



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

November 4, 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	Present	
Jesse Clingan	Ward Four City Councilor	Present	

Others present: David Shapiro - Assistant City Solicitor, Jay Piques - Assistant City Solicitor, Lt. Sean Sheehan - SPD, Christine Blais - Climate Program Manager, Lauren Racaniello - Director of Legislative Affairs, Hannah Carrillo - Legislative Liaison, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:04 PM by Chair Davis and adjourned at 7:51 PM on a roll call vote of 5 in favor (Councilors Clingan, McLaughlin, Ewen-Campen, Niedergang and Davis), 0 against and 0 absent.

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.

Ms. Blais, Climate Program Manager, spoke on this item and said that the intent is good, but there is concern with the way the ordinance is written. The language is from a Home Rule Petition from Cambridge. She is concerned with the version that addresses condo owners and rentals, as it does not define landlords. There might also be a problem with asking tenants to install and remove hard wired charging stations. Chair Davis pointed out that the committee has yet to receive the Home Rule Petitions that Ms. Blais is discussing, and he intends to have them attached to tonight's agenda to allow the public to view them. She asked who is having the problems and what kind of problems are being experienced. She noted that the city's housing stock is old, so wiring would have to be checked to determine if they can handle the load of a charging station. She said it's important to know the audience, e.g., who will this effect? Ms. Blais noted that there is some information regarding electric vehicles on the OSE website.

Solicitor Piques stated that the Law Department has nothing significant to add. He noted that Right to Charge laws are in effect in other municipalities including in Colorado.

RESULT:	KEPT IN COMMITTEE
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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.

Solicitor Shapiro explained that the legal issue has not changed. The information must be factual, non-controversial and have a governmental interest in order to force the postings. He noted that the anti-wage theft ordinance may be a context to consider the government interest prong. Chair Davis will ask Councilor Scott to get in touch with Solicitor Shapiro to discuss this matter further.

RESULT:	KEPT IN COMMITTEE
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212595: Submitting the 2021 Surveillance Technology Annual Report.

Councilor McLaughlin was recused from this item.

Chair Davis had some questions with the report but is pleased with the level of detail included in it and commended the effort in providing responses. He spoke about the response to question #2 on a few of the reports, saying that the response included doesn't specifically answer the question. He noted that this happens in several places in the report. Director Racaniello explained that this may be a case of the administration, in an effort to provide information, making things more confusing. She will collaborate with Lt. Sheehan to clarify the responses. Lt. Sheehan said that he would provide any additional requested information and will work to make these reports more responsive in the future. Councilor Ewen-Campen asked that, to the extent possible, the types of crimes be publicly reported and Lt. Sheehan noted that most were traffic accidents and he said that he would provide the information where possible. Chair Davis said that the key point is to know what data is being shared.

RESULT:	KEPT IN COMMITTEE
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212572: That the City Solicitor work with this Council to amend the anti-nepotism ordinance to allow for more flexibility when the circumstances warrant.

Chair Davis explained that he submitted this item due to the fact that some Council members have to continually be recused from participation in a number of important items. The objective is to have councilors better represent their constituencies by actively participating in discussions and deliberations. Chair Davis believes that sub-section (c) of the ordinance is being interpreted more broadly than the drafters intended and it's the primary intent of the ordinance was to prevent relatives of councilors from being hired by the city. He went on to say that the state conflict-of-interest law addresses concerns relating to family members that work for the city, and he would like to amend the ordinance by deleting sub-section (c). Councilor McLaughlin agrees that the section isn't needed. Solicitor Shapiro explained the state conflict-of-interest law contemplates a range of scenarios, including that a 23-b disclosure could be filed for those instances when a councilor would be allowed to vote on an item that does not directly affect a family member's job with the city. Chair Davis will, at the next City Council meeting, propose to delete sub-section (c) of the ordinance, as well as amending the definition of cohabitant.

RESULT:	KEPT IN COMMITTEE
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211952: Requesting adoption of the attached Rental Registration and Energy Disclosure Ordinance.

Ms. Blais said that the requested information would have to be supplied yearly to the city. She spoke about holding some focus groups to gather public input with people who may not have been previously involved, on how to perhaps streamline the ordinance. The focus groups are anticipated to begin mid-January. Councilor Niedergang commented that he would like to have this ordinance in place by September 1, 2022. He also said that section C e doesn't make sense to him, and he would like some more thought put into that section to make it less rigid. Ms. Blais explained that the November 15, 2022 effective date was suggested by the Finance Department and she hopes to have informational materials and outreach done six months prior to that date. She has no objection to making the effective date sooner if everything else is completed. Ms. Blais also explained that the 25-mile radius in Section C e was included so that someone would be fairly close in the event of an emergency. Ms. Blais suggested considering electric vehicle data on these forms to make it know that the city is interested in these things.

RESULT:	KEPT IN COMMITTEE
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211811: Proposing an ordinance that would require the Mayor to annually submit to this Council a report on the status of housing.

Liaison Carrillo said that the administration has not had the chance to dive into this with all of the departments involved. She acknowledged that the data is valuable and that the process is ongoing. She commented that instead of this being an annual report, it be provided every 3 to 5 years. Councilor Ewen-Campen noted that much of this data is available in the housing needs assessment. He recognized that the Housing Department is over worked, but he finds it frustrating that the housing needs assessment has not been update in the 4 years that he's been on the City Council. Liaison Carrillo said that the data has to be aggregated from various sources.

RESULT:	KEPT IN COMMITTEE
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To consider for closing

205701: That the Administration share enforcement mechanisms for Ordinance 11-33, Driveway Construction, as it relates to pervious surface area.

RESULT:	PLACED ON FILE
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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:	PLACED ON FILE
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209224: That the City Solicitor draft an ordinance to address the Black Swallow-wort problem.

RESULT:	PLACED ON FILE
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209640: That the Administration work with the Committee on Legislative Matters to consider revisions to the Noise Ordinance.

RESULT:

PLACED ON FILE

211232: That Ordinance 10-1 regarding the organization of the Police department be amended by removing the specified levels of patrol and superior officers.

RESULT:

PLACED ON FILE