



Medford City Council
Medford, Massachusetts

The Fifth Regular Meeting, March 12, 2024

City Council

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

This meeting will take place at 7:00 P.M. in the City Council Chamber, 2nd Floor, Medford City Hall, 85 George P. Hassett Drive, Medford, MA and via Zoom.

Zoom Link: <https://us06web.zoom.us/j/86349402596>

Call-in Number: +16469313860,,86349402596#

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: City Clerk Adam Hurtubise; City Messenger Lawrence Lepore.

SALUTE TO THE FLAG

ANNOUNCEMENTS, ACCOLADES, REMEMBRANCES, REPORTS, AND RECORDS

24-050 - Offered by Councillor Scarpelli

Be it Resolved that the Medford City Council send our deepest condolences to the family of Joseph Rossetti on his recent passing.

Councillor Scarpelli moved for approval (Councillor Tseng second)—approved on a roll call vote of seven in favor and zero opposed.

24-051 - Offered by Councillor Scarpelli

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

Councillor Scarpelli moved for approval (Councillor Tseng second)—approved on a roll call vote of seven in favor and zero opposed.

Records

The Records of the Meeting of February 20th, 2024 were passed to Councillor Lazzaro.

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

Reports of Committees

Disposition of Committee Reports occurred after the final report in these records.

21-043 - Offered by President Bears

Committee of the Whole Report, February 20, 2024.

24-043

COMMITTEE OF THE WHOLE

MEETING REPORT

TUESDAY, FEBRUARY 20, 2024 @ 6:00 P.M.

Zoom Link: <https://us06web.zoom.us/j/83612501851>

Call-in Number: +19292056099,,83612501851#

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

Attendees: Council President Isaac “Zac” Bears; Council Vice President Kit Collins; Councillor Anna Callahan; Councillor Emily Lazzaro; Councillor Matt Leming; Councillor George Scarpelli; Councillor Justin Tseng; CPC Manager Theresa DuPont; CPC Chair Roberta Cameron; Assistant City Clerk Sylvia DiPlacido; other participants as noted in the body of this report.

President Bears called the meeting to order at 6:00 p.m. on February 20, 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 funding requests covered by the Community Preservation Act.

President Bears thanked participants for attending. He went over the framework for the meeting. He said that the Mayor had requested CPA funding for the following projects:

1. Requesting the appropriation of \$69,000.00 from the CPA General Reserve to Housing Families for the Homelessness Prevention Pro Bono Legal Services Program.
2. Requesting the appropriation of \$50,000.00 from the CPA Historic Preservation Reserve to City of Medford – Cemetery Division for the Oak Grove Cemetery Access Road Study.
3. Requesting the appropriation of \$200,000.00 from the CPA General Reserve to City of Medford – Cemetery Division for the Oak Grove Cemetery Access Buildings Restoration project.
4. Requesting the appropriation of \$229,000.00 from the CPA General Reserve to City of Medford – Office of Planning, Development, and Sustainability for the Logan Park Natural Play Area project.
5. Request the appropriation of \$10,000.00 from the CPA General Reserve to City of Medford – Cemetery Division for the Salem Street Burying Ground Conditions Assessment.
6. Requesting the appropriation of \$205,525.00 from the CPA General Reserve to City of Medford – Parks Division for the Tufts Park Basketball Court Resurfacing project.

7. Requesting the appropriation of \$106,625.00 from the CPA General Reserve to City of Medford – Parks Division for the Capen Park Basketball Court Resurfacing project.
8. Requesting the appropriation of \$99,965.00 from the CPA Historic Preservation Reserve to the Medford Brooks Estate Land Trust (MBELT) for the ADA Pathways and Parking Improvements project
9. Requesting the appropriation of \$98,275.00 from the CPA Historic Preservation Reserve to the Medford Brooks Estate Land Trust (MBELT) for the East Elevation ADA Improvements project.
10. Requesting the appropriation of \$4,800.00 from the CPA Historic Preservation Reserve to City of Medford – Cemetery Trustees for the Cross Street Cemetery Conditions Assessment.

Ms. DuPont said that this is the annual request for CPA funding. Chair Cameron said that every year, the CPC holds a grant funding round and invites people to submit applications for funding. The CPC determines which applications meet the community's needs and recommends that the City Council approve certain appropriations. She said that this year, there were a significantly large number of requests submitted off cycle. She said some of the applicants including Walkling Court and the McGlynn School Playground. She said that there were also other smaller projects. MsDuPont said that the applicants are not available tonight but that she could answer any questions.

Councillor Scarpelli said we're seeing adjustments with homeowners and taxes. Councillor Scarpelli said he had requests from constituents on what money was going toward affordable housing. Chair Cameron said the Affordable Housing Trust Fund was just established this past year. She said that the board has not yet been appointed and there hasn't been anyone to apply on behalf of the trust fund yet. She said the CPC anticipates that this will be a factor in the future. Councillor Scarpelli said he has some concerns about the funding that is going out to legal services.

Chair Cameron said in the past, funds were set aside for the Affordable Housing Reserve. She said some of those funds in the past have helped the Walkling Court project. Councillor Scarpelli said that there are concerns from residents about being taxed more. Chair Cameron said that this year, it's about an even split among the three program areas. She said with respect to Housing Families, CPA funds cannot go to legal services. She said that these funds are going to pay for rental arrears.

Councillor Callahan arrived at 6:13 p.m.

Councillor Leming said he was previously on the CPC and wanted to add some context. He said typically affordable housing projects before the CPC, there is typically one project every couple of years. He said the price tag will probably be over \$100 million and the CPC is donating about \$800,000. He said the CPC has to spend a certain amount every year. He said the benefit of the Affordable Housing Trust is that it allows funding to be collected year to year. He said the CPC will be an important feeder into the Affordable Housing Trust.

The Committee of the Whole addressed the funding requests.

1. Requesting the appropriation of \$69,000.00 from the CPA General Reserve to Housing Families for the Homelessness Prevention Pro Bono Legal Services Program.

Ms. DuPont said that this has been funded in the past. She said it is one of the very few resources that the City can offer to people facing eviction or homelessness challenges.

Councillor Tseng said we have been funding this for a while. He said he is comfortable with this request.

2. Requesting the appropriation of \$50,000.00 from the CPA Historic Preservation Reserve to City of Medford – Cemetery Division for the Oak Grove Cemetery Access Road Study.

Ms. DuPont said that Oak Grove has been a victim of deferred maintenance for many years, including looking into an access road to the historic section of the cemetery. She said right now it is challenging for accessibility. The access road study could expand access for vehicular traffic.

3. Requesting the appropriation of \$200,000.00 from the CPA General Reserve to City of Medford – Cemetery Division for the Oak Grove Cemetery Access Buildings Restoration project.

Chair Cameron said that the purpose for this project, is that the CPC funded a study in prior rounds for restoration of the caretaker's residence and the garage, a historic building. This will begin implementation of the studies for these buildings. Ms. DuPont said no CPA funds will be used on the residential portion of the building.

4. Requesting the appropriation of \$229,000.00 from the CPA General Reserve to City of Medford – Office of Planning, Development, and Sustainability for the Logan Park Natural Play Area project.

Ms. DuPont said that this project would update some of the playground elements currently at the park. It would allow natural play for children.

Councillor Scarpelli said that this is great. He asked if any of this is for accessibility. Chair Cameron said that any new playground construction has to meet accessibility standards. She said it will be accessible. Ms. DuPont said that PDS will seek community feedback on the final design.

5. Request the appropriation of \$10,000.00 from the CPA General Reserve to City of Medford – Cemetery Division for the Salem Street Burying Ground Conditions Assessment.

Chair Cameron said that the wall of the Burying Ground needs restoration. She said that the wall also needs restoration. She said this is the first step toward restoration.

6. Requesting the appropriation of \$205,525.00 from the CPA General Reserve to City of Medford – Parks Division for the Tufts Park Basketball Court Resurfacing project.

Ms. DuPont said that for this park and for Capen Park (below), they were applications received in the 2022 funding round. They were deferred. The Parks Department re-applied. The surfaces need resurfacing.

7. Requesting the appropriation of \$106,625.00 from the CPA General Reserve to City of Medford – Parks Division for the Capen Park Basketball Court Resurfacing project.
8. Requesting the appropriation of \$99,965.00 from the CPA Historic Preservation Reserve to the Medford Brooks Estate Land Trust (MBELT) for the ADA Pathways and Parking Improvements project.

Chair Cameron said this is the continuation of project funded in the past. She said that this is a critical piece of making this City-owned property accessible to the public. President Bears said it is also partially being matched by state funding through ARPA.

9. Requesting the appropriation of \$98,275.00 from the CPA Historic Preservation Reserve to the Medford Brooks Estate Land Trust (MBELT) for the East Elevation ADA Improvements project.

Ms. DuPont said that there is an East side elevation that needs some drainage improvements and maintenance.

10. Requesting the appropriation of \$4,800.00 from the CPA Historic Preservation Reserve to City of Medford – Cemetery Trustees for the Cross Street Cemetery Conditions Assessment.

Chair Cameron said that this was a small grant application received out of cycle. She said we have a streamlined process for people to apply for small grants. She said the application is for a condition assessment to restore a historic section at Oak Grove. President Bears said that Cross Street Cemetery was displaced by the construction of I-93.

Councillor Tseng asked how many applicants we usually get per year, versus how much can actually be awarded. Chair Cameron said that in most years, up until now, we have been able to fund all of the projects that had applications that made it all the way through the application cycle. She said sometimes, projects weren't ready to go yet. She said last year there were very large requests and we had to ask people to break the requests into two asks and come back this year. She said we were also able to fund three projects postponed last year. She said that there is a limit to how much funding we have. She said there is not a limit to what we need to improve in the City. She said the amount of funding requested every year has increased faster than the rate of revenue growth. She said we will have to make tough choices moving forward.

Councillor Scarpelli asked for some examples of affordable housing projects that were denied. Chair Cameron said we haven't denied any projects that are affordable housing. She said we have funded the full amount requested for two housing construction projects over the six years that the CPA has been in existence. She said that was for Medford Community Housing and the Walkling Court Redevelopment project. She said we have also funded an emergency rental assistance program and funds to supplement the pro bono legal assistance program at Housing Families. She said an earlier funded housing project also fell through.

Councillor Scarpelli said that CPA has funded affordable housing issues to date. He said that this speaks volumes.

Councillor Callahan said she wants to understand the process a little better and asked about the application process. She said she's hearing from some constituents who might not be getting as much funding and she asked who in the City is looking at the whole City. Ms. DuPont said that we identify needs and that this year we intend to add additional information and listening sessions. She said she understands the question on the equity issue. She said she has heard about Barry Park. She said that this is a staffing issue.

Councillor Tseng said that often the need is deeper than the applicant pool. He said sometimes funding is not realistic even though it is needed. Ms. DuPont said that this is correct. Chair Cameron said that in addition to CPA funds for these larger projects, the City is relying on funding from multiple sources. She said that we have applied ARPA funding and state grants. She said that there are restrictions on what CPA funds can be used for. Councillor Tseng said that this is helpful context. He said that all the CPA projects are excellent.

Vice President Collins thanked participants. She said she always looks forward to these meetings because staff does such a great job of putting these projects together and presenting them. She said it's good to have a conversation about what role CPA funds can play.

Kelly Catallo, 23 Salem Street, said everyone is here because of the sales tax thing. She said she gets that you want money for affordable housing. She said she went through the CPA site. She said in the last seven years, the CPA has collected an estimated \$7 million from the taxpayers in Medford. She said that they have spent about 25% on housing. She said she is not surprised to hear that the majority of applications were for parks and recreation. She said Medford is almost 40% conservation land. She said we are the fourth-oldest English settlement in the country. She said that the application for \$69,500 was for attorney fees to defend tenants that were being evicted. She said if you don't have the money for your rent, you are considered indigent. She said you can go to court and fill out the application and be assigned the attorney of the day. She said the court still has a two-tiered system starting with mediation. She said cities have the authority to earmark a certain amount of funding above the 1/3. She said if we're not seeing this need now, she questions whether there's a need to charge the taxpayers another two percent when they sell their houses. She asked the Council to go back and actually read the request for the funding. She said the homeowners in the community matter just as much.

Vice President Collins moved to report the paper out favorably (Councillor Leming second)—approved on a roll call vote of seven in favor and zero opposed.

Councillor Tseng moved to adjourn at 6:44 p.m. (Vice President Collins second)—approved on a roll call vote of seven in favor and zero opposed.

President Bears adjourned the meeting at 6:44 p.m.

[End of Committee of the Whole Report.]

21-057 - Offered from the Podium by President Bears

Committee of the Whole Report, February 21, 2024.

21-057
COMMITTEE OF THE WHOLE
MEETING REPORT
WDNESDAY, FEBRUARY 21, 2024 @ 6:00 P.M.

Attendees: Council President Isaac “Zac” Bears; Council Vice President Kit Collins; Councillor Anna Callahan; Councillor Emily Lazzaro; Councillor Matt Leming; Councillor George Scarpelli; Building Commissioner Scott Vandewalle; Head Clerk Annie Kelly, City Clerk’s Office; other participants as noted in the body of this report.

President Bears called the meeting to order at 6:00 p.m. on February 21, 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 the Proposed Leaf Blower Ordinance (**Paper 21-057**).

President Bears thanked participants for attending. He detailed work done to date on the ordinance, which dates from 2021 and was offered by former Council President Morell and by President Bears. The last meeting on this was in November of 2023, and there is an updated draft with legal comments.

The ordinance stayed similar to the initial draft. There are definitions for commercial leaf blowers, electric leaf blowers, gas-powered leaf blowers, and owners of large property. The general regulation would require compliance with safety emission standards of the EPA, not permit more than one continuous hour of operation per day, on parcels of 10,000 square feet or less, one leaf blower can be used at a time; for areas larger than 10,000 square feet, one leaf blower per 10,000 square foot parcel is allowed. The ordinance discusses debris deposits onto public ways or into catch basins. Legal counsel suggested removing swept or raked debris from some of these provisions.

Electric leaf blowers would be allowed at any time of year, subject to noise and nuisance ordinances in place. There would be prohibitions on the time frame for use of gas-

powered leaf blowers, which would be allowed at certain times of year, from March 15-May 31, and September 15-December 15, which are prime times, but also subject to noise and nuisance ordinances. Contractors would have to apply to OSHA requirements, particularly with PPE.

Larger operators and commercial operators would have to submit an operations plan to the Building Commissioner, including noise mitigation plans and other requirements.

President Bears said that there would be a fee submitted with the operations plan which would cover the costs of administering the ordinance under the Emerson College test.

De minimis use of less than ten minutes per day would be allowed. A phase-out of gas-powered leaf blowers would begin in 2026, first for commercial and large owners and then in 2028 for municipal and residential owners. Four-stroke engines are not subject to this.

The Building Department shall enforce under Chapter 40, with non-criminal dispositions. The highest fine would be \$200 for a third or subsequent offense. Counsel recommended some changes to this. The effective date would be July 1, 2024, except for contracts the city has already signed, and then it would be on termination of those contracts.

Vice President Collins thanked President Bears. She said that the comments received have been helpful. She said we have tacked our way into a middle path, addressing concerns about pollution but also making sure that this is manageable, and balances commercial users and private users. She said we have received feedback from commercial users and private users. She said she is happy to see that municipal users would have the same prohibitions that commercial users would have.

Councillor Tseng arrived at 6:14 p.m.

Councillor Callahan said that she is happy to see these changes. She said she likes the readability. She said she heard from residents that it was not as strict against municipal users as it was against commercial users. She asked about wheeled leaf-blowers powered by four-stroke engines. She asked why they were carved out.

President Bears said that there is a difference in emissions between a four-stroke engine and a two-stroke engine.

Councillor Scarpelli said that some residents would feel negative impacts. He said most of the people who reached out are senior citizens with lawns that need care and fixed budgets. He asked what will happen to the batteries after use. He said that the biggest question is the impact on the environment when we have to destroy or bury these batteries. He said that the average cost is between two and four million dollars for municipalities to retrofit charging stations for vehicles and for replacement of these batteries. He said a neighboring municipality has \$3 million budgeted for this. He said he finds these things concerning. He said landscapers are discussing that this is going to move away from Medford. He said landscapers use leaf blowers. He said he uses his

electric blower. He said that there are a lot of variables. He said that there are good goals with this ordinance like supporting the environment, but he said that these are difficult times and that there are a lot of variables here that he cannot support.

Councillor Lazzaro said that this is a great first step toward more environmentally appropriate behaviors throughout the City. She said she doesn't rake her leaves because it is better for the ecosystem at her home. She said she looks forward to working out the details on these edits. She said she particularly likes the portion that one leaf blower operate at a time. She thanked President Bears and former President Morell for putting this forward. She said she is a supporter.

Councillor Tseng discussed quality of life issues and environmental impacts. He said he realized that we also had to reach out to other stakeholders. He said this draft reflects a great deal of hard work and is much better shape from even what we saw late last year. He said it's important to understand the history of this piece of text.

Vice President Collins said we are at a point where we can report this out of committee. She said we have plenty of space to continue focusing in on this.

Commissioner Vandewalle said he is just getting up to speed. He said he thinks all the intentions of the ordinance can be addressed. He said he is comfortable with what he has heard. He said he didn't want this to be a punishment exercise and thinks that the ordinance is not a punishment exercise.

Patrick Kearse, 178 Woburn Street, asked how many complaints have been received about leaf blowers. President Bears said he has received a lot. Mr. Kearse asked repeatedly for an exact number. He said that we are going off the complaints, not off the number of people who have not complained. He said he has a family landscaping business and has been doing this for more than 30 years. He detailed the operations of his business. He said he does not use leaf suckers in the spring but does use them in the fall. He said otherwise he has workers carrying heavy bags of leaves into a truck. He said he uses electric blowers in other cities.

He said he has concerns about electric batteries. He asked about the commercial phase-out. President Bears said that commercial operators and large property owners would be phased out of using gas blowers in 2026, and then four years for the average resident and for the City. Mr. Kearse asked how we expect to do the cleanup. He asked how Councillors got to the meeting tonight, and whether they walked or took cars. He said we are talking about pollution from blowers when we have thousands of cars in the City every day. He asked if lawnmowers would be next. He said that this is not fair for the people who own businesses. He said he has owned a business in this City for longer than most people have been in this City. He said it would cost \$150,000 to set up trailers for this ordinance. He said that the Council in asking for a phase-out just doesn't want to see landscapers in Medford. He said that he and his workers clean up after their work. He said that the City runs street sweepers throughout the night. He said that the Council is picking on one group of people. He said other towns fight for the landscapers and he sees

nobody in this room fighting for landscapers. He said he doesn't think this is fair. He said he supports 14 people who work with him, 17 including his family, and that his workers are his family.

Harold MacGilvray, 4 Piedmont Road, said he supports Mr. Kearse and the landscapers. He said he thinks that this is an overreach. He said he is not sure how eliminating these leaf blowers is going to save the environment. He said lithium batteries are extremely dangerous and that in the past year he has investigated four fires in the City related to lithium batteries. He said that they are not environmentally friendly to dispose of. He said he's not sure how you can buy a product in a hardware store but the City says you can't use it. He said he has a gas leaf-blower, a gas weed whacker, a gas lawnmower, a gas snowblower.

Andrew Castagnetti, 23 Cushing Street, asked Councillors if they had any intentions of going after lawnmowers and snowblowers. President Bears said that the ordinance is about leaf blowers. Mr. Castagnetti said that this could be a hardship for some landscapers. He said he used to be awakened by leaf blowers when he was on his honeymoon in San Francisco. He said he would have no further comment unless the Council were to go after our Second Amendment rights.

Bill Giglio, Winthrop Street, said he supports Mr. Kearse. He said people have spoken about the dangers of lithium batteries and asked if any member of the Council had looked into the dangers of lithium batteries. Vice President Collins said it is something we discussed. Mr. Giglio said that the Council has not looked into this but is ready to get rid of gas leaf blowers. Vice President Collins said that she had just said that we looked into it. Mr. Giglio asked what specific information Vice President Collins had found about getting rid of lithium batteries. President Bears said that the batteries are recyclable and can be recycled at Home Depot.

Councillor Scarpelli said he has done research on lithium batteries and there is a huge question about them. He said they contain cobalt and nickel and they contaminate the water system, particularly when they are in landfills. He said they cause a lot of fires, as Officer MacGilvray said. He recommended that the new Building Commissioner do some outreach. He said that this is not going to be easy. He said some people do take advantage of this and it can be loud. He said in his conversations that this doesn't make a difference and he doesn't see a groundswell in favor of an ordinance. He said he respects his colleagues.

Ellen Levecchia, 27 Ramshead Road, asked if we have reached out to increase the budget for grounds and maintenance for Oak Grove and all the City-owned properties where leaves need to be removed, and what the increase in costs will be, since the experts say it will take 2 to four times as long to do the work as it does now. President Bears said he is sure that the School Committee will look at the School budget and the Administration will look at that. Ms. Levecchia said that this money will just come out of thin air. She said that lithium batteries are just as detrimental to the environment so let's not pretend that they aren't. She said that the condescension is disgusting.

Mr. MacGilvray said that it's a pretty well known fact that the recycled batteries are more dangerous than the ones that are new. He said if we had a Fire Chief, he could probably weigh in on this. He said there was a significant house fire in the City related to a lithium battery. He said that Mr. Kearse makes a good point about the number of complaints received. He said he lives in West Medford and doesn't hear the leaf blowers. He said he personally doesn't believe there are a lot of people complaining. He said he thinks it is less than 500 people. He said we don't have an actual number and that this is not very transparent.

Councillor Tseng said that looking at a variety of academic reports, all the reports say there is an environmental impact to creating and storing batteries, but that there is also a lifespan during which there are no emissions. He said gas-powered leaf blowers far exceed the environmental impacts. He said a number of us have been working on this ordinance for a while, in the public eye, and we were re-elected by a majority of the voters.

Councillor Callahan said that it is environmentally more responsible to use electric, and battery technology changes, and changes fairly quickly. She said that the designs of leaf blowers are different, and as technology changes, we will more easily get the benefit of new batteries.

Mr. Kearse asked what the resources are that go into making one lithium battery. He then recited a number of statistics from his phone. He said one electric battery requires digging up 500,000 pounds of the earth's crust. When President Bears asked for the source, Mr. Kearse said he would provide it after the meeting, and then said it was on VitalMix.com. Mr. Kearse asked what the cost is for cleaning up the Oak Grove Cemetery for one season. Mr. Kearse said it is \$80,000 per year. He said that the cost will go up four times that amount. He said he will go with the months he is given but said that the Council has to be reasonable, and that phasing out gas blowers in two years is not reasonable. He asked how many votes each Councillor received. President Bears recited the approximate totals for each Councillor. Mr. Kearse said it was 7,500 votes with 60,000 residents and 40,000 registered voters. President Bears said we would all be very happy if more people voted.

Anthony Levecchia, 27 Ramshead Road, asked how many Councillors use lithium batteries on a daily basis. He said he would guess the answer is zero. He says he uses them daily and the average lifespan is 12 months. He said we understand we need to do something but that the costs will be too high. He said that there was a huge rat problem and they like to live under leaves. He said that this is an agenda item that you want to check. He asked if the Building Department has the time to take an inventory on past leaf-blowing equipment.

President Collins thanked everyone who spoke tonight and in previous meetings. She said all of our projects come out of constituent feedback. She said that this project is the product of compromise. She said we've worked hard to get from our starting point, which was much more onerous, to a place where it is a better fit for our community, to make sure

that there is a more appropriate balance, and that balances commercial operators and municipal operators. She said we are hearing from constituents that we want to have a lever to pull on this level of noise pollution. She said we have the opportunity to take action on something that is known to be especially polluting. She thanked all the constituents who have weighed in on this over the past eight public meetings on the topic.

In section 38-58, subsection 5, Vice President Collins moved to delete “sweep or rake,” with the intent to make the ordinance more readable; she further moved in the same section, subsection 6, moved to delete “in a sanitary manner” and replace with “in such a manner”, using the word “operator”; she further moved in section 38-59, subsection 4, using the date for the operations plan as annually by September 1’ she further moved, in 38-62, subsection 3, she moved to delete that section; Councillor Tseng amended to accept the inline changes by counsel (Councillor Callahan second)—approved as amended on a roll call vote of six in favor and Councillor Scarpelli opposed.

Councillor Callahan said that there have been many public meetings on this. Dozens of people have spoken in favor of passing this. She said she believes that there are more residents in Medford who are incredibly frustrated with both the noise and pollution of gas leaf blowers than there are people who do not want this ordinance to move out of committee and move to the City Council for passage. She said that very well respected institutions and scientists in climate science have studied whether battery powered leaf blowers or gas powered leaf blowers are environmentally better in the long run, and they have determined that electric powered gas blowers are better for the environment in the long run, and they include all sorts of things in that determination including the dangers of lithium batteries, including the metals that go into the batteries. She said that we do not need to debate these things here and talk about individual metals that go into them because we are not those experts. Those experts have concluded that it is better to use electric. She said that passing this is what the majority of our residents want, considering the environmental impact and the noise pollution, which is why she supports it.

Vice President Collins moved to report the paper out of committee, as amended, and to adjourn, at 7:15 p.m (Councillor Callahan second)—approved on a roll call vote of seven in favor and zero opposed.

President Bears adjourned the meeting at 7:15 p.m.

[End of Committee of the Whole Report.]

22-494 - Offered from the Podium by President Bears

Administration and Finance Committee Report, February 27, 2024.

22-494
ADMINISTRATION AND FINANCE COMMITTEE

MEETING REPORT
TUESDAY, FEBRUARY 27, 2024 @ 6:00 P.M.

Attendees: Council President Isaac “Zac” Bears, Committee Chair; Council Vice President Kit Collins, Committee Vice-Chair; Councillor Emily Lazzaro; Councillor Matt Leming; Councillor Justin Tseng; Councillor Anna Callahan; City Clerk Adam Hurtubise; Finance Director Bob Dickinson; Chief of Staff Nina Nazarian; other participants as noted in the body of this report.

President Bears called the meeting to order at 6:00 p.m. on February 27, 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 the proposed Budget Ordinance (22-494).

President Bears thanked participants for attending. He said that there were five committee meetings on this topic in 2023. He said we have ironed out all of the details. He highlighted work done to date. He summarized the ordinance to date. He said that he would like to see more of our spending included in the summaries of spending to date and that the Council has expressed that as well. He said the latest draft of the ordinance reflects this preference. He said that resources and staffing levels in Finance would have to be increased to achieve some of these goals. He also read a communication from the Chief of Staff with some concerns, which also said that the Administration is close to being in agreement.

Chief of Staff Nazarian said she had nothing on her end at this time. Director Dickinson said that we would like to get the ball rolling but we don’t know how this is going to pan out. He said we want to keep everything moving forward and with something that everybody feels is achievable.

Councillor Lazzaro said that because of the communication from the Chief of Staff, it sounds like there may be a one-year delay to a portion of the ordinance but an understanding that things may come up. She said that there is no penalty. She said there is an understanding that we are all working together and trying to get the most transparent process possible.

Vice President Collins said it’s important not to legislate something that is not within our authority. She said that she wants to ensure that there is a time stamp for a check in on the process throughout the year. She said she is willing to be as formal or as informal as necessary.

Councillor Tseng said that the Council has taken a step back on this and that there is a broad definition of what a report is. He said he wonders if there is a way to reduce any fear or hesitation that the Administration might have. He said Director Dickinson doesn’t know what Council he will be working with in five years.

Chief of Staff Nazarian said she appreciates the collaboration by this committee, the prior subcommittee, and the Council in general on this subject. She said she continues to be concerned and wants the committee to understand that the concerns are that we are not putting future Councils and future Administrations in conflict with each other. She said we are essentially discussing the codification of an ordinance that would create something even though there is no penalty if it doesn't occur. She said that an ordinance is law. She said that the Administration would never intentionally or knowingly try to break the law. She said that there may be no penalty but it wouldn't change the way the Administration operates. She said that the Council shall receive the warrants on at least a quarterly basis. She said she is trying to do it monthly. She said that if the ordinance passes, she will have to drop something in her office. She said she is also presently supporting the Elections Office. She said we want very much to ensure that we keep our promises, but by agreeing to an ordinance like this, we are making a commitment.

Vice President Collins said she appreciates what the Chief of Staff has shared and appreciates the clarity around this. She said she respects the diversity of opinion. She said one thing that makes her feel comfortable is the flexibility of the language of this section. She said that regarding the Elections Department, the Council recently requested a report, and the report the Council received was not what the Council thought it would be. She said that the Council then talked about it. She said she feels comfortable with the language of this ordinance.

President Bears said he would make an amendment regarding the effective date since the original effective date was January 1, 2024. He said other pieces would not go into effect until January of 2025.

Councillor Tseng said that when there was a first meeting on this, everyone agreed that there was a model of what an ordinance should look like. He said that this draft is the result of good-faith negotiations of all parties. He said we've moved forward on the assumption that the committee wants to see all these things. He said it doesn't sound like the committee is ready to toss out any section of the ordinance. He said he would like to see the section work better. President Bears said he didn't think we're far apart but that the Administration has made it clear that it doesn't agree with some of the language. He said that the Council has already removed two sections of the ordinance.

President Bears recommended some technical changes to the ordinance for purposes of timing, and changing the effective date of Article 5.

Vice President Collins asked if the tracked changes version of the document is the one that would be considered.

Vice President Collins moved to accept all tracked changes and also to swap the order of sections 3-102 and 3-103, and to change the effective language in 3-108 so that the article is effective on passage (Councillor Tseng second)—approved.

Chief of Staff Nazarian suggested a cleanup on certain sections of city ordinance regarding some positions mentioned in the new ordinance. President Bears suggested making those changes in the cleanup now.

Vice President Collins said she wasn't comfortable doing this now but that it could be done from the floor later, and President Bears asked the Administration to take a look at things that it wanted changed. President Bears said that each committee would review the ordinances under its purview for updates in language.

Vice President Collins moved to report the paper out of committee to the next Council Meeting (Councillor Tseng second)—approved.

Vice President Collins thanked the Chief of Staff and Finance Director for their work. President Bears and Councillor Tseng also thanked the Chief of Staff and Finance Director. He said he can't overstate how important that is for Medford.

Vice President Collins moved to adjourn at 6:50 (Councillor Tseng second)—approved.

President Bears adjourned the meeting at 6:50 p.m.

[End of Administration and Finance Committee Report.]

24-045 - Offered from the Podium by President Bears

Committee of the Whole Report, March 6, 2024.

24-045
COMMITTEE OF THE WHOLE
MEETING REPORT
WEDNESDAY, MARCH 6, 2024 @ 6:00 P.M.

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

Attendees: Council President Isaac "Zac" Bears; Council Vice President Kit Collins; Councillor Anna Callahan; Councillor Emily Lazzaro; Councillor Matt Leming; Councillor George Scarpelli; Councillor Justin Tseng; CPC Manager Theresa DuPont; CPC Chair Roberta Cameron; Assistant City Clerk Sylvia DiPlacido; other participants as noted in the body of this report.

President Bears called the meeting to order at 6:13 p.m. on March 6, 2024 in the Medford City Council Chambers on the second floor of Medford City Hall, and via Zoom. The start of the meeting was briefly delayed by technical difficulties. The purpose of the meeting was to discuss Councillors' budget priorities for the upcoming budget.

President Bears thanked participants for attending. He highlighted the tentative budget process going forward.

Councillor Lazzaro said she wanted to ensure that baseline, we are not losing any departments serving the basic needs of our residents, including our most vulnerable. She said she would like to see increases in the budget. She said she wants protections for people with mental health and addiction issues. She said that the school budget needs an increase and at the very least does not need to decrease.

Vice President Collins said she wants to meet the school budget request. She said she wants to make sure that departments are properly funded. She said she would like to see a Solicitor and Assistant Solicitor, and to have the Elections Manager elevated to Elections Director, with appropriate salary increases for these positions as well. She said she would like to see new software for the Finance Department. She said she doesn't think there will be a lot of bandwidth to establish new positions. She specifically mentioned the Health Department and the Office of Outreach and Prevention.

Vice President Collins said we need to increase the salaries for City Solicitor and Assistant City Solicitor. She said she does believe that this is a tough position to fill during these times. She said Malden has a budgeted salary of \$117,000 and in Somerville it is \$189,000. She said she suggested increasing the salary for our solicitor to be competitive. She said she used the same rationale with the Assistant Solicitor and in elevating the Elections Manager to Elections Director. She said she wants to implement a family and medical leave program for the city.

Councillor Leming said he wanted to be a little more focused. He said he wants money set aside for studies critical to our long-term financial health. One is a linkage study. Another is a nexus study to determine how much to charge developers. The third is a transportation demand management study.

He said we need more permanent elections staff. He said we need a permanent salary for one community social worker. He said we need to increase salaries for part-time library workers.

Councillor Scarpelli said we need a City Solicitor and an Assistant Solicitor, plus additional people in DPW including a hard-top crew. He said that you only apply for a job as a City Solicitor is if the Mayor wants a City Solicitor. He said that the Mayor seems happy having KP Law instead of a solicitor, and KP Law says that they work for the Mayor and not for us. He said a City Solicitor would work for us. He said that hiring a solicitor would be a cost savings. He said we could have a crew at DPW but every year we get a request to approve bonds for sidewalk repairs.

Councillor Scarpelli said that Recreation Director Kevin Bailey does a terrific job. He said some department heads spend twenty hours a week answering phones. He said elections are another issue. He said he wants the Administration to be creative and have people work in two departments, such as elections and recreation, if there is availability for part-time work in both departments that could end up being full-time if combined into two jobs. He said he also wants to see funding for after-school care in the Recreation Department. He said we work closely with the YMCA, but that there is still a huge need. He said he is hearing disturbing things in the community about elections. He said we do not spend enough money or time in making sure our election workers are properly trained. He said we all want the schools at least level funded. He said that the school system is in a spending freeze right now.

Councillor Tseng mentioned the Youth and Gender Equity Commissions, maintaining investments in our public schools, translation services, hiring a new prevention and outreach manager, increasing election staff, raising salaries to meet regional standards. He said he wants small-dollar increases to improve public services. He said he wants to preserve important spending programs. He said he would like to see the Administration get us to a place where we can fund our most important priorities.

Councillor Tseng said we will need a real budget number to get to a point where we have a Youth Commission. He said we would need about \$20,000, which also includes \$800 stipends for members. He said he would also like to see a Gender Equity Commission. He said that would cost about \$9,000. He said he wants to get to the right standards on things such as repaving. He said he wants to see increased staffing in the Elections Department. He said that going from more FTEs to fewer FTEs shows how we are reducing services. He said he wants to maintain health equity and outreach positions. He said he wants to update the City's financial software and help the Finance Department and the Assessor's Department. He said a City Solicitor is really, really important to helping us get our work done. He said he would support any action to bring those salaries up to a place where we can draw good candidates.

Councillor Callahan said she agrees with many other points, including funding for the schools. She also said she agrees with Councillor Scarpelli's request for a hard-top crew. She would like funding for prevention and outreach, more staff in the Elections Office, and other areas. She said she wants to see money allocated to plant trees to replace trees that Medford loses every year. She said she would like to see our five-year plan, particularly on our roads and sidewalks. She said the road and sidewalk budget should come with an explanation.

Councillor Callahan asked if there is a fund where small funding items like \$2,000 to \$4,000 can come from. President Bears said he was not aware of anything in the general fund but that there may have been something in ARPA.

President Bears said he wanted level-service funding for our schools, retaining ARPA-funded staff. Like Councillor Leming, he said he would like to keep the part-time staff at the Library funded, and that that group should see increases. He asked for increased funding for Code Enforcement. He said we have a number of civil code violations and very few resources available to address them. He said he would also like to see at least seed money for new financial software. He said that recent troubles with the Fire Department were caused in part by retro pay after the Firefighter contract was passed. He said we are spending hundreds of thousands of dollars, if not millions, on finance issues that could be automated.

Vice President Collins said she is happy that there is cohesion across so many issues. She said she sees the problems that result from the lack of in-house legal support. She said we would see a difference in our workflow if we had an in-house legal department. She said we also need investments in our Finance Department. She said we are already spending a lot on inefficient processes.

Councillor Scarpelli said that we used to get updates on a pretty regular basis in the past. He said now our updates from the Chief of Staff are sparse and redacted. He said that the software that Aleesha Nunley had is the same software we have today, and she would give us a detailed breakdown of our spending. He said two years ago we didn't even get an actual budget book. He said in the municipality where he works, he gets regular updates and they have already started pre-budget meetings. He said that there is no transparency here. He said we started getting redacted actuals for the warrant articles but we haven't seen one since June or July. He said that the biggest news is what is happening with our Fire Department. He said he spoke with Deputy Chiefs in other municipalities. He said that the absences wouldn't be an issue if the department were staffed at the level at which it is supposed to be staffed. He said if we had a team in the Finance Department that can bring forth the information we need, we

could pay our retro in a timely fashion. He said we are reaping the negative ramifications from the lack of investment and lack of growth in our community. He said we are passing up millions of dollars just in permit fees. He said one project that walked away had \$6 million in permitting fees alone. He mentioned former Prevention and Outreach Manager Penny Funaiolo and the great work that she did. He said we need to look at creative ways of funding. He said he is happy that the Council President and Vice President are meeting with the Mayor on these topics.

President Bears said he was talking about the payroll system software, not the rest of the financial system software. Councillor Leming said that the problem is not misallocation of funds, it's that we are not funded enough. He said he would like to insist on having money for the linkage fees studies. He said that this will help us get more revenues in the future.

President Bears said we could submit this to the Mayor by March 22. He said he could share a copy of the document and hone the list to the top five recommendations, or that the Council could vote to have the President hone the list.

Councillor Lazzaro asked if we could do this over e-mail if it was not a violation of the Open Meeting Law. President Bears said he could send a list through the Clerk and Councillors could return them through the Clerk.

Vice President Collins said that our positions are very clear. She said it could be a similar process in a future committee of the whole. She said she wanted to give Councillors time to digest suggestions heard tonight.

Councillor Tseng said he concurred with Vice President Collins. He said he didn't want to be too rushed. He said he would like time to think about these proposals.

Councillor Callahan asked what our boiled-down recommendations are supposed to look like. She asked how many is too many. President Bears said we probably have 25 to 30 recommendations. He said many of the recommendations in the "prevent cuts" category are similar. He said sending 30 priorities to the Mayor, who is looking at 300 things, might not get the attention it deserves. He said he wants increased funding for Code Enforcement, but that is probably not in his top five. He said he wants to look at zoning funding and solicitor funding.

Vice President Collins suggested talking about our shared priorities and coming to some form of consensus. She said there could be thirty things we want, ask for 5 and hopefully get one or two. She said she thinks we included Councillors' individual

memos and the reports of these meetings. She said she would like to have a follow up committee of the whole on this topic. She said she could move to circulate the aggregated document among Councillors by Monday for Council leadership to schedule a follow-up committee of the whole topic, and to submit Council records and other documents to the Administration by March 22 (Councillor Leming second)—approved.

Vice President Collins moved to adjourn at 7:28 p.m. (Councillor Leming second)—approved.

President Bears adjourned the meeting at 7:28 p.m.

[End of Committee of the Whole Report.]

Councillor Tseng moved to join and approve all Reports of Committees (Councillor Callahan second)—joined and approved on a roll call vote of seven in favor and zero opposed.

At 7:15 p.m., Councillor Tseng moved to suspend the rules to take Paper **24-055** (Councillor Leming second)—rules suspended on a roll call vote of seven in favor and zero opposed.

COMMUNICATIONS FROM THE MAYOR

24-055

March 7, 2024

Via Electronic Delivery

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

Re: Stabilization Fund Establishment

Dear President Bears and Members of the City Council:

I respectfully request and recommend that your Honorable Body establish a General Stabilization Fund, as authorized by Chapter 40, Section 5B of the General Laws. Once Free Cash has been certified, I plan to return with a request for this Honorable Body to fund the stabilization fund.

As you probably know, the vast majority of cities and towns in the Commonwealth of Massachusetts have a General Stabilization Fund in order to provide for emergencies and unforeseen expenses. A 2/3rds majority of the City Council is required to establish a stabilization fund.

Respectfully submitted,



Breanna Lungo-Koehn
Mayor

Addressing the Council:

Chief of Staff Nina Nazarian
James O'Leary, 30 Norwood Circle

Councillor Scarpelli moved to table (Councillor Callahan second)—motion failed on a roll call vote of two in favor (Councillor Callahan and Councillor Scarpelli) and five opposed.

Addressing the Council:

Rose Damascus
Eleanor O'Leary, 30 Norwich Circle
Angela Murphy, 16 Cotting Street
Andrew Castagnetti, 23 Cushing Street
Diane Horrigan, 65 Ripley Road
Claudio Delmaio, 23 Hillside Road
Deanna Drasano, 23 Emerald Street
Ann Haggerty, 11 Sagamore Park
Phyllis Morrison, 32 Andrew Street
School Committee Member Nicole Branley
Former Councillor Michael Marks, 37 Wellington Road
Lynne Freitas, 26 Stearnes Avenue
Rebecca Imami, 12 Ship Avenue

Councillor Tseng moved to approve establishment of the fund (Councillor Callahan second)—approved on a roll call vote of six in favor and zero opposed.

HEARINGS
23-319
LEGAL NOTICE

**MEDFORD CITY CLERK'S OFFICE
NOTICE OF PUBLIC HEARING**

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, MA and via Zoom on Tuesday, March 12th at 7:00 p.m., a link to be posted no later than Friday, March 8, 2024, on a petition for a special permit for signs by Raising Cane's Restaurants, LLC, d/b/a Raising Cane's Chicken Fingers, 6800 Bishop Road, Plano, TX 75024. The petitioner is seeking to construct an eat-in restaurant (Allowed Use) in a commercial one (C-1) Zoning District at 509-511 Riverside Avenue a/k/a 760 Fellsway, Parcel ID. Lot 7-02-27, with Additional On-Premises Signage requiring a Special Permit from the Medford City Council pursuant to Ch. 94 Section 6.2.20 of the Medford Zoning Ordinance.

The petition seeks a special permit for:

Additional On-Premises Signage

The Petition and Site Plans for this project may be viewed in the Office of the City Clerk, Room 103, Medford City Hall, Medford, MA. The site plans can also be viewed on the City's website at <http://www.medfordma.org/bords/communitiy-development-board/> by clicking on "Current CD Board Filings."

Call 781-393-2435 for any accommodations/aids. The City of Medford is an EEO/AA/504 Employer.

By the order of the City Council

S/Adam L. Hurtubise
City Clerk

At 8:12 p.m., President Bears declared the public hearing open.

At the request of the attorney for the Petitioner, Councillor Tseng moved to continue the hearing until April 2, 2024 (Councillor Callahan second)—hearing continued until April 2 on a roll call vote of seven in favor and zero opposed.

**23-369
LEGAL NOTICE
MEDFORD CITY CLERK'S OFFICE
NOTICE OF PUBLIC HEARING**

The Medford City Council will conduct a public hearing on March 12, 2024, at 7 pm in the Medford City Council Chamber, on the second floor of Medford City Hall, 85 George P. Hassett Drive, Medford, MA, and via Zoom, relative to an application by 96-102

Winchester Street LLC for a Planned Development District Special Permit (“PDD-SP”) and Site Plan Review (“SPR”) to permit the construction of a four-story, sixty-five (65) unit residential building and a 4,000 s.f. commercial structure at the site known as 100 Winchester Street, comprised of properties located at 96-102 Winchester Street, Medford, MA 02155. . The Zoom link to the public hearing will be posted no later than 48 hours prior to the meeting.

The full application materials can be viewed in the Office of the Planning, Development, and Sustainability (City Hall, Room 308) or on the City’s website at <https://www.medfordma.org/departments/planning-development-sustainability/> by clicking on ‘**Current CD Board Filings.**’ Questions and comments may be submitted via email to ocd@medford-ma.gov.

If you need a reasonable accommodation to attend/participate in the meetings, please contact Frances Nwajei: 781-393-2439 or fnwajei@medford-ma.gov

S/Adam Hurtubise, City Clerk

Addressing the Council:

Attorney Adam Barnosky, 255 State Street, Boston, for the Petitioner
Katya Pasadlo, Vernon Landscape Architecture

Recommendations by the Community Development Board:

To: City Council President Zac Bears and Honorable Members of the City Council

From: Danielle Evans, Senior Planner, Office of Planning, Development, and Sustainability *on behalf of* the City of Medford Community Development Board

Date: March 7, 2024

RE: Community Development Board Recommendation

96-104 Winchester Street, PDD-1, Planned Development Special Permit and Site Plan Review

Applicant: 96-102 Winchester Street, LLC

Subject Property: 96-104 Winchester Street (known as "100 Winchester Street")

Zoning District: Winchester Street Planned Development District Overlay (PDD-1)

Application: The application materials for [PDSP SPR 2023-2 100 Winchester St](#) can be found under "[Current CD Board Filings](#)" on the Community Development Board page of the City of Medford website.

- Planned Development Special Permit
- Site Plan Review

Procedural History Summary:

- August 15, 2023: Winchester Street Planned Development District (PDD-1) re-zoning approved by City Council.
- February 6, 2024: Public hearing notice for City Council and Community Development Board (CDB) meetings mailed to abutters and parties of interest.
- February 6 and February 13, 2024: Public hearing notice published in the Boston Herald.
- February 21, 2024: CDB held a public meeting and voted to recommend conditional approval of the application for Site Plan Review and the Planned Development Special Permit.

Proposed Development:

The subject property, known as "100 Winchester Street", is comprised of an assemblage of parcels located at 96-104 Winchester Street on the Medford/Somerville line near the Ball Square MBTA Green Line station. The site contains commercial/light industrial buildings along with an historically significant structure. The Applicant is proposing to redevelop the site in accordance

with the Winchester Street Planned Development District (PDD-1) approved by City Council on August 15, 2023. The mixed-use development would consist of two structures:

- A new four-story, sixty-five (65) unit residential building with a mix of one- and two-bedroom units of which 15% would be designated as affordable units; and
- The historically significant structure would be retained, renovated, and expanded with a new two-story rear addition and contain 4,000 s.f. of commercial space. Allowable uses proposed for the commercial space include such uses to serve the community such as a daycare, office, or gym.

In addition, a small community pocket park is proposed for the corner of Winchester Street and Albion Street.

Permitting Procedures:

Per the procedures outlined in Section 94-9.2 (PDD) and Section 94-9.2A (PDD-1) of the Medford Zoning Ordinance, the Applicant must receive a Planned Development Special Permit and an approved Site Plan Review in order to develop the property as proposed in the Preliminary Plan. In the PDD-1, the Community Development Board is advisory to City Council which is both the Site Plan Review Authority and the Special Permit Granting Authority. As such, the CDB held a duly noticed public meeting on February 21, 2024, to consider the applications for Site Plan Review and Planned Development Special Permit and to make a recommendation to the City Council. Board members present at the meeting were Chair Jacquie McPherson, Vice Chair Emily Hedeman, Ari Fishman, Pam Maryanski and Peter Calves. Sally Akiki and Sharad Bajracharya were absent.

In order to grant the Planned Development Special Permit, the Community Development Board and City Council must find that the following criteria are met or incorporate conditions into the PDD-1 Special Permit, that if satisfied, will cause the following criteria to be met:

1. The Site Development and Use Plan is substantially in conformance with the PDD-1 Preliminary Plan. The SPGA may approve deviations from the Preliminary Plan if it determines that such deviations will improve the PDD-1 Project.
2. The PDD-1 Project meets the special permit criteria set forth in Section 94-11.6.2 of the Ordinance in that any adverse effects of the project will not outweigh the beneficial impacts to the City or the neighborhood taking into consideration the following:

- Social, economic, or community needs which are served by the proposal;
- Traffic flow and safety, including parking and loading;
- Adequacy of utilities and other public services;
- Compatibility with the size, scale, and design of other structures in the neighborhood;
- Impacts on the natural environment; and
- The proposal's compatibility with the purposes of the City's Comprehensive Plan.

To approve the Site Plan, the Site Plan Review Authority must consider the following standards for approval set forth in Section 94-11.7.10 of the Ordinance:

- The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and into adjacent public streets and ways will not create hazards to safety, or impose a significant burden upon public facilities;
- The bulk, location or height of proposed buildings and structures and paved areas and the proposed uses thereof will be not detrimental to other private development in the neighborhood and will not impose undue burdens on the sewers, sanitary and storm drains, water distribution system, or similar public facilities;
- The provision for on-site landscaping provides adequate protection to neighboring properties from potentially detrimental features of the development;
- The site plan provides adequate protection of natural resources and the development will not result in soil or drainage problems;
- The provisions for exterior lighting will not create undue hazards to motorists traveling on adjacent public streets or damage the value and diminish the usability of adjacent properties;
- The proposed development will not create undue fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles;
- The provisions for the handling of refuse provides for adequate protection to neighboring properties.

After considering the submitted materials, presentations from the applicant team, recommendations from City staff, and public comment received at and in advance of the public hearing, the Board found that, as conditioned, the proposal met the required criteria and voted

5-0 to recommend approval of the Site Plan and Planned Development Special Permit. The recommended conditions are as follows:

1.	Control Plans: As modified by the below conditions: Site plan prepared by Boston Survey Inc. dated 11/10/2023, architectural plan set entitled "100 Winchester St: A Mixed-Use Medford PDD Project" prepared by Peter Quinn Architects (30 sheets, dated 12/14/2022), civil plans prepared by GM2 Associates (7 sheets dated 10/22/2022), and landscape plans prepared by Verdant Landscape Architecture (6 sheets dated 12/8/2022)
2.	Plan Modifications: Neither the Applicant nor any present or future owner of any interest in the project shall change or modify the Control Plans referenced in this Decision without first filing a formal request with the OPDS for an opinion as to whether or not such change or modification requires further review from the Site Plan Review /Special Permit Granting Authority. Minor modifications may be considered and approved by the OPDS Director if found to be consistent with the original project.
3.	Recordation: Upon application for a Building Permit, the Petitioner shall provide evidence to the Zoning Enforcement Officer that this entire decision has been filed or recorded with the Registry of Deeds.
Traffic and Transportation Conditions	
4.	The Applicant shall provide bicycle parking in an amount equivalent to at least 50% of the number of units.
5.	The Applicant shall provide for at least 10% of the parking to be for Electric Vehicle charging (~5 spaces) and the design shall accommodate future EV parking needs.
6.	The Applicant shall ensure that landscaping and fencing areas within the sight triangle of vehicles/drivers be kept below driver height to facilitate safe maneuvers when exiting onto Winchester Street.
7.	The Applicant shall restrict the on-street parking to the south of the site drive to provide better sight lines. Any distance beyond 2-3 feet requires Traffic Commission Approval. Given the higher volume driveway (as compared to a single or 2 family residence drive), the Applicant shall restrict at least one full on-street parking space (~20 feet) south of the site drive. The space should be marked with paint and a sign, as well as flex posts affixed to the pavement in the restricted area.
8.	The Applicant shall purchase and install all necessary materials and equipment to provide a speed hump to be located on Winchester Street. This will assist in slowing existing and new project trips on Winchester Street to travel at or below the posted speed limit of 25 MPH. The speed hump shall conform to NACTO and City of Medford standards and be located mid-block (generally) between Newbern Ave. and Granville Ave. or an alternative location if the horizontal or vertical sight distance is not adequate for drivers to see the treatment.

9.	<p>The Applicant shall purchase and install all necessary materials and equipment to provide a better sight line for all users of the intersection of Morton Avenue and Winchester Street. The specific materials should include:</p> <ul style="list-style-type: none"> a) Paint crosswalks and stop lines (as suggested by the project's TIAS, pg. 17) on Morton Avenue located where appropriate. All pavement markings should be epoxy material. b) Blinking Stop sign (as suggested by the project's TIAS, pg. 17) c) Additional parking restrictions (beyond 20 feet), if approved by the City's Traffic Commission (proposed by the proponent, conceptual plan is sufficient) signs and poles (u-channel) indicating the parking restrictions, d) Consist of painted bump outs at all corners, and flex posts affixed to the ground which will physically re-enforce the designs/marked restrictions. <ul style="list-style-type: none"> i) Alternatively, the project could construct cement concrete bumpouts including any necessary drainage structures. If doing so, it should be confirmed that the lane structure of the roadway will remain as is. <p>Given the crash history, the project should conduct an MUTCD warrant analysis to determine if an all-way stop is warranted at the intersection of Winchester St. at Morton Ave. and provide the result to the City.</p>
10.	<p>The Applicant shall purchase and install all necessary materials and equipment to provide a better sight line for all users of the intersection of Newbern Avenue at Medford Street. The specific materials should include:</p> <ul style="list-style-type: none"> a) Paint crosswalks and stop lines (as suggested by the project's TIAS, pg. 17) on Newbern Avenue located where appropriate. All pavement markings should be epoxy material. b) Additional parking restrictions (beyond 20 feet), if approved by the City's Traffic Commission (proposed by the proponent, conceptual plan is sufficient) signs and poles (u-channel) indicating the parking restrictions, c) Consist of painted bump outs at all corners, and flex posts affixed to the ground which will physically re-enforce the designs/marked restrictions. <p>Alternatively, the project could construct cement concrete bumpouts including any necessary drainage structures. If doing so, it should be confirmed that the lane structure of the roadway will remain as is.</p>
11.	<p>The Applicant shall purchase and install southwest bound on-street bike lanes on Albion Street, from Medford Street to Winchester Street. A concept plan should be presented and approved through the Traffic Commission. All pavement markings must be epoxy material. The bike lane must be a min. of 5' wide, with min. parking shoulders of 7' wide and min. travel lane of 10' wide. A bike lane will provide for additional area bicycle infrastructure as well as narrow the travel lane (encouraging slower speeds).</p>

12.	<p>The Applicant shall purchase and install all necessary materials and equipment to provide a better sight line for all users of the intersection of Morton Avenue and Winchester Street. The specific materials should include:</p> <ul style="list-style-type: none"> a) Paint crosswalks and stop lines (as suggested by the project's TIAS, pg. 17) on Morton Avenue located where appropriate. All pavement markings should be epoxy material. b) Blinking Stop sign (as suggested by the project's TIAS, pg. 17) c) Additional parking restrictions (beyond 20 feet), if approved by the City's Traffic Commission (proposed by the proponent, conceptual plan is sufficient) signs and poles (u-channel) indicating the parking restrictions, d) consist of painted bump outs at all corners, and flex posts affixed to the ground which will physically re-enforce the designs/marked restrictions. Alternatively, the project could construct cement concrete bumpouts including any necessary drainage structures. If doing so, it should be confirmed that the lane structure of the roadway will remain as is. <p>Given the crash history, the project should conduct an MUTCD warrant analysis to determine if an all-way stop is warranted at the intersection of Winchester St. at Morton Ave. and provide the result to the City for our use.</p>
Engineering Division Conditions	
13.	<p>The Applicant shall update the plans to show the maximum allowable driveway apron width on Winchester Street, or a variance be requested. The maximum opening for a general residential driveway apron is twenty (20) feet.</p>
14.	<p>In accordance with City standards and Engineering Directive #3, the Applicant shall show pavement restoration limits within the roadway (Winchester, Albion, and Alfred Streets)</p>
15.	<p>The Applicant shall protect and maintain all existing street signage during construction.</p>
16.	<p>The Applicant shall install vertical granite curbing if any curb cut is being eliminated and meet the City standards for all proposed driveway aprons.</p>
17.	<p>The Applicant shall update the plans to show stormwater detention/infiltration system so that the connection with the main in Winchester Street is via a concrete drainage manhole in accordance with City standards.</p>
18.	<p>The Applicant shall update the plans to show the overflow pipes and connections (if any) to the City's closed drainage system.</p>
19.	<p>The Applicant shall resubmit any revisions to the stormwater report when applying for the City's Stormwater Permit. The stormwater revisions shall include the following:</p> <ul style="list-style-type: none"> a. Calculations for mitigation of the 25-year storm event b. Calculations showing that phosphorous removal has been met on-site c. Infiltration System #3 to be designed at least 2-feet above the Estimated Seasonal High Groundwater Table (~29.0) or a groundwater mounding analysis be provided for review.

20.	The Applicant shall incorporate cutting and capping existing water services at the main within Winchester Street. No tapping sleeves shall be permitted for new water connections at the main. The fire protection service shall be triple gated and have a minimum size of 6-inches. If a hydrant is required on site, a flow test should be performed and submitted to the Engineering Division for review.
21.	The Plan shows the capping of the existing water service to the existing building to be renovated along Albion Street. The Applicant shall remove any abandoned gates in accordance with City standards.
22.	The Application shall have any sewer connection be made with a sewer manhole in accordance with City standards.
23.	The Applicant shall video the existing sewer pipe and structures from the building to the main and present the video to the Water & Sewer Department for their approval. Any recommendations regarding sewer replacement should be included in the Plan for Building Permit.
24.	The Applicant shall conform with the City Standards for all cement concrete work within the public right of way.
25.	The Applicant shall update the plan to show a new 1-inch copper line to the existing building being renovated in accordance with City standards. The records indicate that the existing water service is listed as a ¾" lead service.
26.	The Applicant shall revise construction details (C501-C504) to show a construction fence to be 8-feet in height, perimeter controls (silt soxx) show a 2-foot overlap at ends, and that all details pertaining to work within the public way conform to City construction standards.
27.	The Applicant shall show outlet control structure for each infiltration system in the plan as indicated in the stormwater report and the detail be added to reflect the stormwater design.
Fire Prevention Conditions	
28.	The Applicant shall provide a fire detail according to the Medford Fire Department regulations for demolition or welding and cutting on the site.
29.	The project shall be equipped with a fire alarm system according to the Commonwealth of Massachusetts Regulation 780 Section 9, National Fire Protection Association Standard 72, and the requirements of the Medford Fire Department.
30.	The project shall be equipped with an approved system of automatic sprinklers and standpipes according to the Massachusetts General Laws Chapter 148, CMR 780, NFPA Standards 13, 14, and 25, and the requirements of the Medford Fire Department.
31.	Life safety systems (smoke, heat, and carbon monoxide protection) Shall be required throughout the entire structure. This is in accordance with CMR 780-State Building code 9th edition, MGL Chapter 148, NFPA Standard 1 -Chapter 13 and 13.7, and NFPA Standard 72- National Fire Alarm Code.
32.	The sprinkler/ standpipe system and fire alarm plans shall include a narrative report according to NFPA Standards 13, 14, and 72.

33.	All Fire department connections shall be located according to Medford Fire Department rules and regulations and NFPA Standards 13 and 14.
34.	Parking lot/travel lanes shall be a minimum of 20 feet clear width if traffic flow is one way, and 24 feet clear width if traffic flow is two-way. Access to be 360 degrees around the project.
35.	Safety railings or alternate equivalent shall be required on rooftops
36.	The Fire Department reserves the right to add additional Hydrants as needed and to order additional safety requirements after review of detailed architectural drawings not available as of this date.
Health Dept Conditions	
37.	The Applicant shall assure an adequate drainage plan that ensures safety of groundwater and the effect of run-off abutting properties.
38.	The Applicant shall assure an adequate plan for sewer disposal.
39.	The Applicant must remediate any dust with the use of water trucks or calcium chloride during any demolition and construction. Streets shall be kept clean at the close of every workday.
40.	Demolition and building dumpster permits must be obtained in the Board of Health office.
41.	The Applicant shall submit solid waste plan to the Board of Health.
42.	Pre-demolition and pre-construction baiting are a requirement for Permit sign-off from the Board of Health, ongoing reports from a licensed pest control company will be required.
Miscellaneous Conditions	
43.	A requirement for management and mitigation of sound from the roof deck shall be included as part of the property's permanent management documentation.
44.	Any modification or removal of the roof deck which does not expand it will not be considered a significant site plan change and may be approved administratively by the Director of the Office of Planning, Development, and Sustainability.

cc: Alicia Hunt, Director of Planning, Development, and Sustainability
Jacquie McPherson, AICP, Chair, Community Development Board
Breanna Lungo-Koehn, Mayor
Adam Hurtubise, City Clerk



President Bears declared the hearing open at 8:25 p.m., and invited residents to address the Council.

Addressing the Council:

William Navarre, 108 Medford Street #1B
Stephen Brienzi, 92 Winchester Street
Andrew Castagnetti, 23 Cushing Street
John Lodado, 9 Wareham Street
Tracy Clements, 28 Alfred Street
Angela Murphy, 16 Coting Street
Alex Lussenhop, 30 Wright Avenue
Francis Avola, 9 Alfred Street
Steve Sawyer, Design Engineer
Martha McPartlin, 8 Alfred Street
Roberta Cameron, 12 North Street
Erika DeRoche, 260 Willis Avenue
Harold MacGilvray, 4 Piedmont Street

President Bears declared the public hearing closed at 8:51 p.m.

Councillor Tseng moved to approve the special permit and site plan, with the conditions recommended by the Community Development Board, and with the following two amendments: 1). Striking Condition 12 as duplicative of Condition 9; and 2). Residents of the new building will be restricted from obtaining City of Medford residential street parking permits to ensure that on street parking capacity is not impacted by the development which is intended to attract residents with lower rates of car ownership as it is approximately one block from the Ball Square MBTA Green Line Station (Councillor Lazzaro second)—approved, with the conditions recommended by the Community Development Board, and with amendments 1 and 2 from Councillor Tseng, on a roll call vote of seven in favor and zero opposed.

PETITIONS, PRESENTATIONS, AND SIMILAR PAPERS

23-081 MBTA Plan for Accessible Transit Infrastructure (PATI)
IN CITY COUNCIL 03/28/2023, 02/20/2024

Addressing the Council:

Bin Zou, MBTA
Debbie Finnigan, HDR, for the MBTA
Martha Ondras, 45 Kilgore Avenue

Councillor Tseng moved for approval (Councillor Leming second)—approved on a roll call vote of seven in favor and zero opposed.

MOTIONS, ORDERS, AND RESOLUTIONS

24-041 - Offered by Councilor Leming and Vice President Collins

Whereas, the City of Medford requires approval from the Commonwealth of Massachusetts to impose a real estate transfer fee; and

Whereas, 18 other communities in Massachusetts have submitted Home Rule Petitions to impose local real estate transfer fees; and

Whereas, real estate transfer fees create a sustainable funding stream for needed housing production and affordable housing product in Medford by levying a small fee on certain real estate transactions; now, therefore:

Be it Resolved that the Committee on Planning and Permitting meet to develop a home rule petition, "An Act Authorizing the City of Medford to Impose a Real Estate Transfer Fee."

Councillor Tseng moved for a brief recess at 9:25 p.m. (Councillor Callahan second)—approved on a roll call vote of seven in favor and zero opposed.

President Bears declared a recess at 9:25 p.m.

President Bears called the meeting back to order at 9:45 p.m.

Addressing the Council:

Rebecca Imami, 12 Ship Avenue, #7
Susan Jhirad, 26 Farragut Avenue
Ron Giovino, 326 East Border Road
Roberta Cameron, 12 North Street
Andrew Castagnetti, 23 Cushing Street
Leo, 65 College Avenue

Councillor Scarpelli took the Chair at 10:23 p.m.

Addressing the Council:

Anthony D'Antonio, 24 Hicks Avenue
Alex Lussenhop, 30 Wright Avenue
My Vo, Gaston Street

President Bears resumed the Chair at 10:33 p.m.

Addressing the Council:

Alex Giller, 55 Forest Street
Former Councillor Robert Penta, Zero Summit Road
Erika DeRoche, Willis Avenue
Jessica Taddeo, North Medford
John Menino, 10 Revere Beach Parkway
Martha Ondras, 45 Kilgore Avenue
Juanita Waldrip, 45 Samson Road
Jessica Healy
Frank Castanello
Nate Merritt, 373 Riverside Avenue
Jamie Thompson
Javier Bellini, 42 Circuit Street
Former Councillor Michael Marks, 37 Wellington Road
Penny Taylor, 29 Martin Street
Gaston Feres, 61 Stingley Road
Harrison Green, 2 Ronaele Road
Sharon Deyeso, Mass. Ave. and Circuit Road
Patrick McCabe, 78 Whittier Road
Ken Krause, 50 Mystic Street
Carol Kostelowski, 624 High Street
Angela Murphy, 16 Cotting Street
Kelly Catallo, 23 Salem Street
Harold MacGilvray, 4 Piedmont Road
Anne Haggerty, 11 Sagamore Park
John Lodano, 9 Wareham Street
Beverley O'Reilly, 16 Joyce Road
Valerie Geiselman, High Street
Jim McCarthy, 37 Blakely Road (via e-mail)
Jennifer Yanco, 16 Monument Street (via e-mail)
Barry Ingber, 9 Draper Street, (via e-mail)

- a) Councillor Scarpelli offered an amendment requesting the Mayor's opinion on the creation of a home rule petition and to have the Mayor involved in future meetings on this topic.

Councillor Leming moved to refer the paper, as amended, to the Committee on Planning and Permitting (Vice President Collins second)—referred, as amended, to the Committee on Planning and Permitting 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 continuous 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.

- a) Vice President Collins offered an amendment, regarding section 38-58, subsection 2, and she requested that the word “continuous” be stricken from that section.

Addressing the Council, Norman Kaplan, Barbara Lane

Councillor Scarpelli moved for approval for first reading, as amended (Councillor Lazzaro second)—approved for first reading, as amended, on a roll call vote of six in favor and Councillor Scarpelli opposed.

22-494 - Offered by President Bears

CHAPTER 3 – FINANCE

ARTICLE I. - GENERALLY

Sec. 3-1. - Purpose and intent.

The purpose and intent of this article is to define, by ordinance, the requirements of a transparent, collaborative, and accountable budgeting process for the City of Medford and provision of financial information to Medford residents.

Secs. 3-2—3-49. - Reserved.

ARTICLE II. - BUDGET AND PROCUREMENT

Sec. 3-50. - Chief budget and procurement officer; appointment; term; authority.

Sec. 3-51. - Duty for the procurement of all supplies, services, or real property and disposing of supplies or real property.

Sec. 3-52. - Annual report.

Sec. 3-53. - Responsible employer requirements.

Secs. 3-54—3-59. - Reserved.

ARTICLE III. - TAX DELINQUENCY

Sec. 3-60. - Tax delinquency.

Secs. 3-61—3-79. - Reserved.

ARTICLE IV. - DEPARTMENTAL REVOLVING FUNDS

Sec. 3-80. - Purpose.

Sec. 3-81. - Expenditure limitations.

Sec. 3-82. - Interest.

Sec. 3-83. - Procedures and reports.

Sec. 3-84. - Authorized revolving funds.

Secs. 3-85—3-99. - Reserved.

ARTICLE V. - ANNUAL BUDGET PROCESS

Sec. 3-100. - Purpose and intent.

The purpose and intent of this article is to outline an annual budgeting process for the city's funds that is transparent, responsibly-paced, and collaborative. This process will create clear expectations for all stakeholders and involved parties, encourage input by residents, and ensure that the city council and Medford residents have comprehensive and accurate information regarding the budget and the city's finances.

Sec. 3-101. - Quarterly Financial Reports and Meetings

1. The finance director will provide a written report regarding the city's finances to the city council on a quarterly basis no later than 60 days after the end of each quarter of the fiscal year. The report shall contain the following information:
 - Previous quarter's accounts payable warrant by month for each month in the quarter
 - Year-to-date budget to actuals report, unaudited, as of the last day of the previous quarter for each department
 - Where available updates on state certifications, revenue forecasts, spending forecasts, and any other information the finance director deems relevant
2. The city council will hold a committee or subcommittee meeting to review the 2nd and 3rd quarterly financial reports no later than 60 days after the end of each quarter of the fiscal year. The city council will coordinate the date/time of the meeting with the finance director to be able to attend that meeting, present the report, and answer questions.

Sec. 3-102. - City Council Budget Recommendations to Mayor

1. Members of the city council will submit proposed budget recommendations for consideration by the full city council no later than March 1 of each year.
2. The city council will create a standard format for the submission of proposed budget recommendations and annually determine which council committee or subcommittee will review proposed recommendations made by members of the city council.
3. The city council will consider proposed budget recommendations made by members of the city council and vote to submit them to the mayor by March 22 of each year.
4. The mayor will review budget recommendations made by the city council and respond in writing prior to the presentation of the comprehensive budget proposal for the fiscal year.

Sec. 3-103. - Preliminary Budget Meetings

1. The city council will hold preliminary budget meetings between April 15 to May 15 of each year. These meetings will include the mayor or designee, finance director or designee, and relevant department heads. The mayor or finance director shall provide an estimated budget allocation for the Medford Public Schools for the following fiscal year to the school committee by March 1 of each year.
2. No later than 72 hours prior to the first preliminary budget meeting scheduled by the city council each year, the mayor, finance director, or designees will provide the total preliminary expected general fund revenue for the upcoming fiscal year following information to the city council.
3. No later than 72 hours prior to any preliminary budget meeting scheduled by the city council, the mayor, finance director, or designees shall provide the following information to the city council for each department budget being discussed at said meeting. The mayor, finance director, or designees shall provide a schedule that contains the order in which budgets will be discussed based on availability of relevant staff and administration priorities.
 - Annual operating budget for the previous year
 - Relevant Department Head's annual operating budget request for the upcoming fiscal year
 - Requested new staff, programs, or services for the upcoming fiscal year

Sec. 3-104. - Presentation and Review of Comprehensive Budget Proposal

1. The mayor will submit the comprehensive budget proposal to the city council no later than May 31st of each year. The mayor, finance director, or their designees will make a presentation of the comprehensive budget proposal at the meeting of the city council at which the comprehensive budget proposal is first considered.
2. The city council may request additional budget meetings in general or for the review of specific proposed department budgets.
3. The mayor, finance director, or designees may request additional budget meetings to review specific proposed department budgets after the submission and presentation of the comprehensive budget proposal.
4. The comprehensive budget proposal will contain the following information:
 - 4.1. Total expected amount of general fund revenue
 - 4.1.1. Total expected property tax revenue
 - 4.1.2. Expected net state aid
 - 4.1.3. Other expected local receipts
 - 4.2. Proposed annual operating budget for each department
 - 4.2.1. Disaggregate the total proposed expenses into the categories of (1) fixed cost growth and (2) new expenses.

Sec. 3-105. - Annual Review of Progress to Inclusion of Enterprise Funds, Capital Improvement Plans, Revolving Funds, and Grant Funds in Comprehensive Budget Proposal

1. Annually no later than October 15, the mayor, finance director, or designee shall submit a report to the council regarding progress towards and resources necessary to include enterprise funds, capital improvement plans, revolving funds, and grant funds as part of the comprehensive budget proposal.
2. The city council shall schedule a meeting no later than November 30 and coordinate the date/time of the meeting with the mayor, finance director, or designee to be able to attend that meeting, present the report, answer questions, and consider updates to this ordinance to reflect new procedures.

Sec. 3-106. - No Conflict with State Law

Nothing in this ordinance is intended to conflict with Massachusetts General Laws relating to the municipal budget process, including but not limited to Chapter 44, Section 32 of the General Laws.

Sec. 3-107. - Severability

Each separate provision of this article shall be deemed independent of all other provisions herein. If a court of competent jurisdiction declares that any provision of this article is invalid, then the remaining provisions of this article shall remain valid and enforceable.

Sec. 3-108. - Effective date.

This article shall become effective on passage.

Secs. 3-109—3-149. - Reserved.

ARTICLE VI. - ANNUAL BUDGET NEEDS ASSESSMENTS

Sec. 3-150. - Purpose and Intent

The purpose and intent of this article is to outline an annual budget needs assessment process that is transparent, responsibly-paced, and collaborative. This process will create annual reports that provide a comprehensive understanding of the short and long-term needs of the city regarding operating and capital expenses and dynamic analyses of the changes to these needs over time. These annual reports will set clear expectations for all stakeholders and involved parties and help the mayor and city council in addressing the city's operating and capital expense needs through the city's budgeting process.

Sec. 3-151. - Definitions

- *Operating expense needs* means the necessary funding amount needed to be spent annually on personnel and ordinary expenses to provide all city services effectively.

- *Capital expense needs* means the necessary funding amount needed to be spent on city-owned capital assets to maintain a state of good repair or restore a state of good repair.
- *State of good repair* means a condition sufficient for a capital asset to operate at a full level of performance, both individually and as a system.

Sec. 3-152. - Annual Review of Progress to Development of Reports on Operating and Capital Expense Needs

1. Annually no later than October 15, the mayor, finance director, or designee shall submit a report to the council regarding progress towards the development of a regular assessment and report of the city's operating and capital expense needs.
2. The city council shall schedule a meeting no later than November 30 and coordinate the date/time of the meeting with the mayor, finance director, or designee to be able to attend that meeting, present the report, answer questions, and consider updates to this ordinance to reflect new procedures.

Sec. 3-153. - No Conflict with State Law

Nothing in this ordinance is intended to conflict with Massachusetts General Laws relating to the municipal budget process, including but not limited to Chapter 44, Section 32 of the General Laws.

Sec. 3-154. - Severability

Each separate provision of this article shall be deemed independent of all other provisions herein. If a court of competent jurisdiction declares that any provision of this article is invalid, then the remaining provisions of this article shall remain valid and enforceable.

Sec. 3-155. - Effective date.

This article shall become effective on January 1, 2025.

Secs. 3-156—3-199. - Reserved.

Councillor Scarpelli moved to table the paper until the next meeting (Councillor Leming second)—tabled until the next meeting on a roll call vote of six in favor and Councillor Scarpelli opposed.

24-047 - Offered by Councilor Leming

A RESOLUTION TO BRING MEDFORD'S LINKAGE FEE ORDINANCES IN COMPLIANCE WITH THE STATE'S ACT ESTABLISHING THE ORDINANCE

WHEREAS, Medford Municipal Code 94-10.1.3.6, 94-10.2.3.6, 94-10.3.3.6, and 94-10.4.3.6 state that the formula for linkage fees for parks and recreational facilities, police and fire facilities, roads and traffic facilities, and water and sewer facilities, “shall be subject to recalculation no more than three years after the effective date of this provision, and no more than every three years thereafter” by the Community Development Board after public notice and a public hearing, “based on a methodology and analysis established as a result of report(s), documentation and information prepared by the office of community development.”

WHEREAS Medford’s linkage fee structure were uniquely established via Home Rule Petition in 1989, Chapter 488 “An Act Establishing a Linkage Exaction Program in the City of Medford” (the “Act”), which states the following: The level of any exaction shall be reviewed at least every three years and reset as required based upon the recommendation of the office of community development and the mayor of said city;

WHEREAS Medford’s municipal codes, in stating that these recalculations shall happen “no more than every three years”, presents unclear language that is out of compliance with the Act, which states that these recalculations shall happen “at least every three years.”

WHEREAS the Community Development Board is not the Office of Community Development and was never mentioned in the Act as having authority to update Medford’s linkage fee schedule;

WHEREAS Medford’s Office of Community Development is now merged with the Office of Planning, Development, & Sustainability;

BE IT THEREFORE RESOLVED that Medford City Council update Medford Municipal Code 94-10 to change “the Community Development Board” to “the Mayor and the Office of Planning, Development, and Sustainability”

BE IT FURTHER RESOLVED that Medford City Council update Medford Municipal Code 94-10 to change the language from “no more than every three years” to “at least every three years”.

Councillor Leming moved to table until the next meeting (Councillor Callahan second)—tabled on a roll call vote of seven in favor and zero opposed.

24-048 - Offered by President Bears

Be it Resolved by the Medford City Council that, in accordance with the intent of the Council’s vote in 2022 to establish an independent Elections Department, the name of

said department be updated on the city website, city letterhead, and all other city signage to “Elections Department” to distinguish the department and staff from their governing board, the Election Commission.

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

The Council acted jointly on the following three papers, with disposition occurring after Paper **24-054**.

24-052 - Offered by Councillor Scarpelli

Be it Resolved that the Medford City Council invite the Superintendent of Schools and the acting Finance Director from the School district to inform the Council on budget shortfalls for FY 2024.

24-053 - Offered by Councillor Scarpelli

Be it Resolved that the Medford City Council invite the leadership team from Medford Fire Department to discuss the well-being of our Fire personnel during a difficult few weeks of major fires and other outside distractions.

24-054 - Offered by Councillor Scarpelli

Be it Resolved that the Medford City Council move to schedule a Committee of the Whole meeting dealing with the Civil Service appointment process for the Medford Fire Chief position.

Councillor Scarpelli moved to table all three papers until the next meeting (Councillor Leming second)—tabled until the next meeting on a roll call vote of six in favor and President Bears opposed.

PUBLIC PARTICIPATION

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

UNFINISHED BUSINESS

23-412

Petition to Amend Deed Restriction - 12 Dell Avenue

IN CITY COUNCIL

SEPTEMBER 19, 2023

TABLED

24-031

**Request A Representative from BJ's Wholesale Club
Meet to Discuss Construction and Neighborhood
Concerns**

IN CITY COUNCIL

FEBRUARY 6, 2024

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

Adjournment:

Councillor Scarpelli moved to adjourn at 1:06 a.m. (Councillor Tseng second)—approved on a roll call vote of six in favor, zero opposed, and Councillor Leming voting present.

President Bears adjourned the meeting at 1:06 a.m.

A true copy, Attest

Adam L. Hurtubise
City Clerk