



Medford City Council
Medford, Massachusetts

The Sixth Regular Meeting, March 19, 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/85984559938>

Call-in Number: +13092053325,,85984559938#

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 March 12th, 2024 were passed to Councillor Leming.

Reports of Committees

23-449 - Offered by Emily Lazzaro, City Councilor

Public Health and Community Safety Committee Report, March 12, 2024 to Follow.

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

Planning and Permitting Committee Report, March 13, 2024 to Follow.

24-015 - Offered by Matt Leming, City Councilor

Resident Services and Public Engagement Committee Report, March 13, 2024 to Follow.

HEARINGS

24-058

Cambridge Health Alliance, 1 Cabot Road, Special Permit for Medical Office Use

MOTIONS, ORDERS, AND RESOLUTIONS

22-494 - Offered by Isaac Bears, Council President

Budget Ordinance

24-047 - Offered by Matt Leming, City Councilor

A Resolution to Request Linkage Fee Updates in Medford

24-056 - Offered by Matt Leming, City Councilor

Resolution to Bring Linkage Fee Ordinance in Compliance With the State's Act Establishing the Ordinance

24-057 - Offered by Matt Leming, City Councilor

Resolution to Add Affordable Housing to the Linkage Fee Structure

24-052 - Offered by George Scarpelli, City Councilor

Superintendent of Schools and Acting Finance Director Inform the Council on FY 2024 Budget Shortfalls

24-053 - Offered by George Scarpelli, City Councilor

Fire Department Leadership Team Invited to Discuss the Well-Being of Fire Personnel

24-054 - Offered by George Scarpelli, City Councilor

Schedule a Committee of the Whole Meeting Regarding Civil Service Appointment of The Fire Chief

PUBLIC PARTICIPATION

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

UNFINISHED BUSINESS

<u>23-412</u>	Petition to Amend Deed Restriction - 12 Dell Avenue
IN CITY COUNCIL	SEPTEMBER 19, 2023
TABLED	
<u>24-031</u>	Request a Representative from BJ's Wholesale Club Meet to Discuss Construction and Neighborhood Concerns
IN CITY COUNCIL	FEBRUARY 6, 2024
TABLED	
<u>21-057</u>	Leaf Blower Ordinance
IN CITY COUNCIL	MARCH 12, 2024
FIRST READING	APPROVED - MARCH 12, 2024
SECOND READING	ADVERTISED - TBD
THIRD READING	ELIGIBLE - TBD
<u>23-319</u>	Raising Cane's, 760 Fellsway, Special Permit for Additional On Premises Signage
IN CITY COUNCIL	MARCH 12, 2024
PUBLIC HEARING CONTINUED TO DATE CERTAIN	APRIL 2, 2024

Reports Due/Deadlines

<u>16-574</u>	University Accountability Spring 2017-Report (Next Report Due in November 2024)
<u>17-606</u>	Evangelical Haitian Church 400 High St. 90 Day Review on Illumination (Tabled - January 9, 2018)
<u>20-086</u>	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



Medford City Council
Medford, Massachusetts

MEETING DATE

March 19, 2024

SPONSORED BY

AGENDA ITEM

24-058 - Cambridge Health Alliance, 1 Cabot Road, Special Permit for Medical Office Use

FULL TEXT AND DESCRIPTION

**Public Hearing Notice
Medford City Council
1 Cabot Road
March 19, 2024**

The Medford City Council shall conduct a public hearing on March 19, 2024 at 7pm in the Medford City Council Chamber, on the second floor of Medford City Hall, 85 George P. Hassett Drive, Medford, MA, and via Zoom. The Zoom link to the public hearing will be posted no later than 48 hours prior to the meeting.

The applicant, Cambridge Health Alliance, is seeking a Special Permit subject to Site Plan Review to establish a Medical Office use within an existing building at 1 Cabot Road located in the Office (O) zoning district.

Plans for this project may be viewed in the Office of Planning, Development, and Sustainability, City Hall Room 308 or on the City's website at <https://www.medfordma.org/boards-commissions/community-development-board> by clicking on 'Current CD Board Filings'.

If you need a reasonable accommodation to attend/participate in this meeting, please contact Frances Nwajei: Telephone number: 781-393-2439, Email address: fnwajei@medford-ma.gov.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

March 19, 2024

SPONSORED BY

Isaac Bears, Council President

AGENDA ITEM

22-494 - Budget Ordinance

FULL TEXT AND DESCRIPTION

The latest draft of the Budget Ordinance was reported out of the Administration and Finance Committee meeting on February 27, 2024 for consideration by the full Council and a copy is attached in this packet.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 2024.02.28 - Budget Ordinance

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.

Commented [1]:
<https://www.law.cornell.edu/cfr/text/49/625.17>

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.



Medford City Council
Medford, Massachusetts

MEETING DATE

March 19, 2024

SPONSORED BY

Matt Leming, City Councilor

AGENDA ITEM

24-047 - A Resolution to Request Linkage Fee Updates in Medford

FULL TEXT AND DESCRIPTION

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

Offered by Councilor Leming

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”;

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Linkage Fees - Request for Study
2. Linkage Fees - Adding Affordable Housing Bucket
3. Medford Linkage Fee Schedule_Apr 1990
4. 1989acts0488-Established Linkage Medford
5. KP Law Opinion - Linkage Fee

A RESOLUTION TO REQUEST THAT MEDFORD'S LINKAGE FEES BE UPDATED

Offered by Councilor Leming

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 none of these fees have been updated by the Community Development Board since 1990, bringing Medford out of compliance with the Act;

WHEREAS the current linkage fee schedule, having not been updated since 1990, has been devalued by the effects of inflation;

WHEREAS the studies required to calculate these exactions are often expensive and infeasible to recalculate every three years, and an automatically escalating linkage fee schedule, subject to periodic review, could be preferable to recalculating linkage fees every three years via a new study;

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 formally request that the Office of Planning, Development, and Sustainability and the Community Development Board update the formula for its linkage fees to an appropriate amount, and that the City Clerk send this request to members of the Community Development Board, with request for official confirmation of its receipt;

BE IT FURTHER RESOLVED that the Office of Planning, Development, and Sustainability and the Community Development Board provide a report to Medford City Council on their willingness and ability to comply with this request by May 2024 and, if so, their expected timeline to its completion;

BE IT FURTHER RESOLVED that Medford City Council requests that this study include a progressive formula for linkage fee updates, such that a new study every three years is not necessarily required for the review process;

A RESOLUTION TO ADD AFFORDABLE HOUSING TO THE LINKAGE FEE STRUCTURE OF MEDFORD

Offered by Councilor Leming

WHEREAS Medford's linkage fee structure was uniquely established via a Home Rule Petition in 1989 - Chapter 0488, "An Act Establishing Linkage Exaction Program In The City Of Medford."

WHEREAS "An Act Establishing Linkage Exaction Program In The City Of Medford" allows for the funding of affordable housing:

The linkage ordinance shall be used solely for the purposes of defraying the costs of capital improvements provided by the city caused by and necessary to support future development such as, but not limited to the following: capital improvements to school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety service and facilities, and parks, playgrounds and other recreational facilities.

WHEREAS the implementation of this in Medford Municipal Code 94-10 only allocated linkage fees for parks and recreational facilities, police and fire facilities, roads and traffic facilities, and water and sewer facilities, and not for affordable housing;

WHEREAS, in 2023, pursuant to M.G.L. Ch. 44. Sec. 55C, Medford established an Affordable Housing Trust as a tool to combat the ongoing housing shortage, and there is a need to for long-term, sustainable revenue streams to fund this Trust;

WHEREAS, on the topic of home prices, the Medford Housing Production Plan, published in September 2022 and prepared by the Office of Planning, Development, and Sustainability, makes the need for affordable housing very clear: "Medford has seen some of the highest price increases of any community in Massachusetts....There is currently a \$280,000 gap between what a household earning the median income could afford and the median sales price for a single-family home. Less than 5 percent of single-family homes are considered affordable to households earning Medford's median income;"

BE IT THEREFORE RESOLVED that Medford City Council update Municipal Code 94-10 to establish a fifth linkage bucket for the Affordable Housing Trust;

BE IT FURTHER RESOLVED that this resolution be referred to committee for further discussion;

CITY OF MEDFORD

LINKAGE PROGRAM

FEE SCHEDULE

Pursuant to Special Enabling Legislation and in accordance with Section 94-381 through 94-479 of Chapter 94 of the Revised Ordinances of the City of Medford, the Community Development Board has established the following fee schedule for Parks and Recreational Facilities, Police Facilities, Fire Facilities, Roads and Traffic Facilities, Water and Sewer Facilities.

Schedule of Fees:

Sector	Residential (fee per unit)	Hotel (fee per room)	Office	Commercial (per 1,000 sq. feet gross floor area)	Industrial
Water	\$1,989.00	\$26.94	\$510.00	\$510.00	\$510.00
Sewer	552.61	7.47	140.00	140.00	140.00
Roads *	52.78	103.72	141.04	800.14	62.17
Parks	1,186.00	N/A	N/A	N/A	N/A
Police	24.52	19.50	33.79	50.53	10.34
Fire	99.06	78.77	134.87	204.10	41.77
Total (within southeastern Medford)	\$3,903.97	\$236.40	\$959.70	\$1,704.77	\$764.28
Total (outside southeastern Medford)	\$3,851.19	\$132.68	\$819.70	\$ 904.63	\$702.11

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

Adopted: April 24, 1990

Chapter 488. AN ACT ESTABLISHING A LINKAGE EXACTION PROGRAM IN THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. *Purpose and Findings*- The city of Medford is undergoing a period of substantial growth in new, expanded, enlarged and rehabilitated residential, commercial and industrial structures. This growth has resulted in numerous direct and indirect impacts on the city and its ability to adequately address those impacts due to the influx of people that move to Medford to live and work in these new developments. The city has experienced development related impacts requiring capital improvements to school facilities attended by children of new residents; accelerated deterioration in the level of service of its streets and roadways; increased stress on city facilities and infrastructures such as water and sewer lines; increased need for capital improvements to its parks, playgrounds and other recreational facilities and the need for providing affordable housing for its residents. Development related impacts must be paid for by fair share exactions from developers so that the city can provide adequate services and infrastructure to support future development.

SECTION 2. *Establishment of a Linkage Exaction Ordinance* - (A) The city council of the city of Medford may, by ordinance, require the payment of a linkage exaction as a condition of approval of a development impact project plan, as defined by the ordinance, for any future development within the jurisdiction of this act. The linkage exaction shall only be imposed on the construction, enlarging, expansion, substantial rehabilitation, or change of use of non-residential and residential projects that require some form of zoning relief or exceed a threshold which shall be established by the city council. The linkage ordinance shall be used solely for the purposes of defraying the costs of capital improvements provided by the city caused by and necessary to support future development such as, but not limited to the following: capital improvements to school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety service and facilities, and parks, playgrounds and other recreational facilities.

(B) The linkage exaction ordinance may be enacted if the following criteria are met:

(1) A rational nexus shall be established that shows the relationship between the creation of new residential dwelling units, and office, commercial and industrial structures and their impact on the following services including, but not limited to, school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety facilities, and parks, playgrounds and other recreational facilities.

(2) The city shall develop and prepare a study that evaluates existing capital improvement plans for public facilities. The study shall analyze potential build-out in the city, the impacts of future development and the need for public facility improvements as a result of future development. Any exaction which may be established pursuant with this act shall be set in accordance with the methodology set forth in the study.

(3) The exaction shall be established on the basis of the cost projections in the capital improvement plans and study as described in clause (2) of subsection B of section two and the expected level of allowed development pursuant to the city's zoning ordinance, as it may be amended.

(4) The city shall have the authority to create distinct and separate revolving trust accounts for each linkage ordinance enacted by the city for the services delineated in clause (1) of subsection B of section two for necessary improvements resulting from future development. No exaction shall be paid to the city's general treasury or used as general revenues subject to the provisions of section fifty-three of chapter forty-four of the General Laws.

(5) 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.

(6) Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the linkage fee was paid shall, upon application of the applicant or his assigns, be returned to such landowner with interest from the fee's deposit in an interest bearing account, provided that the applicant or his assigns submits an application for a refund to the office of community development within one hundred and eighty days of the expiration of the six year period.

SECTION 3. This act shall take effect upon its passage.

Approved November 7, 1989.

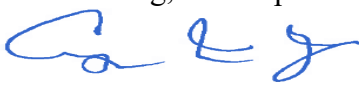
**Chapter 489. AN ACT AUTHORIZING THE TOWN OF DIGHTON TO
RAISE CERTAIN DEFICITS OVER A PERIOD OF YEARS.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Dighton is hereby authorized to carry its overlay deficit and appropriation deficit, as it existed as of June thirtieth, nineteen hundred and eighty-nine, and to raise said overlay deficit and appropriation deficit on the following ratio: one-third of said deficits in fiscal nineteen hundred and ninety, one-third of said deficits in fiscal nineteen hundred and ninety-one, and the remaining of said deficits in fiscal nineteen hundred and ninety-two.

TO: Matthew Leming, City Councilor (*By Electronic Mail Only*)

CC: Nina Nizarian, Chief of Staff
Alicia Hunt, Director of Planning, Development & Sustainability

FROM: Carolyn M. Murray 

RE: Resolutions Relative to Linkage Fee Ordinance

DATE: March 5, 2024

As requested, I have reviewed the three resolutions you intend to file with the Council this week:

1. A Resolution to Add Affordable Housing to the Linkage Fee Structure;
2. A Resolution to Request Linkage fee Updates in Medford from the Community Development Board and Request a Progressive Formula for Their Update; and
3. A Resolution to Bring Medford's Linkage Fee Ordinance in Compliance with the State's Act Establishing the Ordinance.

In my opinion, these resolutions are consistent with the enabling act, Chapter 488 of the Acts of 1989, An Act Establishing a Linkage Exaction Program in the City of Medford (the "Act"), with one potential exception. In the second to last paragraph of the second resolution identified above, you request that the Community Development Board conduct a study on a progressive linkage fee formula "such that a new study every three years in not necessarily required." In contrast the Act, at Section 2(B)(5) requires that "the level of exaction shall be reviewed at least every three years." Accordingly, if your resolution results in the Community Development Board developing a formula that only warrants review every five or ten years, for example, then I recommend that the Act be amended to be consistent with the increment of review.

In my further opinion, if either the first or the third resolution is adopted by the Council, Section 94-10 of the City's Ordinances will have to be amended to incorporate the linkage fee for affordable housing, similar to how the ordinance currently provides for parks and recreation and other facilities. You have also proposed to amend Section 94-10 of the Ordinances to change references to the Office of Community Development contained within the existing Ordinance to the Office of Planning, Development, and Sustainability to clarify the current name of the department with authority to promulgate rules and regulations or to study changes in the amount of linkage fees. In my opinion, the City may wish to review this matter further in light of the current organizational structure of the department. I note that the Act at Section 2(B)(5) currently requires the "office of community development" to study and recommend changes to linkage fees. Moreover, Chapter 2, Article III, Divisions 8 and 9 of the City's Charter and Article IV, Division 11 of the City's Ordinances establish the Community Development Authority, Community Development Board, and Office of Community Development, respectively. To avoid confusion, I do not recommend amending Section 94-10 to incorporate

the new name of the Office of Planning, Development, and Sustainability until such time as the Charter and the Act are also amended to reflect the updated name of the department. Lastly, I note that the Community Development Board's Linkage Rules and Regulations also reference the Office of Community Development.

Similarly, you have inquired as to whether Section 94-10 of the Ordinances should be amended to change the periodic reviews of linkage fees from "no more than every three years" to "at least every three years." I agree that Section 94-10 should be amended in order to be consistent with Section 2(B)(5) of the Act.

Finally, you have asked about a formula with an automatic escalating clause that might serve to avoid having to study the fees at least every three years. In my opinion, this is possible and refer you to Chapter 302 of the Acts of 2022, whereby the City of Watertown adjusts increases in its linkage fee to the Consumer Price Index, but still reviews the fees every five years.

908043/MEDF/0001



Medford City Council
Medford, Massachusetts

MEETING DATE

March 19, 2024

SPONSORED BY

Matt Leming, City Councilor

AGENDA ITEM

24-056 - Resolution to Bring Linkage Fee Ordinance in Compliance With the State's Act Establishing the Ordinance

FULL TEXT AND DESCRIPTION

24-056- Offered By Councillor Leming

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

Offered by Councilor Leming

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”;

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

March 19, 2024

SPONSORED BY

Matt Leming, City Councilor

AGENDA ITEM

24-057 - Resolution to Add Affordable Housing to the Linkage Fee Structure

FULL TEXT AND DESCRIPTION

Whereas Medford's linkage fee structure was uniquely established via a Home Rule Petition in 1989 - Chapter 0488, "An Act Establishing Linkage Exaction Program In The City Of Medford."

Whereas "An Act Establishing Linkage Exaction Program In The City Of Medford" allows for the funding of affordable housing:

The linkage ordinance shall be used solely for the purposes of defraying the costs of capital improvements provided by the city caused by and necessary to support future development such as, but not limited to the following: capital improvements to school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety service and facilities, and parks, playgrounds and other recreational facilities.

Whereas the implementation of this in Medford Municipal Code 94-10 only allocated linkage fees for parks and recreational facilities, police and fire facilities, roads and traffic facilities, and water and sewer facilities, and not for affordable housing;

Whereas, in 2023, pursuant to M.G.L. Ch. 44. Sec. 55C, Medford established an Affordable Housing Trust as a tool to combat the ongoing housing shortage, and there is a need to for long-term, sustainable revenue streams to fund this Trust;

Whereas on the topic of home prices, the Medford Housing Production Plan, published in September 2022 and prepared by the Office of Planning, Development, and Sustainability, makes the need for affordable housing very clear: "Medford has seen some of the highest price increases of any community in Massachusetts....There is currently a \$280,000 gap between what a household earning the median income could afford and the median sales price for a single-family home. Less than 5 percent of single-family homes are considered affordable to households earning Medford's median income;

Be it therefore resolved that Medford City Council update Municipal Code 94-10 to establish a fifth

linkage bucket for the Affordable Housing Trust;

Be it therefore Resolved this resolution be referred to committee for further discussion;

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

March 19, 2024

SPONSORED BY

AGENDA ITEM

23-319 - Raising Cane's, 760 Fellsway, Special Permit for Additional On Premises Signage

FULL TEXT AND DESCRIPTION

**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/communtiy-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

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None