



Medford City Council
Medford, Massachusetts

The First Regular Meeting, January 9, 2024

City Council

Isaac B. “Zac” Bears
Anna Callahan
Kit Collins
Emily Lazzaro
Matt Leming
George A. Scarpelli
Justin Tseng

Broadcast Live: Channel 22 (Comcast) and Channel 43 (Verizon)

Zoom Link: <https://us06web.zoom.us/j/83266347209>

Call-in Number: +13052241968,,83266347209#

To submit written comments, please email AHurtubise@medford-ma.gov.

City Clerk Adam Hurtubise called the Regular meeting of January 9, 2024 of the Medford City Council to order at 7:00 P.M. at the Howard F. Alden Memorial Auditorium at Medford City Hall, and via Zoom.

ROLL CALL

SALUTE TO THE FLAG

ELECTION OF COUNCIL LEADERSHIP

24-001- Election of a Council President for 2024

Councillor Collins nominated Councillor Bears to serve as Council President for 2024. Councillor Tseng seconded the nomination.

Councillor Collins moved to close nominations (Councillor Tseng second)—nominations closed.

Councillor Bears accepted nomination.

On a roll call vote of six in favor, zero opposed, and Councillor Bears voting present, the Council elected Isaac B. “Zac” Bears to serve as Council President for 2024.

City Clerk Adam Hurtubise administered the oath of office to President Bears.

President Bears addressed his colleagues from the podium.

24-002- Election of a Council Vice President for 2024

Councillor Tseng nominated Councillor Collins to serve as Council Vice President for 2024. Councillor Callahan seconded the nomination.

Councillor Tseng moved to close nominations (Councillor Councillor Leming second)—nominations closed.

Councillor Collins accepted nomination.

On a roll call vote of six in favor, zero opposed, and Councillor Collins voting present, the Council elected Kit Collins to serve as Council Vice President for 2024.

City Clerk Adam Hurtubise administered the oath of office to Vice President Collins.

Vice President Collins addressed her colleagues from the podium.

President Bears took the Chair at 7:16 p.m.

24-003- Appointment of a City Messenger for 2024 and 2025.

Vice President Collins nominated Lawrence Lepore as City Messenger for 2024 and 2025. Councillor Scarpelli seconded the nomination.

Councillor Tseng moved to close nominations (Councillor Callahan second)—nominations closed.

On a roll call vote of seven in favor and zero opposed, the Council appointed Lawrence Lepore City Messenger for 2024 and 2025.

City Clerk Adam Hurtubise administered the oath of office to City Messenger Lepore.

24-004- Offered by Vice President Collins

Be it Resolved that the Standing Committee Rules be adopted as the Standing Rules of the City Council insofar as they are applicable.

Vice President Collins moved for approval (Councillor Scarpelli second)—approved.

24-005- Offered by Councillor Collins

Be it Resolved that the City Council transfer all Papers in Committees or on the Table from the 2023 Council to the 2024 Council.

Vice President Collins moved for approval (Councillor Scarpelli second)—approved.

ANNOUNCEMENTS, ACCOLADES, REMEMBRANCES, REPORTS, AND RECORDS

Records:

The Records of the Meeting of December 19, 2023 were passed to Councillor Scarpelli. Councillor Scarpelli moved for approval (Councillor Tseng second)—approved.

Reports of Committees

22-494 - Offered by Isaac Bears, Council President

22-494
SUBCOMMITTEE ON ORDINANCES AND RULES
MEETING REPORT
WEDNESDAY, DECEMBER 20, 2023 @ 5:30 P.M.

This meeting will take place in the Howard F. Alden Memorial Chambers on the second floor of Medford City Hall, and via Zoom.

Join Zoom Meeting

<https://us06web.zoom.us/j/85225878645>

Meeting ID: 852 2587 8645

One tap mobile

+13126266799,,85225878645# US (Chicago)

+16469313860,,85225878645# US

Meeting ID: 852 2587 8645

Find your local number: <https://us06web.zoom.us/j/85225878645>

To participate remotely outside of Zoom, please e-mail AHurtubise@medford-ma.gov.

Attendees: Council Vice President Isaac “Zac” Bears, Subcommittee Chair; Councillor Kit Collins; Annie Kelly, City Clerk’s Office; Finance Director Bob Dickinson; Chief of Staff Nina Nazarian; other participants as noted in the body of this report.

Vice President Bears called the meeting to order 5:30 p.m. in the Medford City Council Chamber and via Zoom. Immediate technical difficulties with the audiovisual system necessitated a recess, which Vice President Bears declared. Vice President Bears reconvened the meeting at 6:05 p.m. The purpose of the meeting was to discuss the proposed Budget Ordinance (Paper **22-494**).

Vice President Bears thanked participants for attending.

Councillor Collins said that 3-101, the Quarterly Financial Reports, the change from a 30-day reporting requirement to a 60-day reporting requirement was reasonable. She said she would like to see an annual report with an annual budget needs assessment. She said she would like to hear the rationale behind reviewing only the second and third and quarter reports. She said she had a strong preference for the budget meetings to happen earlier in the year. Councillor Collins said that the Council and the public would benefit from having the preliminary budget meetings earlier in the year. She said she is comfortable with preliminary hearings being less formal. She said that the suggestion to put the School Committee allocation in by March 1 is something she would like to see feedback from the School Committee. She also said she would like to see information about fixed cost increases sooner rather than later. On the section regarding Council budget recommendations to the Mayor, she said she would like to see the timeline changed from April to March. She said she’d be happy to see submissions considered earlier in the budget process if there’s a greater chance of incorporating Council recommendations into the budget.

Councillor Collins said she also has concerns that the Council budget recommendations would be due before the preliminary budget meetings with Department Heads. She said she was happy, with 3-104, to see alignment between the earlier draft and the Administration’s proposal. She said she would like to consider phase-in dates for certain provisions.

On the Annual Budget Needs Assessment, Councillor Collins said she hopes to discuss this further. She said the operating budget is a snapshot. She said she would like a

more longitudinal road map to compare against the operating budget. She asked if there is a way to operationalize parts of the annual budget needs assessment.

Vice President Bears noted that Councillor Tseng provided written comments similar to Councillor Collins's comments, including the same question on reviewing the second and third quarter reports. He said Councillor Tseng raised similar questions about other parts of the draft ordinance, including informal meetings. Councillor Tseng also wanted to see a timeline for items like Enterprise Revolving Funds. Vice President Bears said Councillor Tseng had similar questions on fixed cost increases.

Vice President Bears said he took the Administration's draft and then tracked changes. He put it back into the framework originally proposed by the Subcommittee. He said he had an opportunity to speak with the Chair and Vice Chair of the School Committee and the Chief of Staff, and the March 1 date seemed to have consensus.

Vice President Bears said he adjusted the phrasing of the section on preliminary budget meetings. Vice President Bears suggested a March 22 submission of priorities. He said he also had questions about personnel costs or increases, and increases in various costs. He said right now this would just look at the general fund. He said right now the capacity is not there to go beyond that. He suggested sitting down once a year to review this particular process of implementing this ordinance about the budget process.

Chief of Staff Nazarian said that at a high level, this was a lot to process here, and that she would like to take some time to process it. She said she would work through what she could but that there might be questions. She said she needed to look at it in a way that also takes into account her resources and Department Heads' resources. She said it is not an issue of whether the Administration wants to provide the information but whether how it can provide it and if it can provide it. She said she didn't want to make a commitment to the Council and then fail. She said she needs more time to look at this.

Vice President Bears said he had a version with changes tracked and would look at some clarifying questions.

Director Dickinson said he would look at all this with an eye toward what he can prepare. He said spending is not linear. He said he is not clear on what information this would really provide. He said he spends the summer on various tasks including trying to close the prior fiscal year. He said trying to compare current spending to inflation-adjusted spending from five years ago gets him to an apples-to-oranges comparison.

Vice President Bears asked for the actual third quarter numbers and Director Dickinson said he could provide them. Vice President Bears asked about breaking down the change in department budgets from year to year. Director Dickinson said that this is part of what we do anyway as part of the budget process. He said he doesn't see a problem with this.

Vice President Bears said we should stick to the general fund just for now. He said that this is really just a problem with how the information is presented. He said we know the information is in there but that this would simplify it. He said that this is really just a way of displaying it in the document.

Chief of Staff Nazarian said that she doesn't know if the current improvement on the Administration's own process is going to resolve the problem. She said that the budget will highlight where there are increases beyond a certain percentage and a certain dollar. She said we need to be careful what steps we commit to.

Vice President Bears said that this is essentially what we have now. He said that this would be for the whole department. He said he was thinking about increases and what percentages of each increase were attributable to what various causes.

Councillor Collins said that the departmental budget summaries accomplish some of this information in the current budget process.

Vice President Bears said that there were some additional questions that needed some digestion. First were Councillors Collins and Tseng's concerns about the order of operations with the Council recommendations coming before the budget meetings. He said that there were other questions about the general fund and about enterprise funds. He said he would like to maintain the incorporation of the intent of the Council.

Councillor Collins said that in a perfect world, everybody has plenty of time to put a budget together. She said that meeting earlier in the year can get us to identify needs and wants and get those to the Administration before the budget is put together. She said we should be able to have some version of those budget hearings earlier in the process because recommendations are in part derived from what the Council hears from Department Heads and residents.

Chief of Staff Nazarian said that this is all a bit of a chicken and egg situation. She said one reason we presented language on setting some level of expectation on submission of numbers to the School Committee or School Administration is because we have to figure out what share of the pie we have to manage. She said having that information as early as possible would help the process.

Councillor Collins said that the intent is to move Council input earlier into the budget process, and she said she appreciates that. She asked if there's a way to have a version of the budget hearings that are a lighter lift so we could get that information sooner.

Vice President Bears said that he would still prefer the word preliminary, but that if Councillors want to have informal meetings, or send questions to Department Heads by e-mail, that's a way to engage Department Heads in advance without having additional formal meetings. He said we need to be as judicious as we can with this.

Councillor Collins said she'd be happy to be convinced on that point. She said she wasn't sure how the order of operations would work.

He said that many municipalities never get answers to any of these questions because they are hard to answer, but he said he would still like to try to find answers to them while realizing that it is tough for the Finance Department and Department Heads. He asked if there was a way to get to a point where these questions are part of all future discussions on the budget. He said that discussion of enterprise funds would also be helpful to the process. He said that once a year, some group of Councillors, the Mayor, the Chief of Staff, and the Finance Director should sit down and see how close we are to achieving the goals of this ordinance.

Chief of Staff Nazarian said she would be happy to have a conversation on this. She said her hesitancy is wanting to try what we have here first. She said she would like to move forward with what we have outlined. She said she is happy to think through it.

Director Dickinson said that we look at the general fund budget and this is something we've done many times in estimating budgets. He said that the enterprise funds would require additional details from consultants and becomes a little bit more complex. He said we have a framework for capital spending. He said it would be helpful to go through the general fund materials with what the Council is requesting. He said he would think of a way to provide the Council with this information.

Councillor Collins said that a key feature of this is that it is not something that we can bring online. She said she was curious to see what happens with a clause that deals with the non-general fund buckets. She said that hearing from the Finance Director is always a situation that leads to good information to have.

Chief of Staff Nazarian said that expectations automatically get set. She said she is certainly willing to rethink this matter. She said that there are so many unintended things that just come up. She said that this doesn't seem to fit logistically. She said she doesn't want an unintended consequence down the road. She said she thinks it's

simple to modify the ordinance down the road. She said we never predicted a pandemic and we can't predict what the future holds.

Vice President Bears said he understands. He said we'll never be able to mitigate the possibility that a future Council will interpret the ordinance differently than this Council does. He said some section that joins the realities of future Council questions and expectations and the Administration's response that we can't answer these questions now because we haven't done it this way for many decades and we don't have the tools right now.

Vice President Bears said that the Council would have to call future meetings for this ordinance. He said it's important to him that in ten years that if he and none of the other Councillors are here, that the budget process says that these are important questions to ask. He said what we are trying to do and what the Administration is trying to do is to solve the same problem.

Chief of Staff Nazarian asked how we incorporate language that surpasses time. She said she would be happy to hear thoughts about further collaboration. She said that it would be great if the ordinance laid out that this is a trial path. She said whatever passes and is codified would be law and we would have an obligation to comply with that law.

Vice President Bears said the language could be changed to reflect what he intended if that is not clear. He said he could propose taking out language that is any kind of pigeonholing approach.

Councillor Collins moved to have the Administration and Subcommittee Members to review current ordinance drafts, and to further consider questions and decision points on the general fund framework in Article V; to consider and formulate suggestions around how to incorporate the intent of Article VI into a reasonable framework; and to circulate any written responses or proposals ahead of the next Subcommittee meeting on this topic (Vice President Bears second)—approved, with an amendment from Vice President Bears to send the committee report along with the motion language, to the Administration for review.

Councillor Collins moved to adjourn at 7:12 p.m. (Vice President Bears second)—approved.

Vice President Bears adjourned the meeting at 7:12 p.m.

[End of Subcommittee on Ordinances and Rules Report.]

Councillor Collins moved to approve the report (Councillor Tseng second)—approved.

At 7:21 p.m., Councillor Scarpelli moved to suspend the rules to take Papers **24-012**, **24-013**, and **24-014** under suspension (Vice President Collins second)—approved.

24-012—Offered under Suspension by Councillor Scarpelli

Be it Resolved that the Medford City Council send the family of James "Jack" McDevitt our deepest condolences on his recent passing.

Councillor Scarpelli called to join Papers **24-012**, **24-013**, and **24-014**, and without objection, President Bears joined the papers. Final disposition of the papers appears after Paper **24-014**.

24-013—Offered under Suspension by Councillor Scarpelli

Be it Resolved that the Medford City Council send the family of Judith Granara our deepest condolences on her recent passing.

24-014—Offered under Suspension by Councillor Scarpelli

Be it Resolved that the Medford City Council send the family of Ernest “Ernie” Ardolino our deepest condolences on his recent passing.

Councillor Scarpelli moved to join and approve all three papers (Councillor Tseng second)—joined and approved.

At 7:28 p.m., Councillor Scarpelli moved to revert to the regular order of business (Vice President Collins second)—approved.

HEARINGS

23-460-

LEGAL NOTICE

MEDFORD CITY CLERK’S OFFICE

NOTICE OF A PUBLIC HEARING

MEDFORD CITY COUNCIL

A public Hearing will be held by the Medford City Council in the Howard F. Alden Memorial Auditorium, City Hall, 85 George P. Hassett Drive, Medford, MA, on 9, 2023, at 7:00 p.m., a Zoom link to be posted no later than Friday, January 5, 2024, on a petition from Hua Li Enterprises dba Mei Ling’s, 434 A Salem Street, Medford, MA 02155 for a special permit to amend its *Hours of Operation* in accordance with Medford Zoning Ordinance Chapter 94 – 7.2.1 to operate extended hours at its business at 434 A Salem Street, Medford, MA 02155, said site being located in a Commercial Zoning District (C-1) as follows:

Extended Hours of Operation Requested

Monday, Tuesday, Wednesday and Thursday 11:00 p.m. – 12:30 a.m.

Friday, Saturday 11:00 p.m. to 1:00 a.m.

Sunday 11:00 p.m. to 12:00 a.m.

Petition and plan may be seen in the Office of the City Clerk, Medford City Hall, Medford, MA.

Call 781-393-2425 for any accommodations/aids. The City of Medford is an EEO/AA/504 Employer.

By order of the City Council.

Adam L. Hurtubise
City Clerk

Advertised in the Medford Transcript and Somerville Journal December 21, 2023 and December 28, 2023.

Addressing the Council:

Cheung Lee, Attorney for the Petitioner

President Bears declared the public hearing open at 7:35 p.m. and invited those **IN FAVOR** or **IN OPPOSITION** to address the Council.

Addressing the Council **IN FAVOR**:

Cheung Lee, Attorney for the Petitioner

Addressing the Council **IN OPPOSITION**:

None

President Bears declared this portion of the public hearing closed at 7:35 p.m.

Councillor Scarpelli moved to grant the special permit, with 30-and 60-day reviews (Vice President Collins second)—permit granted, with 30-and 60-day reviews, on a roll call vote of seven in favor and zero opposed.

Vice President Collins took the Chair at 7:37 p.m.

MOTIONS, ORDERS, AND RESOLUTIONS

24-006- Offered from the Floor by President Bears

Be it Resolved by the Medford City Council that Councilors submit items to be included in a 2024-2025 Medford City Council Governing Agenda document (draft template attached in packet) that will guide the work of this Council and its committees during this term.

Be it Further Resolved that Councilors submit items to the City Clerk by Thursday, January 18th for further discussion in Committee of the Whole.

Councillor Scarpelli moved for approval (Councillor Tseng second)—approved.

24-007- Offered from the Floor by President Bears

Be it Resolved by the Medford City Council that “Rule 33 - Committees” of the Rules of the Medford City Council be amended to the following:

“After the organization of the Council, the President of the Council shall form and set standing meeting times for the Committee of the Whole and the following standing committees.

- Administration and Finance Committee
- Education and Culture Committee
- Governance Committee
- Planning and Permitting Committee
- Public Health and Community Safety Committee
- Public Works and Facilities Committee
- Resident Services and Public Engagement Committee

All councilors shall be considered as members of each standing committee. The president shall name those members of each committee, including its chair and vice-chair, who are authorized to vote on matters in the committee. All other members of each committee are not authorized to vote on such matters in the committee. A quorum of the committee shall be determined on the basis of voting members only.

Each committee chairperson shall form subcommittees and appoint members of subcommittees as needed. The president or committee chairperson will give weight to committee and subcommittee appointments via the longevity and interest of such appointees.

Resolutions, ordinances, and other papers are referred to committee by a majority vote of the members at a regular meeting of the City Council. If a councilor requests, the committee chair shall place any paper referred to the committee on the next scheduled committee meeting agenda or the agenda for another scheduled committee meeting.”

Be it Further Resolved that Papers in Committee be referred from 2022-2023 subcommittees to 2024-2025 committees as described in the attached memorandum describing the proposed updated council committee structure.

Councillor Scarpelli moved for approval (Councillor Tseng second)—approved.

24-008- Offered from the Floor by President Bears

Be it Resolved by the Medford City Council that the Fee Schedule of the City of Medford (Appendix A to the City Ordinances) be reviewed and updated.

From the Floor, President Bears moved to refer the paper to the Planning and Permitting Committee (Councillor Scarpelli second)—referred to the Planning and Permitting Committee.

24-009- Offered from the Floor by President Bears

Whereas many cities and countries prohibit evictions between November 1 and March 31 due to the winter cold that puts lives in danger; and

Whereas Massachusetts has yet to implement a statewide policy to protect families from becoming unhoused and put out on the street in dangerously cold weather; and

Whereas over 1,200 households were evicted in Massachusetts in the winter of 2022-2023; now, therefore:

Be it Resolved by the Medford City Council that we request that the Board of Health declare an annual state of emergency and implement an eviction moratorium each winter to protect the health and safety of residents who face potentially fatal illness if evicted during the winter.

From the Floor, President Bears moved to refer the paper to the Board of Health (Councillor Tseng second)—referred to the Board of Health.

At 8:25 p.m., Vice President Bears moved to address Paper **23-412**, regarding a deed restriction for 12 Dell Avenue. The paper had been tabled to a date certain for this evening’s meeting, and Vice President Bears moved to leave the paper on the table without a date certain attached (Councillor Tseng second)—tabled.

President Bears resumed the Chair at 8:27 p.m.

24-010- Offered by Vice President Collins

Be it Resolved that the Medford City Council explore the enactment of a Good Landlord Tax Credit as outlined in M.G.L. Chapter 59, Section 5O. Be it further resolved that this matter be referred to committee for further study and for discussion with the Chief Assessor and Finance Director.

Vice President Collins moved to refer the paper to the Administration and Finance Committee for discussion with the Finance Director and the Chief Assessor (Councillor Tseng second)—referred to the Administration and Finance Committee.

Vice President Collins took the Chair at 8:38 p.m.

24-011- Offered from the Floor by President Bears

Be It Resolved by the Medford City Council that the Traffic and Transportation Director provide an update on when the City of Medford in partnership with MassDOT District 4 plans to initiate a project through the MassDOT Project Development Process to implement the recommendations of the Wellington Circle Study.

From the Floor, President Bears moved to refer the Paper to Traffic and Transportation Director Blake (Councillor Lazzaro second)—referred to the Traffic and Transportation Director.

President Bears resumed the Chair at 8:45 p.m.

PUBLIC PARTICIPATION

To participate outside of Zoom, please e-mail AHurtubise@medford-ma.gov.

Addressing the Council:

Nate Merritt, 373 Riverside Avenue
Mike Brown, 35 Cleveland Street

At 9:17 p.m., Vice President Collins moved to take Papers **23-463** and **22-605** from the table so the Council could consider them for third reading (Councillor Tseng second)—approved.

23-463-

December 6, 2023

Via Electronic Delivery

To The Honorable President and
Members of the Medford City Council
Medford City Hall
Medford, MA 02155

Re: Loan Order – City Water System Bonds

Dear President Morell and Members of the City Council:

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

CITY OF MEDFORD
Loan Order – Water Bonds

BE IT ORDERED: That Three Million Four Hundred and Twenty-Two Thousand (\$3,422,000.00) is appropriated for the purpose of making improvements to the City's water system, including constructing and reconstructing water mains and other costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount pursuant to Chapter 44, Section 8(5) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; that the Treasurer, with the approval of the Mayor, is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority ("MWRA") pursuant to the MWRA's Local Water Systems Assistance Program and, in connection therewith, to enter into a loan agreement

and/or financial assistance agreement with the MWRA and to accept any grants for the project from the MWRA, provided that the amount of the authorized borrowing shall be reduced by the amount of any such grants received from the MWRA.

AND FURTHER ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of the Commonwealth of Massachusetts (the “Commonwealth”) to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized to be borrowed pursuant to this loan order and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

Respectfully submitted,


Breanna Lungo-Koehn
Mayor

Vice President Collins moved for approval for third reading to be ordained (Councillor Lazzaro second)—approved for third reading to be ordained on a roll call vote of seven in favor and zero opposed.

22-605--

CHAPTER 70 – SOLID WASTE ARTICLE I. - IN GENERAL

Sec. 70-1.

No private property may become a gathering place for debris, refuse, discarded or abandoned items or other waste. Any property owner who has received written notice from the Department of Public Works, Medford Police Department, Code Enforcement Officer, or Medford Board of Health to remove any such material from their property must do so within the time frame directed.

Sec. 70-2.

No debris, refuse, discarded items or other waste, including yard waste and construction debris, may be placed or dumped in any public place or public way in the City. All waste must be properly contained and properly placed for collection on scheduled collection days, in accordance with regulations, schedules and policies promulgated by the Department of Public Works and Board of Health. Any person who has been ordered by the Department of Public Works, Medford Police Department, Code Enforcement Officer, Medford Board of Health, or designee thereof, to remove any improperly discarded material or waste from private or public property must do so within the time frame directed.

Secs. 70-3—70-40. - Reserved.

ARTICLE II. - REMOVAL, TRANSPORT, AND DISPOSAL OF SOLID WASTE AND RECYCLABLES

DIVISION 1. - GENERALLY

Sec. 70-41. - Purpose, intent, and authority.

The goal of these regulations is to protect public health and the environment and ensure that all Private Haulers collecting Solid Waste and Recyclables adhere to the

Massachusetts Waste Ban regulations and uniformly comply with permit requirements established by the City of Medford. This should ensure that:

- The environmental benefits of recycling are maximized;
- There is joint enforcement of the Waste Ban requirements by the municipality and all Private Haulers operating within the municipality;
- There are fair and equitable rules for all Private Haulers operating in the municipality;
- All residents and businesses have convenient (parallel) access to recycling collection services;
- All Private Haulers licensed to operate in a municipality are in compliance with state regulations (310 CMR 19.017);
- There is greater consistency across municipalities to promote clear operating guidelines for Private Haulers;
- The City and Private Haulers work together to support the goals of the Medford Climate Action and Adaptation Plan.

This ordinance establishes minimum requirements for the systematic collection of Solid Waste and Recyclables in order to promote waste reduction, comply with state-mandated Waste Bans (310 CMR 19.017), and further the goals of the City of Medford. These regulations are adopted under the provisions of Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws. Private Haulers shall only collect for disposal those items acceptable for disposal. Materials banned from disposal under 310 CMR 19.017 shall not be included with Solid Waste. Construction debris and temporary dumpsters shall not be regulated by this ordinance.

Sec. 70-42. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- *Commercial Customers/Generators* shall mean property owners and occupants of any commercial, industrial, institutional, or mixed-use building within the City of Medford.
- *Customer* shall mean either Residential Customer/Generator or Commercial Customer/Generator.
- *Leaf collection season* shall mean the period during the calendar year during which leaves are collected for recycling/composting at curbside or otherwise in the city.
- *Mercury Disposal Prohibition* shall mean Disposal Prohibition Provision of the Mercury Management Act (Chapter 190 of the Acts of 2006). Effective May 1, 2008, mercury- added products cannot be disposed of in Solid Waste. The law also prohibits any Solid Waste collector from collecting as Solid Waste the contents of a Solid Waste container that the collector knows (or reasonably should know) includes one or more mercury- added products.
- *Paper leaf bag* shall mean any brand of kraft paper or equivalent, 30-gallon capacity, self-supporting, square-bottomed, two-ply, 50-pound wet strength, biodegradable paper bag.
- *Permitted Hauler* shall mean any Private Hauler who has obtained a valid Private Hauler permit from the City of Medford Board of Health.
- *Private Hauler* shall mean any person or entity providing collection of Solid Waste and/or Recyclables for hire within the City of Medford.
- *Recyclables* shall mean a material that is banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans.

Mixed paper, cardboard, glass, metal, and plastic containers are priority materials of this regulation.

- *Residential Customers/Generators* shall mean property owners and occupants of single and multifamily dwellings, condominiums, public housing, and mobile homes within the City of Medford.
- *Solid Waste* shall mean useless, unwanted or discarded non-recyclable solid and liquid wastes, excluding items restricted from disposal in Massachusetts, as defined by Table 310 CMR 19.017(3) of the Massachusetts' Solid Waste regulations (310 CMR 19.017).
- City shall mean the City of Medford, Massachusetts.
- *Waste Ban Materials* shall mean all materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017.

Sec. 70-43. - Effective date.

This ordinance shall take effect immediately upon passage, except that Sections 70-71, 70-73, and 70-74 shall take effect on July 1, 2024.

Secs. 70-44—70-70. - Reserved.

DIVISION 2. - ADMINISTRATION

Sec. 70-71 - Mandatory recycling.

In order to protect the environment, promote recycling and be in compliance with Massachusetts Waste Ban regulations (310 CMR 19.017); the City of Medford hereby establishes a requirement for mandatory separation of Recyclables from the Solid Waste stream. This requirement applies to all municipal buildings, Residential Customers/Generators and Commercial Customer/Generators in the City of Medford.

The City will inform all generators (residential and commercial) at least once per year that recycling is mandatory.

Sec. 70-72. – Collection of solid waste and recyclables.

The Commissioner of Public Works or their designee shall determine any requirements for collection of solid waste and recyclables, including container requirements, separation of recyclable materials, separation of leaves and yard waste, separation of composted waste, and any other requirements as needed.

Such requirements may also be determined pursuant to any contracts entered into by the City for the collection and disposal of solid waste and recyclables.

Sec. 70-73. - Permit required for haulers.

- (A) All Private Haulers wishing to collect, transfer, or transport Solid Waste or Recyclables generated within the City of Medford shall be required to first obtain or annually renew a permit from the City of Medford Board of Health. No Private Hauler may collect Solid Waste or Recyclables unless they have obtained a valid Private Hauler Permit from the City of Medford Board of Health. Private Haulers that collect only Recyclables must also obtain or annually renew a permit.
- (B) Permit application - The City of Medford Board of Health shall determine the requirements for permit applications, annual permitting fees, and other such procedures by regulation. The permit application must include a statement that

the Private Hauler understands and complies with the Massachusetts Waste Bans and Mercury Disposal Prohibition.

- (C) Annual permit renewal - Each Permitted Hauler shall annually submit a renewal application of their permit and pay the annual permit fee. The annual renewal application must indicate any changes from the original permit, including any change in Solid Waste or Recyclables facilities used, and must be signed by the business owner. The renewal must be accompanied by the following information or a completed Annual Solid Waste and Recyclables Reporting Form.
- a. Total tons of Solid Waste collected for disposal and total tons of Recyclables collected for processing from Residential Customers/Generators within the City of Medford during the previous calendar year or 12-month period. In the case where the Permitted Hauler delivers loads for disposal or recycling that are combined with more than one municipality, then the Permitted Hauler must provide their best estimate of tonnage delivered from the City. In the case where the Permitted Hauler estimates the tonnage of a specific load for disposal or recycling, the Permitted Hauler shall use an industry-standard table provided by the Commissioner of the Department of Public Works and provide the estimated tonnage to the City.
 - b. The average number of Residential and Commercial Customers using each service (Solid Waste, Recycling) during the previous calendar year within the City.
 - c. The names of any Commercial Customers where the Permitted Hauler is providing Solid Waste only service.
 - d. The names of any Commercial Customers where the Permitted Hauler is providing Recycling only service.
 - e. Copies of any Waste Ban violation letters or notices received by the Permitted Hauler during the prior year that refer to loads collected within the City of Medford.
- (D) Failure to provide a complete and accurate Annual Solid Waste and Recyclables Reporting Form may be grounds for denial of a permit to operate within the City of Medford. Annual permits will be issued by the 1st of April each year.
- (E) General permit requirements - The City of Medford Board of Health shall promulgate general permit requirements to which all Permitted Haulers must be in compliance.

Sec. 70-74. - Bundled service requirement.

- (A) All Permitted Haulers that provide Solid Waste collection must also provide Recyclables collection.
- (B) Service to Residential Customers/Generators. For Residential Customers/Generators, the bundled service must provide Customers with Solid Waste and Recyclables collection at a rate that reflects the cost of providing both services. Solid Waste and Recycling services must be provided by the same Permitted Hauler unless otherwise pre-approved by the City of Medford Board of Health. The Permitted Hauler may itemize the invoice to clearly show the cost of Recycling collection contained in the bundled service. All Permitted Haulers serving Residential Customers/Generators must provide appropriately sized, paired Solid Waste and Recyclables containers that are clearly marked and adjacent or in close proximity to each other.
- (C) Service to Commercial Customers/Generators. For Commercial Customers/Generators, the Permitted Hauler must provide both Solid Waste and Recyclables collection; unless the Customer can provide proof to the

Permitted Hauler that separate Recycling services are provided by another Permitted Hauler. Permitted Haulers may charge separately for the collection of Recyclables. Commercial Customers/Generators may choose to contract for collection of Recyclables by a second Permitted Hauler that only performs Recyclables collection. Permitted Haulers that collect only Recyclables are not required to collect Solid Waste.

Secs. 70-73—70-100. - Reserved.

DIVISION 3. – ENFORCEMENT

Sec. 70-101. - Inspection.

The City of Medford Board of Health or its designee is authorized to inspect a Permitted Hauler's truck and load at any time. The City of Medford Board of Health also has the right to require weight slips or confirmation of disposal of Solid Waste or management of Recyclables.

Sec. 70-102. - Hauler permit requirements.

The City of Medford Board of Health shall issue regulations regarding violations of this ordinance and shall have the right to impose reasonable fines, revoke permits, or take other action in accordance with state and local regulations.

Sec. 70-103. - Mandatory recycling requirements for generators.

Enforcement of this ordinance shall be by criminal complaint in the district court and/or non-criminal disposition ticket pursuant to M.G.L. Chapter 40, Section 21D. The City of Medford Board of Health or their designees shall have the power to enforce the provisions of this ordinance. The City shall also have the option of seeking equitable relief to enjoin violations of the rules and regulations of the City of Medford Board of Health.

Sec. 70-104. – Penalties and appeal provisions.

- a) Any Permitted Hauler or Generator that fails to follow requirements of this ordinance shall be subject to the imposition of reasonable fines and/or the revocation of their permit to operate within the City by the City of Medford Board of Health, subject to the Appeal Provisions described in subsection (b) of this section.
 - 1. First offense: \$50
 - 2. Second offense: \$100
 - 3. Third and subsequent offenses: \$200 per day, not exceeding \$1,000.
Each day shall constitute a separate violation.
- b) Any Permitted Hauler cited for a violation of this ordinance may appeal such citation by filing a written notice of appeal with the City of Medford Board of Health. The City of Medford Board of Health shall promulgate standards for schedule, hearing date, and other procedures for the appeal of citations.

Secs. 70-105—70-120. - Reserved.

Vice President Collins moved for approval for third reading to be ordained (Councillor Tseng second)—approved for third reading to be ordained on a roll call vote of seven in favor and zero opposed.

UNFINISHED BUSINESS

23-081 **MBTA Plan for Accessible Transit Infrastructure (PATI)**
IN CITY COUNCIL MARCH 28, 2023
TABLED

23-412 **Petition to Amend Deed Restriction - 12 Dell Avenue**
IN CITY COUNCIL SEPTEMBER 19, 2023
TABLED

Reports Due/Deadlines

16-574 University Accountability Spring 2017-Report (Next Report Due in March 2024)

17-606 Evangelical Haitian Church 400 High St. 90 Day Review on Illumination (Tabled - January 9, 2018)

20-086 90-Day Review Report on El Tacuba Cocina and Tequila Bar for a petition for a Special Permit – Hours (granted by the Council, as amended to require 90-day report period to begin on opening of restaurant)

22-007 90 Day Report from Administration to present 5-year plan to address gas leaks (Report due in April 2022)

22-009 90 Day Report from School Administration to identify opportunities to connect classroom learning to career applications (Report due in April 2022)

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

22-039 Report due in 30 days on draft ordinances requested by the Council during the 2020-2021 term

23-474 2023 Municipal Election Process Errors & Accountability Report (Due January 23, 2024)

Adjournment:

Vice President Collins moved to adjourn at 9:21 p.m. (Councillor Callahan second)—approved.

President Bears adjourned the meeting at 9:21 p.m.

A true copy, Attest

Adam L. Hurtubise
City Clerk