



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

March 15, 2022

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Lance L. Davis	Chair	Present	
Ben Ewen-Campen	Vice Chair	Absent	
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	

Councilor Ewen-Campen was absent due to a pre-existing conflict. The meeting was called to order at 6:09 PM by Chair Davis and adjourned at 7:57 PM.

Others present: Aneesh Sahni - Mayor's Office, George Proakis - OSPCD, Colin Zeigler - Environmental Health Coordinator, Brendan Salisbury - Legislative & Policy Analyst, Stephanie Widzowski - Assistant Clerk of Committees.

Approval of the January 20, 2022 Minutes

Councilor Clingan moved to approve the minutes.

RESULT:	ACCEPTED
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Chief of Police HRP

212804: That the Administration re-submit its request for approval of a Home Rule Petition to authorize the continued employment of Acting Somerville Police Chief Charles Femino.

Taken together with 212995. Dir. Sahni explained that the city needs a home rule petition by June to keep Mr. Femino as Acting Police Chief past age 65.

Chair Davis asked about progress with the process of finding a permanent Police Chief. Dir. Sahni answered that the Police Chief Search Committee met through last fall, and an RFP was developed incorporating their feedback. The Administration is currently evaluating proposals and will return to the search committee afterward.

Councilor Scott asked why the search is being done largely through an RFP instead of a traditional job posting. He also asked if there was a timeline on the hiring process. Dir. Sahni said he could look into the first question further, and that there are no estimates on the timeline yet.

Councilor Burnley said he thought the process to find a permanent Police Chief began in 2020, and that the search will likely go through the summer. He said efforts to reimagine policing seem to be taking longer than their initial estimates under the previous administration. Sometimes this is reasonable, but Councilor Burnley expressed confusion as to why this particular process has not moved ahead more quickly. Councilor Clingan responded that this is actually an aggressive timeline. He said that the replacement should move quickly, but that he could not speak to the timeline for the home rule petition, as that had not been discussed with the hiring committee yet.

Chair Davis asked for clarification that if a new Police Chief was hired before June, that this home rule petition would not be necessary, but it allows for someone to assume the role of Police Chief in the event that the hiring process takes longer. Dir. Sahni said that was correct, and also clarified that the home rule petition was submitted months ago, before the search committee finished its meetings about the RFP.

RESULT:	WORK COMPLETED
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212995: Requesting approval of a Home Rule Petition to authorize the continued employment of Acting Somerville Police Chief Charles Femino.

RESULT:	APPROVED. [3 TO 1]
AYES:	Davis, Scott, Clingan
NAYS:	BurnleyJr.
ABSENT:	Ewen-Campen

Biotechnology Ordinance

212822: That the Administration re-submit its proposed amendments to modernize the city's biotechnology ordinance.

Taken together with 213171. Chair Davis explained that this is more than a re-submittal; last time it reached this committee, the Administration had made revisions based on feedback.

Councilor Scott said that some councilors had significant concerns about the ordinance in a previous meeting and had planned to do extensive edits. He asked if this item included those proposed edits. Chair Davis said it was decided to have the Administration make the next set of edits to the ordinance based on councilors' feedback, which is included in this version.

Mr. Zeigler gave a presentation outlining the amendments to the Biotechnology Ordinance, which were a collaboration between the Biosafety Committee, city staff, industry experts, and other municipalities. The amendments include provisions to define/add biological agents to regulatory language, reflect current work in the industry, enable the Somerville Biosafety Committee (SBC) to develop policies related to application review and inspection and revise/suspend permits for multiple-time offenders, codify state and federal guidelines, and outline a clear application process to submit documents to the SBC for review. At least one member of the SBC must be a Somerville resident. Institutions applying for permits must also have an internal biosafety committee (IBC) according to the updated ordinance, and those committees must have community representatives. These changes are meant to bring Somerville in line with its neighbors.

Councilor Burnley noted that violations to this ordinance carry daily fines, and asked how that is enforced - is the \$300 fine sufficient on its own or in tandem with state/federal law? Dir. Proakis answered that there are state limitations on fines and that he believes \$300 is the maximum allowed, but they are able to charge that fine every day for most ordinances. The ISD handles many types of fines, but the Committee could discuss enabling other entities to charge fines as well. The city wants to incentivize people to follow the guidelines, but also needs a deterrent.

Councilor Burnley said he would be interested in developing more industry-specific guidelines. He spoke to his experience in licenses and permits, commented that human elements make it difficult to fix violations overnight, and asked if there are reasonable considerations for resolving violations. Mr. Zeigler replied that the industry is extremely self-regulating, but in the event of a violation, he would present his findings to the SBC, which would take further action. He would then work with ISD to issue fines and monitor the site for changes.

The Committee discussed details in the proposed final draft, including how to determine if facilities are adequate for a certain level of risk.

Councilor Scott noted that currently, only one member of the community is appointed to the SBC; the rest are city staff. He wondered if this would shift the permit process from community-reviewed to administrative. Mr. Zeigler said the intention for the dominance of city staff is for all necessary departments to be informed and engaged with the process. He said they would be happy to add more seats for community members. The proposed requirements call for one academic expert and two broadly representative members of the community on the committee. Councilor Scott replied that the Committee could address this later if it does become a problem. Chair Davis suggested requiring a certain number of community members on the committee, even if they are unable to attend meetings.

Chair Davis posed an open question raised by many constituents: should BSL-3 facilities be permitted without further considerations for location? For example, would it be appropriate to build a BSL-3 facility anywhere in Davis Square?

Dir. Proakis said that when a use is regulated on a geographic level, it becomes a zoning issue. He also said that if a BSL-3 facility is determined to be not appropriate for a place like Davis Square, then he thinks it should be deemed not appropriate for the city as a whole. He expressed concerns about establishing an ordinance where some locations are more acceptable than others for high-risk facilities. Chair Davis agreed with these concerns.

Councilor Scott commented that BSL-3 facilities involve “pucker-factor” items such as typhus and botulism. But coronaviruses are also included in that category, and he said he is happy that neighboring facilities are working hard on generating COVID vaccines. He agreed that zoning would be more appropriate for discussion on location, but encouraged others to welcome research facilities. Chair Davis recalled a company that initially looked to develop a facility in Somerville, but moved to Kendall Square instead due to community concerns. He said that there are consequences to approaches that exercise too much or too little caution.

RESULT:

WORK COMPLETED

213171: Submitting proposed amendments to modernize the Biotechnology Ordinance.

Chair Davis kept this item in committee so that Councilor Ewen-Campen could participate in the discussion.

RESULT:	KEPT IN COMMITTEE
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Tree Ordinance

212996: Requesting approval of an amendment to Ordinance 1-11 to establish the enforcing personnel for violations of the tree ordinance.

Councilor Scott said he would be happy to move forward with this item as long as ISD continues to file the violations accordingly so that they are trackable. He moved to approve the item.

RESULT:	APPROVED. [UNANIMOUS]
AYES:	Davis, Burnley Jr., Scott, Clingan
ABSENT:	Ewen-Campen

Surveillance Tech Annual Report

212825: That the Administration re-submit the updated 2021 Surveillance Technology Annual Report.

Dir. Sahni said that he would be prepared to speak to this item at the next meeting. Chair Davis said that the cooperation of the Administration and SPD has been excellent and that he appreciates their time. He explained that the intent of this ordinance is to provide significant transparency to the public and called attention to some responses in the report that he felt did not clearly answer the questions asked - for example, on whether and how often data acquired through use of surveillance technology was shared with local, state and federal entities.

Councilor Scott also referred to some responses he would like clarified. He also noted that for the summary of community complaints or concerns about surveillance technology, the report listed that there were none. Councilor Scott asked if there is an official mechanism for recording complaints - something as simple as a form on the city's website. Dir. Sahni said that he wanted to consult with department heads on the best procedure for this and share at the next meeting.

RESULT:	WORK COMPLETED
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213002: Re-submitting the updated 2021 Surveillance Technology Annual Report.

RESULT:	KEPT IN COMMITTEE
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Rental Registration Ordinance (Update only)

212824: That the Administration re-submit its request for adoption of the Rental Registration and Energy Disclosure Ordinance.

Chair Davis said that the resubmission is still in progress.

Councilor Scott said that he has also been working with Dir. Blais on this and related items. He said that the Open Space, Environment and Energy committee would like to discuss this item in early April (4/4) and can bring back a more comprehensive version of this after that meeting.

RESULT:

KEPT IN COMMITTEE