

HOUSE No. 3550

The Commonwealth of Massachusetts

PRESENTED BY:

Christine P. Barber and Patricia D. Jehlen

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the establishment of a municipal job creation and retention trust and project mitigation contribution ("linkage") program for job creation and retention in the city of Somerville.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>5/7/2015</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>5/7/2015</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>	<i>5/11/2015</i>
<i>Joseph A. Curtatone</i>	<i>Somerville City Hall 93 Highland Avenue Somerville, MA 02143</i>	<i>5/7/2015</i>
<i>John M. Connolly</i>	<i>Somerville City Hall 93 Highland Avenue Somerville, MA 02143</i>	<i>5/7/2015</i>
<i>Mary Jo Rossetti</i>	<i>Somerville City Hall 93 Highland Avenue Somerville, MA 02143</i>	<i>5/7/2015</i>
<i>Dennis M. Sullivan</i>	<i>Somerville City Hall 93 Highland Avenue Somerville, MA 02143</i>	<i>5/7/2015</i>
<i>William A. White Jr.</i>	<i>Somerville City Hall 93 Highland Avenue Somerville, MA 02143</i>	<i>5/7/2015</i>
<i>Matthew McLaughlin</i>	<i>Somerville City Hall 93 Highland Avenue Somerville, MA 02143</i>	<i>5/7/2015</i>
<i>Maryann M. Heuston</i>	<i>Somerville City Hall 93 Highland</i>	<i>5/7/2015</i>

	<i>Avenue Somerville, MA 02143</i>	
<i>Robert J. McWatters</i>	<i>Somerville City Hall 93 Highland Avenue Somerville, MA 02143</i>	<i>5/7/2015</i>
<i>Mark Niedergang</i>	<i>Somerville City Hall 93 Highland Avenue Somerville, MA 02143</i>	<i>5/7/2015</i>
<i>Rebekah L. Gewirtz</i>	<i>Somerville City Hall 93 Highland Avenue Somerville, MA 02143</i>	<i>5/7/2015</i>
<i>Katjana Ballantyne</i>	<i>Somerville City Hall 93 Highland Avenue Somerville, MA 02143</i>	<i>5/7/2015</i>

HOUSE No. 3550

By Representative Barber of Somerville and Senator Jehlen, a joint petition (accompanied by bill, House, No. 3550) of Christine P. Barber and others (with the approval of the mayor and board of alderman) that the city of Somerville be authorized to establish the Somerville municipal job creation and retention trust. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act authorizing the establishment of a municipal job creation and retention trust and project mitigation contribution ("linkage") program for job creation and retention in the city of Somerville.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. There is hereby established a trust to be known as the Somerville Municipal
2 Job Creation and Retention Trust (the "Trust"). The purpose of the Trust is to assist in the
3 creation and maintenance of employment opportunities within the City of Somerville for the
4 citizens of the City of Somerville

5 SECTION 2. There is hereby established a Board of Trustees hereinafter referred to as
6 the Board, which shall include no fewer than five and no more than nine trustees, including ex
7 officio the Mayor of Somerville or designee and the President of the Board of Aldermen or
8 designee. Those members of the Board who are not serving in an ex officio capacity shall be
9 appointed by the Mayor, subject to confirmation by the Board of Aldermen, and are designated
10 as public agents for purposes of the Constitution of the Commonwealth.

11 SECTION 3. The powers of the Board, all of which shall be carried on in furtherance of
12 the purposes set forth in this act, shall include but not be limited to, the following:

13 (a) to receive and accept property, whether real or personal, by gift, grant, devise, or
14 transfer from any federal, state or local governmental or other public entity, or any person, trust,
15 corporation or other private entity, including without limitation funds or other property tendered
16 to the Trust in connection with the Somerville Zoning Ordinance or any other Somerville
17 ordinance;

18 (b) to retain real or personal property, including without limitation property that is
19 uninvested and investments that yield no income;

20 (c) to make grants for Trust purposes upon such terms as the Board deems
21 advisable;

22 (d) to make loans for Trust purposes upon such terms of repayment or
23 otherwise as the Board deems advisable and to extend the time for payment of any
24 obligation of the Trust;

25 (e) to sell, lease, exchange, or transfer Trust property for such consideration and upon
26 such terms as to credit or otherwise as the Board deems advisable;

27 (f) to execute, acknowledge and deliver deeds, assignments, transfers, mortgages,
28 pledges, leases, covenants, contracts, promissory notes, releases, and other instruments, sealed or
29 unsealed, necessary, proper or incidental to any transaction involving Trust assets in which the
30 Board engages for the accomplishment of the purposes of the Trust;

31 (g) to employ advisors and agents, including without limitation accountants and
32 appraisers, and to delegate to such persons or firms such ministerial or discretionary powers as
33 the Board deems necessary;

34 (h) to pay reasonable compensation to all advisors and agents (including reasonable
35 compensation for the cost of City of Somerville staff time devoted to Trust matters) and to
36 apportion such compensation between income and principal as the Board deems advisable;

37 (i) to apportion receipts and charges between income and principal as the Board deems
38 advisable;

39 (j) to exercise all powers and rights, including proxies and powers of attorney, necessary
40 and proper in connection with the ownership of any securities held as part of Trust property;

41 (k) to compromise, arbitrate, defend, enforce, release, settle, or otherwise adjust claims in
42 favor of or against the Trust and to accept any property, either in total or partial satisfaction of
43 any indebtedness or other obligation;

44 (l) to manage or improve real property; and to abandon any property which the Board
45 determines not to be worth retaining;

46 (m) to exercise all other powers authorized by common law, statute, or other
47 provisions of this Act.

48 SECTION 4. Notwithstanding any provisions of any general or special law to the
49 contrary, all monies paid to the Trust by public or private contribution or in accordance with the
50 Somerville Zoning Ordinance (including any delinquent payments collected as a municipal
51 charges lien pursuant to Chapter 252 of the Acts and Resolves of 1996) shall be paid directly into

52 the Trust, and such monies do not have to be appropriated or accepted and approved into the
53 Trust. General revenues appropriated into the Trust become Trust property; and to be expended,
54 these funds do not need to be further appropriated. All monies remaining in the Trust at the end
55 of any fiscal year, whether or not expended by the Board within one year of the date they were
56 appropriated into the Trust, remain Trust property.

57 SECTION 5. The Trust is a public employer and the members of the Board are public
58 employees for purposes of G.L. 258.

59 SECTION 6. The Trust shall be deemed a municipal agency and the Trustees special
60 municipal employees, for purposes of G.L. c. 268A.

61 SECTION 7. The Trust is exempt from the provisions of G.L. c. 59 and c. 62 and from
62 any other provisions concerning the payment of taxes based upon or measured by property or
63 income imposed by the commonwealth or any political subdivision thereof.

64 SECTION 8. The books and records of the Trust shall be audited annually by an
65 independent auditor in accordance with accepted accounting practices.

66 SECTION 9. The Declaration of Trust, which establishes and controls the Trust, shall be
67 filed in the Office of the Somerville City Clerk.

68 SECTION 10. The Trust is a governmental body for purposes of G.L. c. 39, §§ 23A, 23B,
69 and 23C.

70 SECTION 11. The Trust is a board of the city for purposes of G.L. c. 30B and G.L. c. 40,
71 §15A, provided that G.L. c. 30B procedures need not be followed in the making of grants and

72 loans to nonprofit organizations for the purposes of providing open space and historic Retention,
73 but only in the procurement of goods and services on behalf of the Trust.

74 SECTION 12. Establishment of a Linkage Fee Ordinance for Job Creation and Retention.

75 (A) The City of Somerville may, by ordinance, require the payment of a job creation
76 and retention linkage fee for any project that (1) requires zoning relief, including without
77 limitation, a special permit, special permit with site plan review, a variance, and/or site plan
78 approval; and (2) contains a single use or combination of uses exceeding a square foot threshold
79 to be determined from time to time by the Board of Aldermen. The ordinance shall specify the
80 dollar amount of the linkage fee; the method by which it shall be increased from time to time;
81 and the types of uses to which it shall apply.

82 (B) The City shall have the authority to create a distinct and separate revolving fund
83 account into which job creation and retention linkage fees shall be paid, and no such fee shall be
84 paid to the City's general treasury or used as general revenues subject to the provisions of section
85 fifty-three of chapter forty-four of the General Laws. The funds in such revolving fund account
86 shall be administered by the trustees of a municipal job creation and retention trust to be
87 established by the Board of Aldermen for the purposes of creating and retaining jobs within the
88 City of Somerville for citizens of the City of Somerville.

89 SECTION 13. This act shall take effect upon its passage.