



Medford City Council
Medford, Massachusetts

The Eighth Regular Meeting, April 16, 2024

City Council

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

Zoom Link: <https://us06web.zoom.us/j/89844701755>

Call-in Number: +19292056099,,89844701755# US

Broadcast Live: Channel 22 (Comcast), Channel 43 (Verizon), and medfordtv.org.

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

CALL TO ORDER & ROLL CALL

City Council President Isaac “Zac” Bears called the meeting to order at 7:00 p.m. in the Medford City Council Chamber and via Zoom.

ROLL CALL

Present: Councillor Callahan; Vice President Collins; Councillor Lazzaro; Councillor Leming; Councillor Scarpelli; Councillor Tseng; President Bears. Inside the Rail: Assistant City Clerk Sylvia DiPlacido; City Messenger Lawrence Lepore.

SALUTE TO THE FLAG

ANNOUNCEMENTS, ACCOLADES, REMEMBRANCES, REPORTS, AND RECORDS

Records

The Records of the Meeting of April 2, 2024 were passed to Councillor Tseng. Councillor Tseng moved for approval (Councillor Callahan second)—approved on a roll call vote of six in favor and Councillor Scarpelli opposed.

Reports of Committees

24-074 – Offered by Councillor Lazzaro

April 9, 2024 Public Health and Community Safety Committee Report

24-074

PUBLIC HEALTH AND COMMUNITY SAFETY COMMITTEE

MEETING REPORT
TUESDAY, APRIL 9, 2024 @ 6:00 P.M.

Attendees: Councillor Emily Lazzaro, Committee Chair; Councillor Justin Tseng, Committee Vice-Chair; Councillor Anna Callahan; Council Vice President Kit Collins; Police Chief Jack Buckley; City Clerk Adam Hurtubise; other participants as noted in the body of this report.

Chair Lazzaro called the meeting to order at 6:00 p.m. on April 9, 2024 in the Medford City Council Chambers and via Zoom. The purpose of the meeting was to address a the annual police surveillance report (Paper 24-074).

Chair Lazzaro thanked participants for attending. Vice President Collins thanked Chief Buckley for putting together the report. She said that this is an ordinance that the Council passed about a year ago after extensive public participation. She said that this ordinance creates accountability around the use of surveillance technology. She said that this is a chance to have a bird's-eye view over the use of technology.

Chief Buckley thanked Chair Lazzaro. He said he was glad to have submitted the report. He said we started the body-worn camera program in December of 2023. He said his department spent many months writing the policy on body-worn cameras. He said it has been hugely successful. He said he has two officers assigned full-time to the body-worn camera program. He said 40 or so officers use the body-worn camera. He said there have been no complaints to date. He said he is wearing a camera tonight. He said cameras are used to document police interactions. He said there is a question on whether the technology is achieving its purpose. He said he is very satisfied after one month but there is a lot more to learn. He said that there is a quicker resolution process for complaints. He said that the majority of the time when the technology is shared, it is shared with the Middlesex District Attorney's Office.

He said that there was a public records request. He said it related to a domestic violence call and by law, the department cannot share that particular footage. He said that there are exceptions for releasing footage, such as ongoing investigations. He said that videos need to be watched and redacted before they are released. He said that there is a general order on auditing compliance. He said that no officer should be watching another officer's video unless there is a reasonable basis for it.

Chief Buckley said that the majority of the costs are in the salaries of the two full-time police officers. He said that there was a training cost of \$28,000 and there was cost to acquire the technology. He said the technology is not shared with anyone other than as he has reported.

Chair Lazzaro asked when the cameras are turned on and when they are turned off. Chief Buckley said his camera is on right now but it is not recording. He said it is activated when an officer is dispatched to a call, or if something of immediacy happens, or as soon as they can be feasibly activated.

Chair Lazzaro asked if the camera would record a call for a suspicious person who might not actually be doing anything suspicious. Chief Buckley said that yes, that would be recorded, but it might not have to be retained for a long time. He detailed certain times that would lead to further retention of the recordings, such as arrests, complaints against an officer, and other situations.

Chair Lazzaro asked if this technology is used more for evidence gathering or for accountability. Chief Buckley said it is for both. He said it also allows us to do some review of behavior for training purposes. He said if we don't hear anything for six months or a year, we will get rid of the recording because we need the space.

Councillor Callahan asked about compliance matters. Chief Buckley said that general incidents, arrests, and traffic stops are the three main times when cameras are recording. He said that there is an annual audit of these three types of incidences.

Councillor Callahan asked what the redacting process is like. Lt. Patrick Duffy said that redaction is time-consuming, but it is easy to decide what to redact and what not to. He said he always errs on the side of protecting an individual's privacy. He detailed an incident in which there were a lot of people recorded but their faces were blurred to protect privacy. He said we also blur license plates, house numbers, and other identifying information. He said that most requests are from people involved with very little redaction.

Chief Buckley said it would be highly unlikely that a police officer's identity would be redacted.

Councillor Tseng said that this summary was very helpful. He asked for examples of minor violations of policy. Chief Buckley said that the most common violation was "I forgot to turn on my audio" or "I forgot to turn on my camera." He said that a great deal of this is from force of habit. He said that there is a general order about camera uses. He said he understands that somebody can forget to turn on a camera. He said that there is a lot of training and habits to be built.

Councillor Tseng asked what types of things the Chief would look for in terms of disproportionate infringements. Chief Buckley said that the first and most obvious would be about the cameras. He said we haven't received any complaints about the cameras. He said Massachusetts is unique when it comes to traffic stops in that officers are not allowed to ask about race. He said officers announce when they are recording people with their cameras.

Chief Buckley thanked Lieutenant Duffy and Officer Casserini for their work. He said that this was not an easy policy to write. He said Cambridge, Arlington, and Belmont are all interested in the policy. He said that the unions signed off on the policy.

Vice President Collins said that this is a very relevant reminder of how much work has gone into this. She said a positive outcome of this process is that there has been pressure on police departments and other departments and there has been a balance between using the technology and letting communities know. She said it is positive to be developing this policy now and going forward.

Vice President Collins asked about the redaction policy. Chief Buckley said that there is no redaction policy per se, but there is a redaction practice. He said that ultimately it will be put into policy in terms of what will be redacted and how. He said that this is not done yet. Vice President Collins asked if there is a less than annual licensing cost. Chief Buckley said that the cameras need to be replaced every three years, and be upgraded, and that this is part of the cost. He demonstrated, showing his own camera and the clips that hold the camera to his uniform. He said that the City will have to negotiate with the vendor at the end of the lifespan of the cameras. He said we will be going through this process with a new vendor in 2026.

Chair Lazzaro read comments from Jean Zotter, 36 Saunders Street.

She also read a letter from Jennifer Sullivan, Marston Street.

Marie Izzo, Pilken Road, thanked the Chief for his work. She said for her, the purpose of this tool is to build trust. She said that she hopes this process continues to be prioritized.

Barry Ingber, 9 Draper Street, thanked Chief Buckley and the committee. He said that there is nothing in the Chief's report that mentions accountability. He said this could lead to the conclusion that these cameras are going to be used for evidence gathering. He said that the core policies in the use policy are mostly positive and aligned with the ACLU. He said that the provision allowing pre-statement viewing by an officer, including with a lawyer, creates an uneven legal playing field. He said that criminal suspects and witnesses do not get this privilege and it is outrageous that Medford Police Officers do get this privilege.

Elizabeth Burke, 12 Steven Street, said that the annual report is a significant step to help the community understand the technologies that Medford chooses to purchase. She said she is concerned about some of the exceptions. She said that the policy does not spell out disciplinary procedures for violations of the policy. She said that the purpose of law enforcement is to ensure accountability in the community.

Ilene Lerner, 9 Adams Circle, thanked the Council and the Chief. She requested that MPD amend its policy to conform with the recommendations of the law enforcement body camera task force. She said that racism is encoded in surveillance. She said white people feel protected by surveillance but that people of color feel targeted and endangered. She said surveillance causes alienation. She said surveillance threatens the right to privacy and liberty.

David Harris, 151 Sharon Street, said he appreciated the opportunity to speak last year. He said he was concerned with some of the loopholes in the legislation. He detailed his family's experience in hearing about the Philando Castile incident, and said he was asked by Bob Oakes about "the talk" with his son. He asked the MPD to reconsider officer discretion in the use of cameras. He said he also has concerns about the exception allowing officers to view the footage before making a statement. He said that this creates a privilege for officers.

Emiliano Falcon-Morano, counsel for the ACLU of Massachusetts, said he wanted to stress that it was recommended that users should not access or view any recording of an incident before the user is required to make a statement on the incident. He said it doesn't make sense to allow police officers to review their incidents when we do not give that privilege to other people involved in these incidents. He said that there are also risks from bulk-purchasing data.

Mr. Ingber said that the passage of the ordinance was a great victory but that there is a loophole, particularly around purchasing commercially-available surveillance data for surveillance purposes. He said we want this changed.

Vice President Collins thanked everyone who spoke. She thanked residents, Chief Buckley, and his officers. She said that these are hard conversations to have. She said that this is a crucial precondition to grow transparency and trust. She said she wants to make sure that public safety benefits are distributed equitably throughout the community. She said public policy is problematic and policing is problematic and we need to maximize public safety. She said that the Council's jurisdiction right now is not to make changes to the policy. She said she is proud to be collaborating with the Administration on this issue. She outlined the timeline for the work to be done under the ordinance. She said that the Council now needs to post a report on the City website.

Councillor Callahan asked Chief Buckley to respond to the two deviations from the state recommendations and why those exemptions are in place. Chief Buckley said that the District Attorney's Office said that they want police officers watching their videos. He said he doesn't have an answer to the bulk data question and doesn't understand why the ACLU comes on the call and accuses him of buying bulk data. He said the ACLU official accused him of being a spy for the military.

Chair Lazzaro said that the ACLU worked with Medford People Power on the ordinance.

Chief Buckley said he did not appreciate being accused of being a spy for the military. He said that certain things are prohibited, such as recording demonstrations.

Chair Lazzaro said that we do not police public participation. Chief Buckley asked if non-Medford residents are allowed to do this. Chair Lazzaro said that the SJC issued an opinion on this. She apologized for the way that this came across the way that it did.

Chief Buckley said he came here tonight because this was a good event but now he is leaving here ticked off.

Councillor Callahan said she was asking about bulk data because it was an exception. Chief Buckley said he is not working with the military to acquire this data. He said he is working hard to be accountable to this community, and is very accountable to this community. He said he would come here any time, but would not come here to be accused of total nonsense. He said that recording demonstrations is a prohibited action.

Vice President Collins moved to receive the report and place it on file and to adjourn at 7:34 p.m. (Councillor Tseng second)—approved on a roll call vote of four in favor, zero opposed, and Councillor Leming absent.

Chair Lazzaro adjourned the meeting at 7:34 p.m.

[End of Public Health and Community Safety Report.]

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

24-033 – Offered by Vice President Collins

April 10, 2024 Planning and Permitting Committee Report

24-033
PLANNING AND PERMITTING COMMITTEE
MEETING REPORT
WEDNESDAY, APRIL 10, 2024 @ 6:00 P.M.

Attendees: Council Vice President Kit Collins, Committee Chair; Councillor Matt Leming, Committee Vice-Chair; Council President Isaac “Zac” Bears; Councillor Anna Callahan; City Clerk Adam Hurtubise; Paula Ramos Martinez, Innes Associates; Jimmy Rocha, Innes Associates; Building Commissioner Scott Vandewalle; PDS Director Alicia Hunt; Brenda Pike, Planning, Development and Sustainability; other participants as noted in the body of this report.

President Bears called the meeting to order at 6:00 p.m. on April 10, 2024 in the Medford City Council Chambers on the second floor of Medford City Hall and via Zoom. The purpose of the meeting was to discuss zoning ordinance updates with the Innes Associates team (Paper **24-033**).

President Bears thanked participants for attending. He said he was chairing the meeting because the Committee Chair and Vice-Chair are on Zoom. He said we received a memo from Innes Associates on the proposed work to align the zoning code with various other public plans; those plans can be found on the City’s website. He said that this is also an update to the recodification effort of 2020-2022. He detailed the work done to date and previewed the likely work ahead.

Ms. Martinez went through the memo prepared by Innes Associates.

Councillor Callahan asked about site plan review topics. President Bears explained items such as Dover exemptions and municipal exemptions. Director Hunt explained what site plan review is. She said it is for major projects. She said that the Community Development Board looks at large projects and reviews them. She said that typically the CD Board can’t deny a petition for site plan review unless the petitioner refuses to work with the Board. She said department heads typically weigh in with recommendations as well. She said that departments that typically weigh in are Police, Fire, and Public Health, plus other departments.

Director Hunt said Dover uses are established by state law from a case originating in Medford. There are protected uses that are not subject to the City's zoning, but they can be subject to site plan review. She said most municipal buildings in Massachusetts are exempt from zoning. She said that is not true in Medford.

Councillor Leming asked for some examples of what might require extra study. Director Hunt said that short-term items will not need studies. She said some of the bigger questions might need studies. She said that Medford's linkage is what many places would call impact fees. Those fees are not legal in most places but are legal because of special legislation in Medford. She said that the City can also go to MassDevelopment for assistance.

Councillor Leming asked about the TDM study and whether that needs to be done before the ordinance is put in place. Director Hunt said that the Transportation Demand Management study could be better answered by someone at Innes Associates. She said she is not clear why we need an ordinance. Councillor Leming said that the ordinance is needed to specifically allow zoning variances without going through the Zoning Board of Appeals. Ms. Martinez said she would get additional information from Ms. Innes and would get back to the Council.

Councillor Callahan asked who would be the right person to speak to regarding adding co-working as a zoning use. Director Hunt said she would ask Ms. Innes. She said when she has seen co-working places, they look like retail storefronts. She said that this might be something for the Building Commissioner. She said we can add any uses we want, but at some point, we risk over-saturating.

President Bears said any other recommended changes can be submitted for consideration.

Vice President Collins said that one motion from the last meeting was to submit these types of recommendations for further consideration. She said she sent some of her own policy priorities to Director Hunt and Innes Associates.

President Bears said that some of these ideas will be big and will come up as we work through them. He said it looks like we're booked up through September of 2025.

Councillor Callahan asked if there are any limits or plans to limit certain permeable areas. Director Hunt said that this falls under open space requirements. She said that this is one of the things that we need to clean up. She said that when we edit zoning, we're editing for the next forty years.

Commissioner Vandewalle detailed some of the changes he would like to see. He said they fall into the topic of "little daily bugs" and are mostly little things, not big things. Commissioner Vandewalle said he would like to be involved in the process going forward.

Gaston Fiore, 61 Stickney Road, asked about permeable surfaces, particularly on sidewalks. He asked if this would have to be part of zoning. President Bears said that zoning doesn't apply to public ways. He said that this is mostly about private property. Director Hunt said we can control private development with this. She said we can't say to an existing building that we want the building to change. She said that there are other incentives that can be used to remove asphalt and impermeable surfaces. She said that would be outside of zoning. She said we should confirm that our zoning does not prohibit permeable materials from being used. Mr. Fiore asked for links to the current zoning ordinance in notices about meetings regarding zoning. President Bears said he would see what our new software can do.

Vice President Collins said that this stage of the process encapsulates what we want to do here, which is encapsulating what's been done in the last five years and putting it into a zoning code that can actually be implemented.

Director Hunt said that her understanding is that the Innes Associates memo is a live document and that we should add these various studies to the memo to track it. She suggested adding everything into that memo, which should move things more quickly.

Councillor Leming moved to have the committee chair send around the request for input from members of the Council for any policy items; and further moved to add to the Innes Associates memo the appropriate studies, including studies on the status of funding and procurement we discussed today (Councillor Callahan second)—approved on a roll call vote of four in favor, zero opposed, and Councillor Scarpelli absent.

Councillor Leming moved to adjourn at 7:12 p.m. (Councillor Callahan second)--approved on a roll call vote of four in favor, zero opposed, and Councillor Scarpelli absent.

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

[End of Planning and Permitting Committee Report.]

Vice President Collins moved for approval (Councillor Callahan second)—approved on a roll call vote of seven in favor and zero opposed.

MOTIONS, ORDERS, AND RESOLUTIONS

At 7:05 p.m., Vice President Collins moved to suspend the rules to take Paper **24-082** (Councillor Tseng second)—approved on a roll call vote of seven in favor and zero opposed.

Vice President Collins took the Chair at 7:05 p.m.

24-082 – Offered from the Floor by President Bears

Whereas, there are thousands of Pet Partners therapy animal teams serving in communities across the United States; and

Whereas, Pet Partners has designated April 30 as National Therapy Animal Day; and

Whereas, scientific research shows that interacting with therapy animals can reduce stress, relieve depression, slow heart rate, lower blood pressure and strengthen the immune system; and

Whereas, therapy animal teams in the City of Medford play an essential role in improving human health and well-being through the human-animal bond; and

Whereas, therapy animal teams interact with a variety of people in our community including veterans, seniors, patients, students, and those approaching end of life; and

Whereas, these exceptional therapy animals who partner with their human companions bring comfort and healing to those in need; and

Whereas, we encourage more pet owners to consider becoming Pet Partners volunteers to help our community by creating greater access to meaningful therapy animal visits; now, therefore:

Be it Resolved by the Medford City Council that we acknowledge April 30th, 2024 as "National Animal Therapy Day" and encourage our citizens to celebrate our therapy animals and their human handlers.

Be it Further Resolved that we publicly salute the service of therapy animal teams in our community and in communities across the nation.

Be it Further Resolved that we request that Mayor Lungo-Koehn issue a formal proclamation of "National Animal Therapy Day" in the City of Medford.

Addressing the Council:

Paul McCaffrey, 59 Prescott Street

From the Floor, President Bears moved for approval (Councillor Callahan second)—approved on a roll call vote of seven in favor and zero opposed.

President Bears resumed the Chair at 7:09 p.m.

24-075 – Offered by Councillor Scarpelli

Be it Resolved that the City Council discuss concerns dealing with the Medford Water Department.

Addressing the Council:

Lt. Robert Jones, Medford Firefighters' Union, 5 St. Mary's Street

Maureen Donovan, 55 Ellsworth Street

Donna Silva, 1536 Mystic Valley Parkway

Andrew Castagnetti, 23 Cushing Street

Councillor Scarpelli moved to receive and place on file (Vice President Collins second)—received and placed and file on a roll call vote of seven in favor and zero opposed.

At 7:49 p.m., Vice President Collins moved to suspend the rules to take Public Participation (Councillor Tseng second)—approved on a roll call vote of seven in favor and zero opposed.

PUBLIC PARTICIPATION

Addressing the Council :

Former Councillor and Judge Paul Kavanaugh

Bill Giglio, Winthrop Street

Vice President Collins moved to enter public comment e-mails into the record (Councillor Callahan second)—approved on a roll call vote of seven in favor and zero opposed.

Public Comment Email - Munir Jirmanus

Subject: Civility and professionalism in City Council meetings

Dear President Bears, Vice President Collins, Councilor Callahan, Councilor Tseng and Councilor Leming,

I am writing to express my appreciation for your amazing work as City Councilors that represent the trust that our electorate has placed in you. Your professionalism in

handling the mob approach that a vocal minority who are attending some of the City Council meetings is very deeply appreciated. Please keep up your excellent work.

I would appreciate your reading my brief email out loud in the next Council meeting.

Sincerely,

Munir N. Jirmanus, Ph.D.
Physicist – Educator

Public Comment Email - Ellen Epstein

I wish this statement to be read into the record at the next City Council meeting:

I'm writing to express my gratitude and admiration for the city councilors, who, with one notable exception, manage to maintain their equilibrium in what has become a very contentious atmosphere. The six of you listen carefully, offer facts and explanations calmly, and refrain from defensiveness even when under attack from members of the public, and indeed even from one member of the council, whose behavior is inexcusable.

Rather than creating further division, you strive to find solutions, and persevere in doing what you can to improve things in Medford. I've watched you stand up to verbal abuse and false accusations week after week. The angry mob seems to expect you to fix everything, despite the fact that under our current charter, the council wields very little actual power. These folks have not taken the time to understand how our government works. Ignorance, however, is no excuse for personal attacks and disrespect for the rules of engagement as they currently stand.

Intelligent people can agree to disagree, and I for one wouldn't want to silence opposing viewpoints in any circumstance. When those viewpoints are expressed with respect, then they can be heard. No one can learn from someone who's shouting at them.

I appreciate the opportunity to express my views in writing, and encourage others with strong feelings to do the same.

~Ellen Epstein
15 Grove Street
Medford

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

24-076 – Offered by Councillor Scarpelli

Be it Resolved that the City Council request that the City Administration provide a full report involving the use of taxpayer dollars being used to fund lawsuits, settlements, and investigations with City of Medford active and past employees. Be it further Resolved that the City Council move to executive session if needed to discuss sensitive funding information.

- a) Councillor Scarpelli offered an amendment, requesting for the record that the Mayor inform the Council of the cost of any consultants and per diem staff that she has in place right now or in the years that she has been in office, and what the City is paying out for staff in unfilled positions.

- b) Councillor Scarpelli offered an amendment requesting the costs of legal settlements by the City and the Schools, and a meeting with the Mayor in executive session.

Addressing the Council:

Gaston Fiore, 61 Stickney Road
Richard Orlando, Winifred Way
Maureen Donovan, 55 Ellsworth Street

Councillor Scarpelli moved to refer the paper to the Mayor, requesting answers to the questions in the amendments above, and further requesting a meeting in executive session (Councillor Callahan second)—referred, as amended, to the Mayor, on a roll call vote of six in favor and Councillor Lazzaro opposed.

At 8:31 p.m., Councillor Scarpelli moved to join Papers **24-077** and **24-081** (Councillor Tseng second)—approved on a roll call vote of seven in favor and zero opposed. Disposition of the joined papers occurs after the entry for Paper **24-081**.

24-077 – Offered by Councillor Scarpelli

Be it Resolved that the City Council discuss the possible harmful materials being stored on the MBTA commuter railway that abuts residential homes, most notably the creosote railroad ties.

24-081 – Offered from the Floor by President Bears

Be it Resolved by the Medford City Council that the Council President provide a verbal update on efforts by Council leadership, the Mayor, city staff, Representative Garballey, and local residents to remove creosote-soaked railroad ties that are an environmental and health hazard along the MBTA Lowell Line.

Be it Further Resolved that the Council requests immediate action by the MBTA to remove these ties from residential areas and forward a copy of this resolution by email to our state delegation.

- a) Councillor Tseng offered an amendment requesting the material safety data sheet for the oil that was applied to the ties.

Addressing the Council:

Bill Giglio, Winthrop Street
Joel Burns, 44 South Border Road
Don McEwan, 143 Playstead Road
Andrew Castagnetti, 23 Cushing Street

Councillor Scarpelli moved for approval as amended on the joined papers (Councillor Lazzaro second)—approved as amended on a roll call vote of seven in favor and zero opposed.

24-078 – Offered by Councillor Scarpelli

Be it Resolved that the City Council discuss the Mayor’s request in hiring an outside consultant to review MFD policies and procedures with an additional cost to the taxpayers of Medford.

Addressing the Council:

Danielle Marcellino, 11 Spencer Road, Secretary, Medford Firefighters’ Union
Lt. Robert Jones, Medford Firefighters’ Union, 5 St. Mary’s Street
Maureen Donovan, 55 Ellsworth Street

- a) Councillor Scarpelli offered an amendment requesting that the Administration look at four more firefighters in the FEMA grant to make us whole.

Councillor Scarpelli moved to refer the paper to the Mayor as amended, requesting the reasoning on why we did not move forward with those four firefighters (Councillor Tseng second)—referred to the Mayor, as amended, on a roll call vote of seven in favor and zero opposed.

24-079 – Offered by Councillor Scarpelli

Be it Resolved that the City Council get an update on the Krystle Campbell Peace Garden.

Addressing the Council:

Andrew Castagnetti, 23 Cushing Street
Richard Orlando, Winifred Way

Councillor Scarpelli moved to refer the paper to the DPW Commissioner (Councillor Lazzaro second)—referred to the DPW Commissioner on a roll call vote of seven in favor and zero opposed.

COMMUNICATIONS FROM THE MAYOR

24-080--

April 10, 2024

Via Electronic Delivery

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

Re: Personnel Ordinance

Dear Mr. President and Councilors:

I respectfully request and recommend that the City Council approve the following amendment to the Revised Ordinances Chapter 66 entitled “Personnel,” Article II entitled “Reserved” (the city’s “Classification and Compensation Plan),” formerly included as Art. II §§, 66-31—66-40, by adopting the following change:

The language of “PW-18” shall be amended to remove the following position and the language of “PW-19” be amended to include the following position:

“Supervisor of Water & Sewer”

The City has had this position posted at PW-18 for months and has not received any qualified applications. This proposed classification change would not require a supplemental appropriation.

Respectfully submitted,
Breanna Lungo-Koehn
Mayor

Vice President Callahan moved to approve the paper for first reading (Councillor Callahan second)—no vote taken because of the motion to table below.

Before a vote was taken, Councillor Scarpelli moved to table the paper until the next meeting so that the Council could get legal advice about voting on a matter that is in arbitration (Councillor Callahan second)—motion failed on a roll call vote of three in favor (Councillor Callahan, Councillor Scarpelli, and Councillor Tseng) and four opposed (Vice President Collins, Councillor Lazzaro, Councillor Leming, and President Bears).

Councillor Tseng moved to request an answer from counsel to Councillor Scarpelli’s questions about voting on this matter while the position is in arbitration and to request a representative from the Administration at the next meeting, and to table until the next meeting on April 30 (Councillor Callahan second)—requests approved and paper tabled until the next meeting on a roll call vote of six in favor and Vice President Collins opposed.

At 9:50 p.m., Vice President Collins moved to take Paper **21-057** from the table so the Council and to approve for third reading to be ordained (Councillor Tseng second)—

Addressing the Council:

Norman Kaplan, Headland Way

At 9:50 p.m., Vice President Collins moved to take Paper **21-057** from the table so the Council and to approve for third reading to be ordained (Councillor Tseng second)—taken from the table and approved for third reading to be ordained on a roll call vote of six in favor and Councillor Scarpelli opposed.

21-057—Offered by President Bears

CHAPTER 38 – ENVIRONMENT

ARTICLE V. - REGULATIONS ON THE USE OF LEAF BLOWERS

Sec. 38-55. - Short title.

This article may be cited as the "Leaf Blower Ordinance."

Sec. 38-56. - Purpose and intent.

The reduction of noise and emissions of particulate matter resulting from the use of leaf blowers, and the reduction of the use of gasoline and oil-based fuels and the reduction of carbon emissions into the environment are the public purposes of this Leaf Blower Ordinance for the City of Medford and its residents.

In light of such public interests for the City, this Ordinance shall limit and regulate the use of leaf blowers as defined and set forth below.

Sec. 38-57. - Definitions.

Commercial leaf blower operator is any person or business, including but not limited to sole proprietorship, partnership, limited liability company, corporation, or other entity, organization, or arrangement who receive income, remuneration or compensation of any kind, whether as a fee, a charge, a salary, wages or otherwise, for operating a leaf blower, except that municipal operators and municipal contractors are excluded from this definition.

Electric leaf blowers are defined as rolling, portable, handheld or backpack style power equipment, powered by battery or electricity, and used in any landscape maintenance, construction, property repair, or property maintenance for the purpose of blowing, moving, removing, dispersing or redistributing leaves, dust, dirt, grass clippings, cuttings and trimmings from trees and shrubs or any other type of litter or debris.

Gas-powered leaf blowers are defined as rolling, portable, handheld or backpack style power equipment, powered by fuel, and used in any landscape maintenance, construction, property repair, or property maintenance for the purpose of blowing, moving, removing, dispersing or redistributing leaves, dust, dirt, grass clippings, cuttings and trimmings from trees and shrubs or any other type of litter or debris.

Owners of large property (OLP) are property owners, including, but not limited to, corporations and condominium or homeowners' associations, who own one or more adjoining parcels of land in common ownership that together comprise a total of two acres or more.

Sec. 38-58. - General regulations on the use of leaf blowers.

1. All leaf blowers shall satisfy the emissions standards of the United States Environmental Protection Agency.
2. The use of leaf blowers shall not be permitted for more than one hour a day in the City at any particular property.
3. On parcels of 10,000 square feet or less, only one leaf blower at a time may be used, and on parcels larger than 10,000 square feet, only one leaf blower may be used within each 10,000 square foot area.
4. Leaf blower operations shall not cause leaves, dirt, dust, rodent, dog or cat feces, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris to be blown or deposited on any adjacent or other parcel of land, lot, or public right-of-way/property other than the parcel, land, or lot upon which the leaf blower is being operated.
5. In no event shall leaves, dirt, dust, rodent, dog, or cat feces, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris be blown onto or into catch basins or onto vehicles, persons or pets.
6. Deposits of leaves, dirt, dust, rodent, dog, or cat feces, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris shall be removed and disposed of by the operator in such a manner which will prevent it from being dispersed by wind, vandalism or similar means.

7. No person or business shall operate any leaf blower, including but not limited to wheeled, portable, handheld or backpack style equipment, powered by fuel, battery or electricity, within the City at any time, in either public or private settings, for the purpose of dispersing, gathering, collecting, or otherwise removing masonry or other construction dust or debris.

Sec. 38-59. - Regulations on the use of leaf blowers by municipal operators, municipal contractors, commercial operators, and owners of large property.

1. The use of electric leaf blowers by commercial leaf blower operators, municipal operators, municipal contractors, and OLP is allowed between January 1 and December 31 in any year, subject to sections 38-34 and 38-37, the Noise and Nuisance Control Ordinances of the City of Medford.
2. The use of gas-powered leaf blowers by commercial leaf blower operators, municipal operators, municipal contractors, and OLP is prohibited except between March 15 and May 31 and between September 15 and December 15 in any year, subject to sections 38-34 and 38-37, the Noise and Nuisance Control Ordinances of the City of Medford, and section 38-61.
3. Commercial leaf blower operators, municipal operators, municipal contractors and OLP shall adhere to applicable OSHA requirements with respect to the use of personal protective equipment (PPE).
4. Commercial leaf blower operators, municipal operators, municipal contractors, and OLP shall submit an operations plan annually by September 1 to the Building Commissioner, or designee, for review and approval.
 - 4.1. The operations plan shall be reviewed by the Building Commissioner, or designee, who shall ensure that it complies with the applicable provisions of this ordinance, and regulations promulgated hereunder, and shall impose any conditions that may be required in order for the owner or operator to comply with the provisions of this ordinance and regulations promulgated hereunder. At a minimum, the operations plan shall:
 - 4.1.1. Address the owner's or operator's efforts to mitigate the impacts of noise and emissions upon operators of the leaf blowers and the occupants and owners of nearby property;
 - 4.1.2. Include an inventory of all leaf blowing equipment owned and to be used by the owner or operator, which shall comply with the noise and emission restrictions set forth in this ordinance, and regulations promulgated hereunder; and
 - 4.1.3. Include the owner's or operator's plan for educating users of its equipment on safety precautions for users, the proper use of equipment, and the need to mitigate impacts upon others.
 - 4.2. Commercial leaf blower operators and OLP shall pay a fee upon submission of an operations plan sufficient to cover the cost of review and approval of the operations plan. The Building Commissioner or designee shall have the authority to set the fee cost and the discretion to issue fee waivers.

5. The provisions of this section do not apply to the use of leaf blowers by municipal operators, municipal contractors, or OLP performing leaf blower operations as necessary to maintain the warranty or safety of a rubberized or similar surface, performing emergency operations and clean-up associated with events, including, but not limited to, special events, storms, hurricanes, so long as OLP comply with the provisions Section 38-58.3.

Sec. 38-60. - Regulations on the use of leaf blowers by residents on the property at which they reside.

1. The use of electric leaf blowers by residents on the property at which they reside is allowed between January 1 and December 31 in any year, subject to sections 38-34 and 38-37, the Noise and Nuisance Control Ordinances of the City of Medford.
2. The use of gas-powered leaf blowers by residents on the property at which they reside is prohibited except between March 15 and May 31 and between September 15 and December 15 in any year, subject to sections 38-34 and 38-37, the Noise and Nuisance Control Ordinances of the City of Medford, and section 38-61.
3. The limitations set forth in Sec. 38-60 shall not apply to de minimus use of an electric leaf blower, or a gas-powered leaf blower prior to March 15, 2028, not in compliance with sections 38-34 and 38-37 by an individual on the property at which they reside. For purposes of this subsection, “de minimus” shall mean not more than an aggregate of 10 minutes per day.

Sec. 38-61. - Phase out of gas-powered leaf blowers.

1. Effective March 15, 2026, the use of all gas-powered leaf blowers by commercial leaf blower operators and OLPs in the City shall be prohibited.
2. Effective March 15, 2028, the use of all gas-powered leaf blowers by municipal operators, municipal contractors, and residents on the property at which they reside shall be prohibited.
3. The use of wheeled leaf blowers powered by four-stroke engines on properties larger than one acre is not subject to the prohibitions in this section.

Sec. 38-62. - Enforcement.

1. The Building Department shall enforce this ordinance. Violations of this article shall be punishable by fines and penalties as provided in this subsection, and in accordance with G.L. c. 40, §21D. Any person may register a complaint to initiate an investigation and enforcement with the Building Department.
2. Violation of this ordinance, or of any regulation adoption hereunder, may be enforced through any lawful means in law or in equity by the Building Commissioner, or designee, including but not limited to enforcement by noncriminal disposition pursuant to G.L. c. 40, § 21D. Each day a violation exists shall constitute separate violation. Violations of this ordinance shall be imposed as follows:

First offense:	Written warning
Second offense:	\$100
Third offense (or more):	\$200 per offense

Sec. 38-63. - Regulations.

The Building Department shall have the authority to promulgate regulations to implement the provisions of this ordinance.

Sec. 38-64. - Effective date.

The provisions of this ordinance shall be effective on July 1, 2024, except as to City of Medford contracts now in effect.

Sec. 38-65. - Severability.

The provisions of this section are severable. If any subsection, provision or portion of this section is determined to be invalid by a court of competent jurisdiction, the remaining provisions of this section shall continue to be valid.

Secs. 38-66—38-99. - Reserved.

At 9:58 p.m., Vice President Collins moved to receive and place on file Papers **17-606**, **20-086**, **22-007**, **22-009**, and **22-039** (Councillor Scarpelli second)—received and placed on file on a roll call vote of seven in favor and zero opposed.

Addressing the Council:

Andrew Castagnetti, 23 Cushing Street

UNFINISHED BUSINESS

<u>23-412</u>	Petition to Amend Deed Restriction - 12 Dell Avenue
IN CITY COUNCIL	SEPTEMBER 19, 2023
TABLED	
<u>24-031</u>	Request Representative from BJ's Wholesale Club Meet to Discuss Construction and Neighborhood Concerns
IN CITY COUNCIL	FEBRUARY 6, 2024
TABLED	
<u>22-494</u>	Budget Ordinance
IN CITY COUNCIL	MARCH 12, 2024, APPROVED FOR FIRST READING
ADVERTISED	MEDFORD TRANSCRIPT & SOMERVILLE JOURNAL, APRIL 11, 2024
THIRD READING	ELIGIBLE - APRIL 30, 2024

Reports Due/Deadlines

<u>16-574</u>	University Accountability Spring 2017-Report (Next Report Due in November 2024)
<u>22-026</u>	Quarterly Presentation on City’s Financial Health by Chief Financial Officer/Auditor
<u>22-027</u>	Monthly Copy of Warrant Articles from Chief Financial Officer/Auditor

Adjournment:

Councillor Callahan moved to adjourn at 10:10 p.m. (Councillor Lazzaro second)—approved on a roll call vote of six in favor, zero opposed, and Councillor Leming voting present.

President Bears adjourned the meeting at 10:10 p.m.

A true copy, Attest

Adam L. Hurtubise
City Clerk