



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

October 3, 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	Present	
Jesse Clingan	Ward Four City Councilor	Present	
Katjana Ballantyne	Ward Seven City Councilor	Absent	
Ben Ewen-Campen	Ward Three City Councilor	Present	

Councilor Ben Ewing-Campen was appointed to this Committee for this meeting only.

Others present: John Long - City Clerk, Chief of Police David Fallon - SPD, Deputy Chief James Stanford - SPD, David Shapiro - Law, Shannon Phillips - Law, Julie McKenzie - Law, Ellen Collins - Personnel, Emiliano Falcon - ACLU, Annie Connor - Mayor's Office, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 6:02 PM by Chairman Niedergang and adjourned at 9:11 PM.

Demolition Review Ordinance

204278: Requesting the replacement of Ordinance 7-28 with a new Demolition Review Ordinance. with relevant updates to Ordinance 1-11 for violations.

Due to other agenda items being taken out-of-order first, and the meeting already having lasted 2 1/2 hours, the Legislative Matters Cmte did not discuss the Demolition Review Ordinance revision at the meeting. The Planning Dept did prepare a presentation which is up on the City website at www.somervillema.gov/dro <<http://www.somervillema.gov/dro>>

There was no discussion on the Demolition Review Ordinance at the meeting other than the handing out of the presentation.

RESULT: KEPT IN COMMITTEE

204422: Alan Bingham submitting comments re: #204278, the Demolition Review ordinance.

RESULT: KEPT IN COMMITTEE

205151: Alan Bingham submitting comments re: the draft Demolition Review Ordinance.

RESULT:	KEPT IN COMMITTEE
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205791: Chamber of Commerce submitting comments re: #204278, the proposed demolition review ordinance.

RESULT:	KEPT IN COMMITTEE
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206483: Somerville YIMBY Committee submitting comments re: #204278, the Demolition Review ordinance.

RESULT:	KEPT IN COMMITTEE
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206484: Justin Rank submitting comments re: #204278, the Demolition Review ordinance.

RESULT:	KEPT IN COMMITTEE
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Public Oversight of Surveillance Technology

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.

Ms. Connor explained the changes the Administration wanted to make to the draft ordinance and the rationale behind them. The Committee reviewed the revised document, discussing it with members of the Administration and Mr. Falcon of the ACLU, and made the following additional amendments to the previous draft it had been working on:

- To add a new Section 1.3 C., subsection ii. (and re-number the following subsections accordingly) as follows: Any Surveillance Technology Impact Report and, if necessary, Technology-Specific Surveillance Use Policy submitted to the City Council under this Section may be redacted (a) to the extent required to comply with an order by a court of competent jurisdiction or (b) to exclude information that in the, reasonable discretion of the Chief of Police, if disclosed, would materially jeopardize an ongoing investigation or otherwise represent a significant risk to public safety and security provided, however, that any information redacted pursuant to this paragraph will be released in the next Annual Surveillance Report following the point at which the reason for such redaction no longer exists.
- Amend Section 1.5 (in line 3) by inserting the word “unapproved” before the words “Surveillance Technology.”
- Amend Section 1.5 (A) (in the first paragraph) by changing the word “using” to the word “use” and by deleting the phrase “, or in a location,”. The intent is not to allow uses inconsistent with the rest of the ordinance.
- Amend Section 1.6 (B) ii by changing the phrase “under what legal standard(s) the information was disclosed...” to “any legal standard(s) under which the information was disclosed...”

- Amend Section 1.6 (B) iv by inserting the word “non-privileged” after the word “audits,” and by inserting the phrase "other than to the extent that such inclusion would violate the privacy rights of an employee of the City;”
- Amend Section 1.6 (B) viii by inserting the words “A disclosure of any new agreements made in the past 12 months with non-City entities that may include acquiring, sharing, or otherwise using Surveillance Technology or the Surveillance Data it provides.” after the words “of the Surveillance Technology.”
- Amend Section 1.6 (B) viii by inserting the word “may” between the words “that” and “include”.
- Amend Section 1.7 by removing subsection (E) and renaming subsequent sections accordingly.

The item was unanimously approved, as amended.

RESULT:	APPROVED AS AMENDED
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207364: Draft ordinance that would increase public oversight of surveillance technology, in order to balance public safety with the individual right to privacy.

RESULT:	PLACED ON FILE
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Police Cadets

208703: Requesting approval of a Home Rule Petition to authorize the City to appoint Police Cadets under certain circumstances.

Deputy Stanford informed the Committee that some police candidates are dropping out before and during their Police Academy training. The proposed cadet program is geared to recruiting Somerville High School seniors and having them work with the Police Department while they attend Bunker Hill Community College or some other college program. This is a 4-year program with classroom instruction and the state Civil Service Commission will award participants 1 point, up to a maximum of 5, on their civil service test scores for every year of service provided to the City in the cadet program. Members were told that cadets would receive some reimbursement for college tuition and that the School Department was on board with the program. The time in the program does not count towards an officer’s probationary period.

Ms. McKenzie stated that this Home Rule Petition is modeled after others that the legislature is familiar with and has passed. Some other models place cadets at top of the civil service list and some specify a ratio of cadets, but Ms. McKenzie believes that Somerville's proposal is a fairer process. It's hoped that the cadets choose to go into law enforcement, but if not, the program will still have benefitted the participants by exposing them to law enforcement and providing tuition assistance for achieving a college degree.

Councilor McLaughlin suggested that perhaps a similar program might be able to be implemented for EMT's.

RESULT:	APPROVED
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Deployment 5G Small Wireless Facilities

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

Mr. Shapiro told the members that the current standards are now online. He said the City of Cambridge is considering changing its standards and that the Solicitor's Office wants to see what they come up with to inform Somerville's standards. Somerville's City Council would have to approve licenses based on the standards and so Mr. Shapiro advised that the standards should be written in a manner to allow some flexibility so that the Council does not need to keep on amending the ordinance for every small change in the standards. A question was raised about the noise associated with these facilities, and Mr. Shapiro noted that the FCC, DEP, Somerville's Ordinances and state statutes all have regulations regarding noise. If down the road these facilities are considered to be too noisy, the city's Noise Ordinance could be amended.

Mr. Shapiro explained that there is a federal law that says if there is a minor modification that meets the standards, it has to be allowed by right. He asked the Committee if, in those cases, the City Council wants to approve the licenses or let the City Engineering Director approve them administratively. Councilors McLaughlin and Davis agreed that if the City Council has no discretion, and must approve them, why give the appearance that it has any say in the matter? Chairman Niedergang and Councilor Clingan initially said they would prefer that all applications go before the City Council so that Councilors are informed, but following discussion agreed with Councilors Davis and McLaughlin.

Urban forestry standards will be incorporated into the design standards. Asked about removing unused wires, Mr. Shapiro stated that there is already a statute in effect for abandoned wires. He also stated that existing poles must be prioritized for use under the standards, and that no new poles could be installed unless there is no other way to provide the needed services. With regard to assignability of licenses, Mr. Shapiro told the members that this is a policy decision for the City Council. Mr. Long pointed out that Grants of Location are and have been assignable, and in fact assignability is necessary whenever a company changes its name. Councilors seemed to accept Mr. Long's advice.

It was asked if language could be added requiring that a company which the City punished or put a restriction on for not complying with the ordinance or the standards could have to follow a higher standard due to their non-compliance.

RESULT:	KEPT IN COMMITTEE
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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.

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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Handouts:

- Demo summary - October 3, 2019 (with 204278)

- SomervilleSurveillanceOrdinance-V7 - BEC Clean 9.27.edits tracked (with 207364, 208815)
- ACLU comments to CCOPS ordinance 10-1 (with 207364, 208815)
- Opinion re Small Cell Wireless Facilities (with 208668, 208862)
- Ordinance - Small Wireless Facilities - Revised (with 208862)