



**CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES**

June 4, 2020

**REPORT OF THE LEGISLATIVE MATTERS COMMITTEE**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Lance L. Davis	Chair	Present	
Mark Niedergang	Vice Chair	Present	
Ben Ewen-Campen	Ward Three City Councilor	Present	
Matthew McLaughlin	Ward One City Councilor	Present	
Jesse Clingan	Ward Four City Councilor	Present	

Others present: David Shapiro - Law, Hannah Pappenheim - Law, Eileen McGettigan - Law, Doug Kress - HHS, Khushbu Webber - Legislative Liaison, Kimberly Wells - Asst. Clerk of Committees, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:02 PM by Chairman Davis and adjourned at 7:58 PM on a Roll Call vote of 5 in favor (Councilors Clingan, Ewen Campen, McLaughlin, Niedergang and Davis) to none against.

**Approval of the May 21, 2020 Minutes**

The minutes were accepted on a Roll Call vote of 5 in favor (Councilors Clingan, Ewen Campen, McLaughlin, Niedergang and Davis) to none against.

<b>RESULT:</b>	<b>ACCEPTED</b>
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**210195: City Solicitor submitting an amendment to the Municipal Ordinances to provide for the appointment of the Clerk and Assistant Clerks of Committees by this Council.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**210003: That the City Solicitor draft an ordinance formally recognizing domestic partnerships.**

Ms. Pappenheim presented a draft version of the proposed ordinance. The ordinance recognizes domestic partnerships and allows couples to obtain a certificate from the City Clerk recognizing their partnerships. For the city's purposes, the domestic partnerships are treated the same as marriages, with respect to fees, etc., and grants the same rights and privileges as those afforded to married individuals. The draft is based on ordinances from Cambridge and Boston, but is much simpler and

narrower in scope. Ms. Pappenheim asked for placement suggestions from the committee, since Cambridge placed their ordinance under personnel and another community placed it under the Health Department. There were questions regarding the requirement to amend the partnership registration if there is a change of household address and Ms. Pappenheim explained that it is because the couple “resides together”. Councilor Niedergang asked about a few of the definitions and Ms. Pappenheim provided explanations.

Chair Davis stated is desire to have the draft posted on MinuteTraq for the public to see. This item will be on the agenda for the June 18<sup>th</sup> committee meeting.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**210136: Supporting Somerville restaurants by capping fees charged by third party delivery services during the COVID-19 State of Emergency.**

Councilor Ewen-Campen reported that the MA House passed a bill, that will expire at end of the COVID-19 pandemic, to cap third party delivery fees at 15%. The measure will now move to the senate. The city’s Law Department told Chair Davis that the city could try to pass something to address this matter, and he is inclined to have the conversation and would like to provide protection to local businesses, even beyond the COVID-19 emergency. Councilor McLaughlin doesn't want to wait for the state to act on this.

The committee received an opinion from Mr. Shapiro that this matter met the criteria for discussion in Executive Session. The committee voted on a Roll Call vote of 5 in favor (Councilors Clingan, Ewen Campen, McLaughlin, Niedergang and Davis) to none against, to move into Executive Session to discuss this item.

The regular meeting was recessed at 7:19 PM and reconvened at 7:52 PM. Chair Davis reported that no votes were taken in Executive Session other than the vote to adjourn the Executive Session and return to the regular meeting.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**5. Executive Session re: item #210136 See item# 210136**

**209663: That the City Solicitor draft an ordinance requiring pollution mitigation for new housing built along high transit roads and highways.**

Mr. Kress reported on his conversations with the Board of Health (BOH) regarding this item and said that the BOH had a previous presentation on this and started collecting information in late summer and gave the data to the Planning Department. Planning staff and Wig Zamore gave a presentation and the BOH was interested in addressing the issue and asked Planning for advice in December or January. Since then, the COVID-19 pandemic has sidelined progress on this matter. MEPC and others were brought in for collaboration, but neither the time nor capacity to work on this issues has been available. Mr. Kress asked for the committee's ideas on how to move this forward.

Councilor McLaughlin stated that he understands how overwhelmed everyone is, which is why the committee suggested doing the leg work. He would like to keep working on this, but he will get impatient if something doesn't get done.

Ms. Webber would like to go back to the Planning Department to see if there is one person available to work on this, as the Administration also wants to move forward on this matter. Councilor McLaughlin pointed out that the committee was previously told that the City Council couldn't legislate this through Planning and Ms. Webber replied that she will explore ways to get someone to work on this, perhaps in conjunction with the BOH.

Chair Davis suggested that, in the meantime, the committee should keep working on this item. Mr. Pappenheim offered to assist, from a legal perspective, with drafting the language of an ordinance. Councilor Niedergang offered to provide his notes on this matter to Ms. Pappenheim and added that a researcher/writer is needed to coordinate what experts know and pull it all together for review by the committee. Mr. Kress said he asked MEPC if there were any similar ordinances in the country that might be helpful and Chair Davis asked if those few ordinances (from CA) could be provided to the committee.

This item will be on the agenda for the committee's next meeting on June 18<sup>th</sup>.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**209762: That the City Solicitor draft language to amend the Adult Use Marijuana Ordinance to require full disclosure of all ownership interests, including names and percentage interest of all owners or shareholders.**

Councilor McLaughlin, as acting mayor for marijuana issues, was recused from all discussion and votes on this item.

Mr. Shapiro reviewed the changes to the ordinance and informed the committee that the 2-year priority limit is being challenged in Cambridge. Councilor Niedergang has a concern that a property owner might have a financial interest in a business, for example, after lending start up money to a business in exchange for a piece of the ownership down the line, thereby giving the property owner an undisclosed ownership stake in the business. Mr. Shapiro added language to close that loophole so that the interests of wealthy business people interest in a marijuana business must be disclosed.

Chair Davis' motion to replace the draft before the committee with the draft presented to the committee this evening was approved on a Roll Call vote of 4 in favor (Councilors Clingan, Ewen Campen, Niedergang and Davis), none against and 1 recused (Councilor McLaughlin).

Councilor Niedergang's motion to amend the draft by adding the language provided by Mr. Shapiro was approved on a Roll Call vote of 4 in favor (Councilors Clingan, Ewen Campen, Niedergang and Davis), none against and 1 recused (Councilor McLaughlin).

Councilor Davis's motion to approve the item, as amended, was approved on a Roll Call vote of 4 in favor (Councilors Clingan, Ewen Campen, Niedergang and Davis), none against and 1 recused (Councilor McLaughlin). This vote is moot since the item is before the committee for discussion. A new version, containing all amendments made, will be presented and voted on at the City Council meeting on June 11, 2020.

<b>RESULT:</b>	<b>WORK COMPLETED</b>
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**209763: That this Council consider amending the Adult Use Marijuana Ordinance to**

**remove Somerville residency as a qualifier for being a priority applicant in Group A, in order to prioritize Economic Empowerment applicants.**

Councilor McLaughlin, as acting mayor for marijuana issues, was recused from all discussion and votes on this item.

See item# 209762. Mr. Shapiro reported that he researched the item

**RESULT:**

**WORK COMPLETED**

**Handouts:**

- DRAFT COS Domestic Partnerships 6\_4\_20 (with 210003)
- Adult Use Marijuana Licensing Ordinance 20200602 (with 209762, 209763)