



## CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

August 31, 2021

### REPORT OF THE CONFIRMATION OF APPOINTMENTS AND PERSONNEL MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Mary Jo Rossetti	Chair	Present	
Jefferson Thomas ("J.T.") Scott	Vice Chair	Present	
Wilfred N. Mbah	City Councilor at Large	Present	
Jesse Clingan	Ward Four City Councilor	Present	
Kristen Strezo	City Councilor at Large	Present	

Others present: David Shapiro - Law, George Proakis - OSPCD, Anne Gill - Human Resources, Chief Charles Femino - SPD, Deputy Chief Chris Ward - SPD, Deputy Chief James Stanford - SPD, 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 6:00 PM by Chair Rossetti and adjourned at 10:02 PM on a roll call vote of 5 in favor (Councilors Mbah, Clingan, Strezo, Scott and Rossetti), 0 against and 0 absent.

Councilor Scott asked if the committee was going to receive an update on hiring and Chair Rossetti stated that she was informed July that there were 11 vacancies in the Police Department. Chief Femino said there are presently 80 officers in the department, noting that the recently passed budget calls for 94, thereby creating the 14 vacancies, all of which are for the position of patrol officer.

The Chief went on to say that the department was trying to fill 88 positions as the bottom line. He reminded the members that he went into the budget process with the goal of fully funding 94 positions, but 6 positions were only funded for 6 months. There is one candidate in the police academy and the 2 candidates before the committee tonight are the last 2 candidates for placement on the reserve list. Chief Femino stated that he met with the Director of the Department of Racial and Social Justice (RSJ) about the police staffing study and reported to the committee that it hasn't started yet but both departments are working together, and RSJ has a list of vendors to conduct the staffing assessment, however, an RFP has yet to be issued.

Councilor Scott stressed the importance of the study and is concerned at the lack of action so far. Ms. Racaniello said she spoke to the RSJ Director and that Chief Femino is correct. She went on to say that RSJ is a new office and that the Director has been responsible for hiring her staff while maintaining a large workload. The RSJ Director will be reaching out to councilors to provide information. Councilor Mbah asked if there was an urgency to this and Chair Rossetti suggested that the councilor personally contact the RSJ Director.

## Approval of the July 6, 2021 Minutes

The minutes were approved on a roll call vote of 5 in favor (Councilors Mbah, Clingan, Strezo, Scott and Rossetti), 0 against and 0 absent.

**RESULT:**

**ACCEPTED**

### **210576: Requesting confirmation of the appointment of Kyle Lentini to the position of Reserve Police Officer.**

Chief Femino introduced the candidate and gave a brief summary of his background. Mr. Lentini has already completed the police academy training and would be eligible to start field training immediately upon approval. Chair Rossetti informed the candidate that he was free to make an opening statement, if desired, and would be interviewed first in open session and then in Executive Session and finally in open session again to conclude the interview. The candidate thanked the members for the chance to interview.

Councilor Mbah asked the candidate why he wanted to become a police officer and he replied that he worked in the Parks and Recreation Department and his desire to help the kids and their families led him to this career choice. Mr. Lentini said that he sees similarities in the work as a police officer at BU vs. in a city or town. Councilor Scott asked Mr. Lentini what black lives matter means to him, and candidate said it's time for change and it's been a long time coming. Councilor Clingan explained that he's leaning against approval of this candidate since he doesn't see a lot of experience on his resume. Mr. Lentini commented that he is learning in his roll as a police officer at BU, adding that he listens first and speaks second, and he believes he can do the job. Chief Femino said a younger candidate without bad habits is the type of person he would want to train in the new ways of policing.

Chair Rossetti noted that young graduates of Somerville High School have been appointed in the past, and knowing this candidate's background, her gut tells her that this would be a positive appointment and she encouraged her colleagues to give him a chance.

Chair Rossetti confirmed with the candidate that he received and understood the notice of possible executive session and was willing to enter into executive session. The item was laid on the table until all of tonight's open session interviews were completed.

(After the last candidate was interviewed in open session, the Committee voted unanimously at 7:31 PM to enter into Executive Session to review protected personnel information or to discuss matters related to individual candidates pursuant to MGL c30A s21(a)(1). The Committee returned from Executive Session and reconvened this meeting at 8:30 PM. Chair Rossetti announced that no votes were taken in Executive Session other than the vote to return to the regular meeting.)

The candidate thanked everyone for their time. Councilor Clingan stated that upon hearing the comments from Chief Femino and Chair Rossetti, he has decided to support this candidate's appointment.

Chair Rossetti's motion to approve this item was approved on a roll call vote. The candidate was advised that the committee's report would be before the City Council next week for approval.

**RESULT:**

**APPROVED. [3 TO 2]**

**AYES:**

Rossetti, Clingan, Strezo

**NAYS:**

Scott, Mbah

### **210578: Requesting confirmation of the appointment of Richard Lavey III to the position of Reserve Police Officer.**

Femino introduced the candidate and gave a brief summary of his background. Mr. Lavey has already completed the police academy training and would be eligible to start field training immediately upon approval. Chair Rossetti informed the candidate that he was free to make an opening statement, if desired, and would be interviewed first in open session and then in Executive Session and finally in open session again to conclude the interview. The candidate thanked the members for the chance to interview.

Councilor Mbah asked the candidate why he wanted to become a police officer and Mr. Lavey replied that he lived in Somerville his whole life and his goal was to get on the SPD. He told the committee that he resigned from the North Reading Police Department in order to free up a spot there while he applied for the Somerville position. Councilor Strezo asked about his experience as Somerville Housing Authority (SHA) investigator and he explained that his work there involved supplementing the SPD on calls at the 13 SHA properties in the city, performing directed patrols and interacting with people - inquiring if they had any issues. Councilor Strezo asked him to explain his approach to dealing with SHA residents and Mr. Lavey said that sometimes people call the police on their worst days and he believes that it's important to let people know that they're being heard. Councilor Clingan asked Mr. Lavey what he felt was the best thing about working at the SHA and he responded that he loves helping people with the little things, whereas the worst part of the job might be the lack of variety in scheduled shifts. Councilor Scott asked Mr. Lavey what black lives matter means to him, and the candidate said that it's an important social movement due to the distrust in the country and that people need to be listened to all points of view and build community together.

Chair Rossetti commented that she was informed that this candidate withdrew from consideration of appointment to the SPD and then reversed that decision. She also noted his earlier statement about him resigning from the North Reading Police Department and asked if there was another reason for that. Chief Femino said he would comment on the candidate's employment elsewhere in Executive Session. Councilor Scott inquired if there have been any updates to the Civil Service background checks performed about 2 years ago and Chief Femino stated that both backgrounds have been updated.

Chair Rossetti confirmed with the candidate that he received and understood the notice of possible executive session and was willing to enter into executive session. The item was laid on the table until all of tonight's open session interviews were completed.

(After the last candidate was interviewed in open session, the Committee voted unanimously at 7:31 PM to enter into Executive Session to review protected personnel information or to discuss matters related to individual candidates pursuant to MGL c30A s21(a)(1). The Committee returned from Executive Session and reconvened this meeting at 8:30 PM. Chair Rossetti announced that no votes were taken in Executive Session other than the vote to return to the regular meeting.)

Candidate thanked everyone for the opportunity.

Chair Rossetti's motion to approve this item was approved on a roll call vote. The candidate was advised that the committee's report would be before the City Council next week for approval.

<b>RESULT:</b>	<b>APPROVED. [3 TO 2]</b>
<b>AYES:</b>	Rossetti, Clingan, Strezo
<b>NAYS:</b>	Scott, Mbah

**212136: Requesting confirmation of the appointment of Michael R. Perrone to the position of Police Lieutenant.**

Chief Femino introduced the candidate and gave a brief summary of his background. Sgt. Perrone's background with the department is extensive and he has held many positions within the department and is currently serving as Acting Lieutenant. Chair Rossetti informed the candidate that he was free to make an opening statement, if desired, and would be interviewed first in open session and then in Executive Session and finally in open session again to conclude the interview. The candidate thanked the committee for the opportunity to interview and said he looks forward to being able to continue to lead in the department.

Councilor Mbah asked Sgt. Perrone what he saw as some of the main challenges in the department and where he sees policing going in Somerville. Sgt. Perrone said due to the national climate, it's a challenge trying to rebuild the community's trust, but he believes that can be accomplished by having more community engagement and honest conversations. Councilor Clingan commented that he has seen this candidate work in the field and thinks he's a fine fit for this position. Councilor Strezo commented on Sgt. Perrone's compassion and vast knowledge of the community. Councilor Scott asked why he went above and beyond after the incident of a resident succumbing to an asthma attack outside a local hospital and Sgt. Perrone said that the incident shouldn't have ended as it did, and he felt that the facts needed to be brought to light. As a result, changes have been put in place to hopefully prevent a similar incident from occurring. Councilor Scott also asked about professional standards and if Sgt. Perrone's job encompasses following up on complaints, to which the candidate replied that he is the lead investigator.

Chair Rossetti confirmed with the candidate that he received and understood the notice of possible executive session and was willing to enter into executive session. The item was laid on the table until all of tonight's open session interviews were completed.

(After the last candidate was interviewed in open session, the Committee voted unanimously at 7:31 PM to enter into Executive Session to review protected personnel information or to discuss matters related to individual candidates pursuant to MGL c30A s21(a)(1). The Committee returned from Executive Session and reconvened this meeting at 8:30 PM. Chair Rossetti announced that no votes were taken in Executive Session other than the vote to return to the regular meeting.)

Sgt. Perrone thanked everyone for the opportunity, and he looks forward to working with the City Council.

Chair Rossetti's motion to approve this item was approved on a roll call vote. The candidate was advised that the committee's report would be before the City Council next week for approval.

<b>RESULT:</b>	<b>APPROVED. [UNANIMOUS]</b>
<b>AYES:</b>	Rossetti, Scott, Mbah, Clingan, Strezo

**212137: Requesting confirmation of the appointment of Marc T. DiFava to the position of Police Sergeant.**

Chief Femino introduced Officer DiFava and gave a brief summary of his background. Chair Rossetti informed the candidate that he was free to make an opening statement, if desired, and would be interviewed first in open session and then in Executive Session and finally in open session again to conclude the interview. The candidate thanked the members for the opportunity and for the chance to interview. He told the committee that he grew up in Somerville attended school here.

Councilor Mbah asked Officer DiFava what he sees as some of the major challenges facing the department and how to improve them. The candidate replied that staffing and earning the support of the community are challenges, adding that being short staffed on some shifts has led to longer than normal shifts for some personnel. Councilor Strezo asked how to engage the community going forward and Officer DiFava said that holding dialogues with the community is helpful. He told the committee

that he has been involved with Team Empowerment meetings, local and regional, explaining why police are there and listening to students. Councilor Scott spoke about pairing police with crisis intervention people and asked what the value would be. Officer DiFava said that it would be extremely valuable and is being used in parts of the country with great success and he thinks Somerville should be more aggressive on this matter. Councilor Clingan commented that Officer DiFava will be a good role model for newer officers.

Chair Rossetti confirmed with the candidate that he received and understood the notice of possible executive session and was willing to enter into executive session. The prior 3 items were removed from the table and the Committee voted unanimously on a roll call vote at 7:31 PM to enter into Executive Session to review protected personnel information or to discuss matters related to individual candidates pursuant to MGL c30A s21(a)(1).

The regular meeting was recessed at 7:32 PM (The Committee returned from Executive Session and reconvened this meeting at 8:30 PM. Chair Rossetti announced that no votes were taken in Executive Session other than the vote to return to the regular meeting.)

The candidate thanked the committee for the opportunity. Councilor Scott stated public praise and appreciation for Sgt. Perrone and Officer DiFava.

Chair Rossetti's motion to approve this item was approved on a roll call vote. The candidate was advised that the committee's report would be before the City Council next week for approval.

<b>RESULT:</b>	<b>APPROVED. [UNANIMOUS]</b>
<b>AYES:</b>	Rossetti, Scott, Mbah, Clingan, Strezo

**211915: Director of SPCD requesting to appear with the Mayor's Office before the Committee on Confirmation of Appointments and Personnel Matters to discuss granting Special Municipal Employee status to certain boards and commissions.**

Chair Rossetti noted that this issue has come up before and was previously discussed by this committee in February of 2020. There is concern among OSPCD staff about this issue and it is causing some stress among the staff. Mr. Proakis gave a brief presentation and Chair Rossetti commented that there are 45 boards and commissions and that 13 of them do not have Special Municipal Employee Status (SMES). By not having that status, those members are considered being full time employees for purposes of the conflict of interest law, since status is given to the position - not the person.

Mr. Shapiro spoke about Section 17 of the Conflict of Interest Law and explained the broad meaning of this section and gave examples of what is and isn't allowed. Not having SME status removes advocacy from people who do that for a living. Mr. Shapiro went on to discuss Section 20 which deals with financial interests.

Mr. Proakis stated that boards and commissions should not be over staffed with experts and believes that they are more effective with a balance of people. To that end, he would like to bring candidates forward without them having to worry about conflict of interest issues.

Councilor Mbah commented that this city is in the epicenter of the world's intelligence. Mr. Proakis commented that he doesn't want to push for this policy when he's concerned about losing someone because of it. Having more boards with this status gives the city more flexibility. Councilor Mbah said that he is not receptive to the notion.

Chair Rossetti noted that it's hard to find people to serve and feels the SME status should be granted. The City Council would still have the authority to confirm or deny appointments. Councilor Scott

inquired about Section 20 exemptions and asked if an ordinance could be passed requiring the City Clerk to inform the Council of Section 20 declarations as they come in. Mr. Shapiro will look into that. Councilor Clingan said that this may be opening the floodgates for granting SME status, but if Councilor Scott's proposal can come about, he might be ok with it.

As an aside, Chair Rossetti spoke about the search committee for hiring a new Police Chief and said that the city had to extend the application period 3 times and only got 18 responses.

**RESULT:**

**KEPT IN COMMITTEE**

**Referenced Material:**

- Special Municipal Employee Presentation 8-31 (with 211915)
- Email from Law re 268A disclosure