



**CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES**

September 17, 2019
REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Mark Niedergang	Chair	Present	
Lance L. Davis	Vice Chair	Present	
Matthew McLaughlin	Ward One City Councilor	Absent	
Jesse Clingan	Ward Four City Councilor	Present	
Katjana Ballantyne	Ward Seven City Councilor	Present	
Ben Ewen-Campen	Ward Three City Councilor	Present	

Councilor Ewen-Campen was appointed to this committee for this meeting only.

Others present: David Shapiro, John Long, Brian Postlewaite, Ellen Shachter, Christine Koh and Annie Connor

The meeting was held in the Committee Room and was called to order at 6:00pm by Chairman Niedergang and adjourned at 8:53 pm.

Approval of the June 24, 2019 Minutes

RESULT:	ACCEPTED
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Approval of the July 2, 2019 Minutes

RESULT:	ACCEPTED
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208668: That the Legislative Matters Committee prepare an ordinance to regulate the placement of wireless facilities to the maximum extent permitted by state law.

Assistant Solicitor Shapiro walked the Committee through the ordinance. He also distributed the Small Wireless Facility Design Standards as referenced in the ordinance on page 3. He will also add a definition about the Design Standards in the ordinance. Mr. Postlewaite stated the City has authority to remove devices for safety reasons if provider has been asked to remove and has not done so. Councilor Ballantyne asked if the City could deny a permit to a provider if they have not responded to the City's request and Mr. Shapiro will look into that. It was also stated the goal of the Design Standards is to make sure the equipment meets esthetic and physical design

standards, as well as to protect the public. There are two primary pieces of a 5G wireless emplacement, , an antenna and a cabinet computer control, with each having their own space. Antennas are on the top of the pole and the other equipment is located lower on the pole. Councilor Ballantyne inquired about the research City staff used to develop this ordinance. Mr. Shapiro said it is based on the experience and understanding of other municipalities that have already dealt with these issues. Mr. Postlewaite will provide a list of the municipalities used for the research. It was requested that the City's Urban Forestry Department be consulted so that new poles are not installed in locations that would be suitable for planting a tree. Assistant Solicitor Shapiro will add language to the ordinance that the provider will not only take down poles not in use, but also remove the wiring. Chairman Niedergang inquired about the noise decibel limit on the equipment especially if they will be near residents' windows.

The committee would like Mr. Kress from the city's Health and Human Services Department to appear or report on the health issues related to 5G wireless facilities and how other communities have addressed the health concerns that a number of Somerville residents have raised..

RESULT:	KEPT IN COMMITTEE
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208862: Assistant City Solicitor submitting an Ordinance to regulate Small Wireless Facilities in the Public Right of Way.

RESULT:	KEPT IN COMMITTEE
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208883: 2 residents submitting comments re: the deployment of 5G small wireless facilities.

RESULT:	KEPT IN COMMITTEE
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207364: That would increase public oversight of surveillance technology, in order to balance public safety with the individual right to privacy.

RESULT:	KEPT IN COMMITTEE
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208815: Proposing a revised amendment to the Municipal Ordinances to provide public oversight over the procurement and usage of surveillance technology, including a summary of the major revisions.

Assistant Solicitor Shapiro and Ms. Connor appeared before the Committee. A representative from the Somerville Police Department could not attend tonight's meeting. Councilor Ewen-Campen discussed the Surveillance Technology ordinance including: its general purpose, surveillance use policy, why he feels this is important and how it would be used. He said that the City of Cambridge passed a similar ordinance last year. This ordinance has been reviewed by the City Solicitor's office, and the Administration has been working with Councilor Ewen-Campen closely on it. Ms. Connor stated the ordinance is very close to having the support of the Administration and they are mostly in agreement. Councilor Ewen-Campen stated he removed the language regarding body cameras from this ordinance due to possible issues around collective bargaining with the Somerville Police Department unions; police wearing body cameras has been an issue in those negotiations. Ms. Connor spelled out some concerns of the

Administration such as: violation of personnel matters and review of locations where cameras are placed in the city. The Chair asked Ms. Connor if the changes could be submitted in writing before the next meeting. Mr. Falcon from ACLU of MA offered to keep working with the Administration on this matter.

RESULT:	KEPT IN COMMITTEE
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208626: Requesting approval of an Ordinance to be known as the Housing Stability Notification Act.

Ms. Shachter presented a draft ordinance to the committee for review. There was a question about the difference between this draft ordinance and Boston's Jim Brooks Act Home Rule petition that was not approved by the state legislature last year. This ordinance requires the landlord to provide information about a tenant's legal rights and organizations and resources to help tenants by certified mail or by hand when a tenant is being evicted or given a notice to quit. The City Office of Housing Stability (OHS) will develop a form with this information that the landlord can use to give to the tenant. The penalties and fines in the new law would be first offense warning and second offense and subsequent offenses of \$300. The question was asked if each tenant that was being evicted or told to leave could constitute a separate offense. Mr. Shapiro said he thought so but he will look into it to be sure. There were also concerns expressed about the privacy of the information when a tenant is being evicted.

Councilor Davis motioned an amendment and it was adopted unanimously: *"That the Solicitor's office provide language to clarify that a failure to comply with the provisions of this ordinance shall constitute a separate violation for each Former Homeowner of a housing accommodation or individual Tenant in a Rental Unit, or other language as the Solicitor deems appropriate."*

There were discussions about the form to be developed by OHS for landlords to use to give to tenants. Councilor Ballantyne and the Chair said it should be ready before the ordinance goes into effect so that it is available to landlords then. Ms. Shachter will let the Committee know approximately when the form will be ready and she will consult with Ms. Connor on the actual date and roll out of information about the ordinance. Councilor Ballantyne asked how many residents will be affected with this ordinance. Councilor Ewen-Campen stated that 60% of the population turns over every three years and Ms. Shachter said there are 400 eviction cases filed every year, so this would likely affect many residents

RESULT:	APPROVED AS AMENDED
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205918: That the Administration submit a Home Rule Petition similar to Boston's "Jim Brooks Act," but with less rigid language, to encourage passage by the State.

RESULT:	KEPT IN COMMITTEE
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