



City of Somerville, Massachusetts

City Council Legislative Matters Committee

Meeting Minutes

Tuesday, April 30, 2024

6:00 PM

The meeting took place virtually via Zoom and was called to order at 6:01 PM by Chair Davis and adjourned at 8:18 PM on a roll call vote of 5 in favor (Councilors Scott, Ewen-Campen, Mbah, Burnley and Davis), none against and none absent.

Others present: Justin Schreiber – Transportation Planner OSPCD, Lt. Sean Sheehan – SPD, Brad Rawson – Director of Mobility, Brendan Salisbury – Legislative Policy Analyst, Hannah Carrillo – Legislative Liaison, Peter Forcellese – Legislative Clerk.

Roll Call

Present: Ward Six City Councilor Lance L. Davis, City Councilor At Large Willie Burnley Jr., City Councilor At Large Wilfred N. Mbah, Ward Three City Councilor Ben Ewen-Campen and Ward Two City Councilor Jefferson Thomas (J.T.) Scott

1. Committee Minutes (ID # [24-0482](#)) Approval of the Minutes of the Legislative Matters Committee Meeting of April 2, 2024.

RESULT: ACCEPTED
AYE: Ward Six City Councilor Davis, City Councilor At Large Burnley Jr., City Councilor At Large Mbah, Ward Three City Councilor Ewen-Campen and Ward Two City Councilor Scott

2. Mayor's Communication (ID # [24-0145](#)) Conveying the 2023 Surveillance Technology Annual Report.

The Police Department submitted a memo regarding this item. Chair Davis thanked the Administration for providing the information within the impact reports. He noted that information on technology surveillance is often difficult to find, but the city is working to make that task easier. Analyst Salisbury spoke about those efforts saying that they're tied into the larger project of transitioning away from Civic Plus and onto the Ncode Plus platform for the city's ordinances. The transition is ongoing and Analyst Salisbury was unable to provide a completion date.

Councilor Mbah inquired if any of the 193 calls shared with the Middlesex District Attorney's Office resulted in some type of prosecution. Chair Davis explained that those calls were shared, as is stated in the annual report, and

asked Councilor Mbah to clarify his question. Lt. Sheehan said that the 193 calls were provided to assist in the prosecution of criminal charges originating in Somerville.

RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED

3. Ordinance
(ID # [23-1461](#))

By Councilor Burnley Jr.

Amending Section 12-116 of the Code of Ordinances to create a Safe Streets ordinance, to expedite protected bike lanes.

Chair Davis noted that this was discussed at a prior committee meeting and that the committee received a revised version of the proposal at that time. Councilor Burnley commented that the proposed amendments are minimal and Analyst Salisbury said that he met with city staff from the Law Office and their recommendation was to add language indicating that the obligations and requirements set forth by the ordinance are subject to appropriation in the capital planning process. That language would keep the ordinance in step with state law. He told the committee that it's his understanding that the appropriation process is similar and that the capital funding process won't change the ordinance. Chair Davis stated that the process is different than an appropriation and that his initial reaction to the language is that he doesn't know what the phrase "*All obligations and requirements set forth in this section are subject to appropriation and to the capital planning process*" in Sec 12.116.5 (c) means. He asked if it means that nothing happens until the plan is put into capital planning? Analyst Salisbury noted that the intent of the ordinance is to codify the bike network plan. Chair Davis stated his discomfort with the language on its face, i.e., it's all subject to the capital planning process. He would like a better explanation from the Administration why this language is necessary. Liaison Carrillo will confer with city staff and provide an answer to the committee. Councilor Ewen-Campen shared the Chair's thinking regarding the language and said that he will not support having the ordinance be tied to the capital planning process. Councilor Burnley said he first thought the language was a redundancy to keep the ordinance in line with state, but now he'd like a better explanation and he has no problem postponing action on the language for now, so that deliberation on the remainder of the changes might proceed.

He noted that there are a few areas to clarify: the definition of improvements; how the number of miles per year are calculated; ensuring that the ordinance maintains or increases accessible parking; and reporting and feedback. Councilor Burnley pointed out that it's important to make sure that if a sidewalk needs a quick fix, doing that work would not trigger a transformation of the street. Director Rawson asked the committee to keep in mind that this ordinance is larger than just bicycle issues, saying that bicycle miles will be of the quick build variety, but other aspects such as

sidewalks, streets, etc. will be more involved and subject to appropriation. He told the committee that funding exists for projects in the pipeline for the first couple of years.

Definition of improvements - Director Rawson said that the intent of the ordinance is that annual street repaving program would trigger the ordinance, but patching and paving a travel lane would not. He will have staff provide photos of what would and would not trigger the ordinance. Councilor Ewen-Campen thinks the definition makes sense as written and Chair Davis suggested adding a list of actions that would not pull the trigger.

Calculating the number of miles per year - Senior Planner Justin Schreiber said the number of miles to be completed is 29.3. After deducting the miles already completed, the remaining balance is 26 miles and the timeline to complete them is 7 years, thus a plan would be presented each year showing no less than 3 miles to be built. Mr. Schreiber did note, however, that the 3 mile number could change once an actual full plan is undertaken.

Ensuring accessible parking - the language of the ordinance is to not reduce overall accessible parking in the city and if possible, to increase it. Director Rawson explained that there are dimensional standards for parking spaces that are adhered to and that the city always tries to add accessible parking spaces where possible. He also explained that there are guidelines for locating accessible parking spaces next to protected bike lanes. Councilor Burnley wants to know if this section (12-116.4) is adequate.

Reporting/feedback - Councilor Burnley wants to be sure that there's a process for community outreach and input and Analyst Salisbury said that a community process is baked into the ordinance, but that there isn't any specific language of what the process would be.

Councilor Mbah wants to know if language will be inserted about possibly partnering with the state when it (the state) is reconstructing a roadway, by installing bike lanes at that time. He also had concerns with Sec 12-116.3 (b) and Sec 12-116.5 (b) and would like explanations and examples of when those sections would be invoked with respect to being "*impractical to comply*".

Councilor Burnley said that he's trying to make the ordinance meet the city's plans and acknowledged that it's about finances as well as the feasibility of doing particular roads at particular times. Including this section ensures that, if the city feels that it can't move forward with a design, the City Council would be informed and a workaround would be presented. Councilor Ewen-Campen also had concerns about this section, but a check of the Cambridge Safe Streets Ordinance shows that it is almost verbatim to Somerville's.

Councilor Scott said that the language feels like it’s drawing attention to the fact that the legislature cannot constrain the power and authority of the executive. He said that he’s tired of writing laws that don’t get enforced and he noted the importance of making expectations very clear and conveying those expectations to the public.

Chair Davis has two issues: in Sec 12-116.3 (a) and (b) he asked about the phrase “*directionality as specified in the Somerville Bicycle Network plan or greater*” and Director Rawson explained that the process talked about useful origins and destinations, and the language is intended to allow one way travel, while not prohibiting more to be done. The other issue is with the defined term improvements, which appears in various points throughout the ordinance, e.g., in Sec 12-116.2 (c) and (g) and Chair Davis asked if the term “improvements” refers to the defined term contained in the ordinance or to the normal understanding of what improvements means. Analyst Salisbury explained that it’s a holdover from the Complete Streets Ordinance and doesn’t think that the intent for the word to reflect the defined term and he thinks that a minor change would accommodate the defined term language.

RESULT: KEPT IN COMMITTEE

4. Ordinance
(ID # [24-0543](#))

By Councilor Burnley Jr.
That Section 9-35 of the Code of Ordinances be amended to fulfill quorum requirements for the Wage Theft Advisory Committee.

Chair Davis noted that the proposed amendments have to do with correcting the names of participating organizations. Councilor Burnley stated that the Wage Theft Advisory Committee (WTAC) has been having quorum issues for years for various reasons and he thinks that one way to move forward would be to revise the ordinance, making its participants accurate and eligible. If the amendments were passed tonight, Councilor Burnley said that he would have to submit additional amendments to the ordinance to deal with the quorum issue. He spoke about changing the makeup of the WTAC since more than half of the 11 listed organizations don’t participate in the meetings.

Councilor Ewen-Campen commented on his understanding that staff will be provided for the WTAC in the near future and he thinks it best to address all the issues with the ordinance at the same time.

Councilor Scott said that this was a good example of the lapsing of various city boards and committees. He went on to say that when the WTAC was created, it was not with the Administration’s support. At that time, a list was put together hoping to crowd source additional support, however, that didn’t work out, so he’s open to changing the participating organizations.

He pointed out that the WTAC was created by ordinance, so the City Council could make appointments and restructure it.

Councilor Burnley noted that the WTAC has never produced a report and he feels that it's going to take a whole reimagining of the body to get things going. He doesn't want to cut out organizations that are crucial to the committee and he doesn't want to punish those who do show up for meetings. Councilor Burnley made it clear that he doesn't think that any previous City Councils did anything wrong in the drafting of the ordinance.

RESULT: RECOMMENDED TO BE PLACED ON FILE

Referenced Documents:

- Legislative Matters - 2024-04-30 PD Memorandum (with 24-0145)
- Legislative Matters - 2024-04-30 Safe Streets - Law Revisions (with 23-1461)