-time DPW positions. Commissioner Lathan said there had not been a formal discussion, but there are often positions open and they would be open to having Roca staff apply. Multiple councilors expressed their support for a formal pipeline.

Councilor Kelly asked if Roca is following minimum wage standards, to which the answer was yes. Councilor Gomez Mouakad asked if Roca prioritizes Somerville residents in the workforce. Commissioner Lathan said that they do not track that information for privacy reasons.

Councilor Gomez Mouakad asked how many custodians staff each school. Commissioner Lathan did not have those numbers, but said she would find that information this week. Councilor Gomez Mouakad asked when the department may expect to finish finding prior year invoices, and also said she would like to know the details of how this happened. Commissioner Lathan said that DPW has many invoices with overlapping departments, and the problem should begin

to resolve while they improve communication. There are still issues reaching vendors that are not using up-to-date technology. Sometimes invoices are sent by mail to former staff. However, DPW is already hearing positive feedback from vendors, in large part due to increasing staffing. Commissioner Lathan said she did not see this as what went wrong, but rather a lack of a consistent process that allowed many things to slide. The department has since worked on accountability and integrity, and have a large, hardworking team to tackle the backlog of invoices.

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| RESULT: | APPROVED. [UNANIMOUS] |
| AYES: | Wilson, Scott, GomezMouakad, PinedaNeufeld, Kelly |

213627: Requesting the appropriation of \$500,000 from the Unreserved Fund Balance Account ("Free Cash") to the Fire Department Overtime Account to cover a shortfall.

Chief Breen said that COVID has been the primary driver for depletion of funds, as the Fire Department has seen a rise in sick leave over the pandemic. There are also vacancies that cause current staff to fill in with overtime. Chief Breen commended the Fire Department staff for filling various roles over the course of the pandemic.

Councilor Kelly asked if COVID cases have been resulting in increased sick leave in 2022 versus 2021, and if the injury leave also requested in this item is separate from COVID. The answer was yes to both. Councilor Kelly asked if there were any factors increasing rates of injury leave this year, to which Chief Breen replied that there has not been any irregular rise in injury leave; it is mostly sick leave that is being taken.

Councilor Scott commented that the YTD report lists that overtime has a budget of \$1.4 million this year and asked about the status of those funds. Dir. Bean said that some of the salary budget of unfilled positions has been transferred to overtime - about \$780,000 - so their revised budget is \$2,193,893, and they have spent \$2,335,531. They are in deficit for overtime, but not overall. He added that they are trying to get FEMA to pay for some of their needs, but have been unsuccessful so far.

Councilor Scott asked about the positions being onboarded and why there has been a delay. Chief Breen replied that there are eight new hires going through physical testing, and they should finish onboarding in June. Councilor Scott noted that civil service initiated the hiring process for these positions last fall.

Chair Wilson noted for the public that overtime gives 1.5 times pay, so it is more expensive for the city to fill shifts with overtime than by hiring additional staff. He asked if there is any causation between the overtime and increased injury. Chief Breen said that they have not seen an increase in injury leave, but described some precautions the department takes to prevent exhaustion: for example, the CBA mandates that staff are not allowed to work more than 48 hours continuously.

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| RESULT: | APPROVED. [UNANIMOUS] |
| AYES: | Wilson, Scott, GomezMouakad, PinedaNeufeld, Kelly |

Legal Items - #213636 may require an Executive Session

213636: City Solicitor requesting approval to retain Greenberg Traurig as outside legal counsel to represent the City in the matter of AMLEG, LLC v. City of Somerville.

City Solicitor Wright explained that in November 2019, the city voted to acquire 217 Somerville Ave for open space and authorized a pro tanto payment of \$1.3 million. The parcel is a vacant lot, and the owner has filed a lawsuit alleging that the amount paid by the city has been insufficient. James D. Masterman has successfully represented the city in the past and has expertise in this technical area.

Chair Wilson asked if a specific person listed in the complaint, who was involved in an earlier case, is involved in this case or if it is a typo. Solicitor Wright said he did not think this person is involved, but the Bar in Somerville is small, and the same attorneys and appraisers are frequently seen on cases.

Councilor Scott noted for the public that when a property is taken by eminent domain, unless there is an outstanding issue, it is a matter of doing appraisals and offering a pro tanto amount. Eminent domain is very common. He asked if the armory case has been settled yet, to which Solicitor Wright said that it is ongoing. Councilor Scott asked if the Solicitor predicted anything unusual with this case, but he said he did not think so. The owner had built on the property, but had taken the building down.

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| RESULT: | APPROVED. [UNANIMOUS] |
| AYES: | Wilson, Scott, GomezMouakad, PinedaNeufeld, Kelly |

ARPA Items

213397: Requesting to appear before this Council with an American Rescue Plan Act (ARPA) progress update.

Ms. Satin-Hernandez reviewed the report on FEMA and ARPA expenditures.

Councilor Pineda Neufeld asked for the likelihood that FEMA would be extended. Ms. Satin-Hernandez said she was told definitively that FEMA would not be extended this time. Dir. Bean added that there is a chance for partial reimbursement beyond June 30.

There was a lengthy discussion about the funding process and how community members can participate. Dir. Faison stressed that ideas need to be fully formed into projects or programs to receive APRA funding. The city is currently in the community feedback phase and meeting with local groups to get a sense of priorities, and those priorities will inform the applications that come in. The public-facing portal for community members to submit applications will be launched soon.

Ms. Satin-Hernandez said that the goal for next steps with community engagement is to identify themes, turn those into a part of the criteria for developing projects, announce those priorities so they are publicly available, and assess proposals that come out of those priorities.

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| RESULT: | WORK COMPLETED |
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Finance & Budget Items

213459: That the Director of Finance and the Budget Director update this Council on the

funding status for the six patrol officer positions included in the FY 2022 budget pending the Police Staffing Study.

Chair Wilson said he had met with Dir. Bean, Dir. Mastrobuoni, and Dir. Sahni and was assured that open gov is being updated to reflect Mayor Ballantyne’s cuts. He said they also discussed the process to make sure any conditional items going forward are handled properly.

Councilor Scott said he did not see the updates on open gov, and asked when a budget update is coming. Dir. Sahni said that the update is under “Reductions in the Police Budget” on the website in the breakdown by department. Councilor Scott stated that it is not reflected in the line items.

There was some discussion over a meeting on the 19th initiated by the Administration in which Dir. Bean will be presenting updates.

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| RESULT: | WORK COMPLETED |
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