Medford City Council
Medford, Massachusetts

The Eighteenth Regular Meeting, October 27, 2026

This meeting took place in the City Council Chamber, 2nd Floor, Medford City Hall, 85 George P. Hassett Drive, Medford, MA and via Zoom.

CALL TO ORDER

President Zac Bears called the Eighteenth Regular Meeting of the Medford City Council to order in the Council Chambers and via Zoom.

ROLL CALL

Present: President Bears; Vice President Lazzaro; Councilor Callahan; Councilor Leming; Councilor Mullane; Councilor Scarpelli; Councilor Tseng. Seven members were present and no members were absent. Inside the Rail: City Clerk Laurel Siegel.

SALUTE TO THE FLAG

ANNOUNCEMENTS, ACCOLADES, REMEMBRANCES, REPORTS, and RECORDS

26-189 - Resolution to Celebrate and Honor the Transition and Closure of the Congregational Church of West Medford, Sanctuary United Church of Christ
Offered by Isaac Bears, Council President, Matt Leming, City Councilor, Liz Mullane, City Councilor

Whereas, the Congregational Church of West Medford, Sanctuary United Church of Christ has served as a heart of the Medford faith community for 154 years; and

Whereas, a final act of public ministry and closing worship and celebration was held on October 17th; and

Whereas, we honor, grieve, celebrate, and reflect on the deeply meaningful role of this faith community in our city's history; now, therefore:

Be it Resolved by the Medford City Council that we celebrate and thank all of the residents who have been part of the Congregational Church of West Medford, Sanctuary United Church of Christ community.

Be it Further Resolved that we honor the continued leadership of Reverend Wendy Miller Olapade as a faith leader in our community and thank her and the members of the Sanctuary UCC Legacy Team for their work to celebrate their community during this transition and closure. Callahan. Approved on a Voice Vote of Seven in favor, Zero opposed.

President Bears read the following letter from Kim Grubb into the record:

Remarks Regarding the Resolution Recognizing the Closing of the Congregational Church of West Medford

I would like to speak regarding the resolution recognizing the closing of the Congregational Church of West Medford. I am sure that those who are putting forward this resolution may be focusing primarily on the last 13 years of the church's history. However, I feel it is important to recognize and remember all the years that came before, under the leadership of the many ministers who helped shape this church and its place in the community.

The Congregational Church of West Medford, or CCWM, has a history spanning more than 150 years. Its story began with a woman named Rachel Barnes, who started a Sunday school in her home so that children in West Medford would not have to walk all the way to Medford Square or Arlington to attend Sunday school. That simple act of caring for children was the beginning of something that would become an important part of the community for generations.

In June 1872, residents of West Medford founded the Congregational Church of West Medford. At the time, there was already a Mystic Congregational Church in Medford Square. A wooden church with a steeple was built at Harvard and Bower Streets, on the site where the fire station stands today. The church's bell became the community's fire alarm, and its clock served as the timepiece for West Medford.

From its earliest days, the church was much more than a place of worship. It was an important part of everyday life in the community. Between 1889 and 1895, under the leadership of the Reverend Herbert Warner Stebbens, the church experienced an extraordinary period of growth. Carriages and barges were sent to Hillside to bring people who were lame or convalescing to Sunday morning services. The cost was 20 cents per person each way. A committee was established to help unemployed people find jobs, and an Athletic Association was formed, which was later taken over by the town. Sunday school enrollment reached 381 children, and the church had two large choirs.

These accomplishments tell us something important about the church. Its mission extended beyond its own congregation. It was a place where people came together to care for one another and meet the needs of the wider community.

On March 4, 1903, tragedy struck when the church burned to the ground after its bell sounded the first alarm. But the congregation did not give up. The parishioners came together, determined to rebuild. Just two years later, they dedicated a new granite church at 400 High Street. The city helped pay for a clock in the new steeple, and its clock and chimes continued to mark the time for the people of West Medford.

The church prospered after the First World War and again after the Second World War. In 1954, the Parish House was added, providing even more space for the congregation and its activities. Throughout its history, CCWM continued to find ways to serve its community. In the early 1970s, an associate minister helped run a weekend drop-in space for teenagers, providing young people with a place to gather. The church's ninth minister, Dr. Gordon Washburn, served for more than 35 years. He was also a member of the Medford School Committee in the late 1960s and early 1970s. He was deeply invested in the community and always willing to help wherever he could.

That spirit of service continued through the many programs and organizations that called CCWM home. These included Community Family, an adult day care program; Gentle Dragon Preschool; Bright Stars Afterschool Program for elementary-age children; Alcoholics Anonymous; and Scout troops as well as Campfire Girls and Boys . The church also hosted an innovative group called New Beginnings for people who were recently divorced.
Through English at Large, volunteers helped immigrants learn English and offered other forms of support as they adjusted to life in this country.

And, of course, CCWM was known as the "*eatingest church in Medford!* " We hosted countless community gatherings and meals, including lobster luncheons, Finnan Haddie dinners, pancake breakfasts, Easter breakfasts, and turkey dinners. One of the biggest events was the annual Church Fair, which brought everyone together. Members prepared food, knitted items, and contributed all sorts of treasures for the ever-popular White Elephant Room. We held many Bible studies to bring us closer to Christ, for all members and most recently before we sold the church building the creation of The Lakota Youth Stay Program that is still run by some past members of CCWM on their own.

These events were about more than raising money. They brought people together, created friendships, and made the church a welcoming place for the community. The music program was so beautiful and would just draw people in.

Now, I would like to share why this history means so much to me personally. I was born into this church in 1958. As soon as I was old enough, I became involved in volunteering in just about every aspect of church life. I taught Sunday school for more than 30 years, sang in the choir, and served on numerous committees alongside so many wonderful people. My weeks were filled with meetings, teaching Sunday school, and working with youth groups.

I could go on and on about my experiences and memories from over 60 years of being a member and attended CCWM, including the years before we sold the building. This church was not simply somewhere I went on Sundays. It was a major part of my life, my family, and my identity.

One of the things that made CCWM so special was its people. Over the years, people came and went, but the friendships and connections remained meaningful. My children grew up knowing many of the wonderful people I had grown up with. Even those who were part of the church for only a short time became part of that caring community.

It was a place where people cared about their faith, helped their neighbors, supported one another, and genuinely wanted to make a difference. And when you give of yourself in that way, it often comes back to you in ways you could never have imagined.
I remember one elderly woman who had been a member of the church years earlier. No one asked her about her financial circumstances, but members assumed she was living on a fixed income. They quietly brought her food and clothing and made sure she had rides to church. They did these things simply because they cared about her.
When she passed away, the church learned that she had left it more than one million dollars. Everyone was shocked. Her generosity helped the church continue on, even as membership declined.

I have always thought that this story captures the heart of CCWM. This woman had been welcomed and cared for without question or expectation. In return, she chose to leave a remarkable gift to the church she loved.

That was the kind of community we had. People looked out for one another, not because they expected anything in return, but because that was who they were.
I am incredibly grateful for the years I spent at CCWM, for the opportunity to serve, for the friendships I made, and for the many memories that I will always carry with me. It is heartbreaking that the church is now gone, but the impact it had on so many lives cannot be erased.

As we recognize the closing of the Congregational Church of West Medford, I hope we will remember its entire history—not just its final 13 years. We should remember the people who built it, the ministers who led it, the generations who worshipped there, the children who learned there, the volunteers who gave their time, and the countless people in the community who benefited from its presence.
CCWM was a place of faith, service, generosity, friendship, and love. It was part of the fabric of West Medford for more than 150 years.

CCWM may be gone, but the history, the contributions, and the memories remain.
This is what the Congregational Church of West Medford was all about, and this is the legacy I hope we will recognize and honor.
Thank you.
Kim Grubb

Motion by Councilor Tseng to approve, seconded by Councilor Callahan. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

Records

The Records of the Meeting of October 13, 2026 were passed to Councilor Callahan, who found them to be in order.

Reports of Committees

24-354, 26-024, 26-138, 26-169 - Resident Services and Public Engagement Committee Report, October 7, 2026

26-174 – Committee of the Whole, October 13, 2026

Motion by Councilor Tseng to join and approve the Records and Reports of Committees, seconded by Councilor Scarpelli. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

Refer to Committee for Further Discussion

26-186 - Resolution to Request a Cost Analysis from the City for Increased Vacation Time for City Employees
Offered by Matt Leming, City Councilor

WHEREAS Medford City Council previously referred 26-018, "Resolution to Increase Vacation Time for Employees of the City of Medford," to the Admin & Finance Committee;

WHEREAS with the increased overtime for other employees would incur a cost to the city, so the implementation of increased vacation times for City Employees would need to be accompanied by a cost analysis to be integrated during budget season;

BE IT RESOLVED that the Medford City Council requests a report from Human Resources and the Finance Department with a specific cost for increasing vacation time by both one and two weeks;

BE IT FURTHER RESOLVED that we receive this report before the end of the calendar year.

Motion by Councilor Leming to request a report from the Human Resources and Finance Departments by the end of the calendar year, and to refer the paper to join Paper 26-018, "Resolution to Increase Vacation Time for Employees of the City of Medford," in the Administration and Finance Committee, seconded by Councilor Tseng. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

Motion by Councilor Leming to take Papers 26-190-26-187, and 26-194 out of order, seconded by Councilor Callahan. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

MOTIONS, ORDERS and RESOLUTIONS

26-190 - Resolution to Support the United Labor of Tufts Resident Assistants in Their Negotiations for a Fair Contract
Offered by Matt Leming, City Councilor, Isaac Bears, Council President

WHEREAS The United Labor of Tufts Resident Assistants previously negotiated a fair contract with Tufts University;

WHEREAS The Tufts Resident Assistants are working to renew that contract to account for drastically increasing costs of living;

WHEREAS Tufts University, without the input of Resident Assistants, is proposing to decrease the hours of RAs, cut into the work they're expected to do, and decrease compensation while transferring these responsibilities to non-unionized professional staff;

WHEREAS Resident Assistants provide essential support to students by fostering safe, welcoming residential communities and helping students navigate the challenges of college life;

WHEREAS The housing and compensation provided to Resident Assistants help make their education more affordable in an area where the cost of living is increasingly prohibitive;

WHEREAS Meaningful collective bargaining requires that Resident Assistants have a genuine voice in decisions affecting their working conditions, responsibilities, and compensation;

BE IT RESOLVED that the Medford City Council offer its full and unconditional support of the Tufts Resident Assistants in their fight for a fair contract and denounce any further anti-labor practices from the University.

Addressing the Council:
Carly Hope, United Labor of Tufts RA’s

Motion by Councilor Leming to approve, seconded by Councilor Tseng. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

<u>26-187</u> - Resolution to Develop an Ordinance for the Banning of Black Plastic Takeout Containers from Medford Restaurants
Offered by Matt Leming, City Councilor, Anna Callahan, City Councilor

WHEREAS, a recent study found that black plastic takeout containers contain toxic flame retardants that bear high risk of seeping into food; and

WHEREAS, the Medford Board of Health recently sent a letter to restaurants recommending that they convert away from black plastic takeout containers in favor of clear plastic;

BE IT RESOLVED that the Medford City Council develop an ordinance formalizing the transition away and ban of black plastic takeout containers from our City;

BE IT FURTHER RESOLVED that this be referred to the Medford Energy and Environment Committee for recommendations and drafting of an ordinance.

Councilor Leming clarified that the letter referred to in the resolution was the following memorandum from the Medford Energy and Environment Committee

To: All Food Handling Establishments in Medford
From: Medford Energy and Environment Committee (MEEC)
Date: June 10, 2026
RE: Urgent Request to Eliminate Black Plastic Food Take-Out Packaging

Black plastic takeout containers can't be recycled — not in Medford, and not in most municipalities across the country. That is why the Medford Energy and Environment Committee is asking you to stop using them. <u>We are urging all restaurants to switch away from using black plastic due to harmful impacts on our health and environment.</u>

Plastic food containers are bad for our health:
Heating any plastic, whether it's with hot food or by reheating it in a microwave, can cause plastic containers to shed microplastics directly into the food we eat. Research has shown that black plastic in particular can use recycled electronic waste as part of their manufacturing. This introduces restricted heavy metals, toxic flame retardants, and other dangerous compounds into our food through the packaging.

Black plastic containers cannot be recycled in Massachusetts:
The optical sensors at recycling facilities cannot detect the black plastic, meaning that 100% of the take out containers we use are sent to landfills or incinerators where they release their toxic components into our air, land, and water.

Other communities like Brookline, Hudson, Needham, and Pembroke have already banned black plastic locally. You can help protect Medford residents by considering some of the following alternatives for your food containers:

- <u>Use white or clear plastic:</u> Prices of clear containers are generally the same as black plastic ($11–$15 per 100 ct), but contain fewer toxic materials and are easily recyclable.
- <u>Use aluminum containers:</u> Often more expensive than plastic ($22–$30 per 100 ct), but is recyclable and will not cause plastic leaching and microplastic shedding.
- <u>Use certified compostable containers:</u> There are competitively priced alternatives ($18–$24 per 100 ct) that integrate into Medford's composting program and will not have any harmful microplastic residues.

Make the switch today to help us create a more sustainable and healthy Medford for all.

W Sherwood
(Chair, MEEC)

Addressing the Council:
Prabitha Natarajan, Medford Energy and Environment Committee
Ellen Epstein

Motion by Councilor Leming to refer the matter to the Medford Energy and Environment Committee to draft an ordinance, as amended by Councilor Scarpelli to ask that the Chamber of Commerce be consulted in the drafting of the ordinance, and to ask the Board of Health for input on code enforcement, seconded by Councilor Callahan. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

<u>26-194</u> – Resolution that the City Administration to Provide the City Council with an Update on the Recent Vacancy in the Veterans Department
Offered under suspension by George Scarpelli, City Councilor

Motion by Councilor Scarpelli to refer the paper to the next regular Council meeting and to refer the matter to the Administration to request that residents be informed on the status of the Veterans Department, seconded by Councilor Mullane. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

HEARINGS

26-185
Petition for Grant of Location - Comcast - 65/75 Riverside Ave

RECEIVED
CITY CLERK
MEDFORD, MASS.
2026 OCT 21 PM 4:28

PETITION FOR GRANT OF LOCATION
COMCAST CABLE COMMUNICATION MANAGEMENT LLC, WOBURN, MASSACHUSETTS
PETITION TO INSTALL UNDERGROUND CONDUIT AND MANHOLE - 75 RIVERSIDE AVE
MEDFORD, MASSACHUSETTS
CITY CLERK'S OFFICE

You are hereby notified that by order of the Medford City Council, the Medford City Council will hold a Public Hearing in the Howard F. Alden Chambers at Medford City Hall, 85 George P. Hassett Drive, Medford and via Zoom on Tuesday, October 27, 2026 at 7:00 p.m., a link to be posted no later than Friday, October 23, 2026, on a petition by Comcast Cable Communication Management LLC for permission to install a new underground conduit system to service 75 Riverside Avenue.

Wherefore it requests that after due notice and hearing as provided by law, it be granted a location for and permission to excavate from the existing Verizon Manhole to place (1) 4" PVC Conduit 5'+/- to a proposed 3'x3' manhole on Riverside Ave and from the newly placed manhole excavating to Place (1) 4" PVC Conduit 54'+/- to a proposed 2'x3' vault located in the sidewalk, to provide Comcast Services at number 75 Riverside Avenue. Petition dated October 16, 2026, as revised October 21, 2026 and received and filed in the Office of the City Clerk on October 21, 2026 and available for inspection in the Office of the City Clerk, Medford City Hall, Room 103, 85 George P. Hassett Drive, Medford, Massachusetts 02155.

The Engineering Division recommends that this grant of location be approved with the following conditions:

1. The Grant of Location (GOL) is limited to approximately 273 feet of 4-inch plastic underground conduit, two 3-foot by 3-foot manhole structures, and one 2-foot by 3-foot vault in the existing Riverside Avenue and East Transit Way right of ways as depicted on the Plan.

2. Before starting work, the contractor shall notify Digsafe and shall obtain all applicable permits from the Engineering Division. The project must obtain a Trench Permit pursuant to Section 74-141 of the City Ordinances prior to commencing work.

3. No other utility structures, conduits, duct banks, pipes, or any other appurtenances are adversely impacted. Comcast shall ensure that all sewer, water, and drain lines are marked prior to any excavation.
4. At least 72-hours prior to the start of the project, Comcast must coordinate abutter communications with the Director of Communications and submit any required information that may be requested to effectively inform the public.

5. Any proposed electrical conduit location must maintain 3-feet away from public utilities.

6. An approved as-built plan (and CAD files in the state plane) must be on file at the engineering division at the completion of the project.

Call 781-393-2425 for any accommodations/aids.

Laurel Siegel
City Clerk

Plans can be viewed in the City Clerk's Office, 781-393-2425.

Motion by Councilor Scarpelli to approve subject to the conditions from the Engineering Division, seconded by Councilor Tseng. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

PETITIONS, PRESENTATIONS, AND SIMILAR PAPERS

26-188
Petition for Common Victualler's License
LSM Limited dba Pavement Coffeehouse
Submitted by City Clerk

Addressing the Council:
Larry Margulies, Pavement Coffee

Motion by Councilor Scarpelli to approve, seconded by Councilor Mullane. Approved on a Roll Call vote of Seven in favor, Zero opposed.

MOTIONS, ORDERS, AND RESOLUTIONS

24-047 - Resolution to Request Linkage Fee Updates in Medford
Offered by Matt Leming, City Councilor

PART II - REVISED ORDINANCES
Chapter 94 - ZONING
SECTION 94-10.0. DEVELOPMENT LINKAGE FEES

SECTION 94-10.0. DEVELOPMENT LINKAGE FEES

Sec. 94-10.1. Parks and recreational facilities.

94-10.1.1 Purpose. The purpose of this section is to promote the public health, safety, convenience and welfare; to prevent the deterioration of existing parks and public recreational facilities; to establish a balance between real estate development and the open space and recreational needs of city residents; and to mitigate the impacts of future development on the deterioration of parks and public recreational facilities, by provisions designed to:

1. Afford review and regulation of real estate development projects which directly or indirectly lead to conditions of the use of parks and public recreational facilities that contribute to an increase in the costs for the upgrade, repair and maintenance of parks and public recreational facilities, and the need for new capital improvements.

2. Provide a fund for parks and public recreational facility capital improvements through a linkage grant to the park and recreational facilities trust, as a condition of the approval of any nonresidential development of 10,000 square feet of gross floor area or more; any residential development of six units or more; any subdivision of property which creates six or more units or buildable lots; or any residential or nonresidential project requiring a density bonus, variance, special permit, or zoning map amendment that is requested for a project of 5,000 square feet or more except those that are exempt pursuant to section 94-10.1.4. Requests for such zoning relief may include bonuses in density of use such as increases in gross floor area, height or other changes in dimensional requirements.

3. The imposition of linkage fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.

4. The methodology and analysis for the determination of the impact of new development, the need for new facilities and their costs, and the establishment and calculation of the linkage fees shall be established as a result of an investigation and report with supporting documentation, which shall be available for inspection by any feepayer or the public. Calculations of linkage fees may be based on the methodology established by previous studies that outline methods for an escalating linkage fee formula.

5. The provisions of this section shall be construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.

94-10.1.2 Definitions. See section 94-12.0, "Development linkage fees".

94-10.1.3 Procedures. The mayor or the office of community development ~~community development board~~ shall be empowered to promulgate regulations and establish fees it deems necessary to implement this section. For a development impact project, no building permit or density bonus, variance, special permit or zoning amendment shall be granted or adopted unless the following requirements are met:

1. The office of community development shall review and calculate the fees for all development impact projects. Applicants may request a schedule for the payment of

linkage fees in accordance with regulations established by the community development board.

2. If an applicant elects not to pay the linkage fee as determined by the office of community development, then the applicant shall prepare and submit to the office of community development an independent fee calculation study for the land development activity for which a building or use permit is sought. The independent fee calculation study shall show the basis upon which the independent fee calculation was made, and shall follow the prescribed methodologies and formats based on regulations promulgated by the community development board.

3. The person or persons making application for a building permit or a density bonus, variance, special permit or zoning map amendment to construct, substantially rehabilitate, enlarge or extend a structure pursuant to a development impact project plan shall also enter into an agreement with the city to pay a park and recreational facilities linkage fee. For each development impact project, except for those exemptions found in section 94-10.1.4, a park and recreational facilities linkage fee will be paid as reviewed and approved by the office of community development.

4. The building commissioner shall not issue any building or use permit with respect to any building, structure, or land within an area covered by a development impact project plan until the office of community development provides certification to the building commissioner that the applicant has entered into a fee payment agreement as provided for herein .

5. The park and recreational facilities linkage fee shall be paid to, and eventually withdrawn from, the park and recreational facilities trust based upon a schedule of fees and rules and regulations established by the community development board.

6. The formula (amount and rate of payment) for the park and recreational facilities linkage fee shall be subject to recalculation at least~~no more than~~ three years after the effective date of this provision, and at least~~no more than~~ every three years thereafter. The mayor or the office of community development~~community development board~~, after public notice and a public hearing of the Community Development Board, may recalculate and amend the formula for the park and recreational facilities linkage fee, based on a methodology and analysis established as a result of report(s), documentation and information ~~they prepared by a study~~the office of community development.

94-10.1.4 Exemptions. The following are not development impact projects and will not be subject to development impact project requirements:

1. Any structure for which a building or use permit has been lawfully issued prior to the city council adopting this division, provided that construction work under such a permit is commenced within six months after its issuance, and the work proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances.

2. Any building, structure, addition or substantial rehabilitation below the thresholds described in section 94-10.1.4.

3. Any building, structure, substantial rehabilitation, or addition that is proposed for subsidized, or affordable homeowner or rental housing, which falls within criteria established by the Commonwealth of Massachusetts or the department of housing and urban development, and confirmed by vote of the community development board.

4. Any building, structure, substantial rehabilitation, or addition that is proposed for: a religious or nonprofit educational purpose; a preschool or child care center; a hospital, nursing home, associated outpatient clinic or other health care facility licensed by the Massachusetts Department of Public Health; a social service center, nonprofit community or recreation center, museum, library, art gallery or other public service use.

5. Any structure, conforming or otherwise, damaged or destroyed by fire or other catastrophe where the structure will not be rebuilt beyond its former dimensions.

6. Any claim of exemption shall be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

94-10.1.5 Refund of Linkage Fee Paid. The applicant shall be entitled to a refund of linkage fees for a development impact project provided that a written request is submitted to the office of community development within six months of the issuance of a building permit, and provided that no work has commenced on the project. The request shall be reviewed by the office of community development and the linkage fee, minus ten percent to offset the costs of collection and refund, may be returned to the applicant. Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the linkage fee was paid shall, upon application of the applicant or his assign(s), be returned to such landowner provided that the applicant or his assign(s) submits an application for a refund to the office of community development within 180 days of the expiration of the six-year period.

94-10.1.6 Credits. A credit may be given for voluntary site-related improvements or dedications as approved by the community development board or work performed as required by section 94-6.4.

1. Credit against a linkage fee otherwise due will not be provided until:

a. The construction is completed and accepted by the city, or the state, whichever is applicable.

b. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the office of community development.

c. All design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with the current state and city requirements.

2. Credit may be provided before completion of specified improvements if adequate assurances are given by the applicant that the standards set out in section 94-10.1.6 will be met, and if the applicant posts security as provided herein for the costs of such construction.

3. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

4. Credits shall not be transferable from one project or development to another without the approval of the community development board, and may only be transferred to another development upon a finding by the community development board that the voluntary dedication for which the credit was given equally benefits the city.

5. Determinations made by the community development board or the office of community development pursuant to the linkage fees or credit provision of this section may be appealed to the city council by filing a written request with the city council within 30 days of the community development board or the office of community development's determination. The appeal procedure shall be as provided for in M.G.L.A. c. 40A, § 15.

94-10.1.7 Penalty. A violation of this section shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to section 94-11.3.2. However, in addition to or in lieu of any criminal prosecution, the city shall have the power to sue in civil court to enforce the provisions of this section.

Sec. 94-10.2. Police and fire facilities.

94-10.2.1 Purpose. The purpose of this section is to promote the public health, safety, convenience and welfare; to prevent overuse and deterioration of existing police and fire facilities; to establish a balance between real estate development and the police and fire needs of city residents; and to mitigate the impacts of future development on the overuse and deterioration of police and fire facilities, and the need for new capital improvements, by provisions designed to:

1. Afford review and regulation of real estate development projects which directly or indirectly lead to conditions of the use of police and fire facilities that contribute to an increase in the costs for the upgrade, repair and maintenance of police and fire facilities, and the need for new capital improvements.

2. Provide a fund for police and fire facility capital improvements through a linkage grant to the police and fire linkage~~park and recreational facilities~~ trust, as a condition of the approval of: any nonresidential development of 10,000 square feet of gross floor area or more; any residential development of six units or more; any subdivision of property which creates six or more units or buildable lots; or any residential or nonresidential project requiring a density bonus, variance, special permit, or zoning map amendment that is requested for a project of 5,000 square feet or more, except those that are exempt pursuant to section 94-10.2.4. Requests for such zoning relief may include bonuses in density of use such as increases in gross floor area, height or other changes in dimensional requirements.

3. The imposition of linkage fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.

4. The methodology and analysis for the determination of the impact of new development, the need for new facilities and their costs, and the establishment and calculation of the linkage fees shall be established as a result of an investigation and report with supporting documentation, which shall be available for inspection by any feepayer or the public. Calculations of linkage fees may be based on the methodology established by previous studies that outline methods for an escalating linkage fee formula.

94-10.2.2 Definitions. See section 94-12.0, "Development linkage fees".

94-10.2.3 Procedures. The mayor or the office of community development~~community development board~~ shall be empowered to promulgate regulations and establish fees it deems necessary to implement this section. For a development impact project, no building permit or density bonus, variance, special permit or zoning amendment shall be granted or adopted unless the following are met:

1. The office of community development shall review and calculate the fees for all development impact projects. Applicants may request a schedule for the payment of linkage fees in accordance with regulations established by the community development board.

2. If an applicant elects not to pay the linkage fee as determined by office of community development, then the applicant shall prepare and submit to the office of community development an independent fee calculation study for the land development activity for which a building or use permit is sought. The independent fee calculation study shall show the basis upon which the independent fee calculation was made, and shall follow the prescribed methodologies and formats based on regulations promulgated by the community development board.

3. The person or persons making application for a building permit or a density bonus, variance, special permit, or zoning map amendment to construct, substantially rehabilitate, enlarge or extend a structure pursuant to a development impact project plan shall also enter into an agreement with the city to pay a police and fire facilities linkage fee. For each development impact project, except for those exemptions found in section 94-10.2.4, a police and fire facilities linkage fee will be paid as reviewed and approved by the office of community development.

4. The building commissioner shall not issue any building or use permit with respect to any building, structure, or land within an area covered by a development impact project plan until the office of community development provides certification to the building commissioner that the applicant has entered into a fee payment agreement.

5. The police and fire facilities linkage fee shall be paid to, and eventually withdrawn from, the police and fire facilities trust based upon a schedule of fees and rules and regulations established by the community development board.

6. The formula (amount and rate of payment) for the police and fire facilities linkage fee shall be subject to recalculation at least~~no more than~~ three years after the effective date of this provision, and at least~~no more than~~ every three years thereafter. The mayor or the office of community development~~community development board~~, after public notice

and a public hearing of the Community Development Board, may recalculate and amend the formula for the police and fire facilities linkage fee, based on a methodology and analysis established as a result of report(s), documentation and information ~~prepared by the office of community development~~.

94-10.2.4 Exemptions. The following are not development impact projects and will not be subject to development impact project requirements:

1. Any structure for which a building or use permit has been lawfully issued prior to the city council adopting this section, provided that construction work under such a permit is commenced within six months after its issuance, and the work proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances.

2. Any building, structure, addition or substantial rehabilitation below the thresholds described herein.

3. Any building, structure, substantial rehabilitation, or addition that is proposed for subsidized, or affordable homeowner or rental housing, which falls within criteria established by the Commonwealth of Massachusetts or the department of housing and urban development, and confirmed by vote of the city community development board.

4. Any building, structure, substantial rehabilitation or addition that is proposed for: a religious or nonprofit educational purpose; a preschool or child care center; a hospital, nursing home, associated outpatient clinic or other health care facility licensed by the Massachusetts Department of Public Health; a social service center, nonprofit community or recreation center, museum, library, art gallery or other public service use.

5. Any structure, conforming or otherwise, damaged or destroyed by fire or other catastrophe where the structure will not be rebuilt beyond its former dimensions.

6. Any claim of exemption shall be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

94-10.2.5 Refund of Linkage Fee Paid. The applicant shall be entitled a refund of linkage fees for a development impact project provided that a written request is submitted to the office of community development within six months of the issuance of a building permit, and provided that no work has commenced on the project. The request shall be reviewed by the office of community development and the linkage fee, minus ten percent to offset the costs of collection and refund, may be returned to the applicant. Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the linkage fee was paid shall, upon application of the applicant or his assign(s), be returned to such landowner provided that the applicant or his assign(s) submits an application for a refund to the office of community development within 180 days of the expiration of the six-year period.

94-10.2.6 Credits. A credit may be given for voluntary site-related improvements or dedications as approved by the community development board or work performed as required by section 94-6.4.

1. Credit against a linkage fee otherwise due will not be provided until:

a. The construction is completed and accepted by the city, or the state, whichever is applicable.

b. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the office of community development.

c. All design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with the current state and city requirements.

2. Credit may be provided before completion of specified improvements if adequate assurances are given by the applicant as to the standards set out herein, and if the applicant posts security as provided herein for the costs of such construction.

3. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

4. Credits shall not be transferable from one project or development to another without the approval of the community development board, and may only be transferred to another development upon a finding by the community development board that the voluntary dedication for which the credit was given equally benefits the city.

5. Determinations made by the community development board or the office of community development pursuant to the linkage fees or credit provision of this section may be appealed to the city council by filing a written request with the city council within 30 days of the community development board or the office of community development's determination. The appeal procedure shall be as provided for in M.G.L.A. c. 40A, § 15.

94-10.2.7 Penalty. A violation of this section shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to section 94-11.3.2. However, in addition to or in lieu of any criminal prosecution, the city shall have the power to sue in civil court to enforce the provisions of this section.

Sec. 94-10.3. Roads and traffic facilities.

94-10.3.1 Purpose. The purpose of this division is to promote public health, safety, convenience and welfare; to prevent overuse and deterioration of existing roads and traffic facilities; to establish a balance between real estate development and the road and traffic needs of city residents; and to mitigate the impacts of future development on the overuse and deterioration of road and traffic facilities, by provisions designed to:

1. Afford review and regulation of real estate development projects which directly or indirectly lead to conditions of the use of road and traffic facilities that contribute to an increase in the costs for the upgrade, repair and maintenance of road and traffic facilities, and the need for new capital improvements.

2. Provide a fund for roads and traffic facility capital improvements through a linkage grant to the roads and traffic linkage~~park and recreational facilities~~ trust as a condition of the approval of: any nonresidential development of 10,000 square feet of gross floor area or more; any residential development of six units or more; any subdivision of property which

creates six or more units or buildable lots; or any residential or nonresidential project requiring a density bonus, variance, special permit or zoning map amendment that is requested for a project of 5,000 square feet or more, except those that are exempt pursuant to section 94-10.3.4. Requests for such zoning relief may include bonuses in density of use such as increases in gross floor area, height or other changes in dimensional requirements.

3. The imposition of linkage fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.

4. The methodology and analysis for the determination of the impact of new development, the need for new facilities and their costs, and the establishment and calculation of the linkage fees shall be established as a result of an investigation and report with supporting documentation, which shall be available for inspection by any feepayer or the public. Calculations of linkage fees may be based on the methodology established by previous studies that outline methods for an escalating linkage fee formula.

94-10.3.2 Definitions. See section 94-12.0, "Development linkage fees".

94-10.3.3 Procedures. The mayor or the office of community development~~community development board~~ shall be empowered to promulgate regulations and establish fees it deems necessary to implement this division. For a development impact project, no building permit or density bonus, variance, special permit, or zoning amendment shall be granted or adopted unless the following requirements are met:

1. The office of community development shall review and calculate the fees for all development impact projects. Applicants may request a schedule for the payment of linkage fees in accordance with regulations established by the community development board.

2. If an applicant elects not to pay the linkage fee as determined by office of community development, then the applicant shall prepare and submit to the office of community development an independent fee calculation study for the land development activity for which a building or use permit is sought. The independent fee calculation study shall follow the prescribed methodologies and formats based on regulations promulgated by the community development board.

3. The person or persons making application for a building permit or a density bonus, variance, special permit or zoning map amendment to construct, substantially rehabilitate, enlarge or extend a structure pursuant to a development impact project plan shall also enter into an agreement with the city to pay a roads and traffic facilities linkage fee. For each development impact project, except for those exemptions found in section 94-10.3.4, a roads and traffic facilities linkage fee will be paid as reviewed and approved by the office of community development.

4. The building commissioner shall not issue any building or use permit with respect to any building, structure, or land within an area covered by a development impact project plan

until the office of community development provides certification to the building commissioner that the applicant has entered into a fee payment agreement as provided for herein.

5. The roads and traffic facilities linkage fee shall be paid to, and eventually withdrawn from, the roads and traffic facilities trust based upon a schedule of fees and rules and regulations established by the community development board.

6. The formula (amount and rate of payment) for the roads and traffic facilities linkage fee shall be subject to recalculation at least~~no more than~~ three years after the effective date of this provision, and at least~~no more than~~ every three years thereafter. The mayor or the office of community development~~community development board~~, after public notice and a public hearing of the Community Development Board, may recalculate and amend the formula for the roads and traffic facilities linkage fee, based on a methodology and analysis established as a result of report(s), documentation and information ~~prepared by the office of community development~~.

94-10.3.4 Exemptions. The following are not development impact projects and will not be subject to the development impact project requirements:

1. Any structure for which a building or use permit has been lawfully issued prior to the city council adopting this section provided that construction work under such a permit is commenced within six months after its issuance, and the work proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances.

2. Any building, structure, addition or substantial rehabilitation below the thresholds described herein.

3. Any building, structure, substantial rehabilitation, or addition that is proposed for subsidized, or affordable homeowner or rental housing, which falls within criteria established by the Commonwealth of Massachusetts or the department of housing and urban development, and confirmed by vote of the city community development board.

4. Any building, structure, substantial rehabilitation, or addition that is proposed for: a religious or nonprofit educational purpose; a preschool or child care center; a hospital, nursing home, associated outpatient clinic or other health care facility licensed by the Massachusetts Department of Public Health; a social service center, nonprofit community or recreation center, museum, library, art gallery or other public service use.

5. Any structure, conforming or otherwise, damaged or destroyed by fire or other catastrophe where the structure will not be rebuilt beyond its former dimensions.

6. Any claim of exemption shall be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

94-10.3.5 Refund of Linkage Fee Paid. The applicant shall be entitled to a refund of linkage fees for a development impact project provided that a written request is submitted to the office of community development within six months of the issuance of a building permit, and provided that no work has commenced on the project. The request shall be reviewed by the office of community development and the linkage fee, minus ten percent to offset the costs of collection and refund,

may be returned to the applicant. Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the linkage fee was paid shall, upon application of the applicant or his assign(s), be returned to such landowner provided that the applicant or his assign(s) submits an application for a refund to the office of community development within 180 days of the expiration of the six-year period.

94-10.3.6 Credits. A credit may be given for voluntary site-related improvements or dedications as approved by the community development board or work performed as required by section 94-6.4.

1. Credit against a linkage fee otherwise due will not be provided until:

a. The construction is completed and accepted by the city, or the state, whichever is applicable.

b. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the office of community development.

c. All design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with the current state and city requirements.

2. Credit may be provided before completion of specified improvements if adequate assurances are given by the applicant as to the standards set out herein, and if the applicant posts security as provided herein for the costs of such construction.

3. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

4. Credits shall not be transferable from one project or development to another without the approval of the community development board, and may only be transferred to another development upon a finding by the community development board that the voluntary dedication for which the credit was given equally benefits the city.

5. Determinations made by the community development board or the office of community development pursuant to the linkage fees or credit provision of this section may be appealed to the city council by filing a written request with the city council within 30 days of the community development board or the office of community development's determination. The appeal procedure shall be as provided for in M.G.L.A. c. 40A, § 15.

94-10.3.7 Penalty. A violation of this section shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to section 94-11.3.2. However, in addition to or in lieu of any criminal prosecution, the city shall have the power to sue in civil court to enforce the provisions of this section.

Sec. 94-10.4. Water and sewer facilities.

94-10.4.1 Purpose. The purpose of this section is to promote the public health, safety, convenience and welfare; to prevent overuse and deterioration of existing water and sewer facilities; to establish a balance between real estate development and the road and traffic needs of city residents; and to mitigate the impacts of future development on the overuse and deterioration of road and traffic facilities, by provisions designed to:

1. Afford review and regulation of real estate development projects which directly or indirectly lead to conditions of the use of road and traffic facilities that contribute to an increase in the costs for the upgrade, repair and maintenance of road and traffic facilities; and the need for new capital improvements.

2. Provide a fund for water and sewer facility capital improvements through a linkage grant to the water and sewer linkage~~park and recreational facilities~~ trust, as a condition of the approval of: any nonresidential development of 10,000 square feet of gross floor area or more; any residential development of six units or more; any subdivision of property which creates six or more units or buildable lots; or any residential or nonresidential project requiring a density bonus, variance, special permit, or zoning map amendment that is requested for a project of 5,000 square feet or more, except those that are exempt pursuant to section 94-10.4.4. Requests for such zoning relief may include bonuses in density of use such as increases in gross floor area, height or other changes in dimensional requirements.

3. The imposition of linkage fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.

4. The methodology and analysis for the determination of the impact of new development, the need for new facilities and their costs, and the establishment and calculation of the linkage fees shall be established as a result of an investigation and report with supporting documentation, which shall be available for inspection by any feepayer or the public. Calculations of linkage fees may be based on the methodology established by previous studies that outline methods for an escalating linkage fee formula

94-10.4.2 Definitions. See section 94-12.0, "Development linkage fees".

94-10.4.3 Procedures. The mayor or the office of community development~~community development board~~ shall be empowered to promulgate regulations and establish fees it deems necessary to implement this division. For a development impact project no building permit or density bonus, variance, special permit, or zoning amendment shall be granted or adopted unless the following requirements are met:

1. The office of community development shall review and calculate the fees for all development impact projects. Applicants may request a schedule for the payment of linkage fees in accordance with regulations established by the community development board.

2. If an applicant elects not to pay the linkage fee as determined by office of community development, then the applicant shall prepare and submit to the office of community development an independent fee calculation study for the land development activity for which a building or use permit is sought. The independent fee calculation study shall show the basis upon which the independent fee calculation was made, and shall follow the prescribed methodologies and formats based on regulations promulgated by the community development board.

3. The person or persons making application for a building permit or a density bonus, variance, special permit, or zoning map amendment to construct, substantially rehabilitate, enlarge or extend a structure pursuant to a development impact project plan shall also enter into an agreement with the city to pay a water and sewer facilities linkage fee. For each development impact project, except for those exemptions found in section 94-10.4.4, a water and sewer facilities linkage fee will be paid as reviewed and approved by the office of community development.

4. The building commissioner shall not issue any building or use permit with respect to any building, structure, or land within an area covered by a development impact project plan until the office of community development provides certification to the building commissioner that the applicant has entered into a fee patent agreement as provided for herein.

5. The water and sewer facilities linkage fee shall be paid to, and eventually withdrawn from, the water and sewer facilities trust based upon a schedule of fees and rules and regulations established by the community development board.

6. The formula (amount and rate of payment) for the water and sewer facilities linkage fee shall be subject to recalculation at least~~no more than~~ three years after the effective date of this provision, and at least~~no more than~~ every three years thereafter. The mayor or the office of community development~~community development board~~, after public notice and a public hearing of the Community Development Board, may recalculate and amend the formula for the water and sewer facilities linkage fee, based on a methodology and analysis established as a result of report(s) and documentation and information ~~prepared by the office of community development~~.

94-10.4.4 Exemptions. The following are not development impact projects and will not be subject to the development impact project requirements:

1. Any structure for which a building or use permit has been lawfully issued prior to the city council adopting this section provided that construction work under such a permit is commenced within six months after its issuance, and the work proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances.

2. Any building, structure, addition or substantial rehabilitation below the thresholds described herein.

3. Any building, structure, substantial rehabilitation, or addition that is proposed for subsidized, or affordable homeowner or rental housing, which falls within criteria established by the Commonwealth of Massachusetts or the department of housing and urban development, and confirmed by vote of the city community development board.

4. Any building, structure, substantial rehabilitation, or addition that is proposed for: a religious or nonprofit educational purpose; a preschool or child care center; a hospital, nursing home, associated outpatient clinic or other health care facility licensed by the Massachusetts Department of Public Health; a social service center, nonprofit community or recreation center, museum, library, art gallery or other public service use.

5. Any structure, conforming or otherwise, damaged or destroyed by fire or other catastrophe where the structure will not be rebuilt beyond its former dimensions.

6. Any claim of exemption shall be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

94-10.4.5 Refund of Linkage Fee Paid. The applicant shall be entitled to a refund of linkage fees for a development impact project provided that a written request is submitted to the office of community development within six months of the issuance of a building permit, and provided that no work has commenced on the project. The request shall be reviewed by the office of community development and the linkage fee, minus ten percent to offset the costs of collection and refund, may be returned to the applicant. Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the linkage fee was paid shall, upon application of the applicant or his assign(s), be returned to such landowner provided that the applicant or his assign(s) submits an application for a refund to the office of community development within 180 days of the expiration of the six-year period.

94-10.4.6 Credits. A credit may be given for voluntary site-related improvements or dedications as approved by the community development board or work performed as required by section 94-6.4.

1. Credit against a linkage fee otherwise due will not be provided until:

a. The construction is completed and accepted by the city, or the state, whichever is applicable.

b. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the office of community development.

c. All design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with the current state and city requirements.

2. Credit may be provided before completion of specified improvements if adequate assurances are given by the applicant as to the standards set out herein, and if the applicant posts security as provided herein for the costs of such construction.

3. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

4. Credits shall not be transferable from one project or development to another without the approval of the community development board, and may only be transferred to another development upon a finding by the community development board that the voluntary dedication for which the credit was given equally benefits the city.

5. Determinations made by the community development board or the office of community development pursuant to the linkage fees or credit provision of this section may be appealed to the city council by filing a written request with the city council within 30 days of the community development board or the office of community development's determination. The appeal procedure shall be as provided for in M.G.L.A. c. 40A, § 15.

94-10.4.7 Penalty. A violation of this section shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to section 94-11.3.2. However, in addition to or in lieu of any criminal prosecution, the city shall have the power to sue in civil court to enforce the provisions of this section.

Sec. 94-10.5. Affordable housing.

94-10.5.1 Purpose. The purpose of this section is to promote the public health, safety, convenience and welfare; to incentivize the development of new affordable housing units; to prevent the deterioration of existing affordable housing facilities; to establish a balance between market-rate real estate development and the affordable housing needs of city residents; and to mitigate the impacts of future development on the deterioration of affordable housing facilities, by provisions designed to:

1. Afford review and regulation of real estate development projects which directly or indirectly lead to conditions of the use of affordable housing facilities that contribute to an increase in the costs for the upgrade, repair and maintenance of affordable housing facilities, and the need for new capital improvements.

2. Provide a fund for affordable housing facility capital improvements through a linkage grant to the affordable housing trust, as a condition of the approval of any nonresidential development of 10,000 square feet of gross floor area or more; any residential development of six units or more; any subdivision of property which creates six or more units or buildable lots; or any residential or nonresidential project requiring a density bonus, variance, special permit, or zoning map amendment that is requested for a project of 5,000 square feet or more except those that are exempt pursuant to section 94-10.5.4. Requests for such zoning relief may include bonuses in density of use such as increases in gross floor area, height or other changes in dimensional requirements.

3. The imposition of linkage fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.

4. The methodology and analysis for the determination of the impact of new development, the need for new facilities and their costs, and the establishment and calculation of the linkage fees shall be established as a result of an investigation and report with supporting documentation, which shall be available for inspection by any feepayer or the public. Calculations of linkage fees may be based on the methodology established by previous studies that outline methods for an escalating linkage fee formula.

94-10.5.2 Definitions. See section 94-12.0, "Development linkage fees".

94-10.5.3 Procedures. The mayor or the office of community development shall be empowered to promulgate regulations and establish fees it deems necessary to implement this section. For a development impact project, no building permit or density bonus, variance, special permit or zoning amendment shall be granted or adopted unless the following requirements are met:

1. The office of community development shall review and calculate the fees for all development impact projects. Applicants may request a schedule for the payment of linkage fees in accordance with regulations established by the community development board.

2. If an applicant elects not to pay the linkage fee as determined by the office of community development, then the applicant shall prepare and submit to the office of community development an independent fee calculation study for the land development activity for which a building or use permit is sought. The independent fee calculation study shall show the basis upon which the independent fee calculation was made, and shall follow the prescribed methodologies and formats based on regulations promulgated by the community development board.

3. The person or persons making application for a building permit or a density bonus, variance, special permit or zoning map amendment to construct, substantially rehabilitate, enlarge or extend a structure pursuant to a development impact project plan shall also enter into an agreement with the city to pay an affordable housing linkage fee. For each development impact project, except for those exemptions found in section 94-10.5.4, an affordable housing linkage fee will be paid as reviewed and approved by the office of community development.

4. The building commissioner shall not issue any building or use permit with respect to any building, structure, or land within an area covered by a development impact project plan until the office of community development provides certification to the building commissioner that the applicant has entered into a fee payment agreement as provided for herein .

5. The affordable housing linkage fee shall be paid to, and eventually withdrawn from, the affordable housing trust based upon a schedule of fees and rules and regulations established by the community development board.

6. The formula (amount and rate of payment) for the affordable housing linkage fee shall be subject to recalculation at least three years after the effective date of this provision, and at least every three years thereafter. The mayor or the office of community development, after public notice and a public hearing of the Community Development Board, may recalculate and amend the formula for the affordable housing linkage fee, based on a methodology and analysis established as a result of report(s), documentation and information.

94-10.5.4 Exemptions. The following are not development impact projects and will not be subject to development impact project requirements:

1. Any structure for which a building or use permit has been lawfully issued prior to the city council adopting this division, provided that construction work under such a permit is commenced within six months after its issuance, and the work proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances.

2. Any building, structure, addition or substantial rehabilitation below the thresholds described in section 94-10.5.4.

3. Any building, structure, substantial rehabilitation, or addition that is proposed for subsidized, or affordable homeowner or rental housing, which falls within criteria established by the Commonwealth of Massachusetts or the department of housing and urban development, and confirmed by vote of the community development board.

4. Any building, structure, substantial rehabilitation, or addition that is proposed for: a religious or nonprofit educational purpose; a preschool or child care center; a hospital, nursing home, associated outpatient clinic or other health care facility licensed by the

Massachusetts Department of Public Health; a social service center, nonprofit community or recreation center, museum, library, art gallery or other public service use.

5. Any structure, conforming or otherwise, damaged or destroyed by fire or other catastrophe where the structure will not be rebuilt beyond its former dimensions.

6. Any claim of exemption shall be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

94-10.5.5 Refund of Linkage Fee Paid. The applicant shall be entitled to a refund of linkage fees for a development impact project provided that a written request is submitted to the office of community development within six months of the issuance of a building permit, and provided that no work has commenced on the project. The request shall be reviewed by the office of community development and the linkage fee, minus ten percent to offset the costs of collection and refund, may be returned to the applicant. Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the linkage fee was paid shall, upon application of the applicant or his assign(s), be returned to such landowner provided that the applicant or his assign(s) submits an application for a refund to the office of community development within 180 days of the expiration of the six-year period.

94-10.5.6 Credits. A credit may be given for voluntary site-related improvements or dedications as approved by the community development board or work performed as required by section 94-6.4.

1. Credit against a linkage fee otherwise due will not be provided until:

a. The construction is completed and accepted by the city, or the state, whichever is applicable.

b. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the office of community development.

c. All design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with the current state and city requirements.

2. Credit may be provided before completion of specified improvements if adequate assurances are given by the applicant that the standards set out in section 94-10.1.6 will be met, and if the applicant posts security as provided herein for the costs of such construction.

3. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

4. Credits shall not be transferable from one project or development to another without the approval of the community development board, and may only be transferred to another development upon a finding by the community development board that the voluntary dedication for which the credit was given equally benefits the city.

5. Determinations made by the community development board or the office of community development pursuant to the linkage fees or credit provision of this section may be appealed to the city council by filing a written request with the city council within 30 days of the community development board or the office of community development's determination. The appeal procedure shall be as provided for in M.G.L.A. c. 40A, § 15.

94-10.5.7 Penalty. A violation of this section shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to section 94-11.3.2. However, in addition to or in lieu of any criminal prosecution, the city shall have the power to sue in civil court to enforce the provisions of this section.

CITY OF MEDFORD

LINKAGE PROGRAM

FEE SCHEDULE

Pursuant to Special Enabling Legislation and in accordance with Section 94-10.0 of Chapter 94 of the Revised Ordinances of the City of Medford, the Community Development Board had established the following fee schedule for Parks and Recreational Facilities, Police Facilities, Fire Facilities, Roads and Traffic Facilities, Water Facilities, and Sewer Facilities.

Schedule of Fees:

Sector	Residential (fee per unit)	Hotel (fee per room)	Office	Commercial (per 1,000 sq. feet gross floor area)	Industrial
Water	$2042.70	$27.67	$523.77	$523.77	$523.77
Sewer	$567.53	$7.67	$143.78	$143.78	$143.78
Roads *	$54.21	$106.52	$144.85	$821.74	$63.85
Parks	$1218.02	$0.00	$0.00	$0.00	$0.00
Police	$25.18	$20.03	$34.70	$51.89	$10.62
Fire	$101.73	$80.90	$138.51	$209.61	$42.90
Affordable Housing †	$0.00	$424.40	$8000.00	$8000.00	$8000.00
Total (within southeastern Medford)	**$4009.37**	**$667.19**	**$8985.61**	**$9750.79**	**$8784.92**
Total (outside southeastern Medford)	**$3955.16**	**$560.67**	**$8840.76**	**$8929.05**	**$8721.07**

*Fees for Roads and Traffic Facilities shall be applied within southeastern Medford only.

† For developments between 10,000 and 30,000 SF, on those linkage uses that use SF to calculate the amount, the amounts in the Affordable Housing row will be reduced by half

Motion by Councilor Leming to refer the paper to the Community Development Board, seconded by Councilor Mullane. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

26-142B - City Council Response to Paper 26-142 (Law Department Appropriations)
Offered by City Council

Motion by Councilor Leming to join the paper with Paper 26-142 for discussion later in the meeting, seconded by Councilor Scarpelli. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

Motion by Councilor Leming to take Papers 26-191, 26-192, and 26-193 out of order, seconded by Councilor Mullane. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

COMMUNICATIONS FROM THE MAYOR

26-191
Legal Settlements
Submitted by Mayor Breanna Lungo-Koehn

MEDFORD, MASSACHUSETTS
MAYOR BREANNA LUNGO-KOEHN

October 22, 2026

Via Electronic Delivery
To the Honorable President and
Members of the Medford City Council
Medford City Hall
Medford, MA 02155

Re: Legal Settlements

Dear President Bears and Members of the City Council:

I respectfully request and recommend that your Honorable Body approve the following settlements:

- Frank Papaleo v. City of Medford
- Vivienne Wright v. City of Medford

The necessary Release has been obtained from each claimant. Attorney Thomas Lane will be in attendance to answer questions.

Thank you for your kind attention to this matter.

Sincerely,

Breanna Lungo-Koehn
Mayor

Addressing the Council:
Attorney Thomas Lane, KP Law

Motion by Councilor Scarpelli to approve, seconded by Councilor Callahan. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

26-192
Capital Stabilization Fund Appropriation Request
Fire Turnout Gear and Soil Remediation Project
Submitted by Mayor Breanna Lungo-Koehn

MEDFORD, MASSACHUSETTS
MAYOR BREANNA LUNGO-KOEHN

October 22, 2026

Via Electronic Delivery
To the Honorable President and
Members of the Medford City Council
Medford City Hall
85 George P. Hassett Drive
Medford, MA 02155

Re: Capital Stabilization Fund Appropriation Requests

Dear President Bears and City Councilors:

I respectfully request and recommend that your Honorable Body approve the following appropriations from the Capital Stabilization Fund:

- Forty-Five Thousand, Four Hundred Seventy Dollars ($45,470.00) to fund new turnout gear for the Medford Fire Department; and
- Two Hundred Thousand Dollars ($200,000.00) for the continuation of soil remediation testing, waste disposal, and regulatory reporting services through 2028 at 448 High Street through what is expected to be site closure.

The Capital Stabilization Fund has a balance of $11,428.450.00.

Fire Chief Todd Evans and City Engineer Owen Wartella will be available for questions.

Thank you for your kind attention to this matter.

Respectfully submitted,

Breanna Lungo-Koehn
Mayor

MEDFORD FIRE DEPARTMENT

120 Main Street
Medford, Massachusetts 02155-4510

Emergency - 911
Business (781) 396-9400

Fire Prevention (781) 396-9831
FAX: (781) 396-4377

Todd Evans
Chief of Department

October 26, 2026

Via Electronic Delivery
To the Honorable President and
Members of the Medford City Council
Medford City Hall
85 George P. Hassett Drive
Medford, MA 02155

Re: Turnout Gear Funding Request October 27 City Council Meeting

Dear President Bears and Members of the City Council,

I apologize that I will be unable to attend tomorrow evening's City Council meeting to speak on the proposed appropriation of $45,470 for firefighter turnout gear.

I respectfully ask for your support in approving this funding, which will allow us to purchase a second set of turnout gear for our ten newest firefighters.

Providing firefighters with a second set of protective gear is an important part of our ongoing efforts to improve firefighter health and safety. Firefighters are routinely exposed to smoke, soot, and other potentially harmful contaminants during emergency operations. Properly cleaning turnout gear after these exposures is essential to reducing the risks associated with those contaminants.

Having a second set of gear allows firefighters to place their contaminated gear out of service for proper cleaning and drying while still having clean, serviceable protective equipment available for the next emergency. Without a backup set, firefighters may experience delays in getting their gear properly cleaned and must rely on borrowing clean turnout gear from other members while their own equipment is being washed and dried.

This purchase will help ensure that our newest members have the same access to backup protective equipment as our other firefighters and support our department's commitment to firefighter safety and readiness.

I appreciate the Council's continued support of the Medford Fire Department and respectfully request your approval of this appropriation.

Thank you for your consideration.

Respectfully,
Todd Evans
Chief of Department
"Sprinkler Systems and Smoke Detectors Save Lives" *"Fire Prevention is Pro-Active"*

Addressing the Council:
Owen Wartella, City Engineer

Motion by Councilor Scarpelli to approve, seconded by Councilor Tseng. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

26-193
Reappropriation of Capital Stabilization Funds
Submitted by Mayor Breanna Lungo-Koehn

MEDFORD, MASSACHUSETTS
MAYOR BREANNA LUNGO-KOEHN

October 22, 2026

Via Electronic Delivery
To the Honorable President and
Members of the Medford City Council
Medford City Hall
85 George P. Hassett Drive
Medford, MA 02155

Re: Reappropriation of Capital Stabilization Project Funding

Dear President Bears and City Councilors:

I respectfully request and recommend that your Honorable Body approve the reappropriation of $57,870.00 from the Accelerated Repair Project at Roberts Elementary School (Council Resolution No. 26-021) to the Accelerated Repair Projects at the Missituk Elementary and Brooks Elementary Schools (Council Resolution No. 26-079).

A representative from the School Department will be available to speak to these requests.

Thank you for your kind attention to this matter.

Respectfully submitted,

Breanna Lungo-Koehn
Mayor

Addressing the Council:
Kenneth Lord, Medford Public Schools Chief of Operations

Motion by Councilor Scarpelli to approve. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

MOTIONS, ORDERS and RESOLUTIONS

26-179 - Resolution to Request an Update from the Mayor Regarding the City Charter
Offered by Isaac Bears, Council President

Whereas, the voters of the City of Medford approved a new City Charter at the last municipal election on November 4th, 2025; and

Whereas, members of the City Council and School Committee met with the Mayor and representatives of the City Administration several times this year regarding City Charter implementation; and

Whereas, the City Administration has not provided a formal response to the City Council and School Committee regarding City Charter Implementation; and

Whereas, the City Clerk has not received any communication regarding the City Charter, a copy of the finalized language, and how it should be codified in the City's Municode; and

Whereas, the City Council and City Clerk are not aware whether the state has been informed regarding the City Charter; now, therefore:

Be it Resolved by the Medford City Council that we urgently request that the City Administration submit the City Charter and the certification from the Department of Elections to the City Clerk to be codified in Municode.

Be it Further Resolved that we urgently request that the City Administration meet with the City Council and School Committee to finalize an implementation plan for the City Charter.

Be it Further Resolved that the City Administration provide an update on the submission of the City Charter to all relevant state agencies.

KP LAW
THE LEADER IN PUBLIC SECTOR LAW

101 Arch Street, 12th Floor
Boston, MA 02110
Tel: 617.556.0007 | Fax: 617.654.1735
k-plaw.com

TO: Medford Chief of Staff Nina Nazarian *(By Electronic Mail Only)*

FROM: Lauren F. Goldberg, Esq.

RE: Charter Implementation

DATE: October 24, 2026

Question You have requested an opinion as to whether the Mayor is required to take any additional action to implement the City's Special Act Charter, which was enacted into law as Chapter 30 of the Acts of 2025 on September 19, 2025 and approved by the voters at the November 4, 2025 Biennial State election.

Short Answer In my opinion, the Charter took effect, as a matter of law, following acceptance by the voters, and no further action is required in that regard. In my further opinion, the City Clerk is required to provide certified copies of the Charter as adopted to the State Archivist, the Executive Office of Housing and Livable Communities and the Attorney General's office, and is also required to keep a copy for City records. Further, the statute clearly states, in my opinion, that the City Council is responsible for providing for the recodification of the Charter at ten year intervals. The Mayor has no role in these matters, in my opinion.

Detailed Analysis You have informed me that questions have been raised concerning whether there are additional steps required for implementation of the Charter. As you will recall, we met several times with the City's Charter consultant, the City Council President and members of the City Council and School Committee to discuss this issue. We spent time at these meetings reviewing the Charter's transition provisions, which are not ideal, as they only address certain portions of the transition issues needed to easily interpret and impellent the new Charter. We discussed, further, that while there may be different ways to interpret the Charter, when read wholistically, as we must, not all the provisions of the Charter took effect simultaneously.

I understand that the City Council has proposed the adoption of a resolution requesting another update on Charter implementation and "urgently request[ing] that the City Administration submit the City Charter and the Certification from the Department of Elections to the City Clerk be modified in Municode". The resolution provides further that City Administration must provide "an update to the City Council on submission of the Charter to all relevant state agencies". The resolution continues, stating, "the City Clerk has not received any communication regarding the City Charter, a copy of the finalized language, and how it should be codified in the City's Municode", and that the Council and the Clerk are "not aware whether the state has been informed regarding the City Charter".

In my opinion, there is no action that the City Administration must take with respect to the Charter. The Charter was enacted pursuant to a special act of the General Court, and carries the

force of law. See, e.g., Welch v. Contributory Retirement Appeal Bd., 343 Mass. 502, 508 (1962) (stating, "City charters are essentially [ ] special enactments designed to provide for the particular needs of the various cities."). General Laws c.43B, §12 provides, in part, that, "All courts may take judicial notice of charters and charter amendments of cities and towns." Further, there is no requirement that the City notify its State Legislators of the passage of the Charter, nor would they need to be notified. It is the City's Legislative Delegation that shepherded the home rule petition through the legislative process through to its enactment as Chapter 30 of the Acts of 2025, and the Legislative Delegation can, at any time, request from the House Clerk a copy of that special act, or any special act.

With respect to the Council's comments on the need for City Administration to submit the Charter to the City Clerk and provide an update on notification to state agencies, this responsibility, instead, falls squarely within the responsibilities of the City Clerk under state law, in my opinion. General Laws c.43B, §12 places responsibility on the City Clerk for providing certified copies of a Charter adopted or amended to, the "archivist of the commonwealth… the executive office of housing and livable communities….[and] the office of the attorney general" and, further, for ensuring that a certified copy is "recorded in the records of the city or town and deposited in its archives."

With regard to codification of the new Charter, in my opinion, state law places that responsibility on the City Council, although the law does not refer to or require electronic codification. General Laws c.43B, §12 provides, in relevant part (and omitting the text relative to towns), as follows:

> The city council of each city [ ] shall, at intervals of not greater than ten years, cause the charter of said city [ ] as revised or amended to be reprinted for distribution to such registered voters of said city [ ] as may apply therefor at the office of the city [ ] clerk.

Finally, from a practical perspective, there is nothing that the City Council or the City Clerk needs from the administration in order to take these actions. The new City Charter is available on the General Court's website, as are all special acts dating back to 1997, at this link: https://malegislature.gov/Laws/SessionLaws/Acts/2025/Chapter30. The Charter is also available on the City's website, and can be found here: https://www.medfordma.org/fs/resource-manager/view/05a4d501-f905-4647-8e1a-2e1411d6bfd0. The November 4, 2025, City election sample ballot, including the Charter question, can be reviewed on the City website, here: https://resources.finalsite.net/images/v1758822713/medfordmaorg/ws9gp3bauygj1gcmcfuz/MEDFORDABSPROOF110425.pdf. Similarly, the November 4, 2025 City election results are here: https://resources.finalsite.net/images/v1763049199/medfordmaorg/hlcay8er2il2sc7td8nm/OfficialElectionResults11425.pdf. Further, it should be obvious that the City Clerk could, at any time, request this information from the Elections Department, whether for the purposes of updating Municode, or otherwise.

Please let me know if there are further questions.

Motion by Councilor Callahan to refer the matter to the Department of Elections and the Mayor, seconded by Councilor Tseng. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

26-181 - Order to Transfer and Authorize the Sale of McCormick Avenue Parcels
Offered by Isaac Bears, Council President, George Scarpelli, City Councilor

Whereas, the City is the owner of two parcels of land located on McCormack Avenue, each containing 3,600 square feet, more or less, identified as the Assessors' as Parcels F-13/37 and F-13/38, and described in Certificate of Title No. 166463 filed with the Middlesex South Registry District of the Land Court (together, the "City Property");

Whereas, the City Property has been vacant and unused since the City acquired the City Property in 1950 pursuant a tax taking, and is surplus to the needs of the City;

Whereas, there is an urgent need to promote and develop affordable housing in the City of Medford and the region;

Whereas, the sale of the City Property will benefit the City by putting the City Property to productive and tax-generating uses; and

Whereas, the proceeds of said sale may be used by the City for the purpose of promoting affordable housing; and

Whereas, now that the Affordable Housing Trust has been operating for over a year and the Council has reviewed the AHT annual action plan since the vote of the Council not to approve a similar order in April 2025.

NOW, THEREFORE, BE IT ORDERED BY THE MEDFORD CITY COUNCIL:

1. That the City Council hereby declares that the City Property is surplus to the needs of the City and available for disposition; and
2. That the City Council hereby transfers the care, custody and control of the City Property from the tax custodian for tax title purposes to the Mayor for general municipal purposes and/or for the purpose of disposition on such terms and conditions as is in the best interests of the City; and
3. That the Mayor be authorized to convey the City's right, title and interest in said City Property, provided that said sale is in compliance with the provisions of General Laws Chapter 30B, the Uniform Procurement Act, and to take any and all other action as may be necessary or appropriate to accomplish said disposition; and
4. That this order shall take effect upon passage.

Addressing the Council:
Kevin Duffy
Andrew Castagnetti

Motion by Councilor Tseng to refer the paper to the Committee of the Whole, as amended by Councilor Scarpelli to request input from the Assessor, the Affordable Housing Trust, and the Office of Planning, Development and Sustainability, as further amended by Councilor Callahan to discuss a comprehensive review of city-owned properties, seconded by Councilor Callahan. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

26-183 - Resolution to Send Comment Letter to MWRA, Cambridge, and Somerville Combined Sewer Overflow Project Team
Offered by Isaac Bears, Council President

October 27, 2026

Via email: **UpdatedCSOControlPlan@aecom.com**

RE: Draft Updated Combined Sewer Overflow Long-Term Control Plan Public Comment

Dear MWRA, Cambridge, and Somerville Combined Sewer Overflow Project Team,
On behalf of the City of Medford City Council, we respectfully request that you reject the Recommended Plan presented in the Draft Updated Combined Sewer Overflow (CSO) Long-Term Control Plan (LTCP) that would allow sewage to be discharged permanently into the Mystic River, Charles River, and Alewife Brook, a proposal we find unacceptable. We strongly oppose any plan that permits continued pollution of our local waterways and urge you to issue a Final Updated CSO Control Plan that recommends an alternative **resulting in complete or virtual CSO elimination**. Massachusetts can and should do better.

While the Boston Harbor and our waterways have seen a remarkable recovery thanks to decades of public investment, this progress is now at risk. The Draft LTCP would allow raw sewage dumping into our rivers indefinitely, when instead we should be investing in safe, clean, and healthy waterways that residents expect and deserve. Our rivers should not be treated as open sewers, especially when modern infrastructure solutions are feasible and available.
The Draft Recommended Plan is inadequate in the following ways:

- It fails to meet federal Clean Water Act requirements;
- It fails to end CSOs despite analysis demonstrating it is both technically feasible and affordable;
- It is backward-looking and proposes investments in infrastructure that will be overwhelmed by current and future climate conditions;
- It fails to acknowledge the public health and economic benefits that would be realized from ending CSOs; and
- It fails to advance state priorities as detailed in the Healey-Driscoll Administration's Biodiversity Initiative, Environmental Justice Strategy, and ResilientMass Plan.

Medford and neighboring communities along the Mystic River have worked for decades and continue to work to restore these waterways. Our city is required to make considerable investments to address stormwater runoff into the river, and we are working hard on a daily basis to meet those obligations. Allowing some entities to permanently discharge sewage in the Mystic undermines these efforts and is not equitable. Discharges of raw sewage degrade habitat, impair water quality, limit safe recreation, and threaten public health—impacts that fall disproportionately on Environmental Justice communities already burdened by pollution.
At a time when climate change is increasing storm intensity and placing greater stress on our infrastructure, we must pursue solutions that meet future conditions rather than waste money on outdated approaches. The Draft Control Plan demonstrates that you have the capacity and expertise to permanently end raw sewage discharges into our rivers; the City of Medford is asking you to make that commitment.

We respectfully request that you recommend and implement a **2050, 25-year storm level of control or full sewer separation for the Mystic River, the Charles River, and the Alewife Brook** under the Final Updated LTCP. A 25-year level of control is analogous to what was done for Boston Harbor beaches, while discharges have been fully eliminated on the Neponset River. We have a unique opportunity to end CSOs in our beloved waterways so we can finally achieve the vision of the federal Clean Water Act for "fishable" and "swimmable" rivers. We urge you to ensure that the MWRA continues its legacy of leadership in CSO reduction by supporting a plan that permanently ends sewage dumping into the Mystic River, Charles River, and Alewife Brook.

Sincerely,
Isaac B. "Zac" Bears, Council President
Emily Lazzaro, Council Vice President
Anna Callahan
Matt Leming
Liz Mullane
George Scarpelli
Justin Tseng

Addressing the Council:
Tim McGivern, Commissioner of Public Works

Motion by Councilor Tseng to approve, seconded by Councilor Scarpelli. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

COMMUNICATIONS FROM THE MAYOR

26-133
Capital and General Stabilization Fund Appropriation Requests
(Request 2 - Police Chief Search)
Submitted by Mayor Breanna Lungo-Koehn

Motion to table by Councilor Tseng, seconded by Councilor Leming. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

MEDFORD, MASSACHUSETTS
MAYOR BREANNA LUNGO-KOEHN

July 9, 2026

Via Electronic Delivery
To the Honorable President and
Members of the Medford City Council
Medford City Hall
85 George P. Hassett Drive
Medford, MA 02155

Re: Capital and General Stabilization Fund Appropriation Requests

Dear President Bears and City Councilors:

I respectfully request and recommend that your Honorable Body approve appropriations from the:

1. Capital Stabilization Fund in the amount of Five Hundred Seventy-One Thousand Five Hundred Fifty Dollars and Zero Cents ($571,550.00) on the following items:
    a. Roberts Hot Water Tank Replacement for $250,000;
    b. Interactive Panels for Classrooms for $180,000;
    c. Address Facilities Conditions Assessment Projects at Schools for $75,000;
    d. Defibrillator Replacements at Schools for $25,000;
    e. Conceptual Building Study and Construction Cost Estimate for Oak Grove Building for $24,550; and
    f. Admins Server Replacement for $17,000.

    Given the appropriations made on June 23, 2026, the balance of the Capital Stabilization Fund before this vote is $13,000,000.

2. General Stabilization Fund in the amount of Thirty-Five Thousand Dollars and Zero Cents ($35,000.00) for an executive search and recruitment company to hire a new police chief.

    The balance of the General Stabilization Fund before this vote is $6,000,000. As the Council knows, Free Cash is not available this time of year, and where this is not a capital item, the only remaining source that would be acceptable would be General Stabilization Fund. Small amounts out of this fund will not impact the City's bond rating.

A School Department representative will be in attendance for items 1.a through d, DPW Commissioner Tim McGivern will be in attendance for item 1.e, IT Director Richard Lane will

MEDFORD, MASSACHUSETTS
MAYOR BREANNA LUNGO-KOEHN

be in attendance for item 1.f and Human Resources Director Lisa Crowley and Police Chief Jack Buckley will be in attendance for item 2.

Thank you for your kind attention to these matters.

Respectfully submitted,

Breanna Lungo-Koehn
Mayor

26-142
Supplemental Appropriation for the Fiscal Year 2027 - Law Department
Submitted by Mayor Breanna Lungo-Koehn

MEDFORD, MASSACHUSETTS
MAYOR BREANNA LUNGO-KOEHN

October 7, 2026

Via Electronic Delivery
To the Honorable President and
Members of the Medford City Council
Medford City Hall
85 George P. Hassett Drive
Medford, MA 02155

Re: Supplemental Appropriation for the Fiscal Year 2027

Dear President Bears and Members of the City Council:

I respectfully request and recommend that your Honorable Body approves the following supplemental appropriation for Fiscal Year 2027, to fully restore the balance of the proposed Law Department budget originally presented on June 4, 2026:

	Mayor Proposed 6/4/26	Council's Cumulative Cuts
Salaries	$230,866.60	$146,061.07
Ordinary	$298,700.00	$194,000.00
Total	$529,566.60	**$340,061.07**

And to meet this appropriation, the sum of Three Hundred Forty Thousand Sixty-One Dollars and Seven Cents ($340,061.07) be raised and appropriated from the Fiscal Year 2027 tax levy.

Thank you for your kind attention to this matter.

Sincerely,

Breanna Lungo-Koehn
Mayor

Addressing the Council:
Andrew Castagnetti

Motion by Councilor Callahan to cut the Law Department Budget as follows: Salaries $127,803.44, Ordinary $194,000.00, for a total of $321,803.44, and to further request that the Mayor submit to the Council a copy of the engagement letter with the State Auditor's Office or the private firm to review the City's legal practices and costs as agreed by the Mayor in her August email to the Council and the timeline for the review to be completed along with an updated supplemental appropriation reflecting the Council's October 27, 2026 vote to cut the appropriation, seconded by Vice President Lazzaro. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

26-184
Board and Commission Appointments
(Request 2 - Police Chief Search)
Submitted by Mayor Breanna Lungo-Koehn

Cemetery Trustees

- Stacie Clayton
- Reappointment
- Recommendation paperwork attached
- 3-year term - expiring 3/1/2029

- $1,100 annual stipend

Civic Auditorium + Convention Center
- James Mackey
- Appointment
- Recommendation paperwork attached
- Resume attached
- 1-year term - expiring 8/1/2027

Board of Health
- Dina Caloggero
- Appointment
- Recommendation paperwork attached
- 3-year term - expiring 3/1/2029
- $900 annual stipend

Motion by Councilor Scarpelli to approve, seconded by Councilor Tseng. Approved on a Roll Call Vote of Seven in favor, Zero opposed.

PUBLIC PARTICIPATION

Addressing the Council:
Andrew Castagnetti

UNFINISHED BUSINESS

26-003	**Appointment of a City Messenger for 2026 and 2027**
IN CITY COUNCIL	JANUARY 6, 2026
TABLED	

26-063	**Resolution to Update the Ordinance Establishing the Medford Commission for Persons with Disabilities**	
IN CITY COUNCIL	JULY 14, 2026	APPROVED FOR FIRST READING
ADVERTISED	JULY 30, 2026	MEDFORD TRANSCRIPT & SOMERVILLE JOURNAL
IN CITY COUNCIL	AUGUST 4, 2026	ELIGIBLE FOR THIRD READING

Reports Due/Deadlines

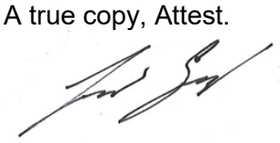
16-574	University Accountability Report (Next Report Due in November 2026)
22-026	Quarterly Presentation on City's Financial Health by Chief Financial Officer/Auditor
22-027	Monthly Copy of Warrant Articles from Chief Financial Officer/Auditor

ADJOURNMENT

Motion to adjourn made by Councilor Scarpelli, seconded by Councilor Tseng. Approved on a Voice Vote of Seven in Favor, Zero opposed.

President Bears adjourned the meeting.

A true copy, Attest.



Laurel Siegel
City Clerk