



CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES

May 20, 2021

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
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: Suzanne Rinfret - Parking, David Shapiro - Law, Sarah Lewis - OSPCD, George Proakis - OSPCD, Lauren Racaniello - Legislative Liaison, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:03 PM by Chair Davis and adjourned at 7:28 PM on a roll call vote of 5 in favor (Councilors Clingan, McLaughlin, Ewen-Campen, Niedergang and Davis), 0 against and 0 absent.

Chair Davis informed the committee that due to the budget process and public hearings, he's not sure when the next committee meeting will be. He asked members to contact him regarding any pressing issues before the committee.

#### Approval of the May 6, 2021 Minutes

The minutes were accepted on a roll call vote of 5 in favor (Councilors Clingan, McLaughlin, Ewen-Campen, Niedergang and Davis), 0 against and 0 absent.

<b>RESULT:</b>	<b>ACCEPTED</b>
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**210742: That the City Solicitor draft an ordinance similar to Boston's PILOT ordinance, formalizing payments in lieu of taxes to create a fair and transparent system of taxation for large tax-exempt non-profit organizations.**

The committee received a draft of the amendment from Assistant City Solicitor David Shapiro, who explained that this ordinance establishes a task force which would then make recommendations for the amount of compensation. Councilor McLaughlin said that this ordinance formalizes agreements with non-profits. Councilor McLaughlin suggested 2 changes to the draft, as follows: in the section relating to the composition of the task force, replace the word "Superintendent" with the words "Committee Chair" (in 2 places).

Councilor Niedergang supports the measure but noted that the ordinance says nothing about paying 25% of the assessed value of property. He was under the impression that the ordinance would mandate what amount had to be paid. He also questioned why the threshold was set at \$15 million.

Marianne Walles, who was sponsored to speak by Councilor McLaughlin, explained that the \$15 million threshold mirrors those of Boston and the state, and was set at that level so as not to harm smaller non-profits. She also said that this threshold would work for Somerville, as well. She wasn't sure why the 25% payment language wasn't included in the draft. Mr. Shapiro addressed that by saying that the ordinance could suggest an amount, but it could not be mandated.

Chair Davis inquired if there was a specific reason that some of the language from Boston's ordinance was eliminated in the draft before the committee and Mr. Shapiro explained that he prepared a simplified and streamlined draft meeting the criteria of what was requested of him.

Ms. Walles also spoke about changing the composition of the task force by reserving 2 spots for members of a pilot action committee. Chair Davis compared Boston's task force composition to Somerville's noting that Boston has 4 members from inside government and 4 members from the community whereas Somerville has 4 and 3 respectively. The specific question raised is whether a specific community group should be ordained to be seated on the task force. Councilor McLaughlin said that he wanted to check the idea with Mr. Shapiro to get his input. Mr. Shapiro said, as a practical matter, having members from a specific group is not the norm and the usual practice is to seek individuals with a background in the subject matter to serve and he suggested language to reflect that. Councilor McLaughlin commented that if a description isn't necessary in the community member portion of the task force composition, it should be deleted. He favors being less restrictive and he suggested striking everything from “; *provided, that ....*” to “*...business community*” in that section. Chair Davis commented that having a statement in that section provides guidance on the selection of members. He asked Councilor McLaughlin and Mr. Shapiro to prepare a revised draft for submission to the City Council in time for its next meeting on May 27<sup>th</sup>.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**211901: Requesting approval of the Surveillance Technology Impact Report for an OSPCD Drone.**

The committee received a revised impact report from the administration earlier today, that changed the language in section 1.a. by adding the following after the last sentence: “, *and the images are not shared with the Somerville Police Department except to the extent that some of the images are made available to the general public on the City's website.*”

Ms. Lewis explained that the drone would be used for neighborhood planning and illustrating the work done by OSPCD. Planning members have been trained in the use of the drone and a primary operator has been assigned. The drone will only be used at higher elevations to look at the urban form. There will be no close-up images nor images of individuals. (Chair Davis experienced some technical difficulties and Councilor Niedergang assumed the Chair.) Councilor Ewen-Campen commented that he ran this by the ACLU and they had no concerns with the report. (Chair Davis returned to the meeting and assumed the Chair.)

Councilor Niedergang motioned to approve the item. The motion was approved.

Chair Davis moved to amend the report before the committee (in MinuteTraq) by accepting the revision provided by the administration to include revision as provided. The motion was approved.

Chair Davis moved to the item, as amended. The motion was approved.

<b>RESULT:</b>	<b>APPROVED AS AMENDED. [UNANIMOUS]</b>
<b>AYES:</b>	Davis, Niedergang, Ewen-Campen, McLaughlin, Clingan

**211902: Requesting approval of the Surveillance Technology Impact Report for Coord App License Plate Collection.**

Ms. Rinfret explained that this technology will be used to manage curbside parking. Data will be collected and shared with the city's contracted ticket processing company. All of the data will be encrypted for security purposes. Councilor Niedergang noted that the city has hired a consultant to perform a comprehensive study of parking situations around the city. He thinks this is necessary and is in support of the item. Councilor Ewen-Campen commented that he ran this by the ACLU and they had no concerns with the report. Ms. Rinfret confirmed that the technology will not be used for enforcement purposes.

Councilor Ewen-Campen moved to approve the item. The item was approved.

<b>RESULT:</b>	<b>APPROVED. [UNANIMOUS]</b>
<b>AYES:</b>	Davis, Niedergang, Ewen-Campen, McLaughlin, Clingan

**211818: That this Council consider amending the Demolition Review Ordinance to extend the maximum demolition delay period that the Historic Preservation Commission can impose on buildings of historical value from 12 months to 18 months.**

Councilor Niedergang spoke on the item saying that, for reasons he still doesn't understand, the City Council voted to make the delay period 12 months. In the last few months, 2 signature buildings went before the Historic Preservation Commission and one of developers said that they would endure the 12-month delay and then demolish the building. Councilor Niedergang said the ordinance isn't protecting the city's historic buildings and he thinks the delay period should be changed to 18 months.

Councilor Ewen-Campen commented that, for appearances, he recused himself from all of the earlier discussions on this topic, but now that there is no concern about a possible conflict, he stated his support for the 18-month delay.

Chair Davis stated his support for the change and said that he preferred a longer delay period to give time for negotiations between developers and the Historic Preservation Commission, adding that the idea isn't to prevent development, it's to preserve the historic buildings, or parts thereof. Councilor McLaughlin pointed out that the 12-month period was selected because that's how long it takes to process the paperwork. Councilor Clingan said 12 months isn't enough time and his constituents want to preserve historic homes. He suggested that maybe allowing additional units to be built in historic properties might be a way to assuage developers..

Mr. Proakis said that he appreciates all the work put in by the committee to fix the problems in the earlier ordinance. He said that the delay was settled at 12 months, however, he doesn't have an objection to going to 18 months. He said that if there was an incentive for the developer, it might help in reaching agreements. Chair Davis asked Councilor Niedergang to submit an amendment to the City Council in time for its next meeting on May 27<sup>th</sup>.

Councilor Niedergang made a motion *that the Committee on Legislative Matters requests that the City Council approve an amendment to the Demolition Review Ordinance to extend the maximum demolition delay period that the Historic Preservation Commission can impose on buildings of historical value from 12 months to 18 months.*

**RESULT:**

**KEPT IN COMMITTEE**

**209061: That the City Solicitor and the Director of Sustainability and the Environment draft with the Ward 5 Councilor an ordinance to ban or regulate the use of gas-powered leaf blowers.**

**RESULT:**

**WORK COMPLETED**

Referenced Material:

- 2021-PILOT ord (with 201742)
- Impact Report - OSPCD Drone Camera 5.18 (with 211901)