



City of Somerville, Massachusetts

City Council Legislative Matters Committee

Meeting Minutes

Tuesday, September 19, 2023

6:00 PM

This meeting was held via Zoom and was called to order by Chair Davis at 6:01 pm and adjourned at 7:02 pm with a roll call vote of 4 in favor (Councilor Scott, Councilor Burnley, Councilor Kelly, and Chair Davis), none opposed, and 1 absent (Councilor McLaughlin).

Others present: Neha Singh – Mayor’s Office, Suzanne Rinfret – Parking, Sean Sheehan – SPD, Timothy Mitsakis – SPD, Mark Pulli – SPD, Stephanie Widzowski – Clerk of Committees.

Roll Call

Present: Chairperson Lance L. Davis, Vice Chair Charlotte Kelly, Willie Burnley Jr. and Jefferson Thomas (J.T.) Scott
Absent: Matthew McLaughlin

Committee Minutes
(ID # [23-0960](#))

Approval of the Minutes of the Legislative Matters Committee Meeting of May 30, 2023.

RESULT: ACCEPTED
AYE: Chairperson Davis, Vice Chair Kelly, City Councilor At Large Burnley Jr. and Ward Two City Councilor Scott
ABSENT: Ward One City Councilor McLaughlin

Committee Minutes
(ID # [23-1177](#))

Approval of the Minutes of the Legislative Matters Committee meeting of July 12, 2023.

RESULT: ACCEPTED
AYE: Chairperson Davis, Vice Chair Kelly, City Councilor At Large Burnley Jr. and Ward Two City Councilor Scott
ABSENT: Ward One City Councilor McLaughlin

Mayor's Request
(ID # [23-0234](#))

Requesting approval of the Surveillance Technology Impact Report for Camera Ticket Enforcement.

Chair Davis said that he recently received an updated report, and that he would prefer to have the newer version submitted as a new item. He will keep this item in committee until the new item is submitted.

RESULT: KEPT IN COMMITTEE

Order
(ID # [23-0461](#))

By Councilor Strezo
That the City Solicitor draft an Ordinance to protect homeowners from developer and realtor mail, phone and email harassment.

Deputy Solicitor Shapiro said that he believes there is a solid legal argument in support of such an ordinance. He said that there could be challenges on a “compelled speech” argument, however. Chair Davis asked Liaison Singh to discuss with Legislative Policy Analyst Salisbury any thoughts the Administration may have about enforcement, and asked Solicitor Shapiro to investigate whether private right of action could be included. Councilor Burnley added that he has context for legislation in Chicago that he will discuss with Analyst Salisbury.

RESULT: KEPT IN COMMITTEE

Order
(ID # [22-1449](#))

By Councilor Burnley Jr. and Councilor Wilson
That the City Solicitor and the Director of Parking provide this Council with an opinion on whether the adoption of Chapter 90, Section 20A of the Massachusetts General Laws would allow the City to mail tickets for traffic violations, including those identified through 311 reports.

Taken together with item 23-0219. Deputy Solicitor Shapiro said that there is a legal basis for issuing a ticket based on a resident’s affidavit or photo of the violation rather than firsthand observation by the Parking department, but there is an issue of evidence. Chair Davis asked about the difference in the eyes of a court between photos taken by automated third-party camera equipment and photos submitted by a resident. Solicitor Shapiro said the issue would be in cross examination and that phone photos can be tampered with.

RESULT: KEPT IN COMMITTEE

Public
Communication
(ID # [23-0219](#))

Bicycle Advisory Committee submitting comments re: ticketing by 311.

RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED

Mayor's Request
(ID # [23-1354](#))

Requesting approval of the Surveillance Technology Impact Report for GrayKey Digital Forensics Analysis Tool.

Liaison Singh said that the change from the previous impact report for this technology that was accepted is that it was being used through the Office of the Attorney General, but SPD is bringing it in-house. Lt. Sheehan said that having the tech in-house speeds up investigations for more serious offenses. He noted that UASI is paying for the yearly fee.

Councilor Scott had a series of questions. They noted that two responses in the report contradict each other regarding how many people will have access; Lt. Sheehan said that two people will have access, one being a supervisor. Councilor Scott asked which version of GrayKey will be used; Det. Pulli said that it depends on the license, and Lt. Mitsakis said this version of GrayKey is the one that costs \$38,000. Councilor Scott asked which UASI grant covers the yearly fee and whether the City Council has access to the abstract. Lt. Mitsakis said that the Intelligence Subcommittee was involved, adding that Boston OEM was purchasing the equipment itself for SPD, and he was not sure if the abstract was currently available. Councilor Scott also asked how long it would take to make an appointment and retrieve the tech from the Attorney General - about 10-14 days. Councilor Scott commented that this process seems to bypass the Council's ability to authorize funds and grant acceptances. She and Chair Davis both requested that detail about storage, security (both physical and digital) and access protocols for the tech be added to the report.

Councilor Kelly asked for a comparison of GrayKey software use in this fiscal year compared to in the 2020 impact report, which listed 7 criminal investigations and 12 devices. Det. Pulli said that so far, GrayKey has been used in 15 investigations and on 20 devices. He added that this technology has started to become standard in investigations as personal devices evolve.

Chair Davis requested that other Committee members forward further questions to Liaison Singh proactively so action can be taken on the item soon.

RESULT: KEPT IN COMMITTEE