



## CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

June 7, 2022

### REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Lance L. Davis	Chair	Present	
Ben Ewen-Campen	Vice Chair	Present	
Willie Burnley Jr.	City Councilor At Large	Present	
Jefferson Thomas ("J.T.") Scott	Ward Two City Councilor	Present	
Jesse Clingan	Ward Four City Councilor	Present	

Others present: Mary Skipper - Superintendent of Schools, Andre Green - School Committee Chair, Colin Zeigler - Environmental Health Coordinator, Rich Onofrio - Shooter Detection System, David Shapiro - City Solicitor, Rich Melillo - School Administration, Rich Raiche - Director of Capital Projects, Lt. Sean Sheehan - SPD, Stephen Haynes - Water & Sewer, Aneesh Sahni - Director of Intergovernmental Affairs, Brendan Salisbury - Legislative Policy Analyst, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:05 PM by Chair Davis and adjourned at 10:00 PM on a roll call vote of 5 in favor (Councilors Clingan, Scott, Burnley, Ewen-Campen and Davis), none against and 0 absent.

#### Approval of the May 3, 2022 Minutes

<b>RESULT:</b>	<b>ACCEPTED</b>
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#### Approval of the May 17, 2022 Minutes

<b>RESULT:</b>	<b>ACCEPTED</b>
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#### **213869: Assistant City Solicitor submitting amendments to Sections 11-125 and 11-164 of the Code of Ordinances.**

Director Sahni explained that the amendments make an adjustment in the approval process to allow rate adjustments to occur when deadlines are missed. Director Raiche said that the city is trying to stabilize water and sewer rates to make them more predictable to rate payers. Without these amendments, the city would not have been able to increase the water and sewer rates this year, making next year's increase that much higher.

Director Haynes told the committee that safeguards will be put in place to avoid missing deadlines in the future. Chair Davis noted that some years ago, a date was missed and that led to the Council proposing changes to the ordinance, preventing the city from raising the rates if deadlines were missed. Solicitor Shapiro noted that a separate vote would be needed to effectuate an actual change in the rates. Solicitor Shapiro will review the language and adjust the dates and text where applicable.

Chair Davis moved for approval, as amended with the drafting clarifications discussed by the committee. Councilor Ewen-Campen requested an update on a residential exemption for hardship situations.

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

**213489: Requesting approval of the Surveillance Technology Impact Report for Guardian Indoor Active Shooter Detection System.**

Superintendent Skipper stated that the School Department would like to deploy the Guardian Indoor Active Shooter Detection System (GIASDS or SDS) in the high school in time for the next school year. The SDS is able to identify and provide the exact location of a gunshot fired within the school and transmit that information to every police officer in the city, whether on or off duty, within 1 second. Additionally, police have the ability to enter schools with a swipe device. Superintendent Skipper commented that this is another tool to be used to keep students and faculty safe and she pointed out that it is not an audio surveillance device and uses acoustic/directional technology. School Committee Chair Green stated that the School Committee is in favor of implementing this technology. Mr. Melillo told the committee that school emergency preparedness began in 2015 in collaboration with the Police and Fire Departments. The focus of the program is on staff training and concentration on high-risk students. Mr. Melillo continued his comments, saying that SDS is not a surveillance system and there is no video component to it, personal privacy is not invaded, the system is certified by Homeland Security, and that the school may be placed in lockdown from any room within the school. The cost of the technology is \$48,190, however the city received an applicable \$45,000 grant, so the actual cost to the city is approximately \$3,000.

Mr. Onofrio, who has been with SDS from its beginning, likened the system to a smoke alarm. He explained that the system only listens for gunshots and no audio leaves the sensor. The system is on premises and no data goes to the company, nor does the company have any ability to access it. SDS utilizes infrared heat sensors to verify gunshots, not just sound. Log files could be provided, but not traditional audio files.

Councilor Ewen-Campen said his concerns are about privacy and that he needs to trust and verify. He referenced the attached email that disputes the claims made about the system. Mr. Onofrio noted that the statements in the letter were true - 10 years ago, however, after the incident at Sandy Hook, the technology was greatly improved by adding infrared capability. Councilor Ewen-Campen inquired about external audits of SDS and Mr. Onofrio said many have been done by DHS and that the system has been certified by the UK and Australia. Councilor Ewen-Campen asked if the certifications could be provided to the committee and Mr. Onofrio said he would provide them.

Councilor Burnley stated that he needs to hear independent verification of the system's efficacy and privacy, perhaps from the ACLU. He thinks a firecracker could generate a false positive and he asked for the baseline false positive rate. Mr. Onofrio replied that the rate is 1 in 5 million hours, adding that he's happy to work with the ACLU. He also noted that this is the first time anyone has

had privacy concerns. The system is installed in state courts, airports, colleges, fortune 500 companies, etc. Councilor Burnley asked about long-term maintenance and Mr. Onofrio said it is minimal to the system and Mr. Melillo stated that there is no cost for maintenance during the first five years. He also noted that the system had been used at SHS for over 3 years and there were no false positives. Mr. Onofrio noted that the technology had been used in some other government buildings in Somerville, prompting Councilor Scott to inquire why it's no longer in operation. Director Sahni told the committee that the technology is not now active in any city buildings and that he will obtain additional information on their use.

Councilor Scott asked about the specifications for the infrared technology and Mr. Onofrio replied that some of it is proprietary, but he explained how the handheld tester is used for training drills.

Mr. Onofrio explained that the wave forms are stored on the device indefinitely, until the system is powered down and that only high intensity acoustic signals (on either side of a gunshot) would be captured.

**RESULT:**

**KEPT IN COMMITTEE**

### **213830: Proposing an Ordinance securing the rights of individuals seeking gender-affirming care.**

Councilor Burnley has proposed changes (attached) to his original draft including sections about enforcement and reproductive rights. He spoke about laws seeking to prevent trans people from living full lives and he thinks that the city needs to lead the charge against trans-phobic fears. He said that reproductive rights are also being scrutinized and that if people don't have rights over their bodies, then they have no rights. Chair Davis moved to replace the original draft with Councilor Burnley's newest version.

Councilor Burnley sponsored Kade Crockford, from the ACLU, to speak. Chair Davis asked if anything from state legislation might interfere with this proposal. Mx. Crockford doesn't see any conflict and they expressed hope that the House of Representatives includes it in the conference budget. Councilor Burnley noted that the city doesn't have the ability to go as far as the state's version. Chair Davis would like the reference to the Supreme Court's Dobbs decision reworded. He also questioned the need for anti-discrimination language since it exists elsewhere in the city's Human Rights Ordinance and suggested that this ordinance could acknowledge the existing policy. Solicitor Shapiro will review the language.

Chair Davis asked Solicitor Shapiro to provide an opinion on the following language: *A court shall award costs and reasonable attorneys' fees to a plaintiff who is the prevailing party in such proceedings.* Solicitor Shapiro will review the language and provide an opinion. The Chair noted that the intent appears to be that the city won't fight a claim for legal costs. Chair Davis also questioned the wording and intent of (I ) (3): *An action instituted under this paragraph shall be brought against the City of Somerville, the respective department of the City of Somerville, and, if necessary to effectuate compliance with this ordinance, any other governmental agency with possession, custody, or control of information subject to this ordinance.* The committee agreed that changing the word "shall" to "may" clarifies that a claim can be brought against the city, a city department, or both.

Councilor Burnley moved to approve the draft, with language to capture the concepts discussed by the committee this evening.

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

**213888: Amending Section 2-310 of the Code of Ordinances to eliminate the general residency requirement for city employees.**

Chair Davis pointed out that the residency requirement hasn't been enforced for some time. He sponsored the Council's Legislative Policy Analyst, Brendan Salisbury, to speak on the item. Mr. Salisbury reviewed the changes, explaining that they basically strike the requirement. Chair Davis commented that the city should be paying its employees enough for them to be able to live in Somerville and he asked if there is any circumstance where the residency requirement is actually enforced. Director Sahni reported that some boards and commissions have members that don't live in city. Solicitor Shapiro noted that the practice has been to not enforce the policy. Councilor Scott thinks it would be worthwhile to review each commission's bylaws to make sure the provision doesn't exist there. He also stated that the Fire Department does take the residency requirement seriously, adding that he doesn't think that there is such a requirement under civil service. Solicitor Shapiro noted that there may be a collective bargaining issue and he will have it looked at and will report prior to this week's City Council meeting. Chair Davis noted there are changes to revise binary gender language. He moved for approval of the item.

<b>RESULT:</b>	<b>APPROVED. [UNANIMOUS]</b>
<b>AYES:</b>	Davis, Ewen-Campen, BurnleyJr., Scott, Clingan

**213342: That the appropriate departments work with this Council to draft an Ordinance regarding the commercial use of hazardous industrial materials in retrofitted older buildings.**

Mr. Zeigler said that there is a general concern of hazard materials coming out of businesses. He told the committee that the storage of batteries is governed by state and federal guidelines and that there is only one facility in the state that can handle the disposal process. There is opportunity for the city to provide additional oversight regarding battery work and to issue fines and to authorize the Health and Human Services Department to deal with nuisance dumping. The city's recommendation is that additional docs be required by adding them to the existing ordinance.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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Reference Material:

- Water & Sewer (with 213869)
- Comment - B Schwartz (with 213489)
- 2022- CLEAN Gender Affirming Care and Transgender Rights Protection (with 213830)
- 2022-Residency Requirement v3 (with 213888)