



# CITY OF SOMERVILLE, MASSACHUSETTS

## CLERK OF COMMITTEES

September 30, 2021  
REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

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

Others present: David Shapiro - Law, Frank Wright - Law, Jason Piques - Law, Lauren Racaniello Legislative Affairs, Hannah Carrillo - Legislative Liaison, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:07 PM by Chair Davis and adjourned at 8:12 PM on a roll call vote of 4 in favor (Councilors Clingan, Ewen-Campen, Niedergang, and Davis), 0 against and 1 absent (Councilor McLaughlin).

### Approval of the July 6, 2021 Minutes

The Minutes were accepted on a roll call vote of 4 in favor (Councilors Clingan, Ewen-Campen, Niedergang, and Davis), 0 against and 1 absent (Councilor McLaughlin).

<b>RESULT:</b>	<b>ACCEPTED</b>
----------------	-----------------

### **212449: Assistant City Solicitor submitting an Ordinance to require the City Clerk to forward all members of the City Council copies of G. L. c. 268A, sections 20(c) and 20(d), disclosure forms filed with the City Clerk.**

This item was referred back to the committee by the City Council due to a question about the existence of specific sections. Mr. Shapiro explained that the state is aware of the discrepancy and that they have been left in MGL. Mr. Shapiro recommended that the ordinance be amended to read c. 268A Section 20, thereby broadening its scope. Chair Davis moved to amend the ordinance as follows:

#### ***Sec. 2-106. Notice of certain G. L. c. 268A, s. 20 Disclosure Forms***

*The City Clerk shall promptly forward all members of the City Council copies of any disclosures filed with the City Clerk pursuant to subclause ( c ) and ( d ) of G. L. c. 268A, commonly known as G. L. c. 268A, s. 20(c) and G. L. c. 268A, s. 20 (d).*

The amendment was approved on a roll call vote of 4 in favor (Councilors Clingan, Ewen-Campen, Niedergang, and Davis), 0 against and 1 absent (Councilor McLaughlin).

<b>RESULT:</b>	<b>APPROVED AS AMENDED. [UNANIMOUS]</b>
<b>AYES:</b>	Davis, Niedergang, Ewen-Campen, Clingan
<b>ABSENT:</b>	McLaughlin

**206811: Conveying the Report of the Clean and Open Elections Task Force.**

See item 207392

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
----------------	--------------------------

**207392: Requesting approval of a Home Rule Petition providing for legal voting rights in municipal elections for non-citizen residents.**

Discussed with item 206811.

Mr. Shapiro stated that he had no additional information for this item. Councilor Ewen-Campen stated his support for this petition and Councilor Niedergang stated that this is a matter of justice. He questioned the wording that referenced 18 year olds (for voting) and Mr. Shapiro will check into this.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
----------------	--------------------------

**212250: That the Commissioner of Public Works, the Director of Purchasing, and the Director of Mobility report to the Legislative Matters Committee on enforcement of and annual reporting on the Ordinance to Safeguard Vulnerable Road Users.**

Chair Davis explained what this ordinance was designed to do and noted that it requires annual reporting. The administration is looking into this matter, per Director Racaniello. Councilor Niedergang commented that the Somerville Police Department is supposed to be involved in enforcement of the ordinance. He also asked to see a copy of the report, when available. Councilor Niedergang asked that the city's point person on this matter stay in touch with counterparts in Boston and Cambridge, as they have similar ordinances.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
----------------	--------------------------

**To begin discussion**

**210605: That the City Solicitor draft an ordinance prohibiting the installation of public lighting in excess of a temperature level to be determined.**

Chair Davis spoke about the temperature of the lights, noting that the higher the temperature the more that living beings interpret the time of day to be daytime. He noted that he received many complaints about some of the city's lights. He would like to put in place an ordinance prohibiting public lighting in excess of a specific temperature to be used. Councilor Ewen-Campen expanded on the conversation, noting that placement is also often a problem and may be a cause of sleep deprivation. Director Racaniello will try to determine who would be the best person from city staff to discuss this matter.

**RESULT:**

**KEPT IN COMMITTEE**

**211825: That this Council consider passage of a Home Rule Petition enabling a "right to charge," similar to HD4109 or Chapter 370 of the acts of 2018, ensuring that tenants are provided access to charging stations.**

Director Racaniello asked if a HRP has already been drafted and said that administration would be happy to review its language. Chair Davis explained that the intent was to put in place a legal framework to remove the barriers faced by renters on this matter. He asked that the Solicitor's Office review the issue and work with the committee on it.

**RESULT:**

**KEPT IN COMMITTEE**

**211830: That the City Solicitor advise this Council on the restrictions of public notice posting requirements for local businesses, particularly as it relates to business practices such as wages.**

Mr. Shapiro has begun a review of this matter, saying that there are legal tests that must be met before it may be implemented.

**RESULT:**

**KEPT IN COMMITTEE**

**212244: That the Administration work with this Council to begin a public process to consider removing the phrase "Honorably Purchased from the Pawtuckets – 1639" from the Somerville Seal and Flag.**

Councilor Ewen-Campen explained that the city seal is set by ordinance and may be amended at any time by the City Council. He has an issue with the statement "*Honorably Purchased from Pawtuckets - 1639*" and he feels that it comes across not as a respectful statement, but rather comes across as white Somerville politicians in the middle of the 1900's trying to absolve themselves of historical wrongdoing.

He's asking that the administration research this matter to determine how the phrase was placed on the seal. He feels that there should be an easier way to acknowledge that Somerville was once Pawtucket land. Councilor Clingan commented that this might end up being a big fiasco, but he's willing to have the discussion. Director Racaniello commented that the Mayor's Office has flagged this item and said that she will contact the city archivist to try to gather additional information. Councilor Niedergang spoke about an email he received asking how to go about making land acknowledgements and he asked that the administration provide information on this request.

**RESULT:**

**KEPT IN COMMITTEE**

**212255: That this Council consider an Automated Speed Enforcement in School Zones Home Rule Petition similar to the one already approved by Salem MA.**

Mr. Piques, the city's newest Assistant City Solicitor, informed the committee that he submitted a draft, based on the City of Salem's petition, noting that there are no substantive differences between the two documents. His understanding is that the state has taken no further action on the petition since January 2021. Chair Davis stated that he would like to move this item along.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
----------------	--------------------------

**212401: That the Administration cease the lawsuit seeking to overturn the ruling of the Public Records Office, as outlined in the attached.**

This relates to a legal matter involving public records. Mr. Wright said that given the nature of the issue, he's not able to speak about it in detail. The city is in disagreement with the Supervisor of Public Records Office over disclosure of some documents and is appealing the decision. Councilor Niedergang said he does not understand why the city is challenging the ruling, adding that the arguments put forward by the city are not compelling to him.

<b>RESULT:</b>	<b>WORK COMPLETED</b>
----------------	-----------------------

**To be considered for closing**

**205489: That the Administration compile a report for this Board of all emails and letters received on the proposed Real Estate Transfer Fee, and work with this Board to host community forums that bring all interested parties to the table.**

<b>RESULT:</b>	<b>WORK COMPLETED</b>
----------------	-----------------------

**210742: That the City Solicitor draft an ordinance similar to Boston's PILOT ordinance, formalizing payments in lieu of taxes to create a fair and transparent system of taxation for large tax-exempt non-profit organizations.**

<b>RESULT:</b>	<b>WORK COMPLETED</b>
----------------	-----------------------

**211002: That the Chief of Police and the Administration discuss with the Legislative Matters Committee, potential revisions to the citation form for violations of City ordinances, to include demographic data.**

<b>RESULT:</b>	<b>WORK COMPLETED</b>
----------------	-----------------------

**210233: That this Council draft an ordinance to establish a Use of Force Policy applicable to municipal law enforcement agencies.**

<b>RESULT:</b>	<b>WORK COMPLETED</b>
----------------	-----------------------

**211197: That the City Solicitor draft language to change all pronouns in the city's ordinances to gender-neutral.**

Mr. Shapiro stated that this has been submitted to the state and the city has not yet received a response.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
----------------	--------------------------

**210557: Congratulating the Administration on a very successful rehabilitation and re-**

**opening of Prospect Hill Park, and requesting a reduction in the excessively bright lighting from the new lamp posts.**

**RESULT:**

**WORK COMPLETED**

**Referenced Material:**

- City Seal Ordinance References (with 212244)
- Speed enforcement in School Zones HRP (draft 9-30-21) (with 212255)