



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

November 3, 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	

Others present: David Shapiro - Law, Jason Grossfield - Law, Michael Glavin - OSPCD, Annie Connor - Legislative Liason, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 6:00 PM by Alderman Rossetti and adjourned at 7:33 PM.

Approval of the October 6, 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 referenced a 2008 request for information and presented a letter from the Secretary of the Commonwealth's office ruling on the appeal filed regarding that request. The Law Department decided, at that time, that the most reasonable process would be to redact certain information. Mr. Shapiro stated that, as a legal matter, this issue was raised and dealt with 8

years ago. A question was raised relative to the addresses of residential vs. investment properties of elected officials. Alderman Niedergang referenced a newspaper article that questioned the extensiveness of the redactions. Mr. Shapiro stated that addresses of elected officials were not redacted and told the committee that he will revisit the matter, adding that anything that is subject to disclosure under state law would not be redacted.

RESULT:

KEPT IN COMMITTEE

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.

Alderman Niedergang asked what obligations and/or restrictions would be applicable to the city when work is being performed on city owned properties. Alderman White noted that any such obligations/restrictions would also affect projects where financial benefits are provided by the city. Mr. Shapiro will research the matter and provide answers to the questioned posed:

- Can the city require contractors to provide benefits to its employees?
- Are there any provisions that allow municipalities to do what the state does re: prevailing wage?

RESULT:

KEPT IN COMMITTEE

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

201997: That the City Solicitor draft language to amend Ordinances 11-51 and 11-71 to require that all new building construction provide utilities that are underground.

Mr. Grossfield provided an opinion and spoke about the 2 parts of the order. With regard to Ordinance 11-51, Mr. Grossfield explained that utility companies would be able to charge a rate differential to cover the cost of compliance with such an ordinance. This raises questions about exactly who the differential would apply to, e.g., new single family houses, new developments, or particular sections of the city. Mr. Grossfield will continue researching the increased differential requirement in an attempt to answer those questions.

This item is approved, however, the part of the order dealing with Ordinance 11-51 will be severed at the upcoming BOA meeting on November 10th.

RESULT:

APPROVED

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. Glavin told the committee that the city is working to implement a strategy of regulation and payments to help in workforce development. The 2013 working committee will be re-assembled to help shape the needed legislation. A Nexus study was done 4-5 years ago, but the data should now be updated, and vendors will be solicited to accomplish that task. He is hoping for quick responses from consultants and having the study completed in 4-5 months. Mr. Glavin stated that the city hasn't recommended an amount for the fee, since the BOA will have that authority. OSPCD will continue to follow its plan to advance the item and will respond to any actions presented by the Committee and/or BOA.

Alderman White explained that an ordinance will be needed to implement the proposal and suggested that the BOA shouldn't wait until the study is complete to approve an ordinance, but should begin getting it in place now and adding the fee when the study is completed. Mr. Shapiro was asked to determine if an ordinance would have to be in place prior to issuing a special permit or if could there be a trigger mechanism. Alderman Niedergang believes that a fee amount should be put in the ordinance prior to the next study, to prevent the city from losing out on additional funds.

Alderman Niedergang's motion that the Law Department prepare a draft jobs linkage fee ordinance in preparation for the city's implementation of same, was approved.

Alderman Rossetti's motion that the Law Department provide an opinion on the legality/appropriateness of inserting a fee in the proposed jobs linkage ordinance, prior to the next Nexus study being completed, was approved.

RESULT:

KEPT IN COMMITTEE

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

Ms. Connor said that the Administration is happy to comply with the request and is working with the City Clerk to figure out the logistics of how to accomplish the task. There was a discussion of which public hearings this request should apply to, e.g., grant of locations are public hearings but are only listed on the BOA agendas. Alderman Ballantyne asked that the Administration come back to the committee with a first pass of what might be reasonable.

RESULT:

KEPT IN COMMITTEE

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

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. Shapiro informed the committee that a lawsuit has been filed challenging a permit that was issued, adding that there might not be an answer from the court for possibly 6 months to 1 year. An injunction has not been sought yet regarding that case. The committee discussed the possible ramifications of moving forward prior to a ruling from the court, cautioning that to do so, could open a can of worms and could negate everything on the books now. If an injunction is sought, the city might have to act more quickly. Mr. Shapiro will look into the options available to the city for having an ordinance ready in case the current ordinance is struck down.

RESULT:

KEPT IN COMMITTEE

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:

KEPT IN COMMITTEE

202039: That the Administration schedule a gathering of SPCD and Law Department personnel, Attorney DiGirolamo and Attorney Schacter, to discuss the Condominium Conversion Ordinance, and report the results in 4 weeks to the Committee on Legislative Matters, along with a recommendation for moving forward.

RESULT:

PLACED ON FILE

Handouts:

- Public Records Redaction (with 201008)
- Law Dept Letter re Ord 11-51 (with 201997)
- Proposed Ord 11-71(a) (with 201997)