



Medford City Council
Medford, Massachusetts

The Tenth Regular Meeting, May 14, 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/83384245275>

Call-in Number: +13126266799,,83384245275# US

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

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

CALL TO ORDER & ROLL CALL

SALUTE TO THE FLAG

ANNOUNCEMENTS, ACCOLADES, REMEMBRANCES, REPORTS, AND RECORDS

Records

The Records of the Meeting of April 30, 2024 were passed to Vice President Collins.

Reports of Committees

24-045 - Offered by Isaac Bears, Council President

Committee of the Whole (Budget), April 30, 2024, Report to Follow

24-045 - Offered by Isaac Bears, Council President

Committee of the Whole (Budget), May 1, 2024, Report to Follow

24-099 - Offered by Isaac Bears, Council President

Committee of the Whole (CDBG), May 7, 2024, Report to Follow

24-015, 24-069, and 24-073 - Offered by Matt Leming, City Councilor

Resident Services and Public Engagement Committee, May 7, 2024, Report to Follow

24-033 and 24-083 - Offered by Kit Collins, Council Vice President

Planning and Permitting Committee, May 8, 2024, Report to Follow

Refer to Committee for Further Discussion

24-351 - Offered by Matt Leming, City Councilor

Resolution to Allow the Director of Veterans' Services to Offer Housing Incentives to Veteran Renters

HEARINGS

24-099

Offered by Office of Planning, Development, and Sustainability

Community Development Block Grant Program
Program Year 50 Annual Action Plan

24-068

Pinky's Pizza, 165 Main Street, Special Permit for Hours - Continued

PETITIONS, PRESENTATIONS, AND SIMILAR PAPERS

24-352

Petition For a Class II Auto Body License - Finest Auto Body, Inc

24-353

Petition For a Lodging House License - Tufts University

MOTIONS, ORDERS, AND RESOLUTIONS

24-074 - Offered by Kit Collins, Council Vice President

Resolution to Review Annual Surveillance Report

24-354 - Offered by Matt Leming, City Councilor, Isaac Bears, Council President

Resolution to Authorize Resident Services and Public Engagement Committee to Publish City Council Newsletter

24-355 - Offered by Isaac Bears, Council President

Review Open Meeting Law Complaint

24-356 - Offered by George Scarpelli, City Councilor

Resolution to Support "Work To Ban Equity Theft" State Legislation

COMMUNICATIONS FROM THE MAYOR

24-100

Offered by Mayor Breanna Lungo-Koehn

Executive Session - Various Matters of Litigation/Claims - Votes May Be Taken

COMMUNICATIONS FROM CITY OFFICERS AND EMPLOYEES

PUBLIC PARTICIPATION

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

Public Comment Email - Norman Kaplan on Leaf Blower Ordinance

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 November 2024)
- 22-026** Quarterly Presentation on City's Financial Health by Chief Financial Officer/Auditor
- 22-027** Monthly Copy of Warrant Articles from Chief Financial Officer/Auditor

Adjournment



Medford City Council
Medford, Massachusetts

MEETING DATE

May 14, 2024

SPONSORED BY

Matt Leming, City Councilor

AGENDA ITEM

24-351 - Resolution to Allow the Director of Veterans' Services to Offer Housing Incentives to Veteran Renters

FULL TEXT AND DESCRIPTION

Whereas, veterans in the City of Medford need a place to live and are often discriminated against when searching for housing; now, therefore:

Be It Resolved that the Veterans' Services Director shall have the authority to offer available funds to entities that choose to rent to qualified veterans.

Be It Further Resolved that this be discussed with the Veterans' Services Director and the city's legal representation in committee.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. DIVISION_7.___DIRECTOR_OF_VETERANS__SERVICES

DIVISION 7. DIRECTOR OF VETERANS' SERVICES¹

Sec. 2-761. Director; appointment.

There shall be a director of veterans' services who shall also be the graves officer. The director of veterans' services shall be appointed by the mayor. His appointment shall not be subject to M.G.L.A. c. 31.

(Rev. Ords. 1974, ch. 22, § 1; Ord. No. 535, § 1, 11-22-1988)

Sec. 2-762. Successor to agent for state military aid and soldiers' relief.

The director of veterans' services shall succeed to all the rights, powers and duties heretofore discharged by the veterans' agent in the city, and, for all purposes, he shall be deemed to be the successor of such agent. He shall disburse out of the amount appropriated by the city council such sums to the various applicants as he shall deem just, and shall perform the duties pertaining to such office in accordance with the provisions of general laws and subject to the supervision of the commissioner of veterans' services.

(Rev. Ords. 1974, ch. 22, § 2)

Sec. 2-763. Military historian.

The director of veterans' services shall be the military historian for the city and shall establish and maintain an accurate military record and history of all persons who are residents of the city serving in the armed forces during such periods of time as would entitle them to be classified as a "veteran" as defined in the general laws. He is authorized to obtain for and in the name of the city from all federal and state departments such information as may be necessary to compile the military records of citizens of the city required in this section.

(Rev. Ords. 1974, ch. 22, § 3)

Sec. 2-764. Veterans' graves officer.

The director of veterans' services shall also serve as the veterans' graves officer, and it shall be his duty to cause every veteran's grave within the city to be suitably kept and cared for and to otherwise perform the duties prescribed in M.G.L.A. c. 115, § 9.

(Rev. Ords. 1974, ch. 22, § 4)

Sec. 2-765. Housing incentives.

The director of veterans' services shall, at their discretion and as funds are available, have the authority to offer cash incentives of up to \$750 annually to landlords who offer rental housing to qualified veterans.

Secs. 2-76~~5~~—2-790. Reserved.

¹State law reference(s)—Appointment of veteran's benefits agent, M.G.L.A. c. 115, § 3.



Medford City Council
Medford, Massachusetts

MEETING DATE

May 14, 2024

SPONSORED BY

AGENDA ITEM

24-099 - Community Development Block Grant Program
Program Year 50 Annual Action Plan

FULL TEXT AND DESCRIPTION

**LEGAL NOTICE
CITY OF MEDFORD
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
PROGRAM YEAR 50 ANNUAL ACTION PLAN
PUBLIC HEARING**

A Public Hearing will be held by the Medford City Council on Tuesday, May 14, 2024. Details will be posted by the City Clerk's Office prior to the hearing. The purpose of this Public Hearing will be to invite the general public and representatives of public service agencies to express comments regarding the City's Community Development Block Grant Annual Action Plan for community development and planning. The Annual Action Plan contains the proposed use of Community Development Block Grant funds for the program year which extends from July 1, 2024 through June 30, 2025.

The Office of Planning, Development and Sustainability will be requesting that the Medford City Council authorize Mayor Breanna Lungo-Koehn, official representative of the City of Medford to submit the Annual Action Plan, application for funds and all other assurances and certifications to the U.S. Department of Housing and Urban Development. The City is applying for an estimated \$1,252,811 in Block Grant funds. Funds are estimated and details on the increasing or decreasing of proposed activities and budget can be found within the draft plan.

If you need a reasonable accommodation to attend or participate in this hearing, please contact Frances Nwajei by email at fnwajei@medford-ma.gov or by phone at 781-393-2439.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Medford CDBG FY25 PY50 - City Council Revised Figures

Updated Summary of Medford CDBG Funding

The City of Medford's final allocation for CDBG funding for PY50/FY25 is **\$1,384,050**. This represents a 2.8% reduction over the prior year. Based on a projected overall reduction of the federal CDBG budget of 12%, prior to receiving the final funding allocation amount from HUD, in our draft Annual Action Plan we had initially projected a 12% cut to the City's funding for the year. However, in HUD's final budget they made reductions to their HOME program rather than to CDBG, resulting in the reduction in the City's funding being less than originally projected.

The following are the revised figures for Total CDBG Funding, Planning & Administration, Public Services, and Projects to be funded with CDBG:

CDBG Total Projected	\$1,252,811
CDBG Total Actual	<u>\$1,384,050</u>
Difference	+\$131,239

Planning & Administration (20% of Allocation)	
Projected	\$250,562
Actual (20%)	<u>\$276,810</u>
Difference	+\$26,248

Public Services (15% of Allocation)	
Projected	\$187,922
Actual	<u>\$207,607</u>
Difference	+\$19,685

Projects (65% of Allocation)	
Projected	\$814,327
Actual:	<u>\$899,633</u>
Difference	+\$85,306

The attached updated draft Annual Action Plan for the year reflects the revised allocations, and the following table details the revised recommendations for funding of Public Services grantees for the year.

CDBG Public Services Requested Funding - UPDATED
July 1, 2024 - June 30, 2025 (PY50)

Public Service Funding available:

PY50: \$187,922(Estimated)

PY50 \$207,607 (Actual)

Organization Name	Amount of CDBG funds requested	Amount of CDBG funds received prior year (PY49)	Initial Recommendations	Final Recommendations
CDBG Funding				
Bread of Life	\$9,072	N/A funded through ARPA	\$0	\$0
Communitas	\$5,000	N/A funded through ARPA	\$0	\$0
The Community Family	\$10,000	\$3,947	\$4,000	\$4,500
The Immigrant Learning Center	\$10,000	\$4,000	\$0.00	\$0
Magan Transport LLC	\$127,000	Funded through ARPA, supplemented with \$30,000 CDBG-CV	\$30,000	\$40,000
Medford Council on Aging	\$36,575	\$30,000	\$25,000	\$27,000
Medford Public Schools	\$10,000	9,600	\$8,922	\$9,107
Mystic Valley YMCA/Mystic Community Market	\$12,000	10,000	\$12,000	\$12,000
S.C.M. Community Transportation	\$140,000	\$100,000	\$85,000	\$90,000
The Welcome Project	\$40,000	N/A – new applicant	\$6,000	\$7,000
West Medford Community Center	\$21,000	\$21,000	\$17,000	\$18,000
		TOTALS	\$187,922.00	\$207,607.00
CDBG-CV Funding				
Action for Boston Community Development, Inc. (ABCD)	\$42,331	\$42,331	\$42,000	\$42,000
Housing Families	\$20,000	\$20,000	\$20,000	\$20,000
		TOTAL	\$62,000	\$62,000
		CDBG-CV Funds Remaining	\$7,037.61	



Medford City Council
Medford, Massachusetts

MEETING DATE

May 14, 2024

SPONSORED BY

AGENDA ITEM

24-068 - Pinky's Pizza, 165 Main Street, Special Permit for Hours - Continued

FULL TEXT AND DESCRIPTION

LEGAL NOTICE
MEDFORD CITY CLERK'S OFFICE
NOTICE OF A PUBLIC HEARING
MEDFORD CITY COUNCIL

A public Hearing will be held by the Medford City Council in the Howard F. Alden Memorial Auditorium, City Hall, 85 George P. Hassett Drive, Medford, MA, on April 30, 2024 at 7:00 p.m., a Zoom link to be posted no later than Friday, April 26, 2024 on a petition from Siyas Properties LLC dba Pinky's Famous Pizza, 165 Main Street, Medford, MA 02155 for a special permit to amend its *Hours of Operation* in accordance with Medford Zoning Ordinance Chapter 94 – 7.2.1 to operate extended hours at its business at 165 Main Street, Medford, MA 02155, said site being located in an Apartment I (APT-I) District as follows:

Extended Hours of Operation Requested
Monday to Thursday 11:00 p.m. to 1:00 a.m.
Friday, Saturday and Sunday 11:00 p.m. – 2:00 a.m.

Petition and plan may be seen in the Office of the City Clerk, Medford City Hall, Medford, MA.
Call 781-393-2425 for any accommodations/aids. The City of Medford is an EEO/AA/504 Employer.

By order of the City Council.

Adam L. Hurtubise
City Clerk

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 24-068 - Pinky's Pizza Special Permit For Hours

24-068

LEGAL NOTICE
MEDFORD CITY CLERK'S OFFICE
NOTICE OF A PUBLIC HEARING
MEDFORD CITY COUNCIL

A public Hearing will be held by the Medford City Council in the Howard F. Alden Memorial Auditorium, City Hall, 85 George P. Hassett Drive, Medford, MA, on April 30, 2024 at 7:00 p.m., a Zoom link to be posted no later than Friday, April 26, 2024 on a petition from Siyas Properties LLC dba Pinky's Famous Pizza, 165 Main Street, Medford, MA 02155 for a special permit to amend its *Hours of Operation* in accordance with Medford Zoning Ordinance Chapter 94 – 7.2.1 to operate extended hours at its business at 165 Main Street, Medford, MA 02155, said site being located in an Apartment 1 (APT-1) District as follows:

Extended Hours of Operation Requested
Monday to Thursday 11:00 p.m. to 1:00 a.m.
Friday, Saturday and Sunday 11:00 p.m. – 2:00 a.m.

Petition and plan may be seen in the Office of the City Clerk, Medford City Hall, Medford, MA.
Call 781-393-2425 for any accommodations/aids. The City of Medford is an EEO/AA/504 Employer.

By order of the City Council.

Adam L. Hurtubise
City Clerk



Medford City Council
Medford, Massachusetts

MEETING DATE

May 14, 2024

SPONSORED BY

AGENDA ITEM

24-352 - Petition For a Class II Auto Body License - Finest Auto Body, Inc

FULL TEXT AND DESCRIPTION

Petition for a Class II Auto Body License by Cristian Garcia of Finest Auto Body Inc., 26 R Mystic Avenue, Medford, MA 02155.

ON FILE

Business Certificate #96
Letter of Compliance
State Tax ID
Worker's Compensation
Petition
Treasurer
Building Department
Fire Department
Police-Traffic Impact Report
Health Department

Addressing the Council: Cristian Garcia, 26R Mystic Avenue, Medford, MA 02155

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

May 14, 2024

SPONSORED BY

AGENDA ITEM

24-353 - Petition For a Lodging House License - Tufts University

FULL TEXT AND DESCRIPTION

Petition for a Lodging House License for Tufts University, located at 28 Winthrop Street, Medford, MA 02155.

ON FILE

Letter of Compliance
State Tax ID
Worker's Compensation
Petition
Treasurer
Building Department
Fire Department
Police-Traffic Impact Report
Health Department

Addressing the Council: Rocco DiRico, Tufts University, 14 Capen Street, Medford, MA 02155

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

May 14, 2024

SPONSORED BY

Kit Collins, Council Vice President

AGENDA ITEM

24-074 - Resolution to Review Annual Surveillance Report

FULL TEXT AND DESCRIPTION

Be it Resolved that the Medford City Council Review the Annual Surveillance Report

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 2023 City Council Annual Public Report on Surveillance Technology with attachment



Kit Collins
Vice President

City of Medford

OFFICE OF THE CITY COUNCIL

City Hall
85 George P. Hassett Drive
Medford, Massachusetts 02155

Residence
11 Strathmore Rd. #2
Medford, MA 02155

Contact
781-816-7676
kcollins@medford-ma.gov

Date: April 15, 2024

Submitted by: City Council Vice President Kit Collins

Subject: Community Control Over Public Surveillance Annual Public Report

Background and Purpose

In March of 2023, the Medford City Council ordained Section 50, Article III of the City of Medford's Code of Ordinances: "An Ordinance to Promote Transparency and Protect Civil Rights and Civil Liberties with Respect to Surveillance Technology." This ordinance is also referred to as the Community Control Over Public Surveillance Ordinance, or CCOPS, for short.

Section 50–78 of the Ordinance, "Annual Public Reporting," states:

"Not later than April 15 of each year, the City Council or its appointed designee shall release an annual public report, in print and on its public website, containing the following information for the preceding calendar year:

- The number of requests for approval submitted to the City Council under this Ordinance for the funding, acquisition, or new use of Surveillance Technology;*
- The number of times the City Council approved requests submitted under this Ordinance for the funding, acquisition, or new use of Surveillance Technology;*
- The number of times the City Council rejected requests submitted under this Ordinance for the funding, acquisition, or new use of Surveillance Technology;*
- The number of times the City Council requested modifications be made to Surveillance Impact Reports and Surveillance Use Policies before approving the funding, acquisition, or new use of Surveillance Technology; and*
- All Annual Surveillance Reports submitted pursuant to Section 50–77. Printed copies of the public report may contain pinpoint references to online locations where the Annual Surveillance Reports are located, in lieu of reprinting the full reports."*

City Council Annual Public Report on Surveillance Technology

These responses are submitted pursuant to Section 50–78 of the Ordinance as cited above. Since the Ordinance became effective in March 2023, this information covers the time period of March 2023 through December 2023.

1. The number of requests for approval submitted to the City Council under this Ordinance for the funding, acquisition, or new use of Surveillance Technology:

Response: None. The only eligible Surveillance Technology in known use by a City agency or department in 2023 were Body Worn Cameras. Pursuant to Section 50–72 of the Ordinance, until January 1, 2028, Body Worn Cameras are exempted from mandatory City Council approval for their funding, acquisition, or use. In addition, pursuant to Section 50–74 of the Ordinance, until January 1, 2028, Body Worn Cameras are exempted from the mandatory review and approval by City Council of preexisting uses of Surveillance Technologies already in use.

2. The number of times the City Council approved requests submitted under this Ordinance for the funding, acquisition, or new use of Surveillance Technology:

Response: None. No approval requests were submitted.

3. The number of times the City Council rejected requests submitted under this Ordinance for the funding, acquisition, or new use of Surveillance Technology:

Response: None. No approval requests were submitted.

4. The number of times the City Council requested modifications be made to Surveillance Impact Reports and Surveillance Use Policies before approving the funding, acquisition, or new use of Surveillance Technology:

Response: None. Pursuant to Section 50–73 of the Ordinance, Surveillance Impact Reports and Surveillance Use Policies are to be submitted alongside approval requests for new Surveillance Technologies or new uses of Surveillance Technologies, and no such approval requests were submitted.

5. All Annual Surveillance Reports submitted pursuant to Section 50–77.

Response: One Annual Surveillance Report was submitted pursuant to Section 50–77: the Annual Surveillance Report on Body Worn Cameras, submitted by Chief Buckley of the Medford Police Department. That Report is included as an attachment to this document.



2023 Annual Surveillance Report

Surveillance Technology: Body-worn Cameras
Date: April 1, 2024
Submitted By: Chief Jack D. Buckley

In accordance with Section 50, Article III - An Ordinance To Promote Transparency and Protect Civil Rights and Civil Liberties With Respect to Surveillance Technology I am providing the Annual Surveillance Report for the previous 2023 calendar year.

The Medford Police Department did not implement its BWC program until December 4, 2023. As a result, this report covers a limited period of time.

1. A description of how surveillance technology has been used, including whether it captured images, sound, or information regarding members of the public who are not suspected of engaging in unlawful conduct:

Body-worn Camera (BWC) equipment captures audio and video footage of most civilian-officer relations. When performing any patrol function, as determined by the Chief of Police, officers must wear and activate BWCs according to Department policy. Medford Police Officers will activate the BWC only in conjunction with official law enforcement duties, where such BWC use is appropriate to the proper performance of duties, and where BWC recordings are consistent with policy and the law. Recordings shall be specific to an incident. Officers shall not indiscriminately record entire duties or patrols.

Officers may use their discretion when deciding to activate the BWC during incidental public contact during the ordinary course of the day. Officers are not required, or expected, to activate their BWC when conducting ordinary activities or other situations that do not involve the delivery of police services.

2. Whether the surveillance technology has been effective at achieving its identified purpose:

There have been no issues or complaints related to the department's BWC program. I believe it has, thus far, been effective in achieving the purpose of documenting crime and accident scenes, or other events that include the confiscation and documentation of incidental evidence or contraband. BWC equipment enhances the Medford Police Department's ability to document and review statements and events during an incident, as well as preserve video footage, audio information and evidence for investigative and prosecutorial purposes. BWCs are effective law enforcement tools that reinforce the public's perception of police professionalism and preserve factual representations of officer-civilian interactions.

3. Whether and how often collected Surveillance Data was shared with any external persons or entities, the name(s) of any recipient person or entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s);

In 2023 the Medford Police Department has provided to the Middlesex District Attorney's Office two (2) BWC video cases in accordance with the mandatory pre-trial discovery rules of the Massachusetts Trial Court. All discovery requests are made through the police department's court prosecutor and the department's Supervisor of the BWC Unit.

4. The number of public records requests received by the City seeking documents concerning Surveillance Technology approved during the previous year;

During calendar year 2023 there was a total of one (1) public records request filed in accordance with the Massachusetts Public Records Law, M.G.L. Ch. 66, sec. 10. The Medford Police Department did not provide the requested BWC footage as it would violate the provisions of M.G.L. Ch. 41, sec. 97D. *All reports, including communications between police officers and victims of domestic violence/abuse perpetrated by family or household members, rape and sexual assault are confidential, and are not public records.*

5. A summary of complaints or concerns that were received about the Surveillance Technology;

No complaints have been filed.

6. The results of any internal audits, any information about violations of the Surveillance Use Policy, and any actions taken in response other than to the extent that such inclusion would violate the privacy rights of an employee of the City;

The Medford Police Department initiated the BWC trial program with a select group of approximately forty (40) officers beginning on December 4, 2023. This trial program extended through January 2, 2024. The intent of this trial period was for officers to use the BWC in actual, live incidents and for the Body Worn Camera Unit to monitor the implementation and to meet with the officers participating in the trial program to receive feedback and suggestions.

As of January 3, 2024, all officers are required to wear and use BWCs in accordance with policy. As this is new technology, the department has initiated a BWC Pilot Program where minor violations of the BWC policy and/or department rules and regulations related to the use of a BWC will be managed with additional training and counseling as opposed to formal discipline. The BWC Pilot Program will be supervised by the Body Worn Camera Unit Lieutenant. Minor violations, not criminal in nature, discovered during the compliance and review of recorded material will be viewed as training opportunities and not disciplinary actions. Said infractions may be reduced to writing in order to document corrective action.

During the BWC Pilot Program the Body Worn Camera Unit and their designees are responsible for reviewing BWC activity logs and reports to ensure officers remain in compliance with the policy and procedural metrics established by the policy for the Medford Police Department. The Body Worn Camera Unit personnel are specifically charged with conducting periodic checks of recordings. The Body Worn Camera Unit shall

provide feedback to officers on BWC use and performance and recommend training as needed to correct any deficiencies.

7. Whether the civil rights and liberties of any communities or groups, including communities of color or other marginalized communities in the City are disproportionately impacted by the deployment of the Surveillance Technology;

We do not believe the BWC program will disproportionately impact any community or group.

8. An estimate of the total annual costs for the Surveillance Technology, including personnel and other ongoing costs, and what source(s) of funding will fund the technology in the coming year, if known; and

The BWC Unit is staffed with one (1) full-time Lieutenant and one (1) full-time Patrol Officer. The base salary pay for the Lieutenant is \$107,701.77. The base salary for the Patrol Officer is \$76,721.94.

Prior to being issued a BWC, Medford Police Officers successfully completed department approved training related to the use of BWCs and the department's policy related to the activation, categorization, and uploading of data. All Medford Police Department personnel who may supervise officers wearing BWCs, or personnel requiring access to review videos were also required to attend department approved training. The department spent a total of \$28,246.01 to train all officers and supervisors in 2023.

9. A disclosure of any new agreements made in the past 12 months with non-City entities that may include acquiring, sharing, or otherwise using Surveillance Technology or the Surveillance Data it provides.

None to report.



Medford City Council
Medford, Massachusetts

MEETING DATE

May 14, 2024

SPONSORED BY

Matt Leming, City Councilor, Isaac
Bears, Council President

AGENDA ITEM

24-354 - Resolution to Authorize Resident Services and Public Engagement Committee to Publish City Council Newsletter

FULL TEXT AND DESCRIPTION

Be it Resolved by the Medford City Council that the Resident Services and Public Engagement Committee shall have the authority to draft and approve a regular newsletter summarizing the activities of the City Council and can vote to publish the newsletter by whatever mechanisms available without referring the draft newsletter to a regular Council meeting for a vote.

Be it Further Resolved that this paper be referred to the Resident Services and Public Engagement Committee as a standing agenda item

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

May 14, 2024

SPONSORED BY

Isaac Bears, Council President

AGENDA ITEM

24-355 - Review Open Meeting Law Complaint

FULL TEXT AND DESCRIPTION

Open Meeting Law complaint from Deanne Indrisano, dated April 24, 2024: acknowledge and review complaint; discuss Council's response to complaint; vote to take any remedial action, if necessary and appropriate; votes may be taken.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. attachment I letter
2. Response_to_Indrisano_OML_Complaint



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Deanne Last Name: Indrisano

Address: 23 Emerald Street

City: Medford State: MA Zip Code: 02155

Phone Number: 7813939049 Ext.

Email: Rhette904@Comcast.net

Organization or Media Affiliation (if any): N/A

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual

☐ Organization

☐ Media

Public Body that is the subject of this complaint:

☒ City/Town

☐ County

☐ Regional/District

☐ State

Name of Public Body (including city/town, county or region, if applicable): Medford City Council

Specific person(s), if any, you allege committed the violation: Vice President Kit Collins

Date of alleged violation: 4/5/2024

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Medford City Council, Vice President, Kit Collins in a Reddit social media post states in part:(see attached) "In this post I'll attempt a summary of our City Council meetings this past week". "Next we took up a resolution by Councilor Callahan to meet in committee about a rental registry ordinance." Item 24-059, Resolution to Create a Rental Registry (See attached).

Vice President Collins' recap continues: "Develop a rental licensing ordinance and program, involving registration, inspection, and eventually retrofits for noncompliant rental units to address known health, safety, and energy efficiency issues in Medford's rental housing. Launch a working group that will evaluate options for the design and implementation of an ordinance and program that will improve equity in the quality of Medford's rental housing stock and reduce both utility costs and greenhouse gas emissions, while also protecting housing affordability, mitigating the risk of displacement, and reducing burdens on small-scale landlords. To the extent practicable, align Medford's program with Somerville's (currently under development) to create consistency across town boundaries".

The Agenda on April 2, 2024, the items that did not appear were: 1) retrofits for noncompliance rental units to address known health, safety and energy efficiency issues in Medford's rental housing; 2) launch a working group that will evaluate options for the design and implementation of an ordinance and program that will improve equity in quality of Medford's rental housing stock; 3) reduce utility costs and greenhouse gas emissions; 4) protect housing affordability; 5) mitigating the risk of displacement; 6) reduce burdens on small-scale landlords; and 7) align Medford's program with Somerville's to create consistency across town boundaries and 8) inspection.

In the interest of transparency, clarity, honesty and accountability how does Create a Rental Registry, which was presented, debated (as gathering landlord and renter contact information) and voted on then translate in a social media post into items numbered 1 through 8? The City of Medford's future goals should have no bearing on Agenda Item 24-059 as it was presented to the residents in the City Council meeting.

Vice President Kit Collins was presumptuous and misleading recapping via a social media post, items numbered 1 through 8 above that did not appear on the April 2, 2024 City Council Agenda that were not fully and openly debated and disposed by vote of the Council even if it was Vice President Collins' intent to include context from the City's Climate Action and Adaptation Plan (CAAP) in the social media recap.

Vice President (VP) Kit Collins' disclaimer in the social media post cannot, should not and does not negate the possibility of directly communicating with a quorum of the Medford City Council in the social media post.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

City Council not have the authority to act on in committee items 1-8.

President Isaac Bears read in open City Council meeting a letter of apology for VP Kit Collins' disregard of recapping items that did not appear upon the Council that were not fully and openly debated.

VP Kit Collins read in open City Council meeting a letter of apology for communicating items in a social media post dated April 5, 2024 with the possibility of directly communicating with a quorum of the Medford City Council.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed:

Deanne Indrisano

Date:

4/24/24

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:

RECAP READS IN PART:

City Council Recap, 4/2/2024

Hi Reddit, I'm back! Standard disclaimer: In this post I'll attempt a summary of our City Council meetings this past week. As ever, I make no claim of these notes being comprehensive of everything we covered, nor that they will reflect the perspective of any other person or Councilor besides myself (Kit). The Council meetings don't get uploaded immediately but they do get uploaded to Medford Community Media eventually: medfordtv dot org.

A resolution of note from the first section of the agenda, accolades and announcements: We passed resolutions by President Bears and Councilor Scarpelli to Honor and Commemorate the Service of Former Mayor Jack McGlynn in the WWII's 'Ghost Army.' (Boston Globe link [here](#), I think there are some non-paywalled recent options too.)

We approved a resolution offered by Councilor Leming that would initiate the process of bringing Medford's **linkage fees ordinance** in compliance with the state act establishing the ordinance.

Linkage fees are payments that developers pay to the City for projects that meet certain size thresholds. Those payments go towards these City functions: parks and recreational facilities, police and fire facilities, roads and traffic facilities, and water and sewer facilities. Large developments impact the community in different ways and while many to most of these impacts are benign and welcomed, adding people, workers, travel, etc. to the community means more impact on our physical infrastructure (water, sewer, roads, parks) and more stress on public safety infrastructure. Linkage fees are not arbitrarily set: The City conducts studies ("nexus studies") to ascertain what level of payment is appropriate to offset the impact of developments of various types and sizes.

Currently, Medford's linkage fees ordinance is out of date with how it is intended to operate. For one, the State Act that enabled our linkage fees ordinance said the payment formula should be updated "at least every 3 years." But our ordinance states the formula should be updated "no more than every 3 years." It's been a long time since the linkage fees were updated, and we are likely out of date on what we should be charging.

The linkage fees ordinance is a zoning ordinance, so updating this will go through several procedural steps between the Community Development Board and the Council. There are other changes to the linkage fees ordinance that we discussed in the Administration and Finance Committee last week – namely, adding affordable housing as a fifth bucket to which linkage fees can be paid – but that change wasn't included in this resolution this time. I believe we are waiting for amendment language to be suggested by the Planning Department staff and then we'll move forward on that.

We have a vast need for City revenue, more than any one channel can fix; but this is a valid and overdue change that will help, and I am glad we are pursuing it. We approved this unanimously.

Next we took up a resolution by Councilor Callahan **to meet in committee about a rental registry ordinance**. This is a proposal that is suggested in Medford's [Climate Action and Adaptation Plan](#), which is why Councilor Callahan brought it forward. Check out BE 2.2.D, "Develop a rental licensing ordinance with energy efficiency standards," in Medford's CAAP: it's on page 101.

From the [Go Green Medford website](#): "This plan [the Climate Action and Adaptation Plan] was developed with the input of the public, staff, non-profits and state agencies throughout 2019-2021. Information about the development of the plan are on pages 60-62."

And here is what the plan describes about the rental licensing (registry) proposal:

Develop a rental licensing ordinance and program, involving registration, inspection, and eventually retrofits for noncompliant rental units to address known health, safety, and energy efficiency issues in Medford's rental housing. Launch a working group that will evaluate options for the design and implementation of an ordinance and program that will improve equity in the quality of Medford's rental housing stock and reduce both utility costs and greenhouse gas emissions, while also protecting housing affordability, mitigating the risk of displacement, and reducing burdens on small-scale landlords. To the extent practicable, align Medford's program with Somerville's (currently under development) to create consistency across town boundaries.

It was noted during the meeting that the City already has a lot of landlords' contact information, so some people were confused about why a registry was needed, or how it would be different. My impression from talking to staff and from the CAAP is that while the City has the contact information for many property owners in the City, there are gaps, and those gaps cause problems. Absentee or hard-to-reach landlords are an issue from a Board of Health or Code Enforcement perspective when code violations persist (i.e. housing code, pest problems, trash piling up, etc.). Filling those contact info gaps will help City staff distribute important property-related information and make sure it reaches everyone, i.e. about energy retrofits.

Several people voiced concerns that this registry would include compromising information or be invasive. To be clear, this wouldn't collect tenant information; it would be a database of rental properties – where they are, who owns them, and how to get in touch with those owners.

This proposal was moved to the Planning & Permitting Committee for further discussion in a 5-2 vote.

May __, 2024

BY ELECTRONIC MAIL ONLY - (openmeeting@state.ma.us)

Carrie Benedon, Esq.
Director, Division of Open Government
Office of Attorney General
One Ashburton Place
Boston, MA 02108

Re: City of Medford – City Council
Open Meeting Law Complaint from Deanne Indrisano, dated April 24, 2024

Dear Attorney Benedon:

Please be advised that this office represents the City of Medford, Massachusetts. The Medford City Council (the “Council”) is in receipt of an Open Meeting Law Complaint filed by Deanne Indrisano, dated April 24, 2024,¹ a copy of which is attached hereto as Exhibit 1.

Following receipt of the Complaint, the Council requested a brief extension of the deadline to respond, which was granted by the Division of Open Government. On May 14, the Council met at a properly posted meeting noticed for such purposes to discuss the Complaint and consider its response. The Council has carefully reviewed the allegations contained in the Complaint, and following such discussion, has authorized this office to submit the following response on its behalf, in accordance with G.L. c. 30A, § 23 and 940 CMR 29.05(5).

DISCUSSION

The complainant alleges that City Council Vice President Kit Collins (“Councilor Collins”) violated the Open Meeting Law on April 5, by virtue of posting a summary of an April 2 City Council meeting to social media that was “presumptuous and misleading.” See Ex. 1, at 2. The complainant contends that Councilor Collins violated the Open Meeting Law by including information from the City’s Climate Action and Adaptation Plan (“CAAP”) in the same social media post as context for the recap, when CAAP was not debated by the Council on April 2. Id. As a remedy therefor, the complainant requests that (1) the Council not have the authority to act on CAAP action items, (2) Council President Isaac Bears (“Councilor Bears”) apologize at an open meeting for Councilor Collins’ summary on social media, and (3) Councilor Collins also apologize at an open meeting for posting via social media. Id. The Council respectfully submits that there has been no actionable violation of the Open Meeting Law in any of the ways alleged.

¹ All dates refer to the year 2024 unless otherwise noted.

Carrie Benedon, Esq.
Director, Division of Open Government
May __, 2024
Page 2

I. Posting a Summary of the Council’s April 2 Meeting to Reddit Did Not Violate the Open Meeting Law Because the Communication Was Not Directed to a Quorum of the Public Body.

The Open Meeting Law was enacted “to eliminate much of the secrecy surrounding deliberation and decisions on which public policy is based.” Ghiglione v. School Board of Southbridge, 376 Mass. 70, 72 (1978). To that end, the Open Meeting Law requires that meetings of a public body be properly noticed and open to members of the public, unless an executive session is convened. See G.L. c. 30A, §§ 20(a)-(b), 21. A “meeting” is defined, in relevant part, as “a deliberation by a public body with respect to any matter within the body’s jurisdiction.” G.L. c. 30A, § 18. A “deliberation” is defined as “an oral or written communication . . . between or among a quorum of a public body on any public business within its jurisdiction . . .” Id. A deliberation, however, does not include “the distribution of other procedural meeting [sic] or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.” Id. For the purposes of the Open Meeting Law, a “quorum” is a simple majority of the members of a public body. Id.

In this case, the Council has seven members; therefore, a quorum is four councilors. To the extent that the complainant appears to allege that Councilor Collins’ public post on Reddit² was an improper deliberation because it was directed to a quorum of the Council, the Council submits that no such violation occurred. First, the Open Meeting Law “does not restrict an individual’s right to make comments to the general public, including through social media.” See OML 2022-27; OML 2020-139; OML 2017-111. While the Council acknowledges that none of its members may communicate “directly with a quorum of the public body on a matter within the public body’s jurisdiction through social media,” OML 2022-27, the Division of Open Government has made clear that social media posts to the general public, even in a group that includes a quorum, “is not in and of itself a violation of the Open Meeting Law.” Id.; OML 2020-139 (no violation where one public body member posted comments regarding the body’s prior action on a project to a town-themed Facebook page).

Indeed, the Council is mindful of and uses care to avoid deliberation when writing social media posts that may be visible to other members of the public body. But in this case, no such communication occurred. Rather, Councilor Collins posted on Reddit—an open forum without restriction in membership—to recap a Council meeting held the preceding week. The intent behind the communication was to share information with community members regarding ongoing City Council matters. The open forum on which the recap was posted is a Medford-specific thread with over 5,700 members, and which is available to view and comment on by all members of the public. It was not a “closed” group and was not directed to any other councilors. Cf. OML 2018-153 (“closed” Facebook groups may be more likely to be directed to or seen by quorum than open groups); OML 2022-27 (no violation when member posted about a town survey—a matter within the public body’s jurisdiction—in a 1,000-member town-wide discussion group on Facebook where post was clearly directed to

² The post is available at: https://www.reddit.com/r/medfordma/comments/1bvmjh4/city_council_recap_422024/

Carrie Benedon, Esq.
Director, Division of Open Government
May __, 2024
Page 3

members of the public, as part of a public dialogue, and not to the other public body members). While the post relates to recapping past business, a quorum did not view or respond to the post,³ which was directed solely for informational purposes to the general public.

The Council, therefore, submits there was no violation of the Open Meeting Law.

II. Including Contextual Information in a Social Media Post Did Not Violate the Open Meeting Law.

Next, to the extent the complainant appears to allege that Councilor Collins violated the Open Meeting Law by including links to reports such as the CAAP report as context for the meeting recap where said report was not discussed at the April 2 meeting, the Council further submits that no violation has occurred. The purpose of Councilor Collins' post was to summarize past matters and provide context for the Council's past discussions, not to serve to supplant the April 2 meeting minutes or the Council's proceedings at its meetings.⁴ As such, the post was not subject to the same requirements applicable to meeting minutes under G.L. c. 30A, § 22(a).

In any event, the law does not bar public body members from including contextual or background information in social media posts. Cf. OML 2018-7 (no violation by giving "recap . . . intended to assist the [public body]" even though not on meeting notice). The CAAP report is a publicly available document adopted by the City of Medford in 2022, setting forth the City's goals.⁵ The Open Meeting Law also allows members to circulate reports even among a quorum (which here, did not occur), without running afoul of the Open Meeting Law's posting requirements. See G.L. c. 30A, § 18 ("deliberation "shall not include . . . the distribution of reports or documents"). Providing links to contextual reports, then, cannot reasonably constitute an actionable violation of the Open Meeting Law.

³ Councilor Bears posted a response to a member of the public but did not respond to Councilor Collins' post. Councilor Bears' post answered a procedural question regarding which Council member acted as timekeeper and whether people speaking at open meeting were ever asked to be removed by police officers at the direction of the Council. Even if Councilor Bears' response to a procedural question was considered a response to Councilor Collins' post, two Council members does not constitute a quorum of the Council.

⁴ City Council meeting minutes are readily available on the City's website:
<https://library.municode.com/ma/medford/munidocs/munidocs?nodeId=minutes>.

⁵ The full report is available online, at
https://resources.finalsite.net/images/v1673478977/medfordmaorg/zuqdt3gqbn8wn7vufm6j/Medford_CAAP_April2022.pdf



Carrie Benedon, Esq.
Director, Division of Open Government
May __, 2024
Page 4

CONCLUSION

The Council respectfully submits that there has been no actionable violation of the Open Meeting Law and considers this matter resolved.

If you have any questions, please contact me. Thank you for your attention to this matter.

Very truly yours,

Janelle M. Austin

JMA/DCB/KBC

Enc.

cc: Medford City Council
City Clerk
Deanne Indrisano (*by electronic mail only* – rhette904@comcast.net)

918563/MEDF/0007



Medford City Council
Medford, Massachusetts

MEETING DATE

May 14, 2024

SPONSORED BY

George Scarpelli, City Councilor

AGENDA ITEM

24-356 - Resolution to Support "Work To Ban Equity Theft" State Legislation

FULL TEXT AND DESCRIPTION

Be it Resolved that the City Council send a letter of support to our State Legislators for their work being done to protect homeowners from unfair tax lien practices by cities and towns in the Work To Ban Equity Theft Legislation. Home equity theft is a practice of cities and towns taking the entire value of a home to recover tax debt that is less than the value of the property when homeowners fall behind on their property taxes. Senate Docket Number 2129 Filed on 1/20/23

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

May 14, 2024

SPONSORED BY

AGENDA ITEM

24-100 - Executive Session - Various Matters of Litigation/Claims - Votes May Be Taken

FULL TEXT AND DESCRIPTION

Re: Various Matters of Litigation/Claims

Dear President Bears and Members of the City Council:

I respectfully request and recommend your Honorable Body enter Executive Session pursuant to G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation concerning Ayala et al v. City of Medford, U.S.D.C. C.A No. 22-10115-MPK, Arbella Mutual Insurance Co. (as subrogee of Joseph Dealmeida) v. City of Medford, Middlesex Superior Court C.A. No. 2381CV00687, Geico as subrogee of Yvonne Nguyen v. City of Medford, Middlesex Superior Court C.A. No. 2381CV01995, and a sewer claim by Charles Veneziano. I also recommend that the Council's agenda state in the executive session notice that "votes may be taken". Attorney Thomas Lane will be present to provide the Council with guidance on these matters.

Thank you for your kind attention to this matter.

Sincerely,
Breanna Lungo-Koehn
Mayor

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. VariousLitigationSettlements_2024.05.14



**MEDFORD, MASSACHUSETTS
MAYOR BREANNA LUNGO-KOEHN**

May 9, 2024

Via Electronic Delivery

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

Re: Various Matters of Litigation/Claims

Dear President Bears and Members of the City Council:

I respectfully request and recommend your Honorable Body enter Executive Session pursuant to G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation concerning Ayala et al v. City of Medford, U.S.D.C. C.A No. 22-10115-MPK, Arbella Mutual Insurance Co. (as subrogee of Joseph Dealmeida) v. City of Medford, Middlesex Superior Court C.A. No. 2381CV00687, Geico as subrogee of Yvonne Nguyen v. City of Medford, Middlesex Superior Court C.A. No. 2381CV01995, and a sewer claim by Charles Veneziano. I also recommend that the Council's agenda state in the executive session notice that "votes may be taken". Attorney Thomas Lane will be present to provide the Council with guidance on these matters.

Thank you for your kind attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Breanna Lungo-Koehn", is written over the printed name.

Breanna Lungo-Koehn
Mayor

I'd like to go on record as follows:

You don't send the fire department to put out 50% of the fire.

But unfortunately, that's what the City Council is doing.

As I stated after midnight at the tortured City Council meeting in March, with evidence to prove it, battery-powered leaf blowers have reached velocity levels comparable to gas versions. In time, and likely soon, the battery models will become even more powerful. Here's an example of the progress in battery technology: The 2024 gas powered Honda Civic goes from 0-60 mph in 9.2 seconds. The 2024 all electric Nissan Leaf does 0-60 in 6.7 seconds. (See <https://www.motortrend.com/cars/honda/civic/> and <https://www.motortrend.com/reviews/2024-nissan-leaf-sv-plus-first-test-review/>) Want to go faster? Jump into the new all electric Porsche Macan which takes a mere 3.1 seconds, compared to the gas variant at 4.1 seconds. See Dan Neil's column in the Apr. 25, 2024 Wall Street Journal.

Congratulations, certainly, to the City Council for finally curbing (and eventually eliminating) the toxic emissions from gas leaf blowers. But why on earth has the Council elected to do nothing to seasonally restrict, let alone eliminate, the year-round dispersal of dirt, dust, animal feces, mold, fungi, pollen, pesticides, herbicides, and heavy metals which can linger in the air for hours after a powerful battery-operated blower has been turned off? If you wouldn't drink a glass of water with any of that stuff in it, I don't know why you would want to inhale it either.

Norman Kaplan
23 Headland Way