



City of Somerville, Massachusetts

City Council Legislative Matters Committee

Meeting Minutes

Tuesday, November 1, 2022

6:00 PM

This meeting was held via GoToWebinar and was called to order by Chair Davis at 6:02 pm and adjourned at 8:20 pm. Councilor Burnley moved to adjourn, and the motion was approved by unanimous roll call vote.

Others present: Aneesh Sahni - Mayor's Office, Jason Piques - Law Office, Catherine Lester Salchert - Law Office, Stephanie Widzowski - Clerk of Committees.

Roll Call

Present: Chairperson Lance L. Davis, Vice Chair Ben Ewen-Campen, Willie Burnley Jr., Jefferson Thomas (J.T.) Scott and Jesse Clingan

Committee Minutes
(ID # [22-1621](#))

Approval of the Legislative Matters Committee Minutes of September 13, 2022.

RESULT: APPROVED

Committee Minutes
(ID # [22-1782](#))

Approval of the Legislative Matters Committee Minutes of October 18, 2022.

RESULT: APPROVED

Demo Review

Order
(ID # [22-1686](#))

By Councilor Ewen-Campen, Councilor Burnley Jr., Councilor Clingan, Councilor Davis, Councilor Gomez Mouakad, Councilor Kelly, Councilor McLaughlin, Councilor Pineda Neufeld, Councilor Scott, Councilor Strezo and Councilor Wilson

That this Council work with the Administration to update the Demolition Review Ordinance and administrative process to ensure that all current inhabitants are notified, in their native language, of any proposals to demolish the building in which they reside.

Councilor Ewen-Campen explained his reasoning for the proposed changes to the Demolition Review Ordinance, and Councilor Burnley had a wording suggestion for increasing language access based on the Housing Stability Notification Act.

RESULT: KEPT IN COMMITTEE

Utility Poles

Ordinance
(ID # [22-0835](#))

By Councilor Strezo, Councilor Pineda Neufeld and Councilor Gomez
Mouakad

Amending Sec. 11-63 of the Code of Ordinances regarding the removal of poles, conduits and wires.

Chair Davis summarized the changes to the ordinance proposed in the amendment and explained that the intent of the changes is to remove ambiguity. He moved to recommend approval. Dir. Sahni said that the City Solicitor had some comments on the legality of the draft, and he shared feedback from DPW and ISD staff. He said DPW should have the capacity to evaluate or remove wires in-house, but they do not normally remove poles, nor is the Administration sure that DPW can be trained to perform that work at this point. Chair Davis responded that Mass General Law, codified in this amendment, should allow the city to have poles removed with outside labor.

There was a discussion as to whether the Council should require a vote for each pole to be removed, as written in Subsection A. Dir. Sahni said that staff would be able to provide information about specific structures in need of removal if the Council does keep the language in Subsection A. Solicitor Piques said that their opinion is similar to one from 2016 in that poles, utilities and wires are largely preempted by the state, and cited Boston Edison Company v. Bedford as an existing case. He said that Subsection A may need to be clarified due to the existence of statutory language, but the change may be as simple as adding language to account for other provisions of law.

Councilor Scott said about Subsection A that they want to encourage the removal of poles, but the Council is not the reason poles do not get removed. They also added that they receive many questions from constituents about pole removal. Chair Davis said that there may not be many 311 calls about poles because the issue has been ongoing for several years.

There was a conversation about enforcement of the ordinance. Chair Davis moved that the Administration work with the Council to establish a process for enforcement of Sec. 11-63 of the Code of Ordinances. Then he moved to amend the amendment to Sec. 11-63 as written in the attached document, which passed by roll call vote: 4 Yes and 1 No (Councilor Scott). Councilor Ewen-Campen moved to amend the amendment by removing Subsection A, which failed by roll call vote: 4 No and 1 Yes (Councilor Ewen-Campen). Chair Davis moved to recommend approval as amended, and the motion passed by unanimous roll call vote.

RESULT: RECOMMENDED TO BE APPROVED AS AMENDED

AYE: Chairperson Davis, Vice Chair Ewen-Campen, City Councilor At Large Burnley Jr., Ward Two City Councilor Scott and Ward Four City Councilor Clingan

Parking Enforcement

Order
(ID # [22-1453](#))

By Councilor Burnley Jr.
That the City hereby adopts the provisions of Chapter 90, Section 20A of the Massachusetts General Laws.

Taken together with items 22-1452 and 22-0451. Chair Davis said that the takeaway from this and item 22-1452 is to enable community members to report violations. Dir. Sahni said that the Administration wants to be able to respond to parking issues more quickly, but that there are some concerns in looking to residents to report violations that are shared by some Traffic and Parking staff. He said that the hope is to use technology to monitor specific spots, then have staff review the data and determine whether there is a violation. Chair Davis asked if there is a section of Mass General Law that would allow this, or if a Home Rule Petition (HRP) would be needed. Dir. Sahni said that he did not think an HRP is needed, but that the Administration is seeking input from the Law Office on whether Section 20A would allow for a path forward.

Councilor Burnley shared concerns around implementation of this item, including with contracting the issuance of tickets. He added that he does not see the value in monitoring specific areas when blockage of bicycle lanes and crosswalks is a citywide issue. He asked Solicitor Shapiro if it would be viable for the Council to pass a law that, given Section 20A is adopted, it will be used to automate tickets through 311. Solicitor Shapiro said that he would get an answer for a future meeting.

Councilor Burnley and Councilor Scott had a conversation about the differences between sections 20A and 20A1/2; Councilor Burnley said that the adoption of Section 20A would shift the oversight of Traffic & Parking from the Council to the Administration, and allow for parking tickets to be mailed instead of administered in person.

RESULT: KEPT IN COMMITTEE

Order
(ID # [22-1452](#))

By Councilor Burnley Jr.
That the City hereby rescinds its adoption of the provisions of Chapter 90, Section 20A½ of the Massachusetts General Laws.

Taken together with items 22-1453 and 22-0451.

RESULT: KEPT IN COMMITTEE

Order
(ID # [22-0451](#))

By Councilor McLaughlin, Councilor Ewen-Campen, Councilor Kelly, Councilor Wilson, Councilor Scott, Councilor Clingan, Councilor Pineda Neufeld, Councilor Strezo, Councilor Davis and Councilor Burnley Jr. That the City Solicitor prepare a revision to the appropriate ordinance so vehicles that are parked in a crosswalk, or blocking a bicycle lane, ADA ramp, bus stop, or sidewalk may be towed as well as ticketed.

Taken together with items 22-1453 and 22-1452.

RESULT: KEPT IN COMMITTEE

Neighborhood Councils

Ordinance
(ID # [22-1293](#))

By Councilor Ewen-Campen, Councilor Clingan, Councilor Wilson, Councilor Burnley Jr. and Councilor Kelly
Proposing Amendments to the Neighborhood Council Designation Ordinance (Chapter 7, Article IX) to encourage the formation of such neighborhood councils.

Councilor Ewen-Campen explained that he met with Legislative Analyst Salisbury and Special Counsel Salchert last week and incorporated all legal comments in an updated draft that was shared with the committee. He reviewed the most recent changes, including a requirement for neighborhood councils to update the City Council annually on their proceedings - within 30 days of May 1st.

Special Counsel Salchert described a comment written by a resident of Brickbottom that made her hesitant to adopt an ordinance with this level of detail for requirements in achieving and maintaining recognition by the Council. She raised the question of whether the committee is adding enough requirements that it risks making neighborhood councils into public bodies, and called the the new provision to submit an annual report to keep recognition a substantive change. She also called attention to where the existing ordinance dictates that only one neighborhood council can be recognized at a time. Finally, she suggested that the Council compare the proposed language side-by-side with the existing ordinance for clarity.

Councilor Burnley suggested lowering the minimum age for membership in Sec. 7-221(B)(II) from 18 to 16, since the city is looking to do the same with the local legal voting age. Councilor Scott agreed, and then expressed concern about the potential strain put on neighborhood councils, entirely volunteer groups, from the new requirements. He requested that councilors offer their input at this meeting, and then one or two councilors work with legal advocates to reconcile concerns into a few simpler votes to be taken up at future meetings. Councilor Ewen-Campen replied that he wants the requirements to be substantive enough that recognized groups will do what they can to be democratic and inclusive.

RESULT: KEPT IN COMMITTEE

Public
Communication
(ID # [22-1772](#))

Bill Valletta submitting comments regarding Item #214069, proposed amendments to the Neighborhood Council Designation Ordinance (Chapter 7, Article IX).

RESULT: RECOMMENDED TO BE PLACED ON FILE