

The Fifteenth Regular Meeting, August 13, 2024

City Council

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

REVISED AGENDA

This agenda was revised on August 12, 2024 at 3:00 P.M. to reflect the addition of Papers **24-458** and **24-459** submitted by Mayor Breanna Lungo-Koehn.

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/86540975358 Call-in Number: +13017158592,,86540975358#

Live: Channel 22 (Comcast), Channel 43 (Verizon), YouTube, 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 July 23, 2024 were passed to Councillor Callahan

Reports of Committees

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

Planning and Permitting Committee, July 24, 2024, Report to Follow

Refer to Committee for Further Discussion

HEARINGS

24-439

Petition For a Special Permit For Hours - Panda Express

24-457

Request for Amendment to Previously Approved Grant of Location

PETITIONS, PRESENTATIONS, AND SIMILAR PAPERS

<u>24-456</u>

Petition For a Common Victualler License - Shop N Go

MOTIONS, ORDERS, AND RESOLUTIONS

24-449 - Offered by George Scarpelli, City Councilor

Resolution To Discuss the Rodent Infestation in Our Community

24-450 - Offered by George Scarpelli, City Councilor

Resolution to Request The Mayor Provide Detailed Records of All Claims Against the City and a List of Such Matters Resolved During Fiscal Years 2021, 2022, 2023, 2024, 2025

24-451 - Offered by Isaac Bears, Council President

Resolution to Request the Health Department In Partnership with TuftsMedicine and the City of Malden Provide Significant Rodent Control

24-452 - Offered by Isaac Bears, Council President

Resolution to Support Question 4, Limited Legalization and Regulation of Certain Natural Substances, on the November 5, 2024 General Election Ballot

COMMUNICATIONS FROM THE MAYOR

24-446

Offered by Mayor Breanna Lungo-Koehn

Brooks PTO Food Truck

24-447

Offered by Mayor Breanna Lungo-Koehn

Medford Housing Authority Appointment - Michael Luongo

24-448

Offered by Mayor Breanna Lungo-Koehn

Medford Housing Authority Appointment - Ann Schiavone

24-455

Offered by Mayor Breanna Lungo-Koehn

Executive Session - Various Litigation Settlements

24<u>-458</u>

Offered by Mayor Breanna Lungo-Koehn

Amendment to Personnel Ordinance - Social Services Coordinator

24-459

Offered by Mayor Breanna Lungo-Koehn

Medford Board of Election Commissioners Appointment - William O'Keefe

COMMUNICATIONS FROM CITY OFFICERS AND EMPLOYEES

24-453

Offered by Election Commission

Medford Call For Election September 2024

24-454

Offered by Election Commission

Medford Election Warrant September 2024

PUBLIC PARTICIPATION

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

UNFINISHED BUSINESS

23-412 Petition to Amend Deed Restriction - 12 Dell Avenue

IN CITY COUNCIL SEPTEMBER 19, 2023

TABLED

24-031 Request a Representative from BJ's Wholesale Club Meet

to Discuss Construction and Neighborhood Concerns

IN CITY COUNCIL FEBRUARY 6, 2024

TABLED

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

Body, Inc

IN CITY COUNCIL MAY 14, 2024

TABLED

24-421 South Street Historic District Ordinance

IN CITY COUNCIL June 25, 2024 Approved for First Reading

ADVERTISED July 25, 2024 Medford Transcript and Somerville

Journal

IN CITY COUNCIL August 13, 2024 Eligible for Third Reading

24-434 Wage Adjustment, Non-Union Personnel Amendments A,

B, and C

IN CITY COUNCIL June 25, 2024 Approved for First Reading

ADVERTISED July 11, 2024 Medford Transcript and

Somerville Journal

IN CITY COUNCIL July 23, 2024 Eligible for Third Reading

Reports Due/Deadlines

<u>16-574</u> 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

<u>Adjournment</u>



MEETING DATE

SPONSORED BY

August 13, 2024

AGENDA ITEM

24-439 - Petition For a Special Permit For Hours - Panda Express

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 on the second floor of Medford City Hall, 85 George P. Hassett Drive, Medford, MA and via Zoom on Tuesday, August 13, 2024 at 7:00 p.m., a link to be posted no later than Friday, August 9, 2024, on a petition for a Special Permit for Hours filed by Panda Express, 491 Riverside Avenue, Medford, MA 02155. The petitioner is seeking to extend the hours of operation of the restaurant in a commercial (C-1) Zoning District at 491 Riverside Avenue, Parcel ID. Q-15-11.

The petition seeks a:

Special Permit For Hours Monday – Sunday 11:00 p.m. to 3:00 a.m.

Petition and Plan may be viewed in the Office of the City Clerk, Room 103, Medford City Hall, Medford, MA. 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



MEETING DATE

SPONSORED BY

August 13, 2024

AGENDA ITEM

24-457 - Request for Amendment to Previously Approved Grant of Location

FULL TEXT AND DESCRIPTION

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

I. 2024.07.19 - Petition by National Grid to Amend Grant of Location

nationalgrid

July 19, 2024

To the City Council of Medford, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

**This GOL application was previously approved, and this is a GOL amendment hearing.

If you have any questions regarding this permit, please contact:

Moses Okokuro - moses.okokuro@nationalgrid.com

Please notify National Grid's Jenn Iannalfo of the hearing date / time to Jennifer.Iannalfo@nationalgrid.com

If this petition meets with your approval, please return an executed copy to:

National Grid: Jennifer Iannalfo; 1101 Turnpike Street; North Andover, MA 01845

Very truly yours,

Nick Memmolo

Nick Memmolo Distribution Design Supervisor

Enclosures

Questions contact - Moses Okokuro - moses.okokuro@nationalgrid.com

Petition of the Massachusetts Electric Company d/b/a NATIONAL GRID OF NORTH ANDOVER, MASSACHUSETTS For Electric Conduit Location:

To the City Council of Medford, Massachusetts

Respectfully represents the Massachusetts Electric Company d/b/a NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Main Street - Medford, Massachusetts.

The following are the streets and highways referred to:

WR# 30658427

Main Street - Beginning at a point approximately 15 feet South-West of the centerline of the intersection of Main Street & South Street and continuing approximately 760 feet in a South direction. National Grid is petitioning to install 5" ducts between 101 Main Street and 151 Main Street; *approx. 370 feet of 4-5" ducts from existing manhole MH186 to MH187 and *approx. 390 feet of 2-5" ducts from existing manhole MH 187 to MH 188, Medford, MA. *This is linked to previously approved GOL.

Location approximately as shown on plan attached.

Massachusetts Electric Company d/b/a	
NATIONAL GRID Nich Memmolo	
BY	
Engineering Department	

Questions contact - Moses Okokuro - moses.okokuro@nationalgrid.com

Dated: July 19, 2024

ORDERED:

Notice having been given and public hearing held, as provided by law, that the Massachusetts Electric Company d/b/a NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 20th day of October, 2022.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – Main Street - Medford, Massachusetts.

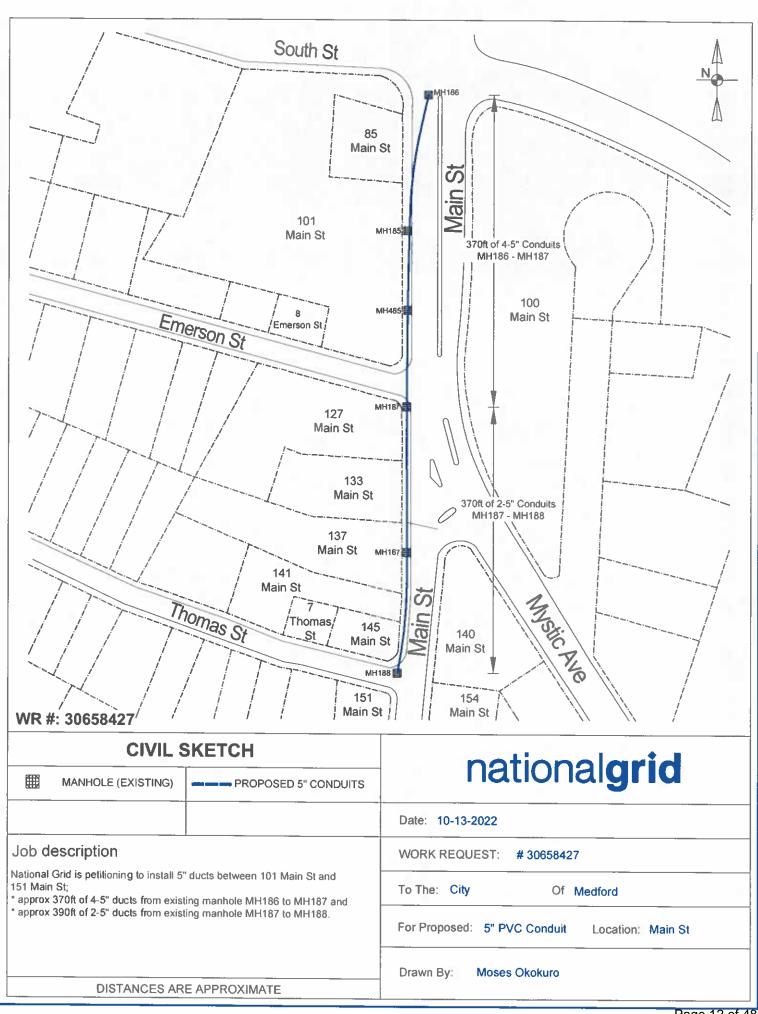
The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

WR# 30658427

Main Street - Beginning at a point approximately 15 feet South-West of the centerline of the intersection of Main Street & South Street and continuing approximately 760 feet in a South direction. National Grid is petitioning to install 5" ducts between 101 Main Street and 151 Main Street; *approx. 370 feet of 4-5" ducts from existing manhole MH186 to MH187 and *approx. 390 feet of 2-5" ducts from existing manhole MH 187 to MH 188, Medford, MA. *This is linked to previously approved GOL.

I hereby certify that the foregoing order was ad-		
, held on the		
,	*******	, 20
Received and entered in the records of le	ocation orders of the (City/Town of
Book	Page	••••••
	Attest:	***************************************
	• •	**********
hereby certify that on	20	, at o'clock,M
at	, a public hearing was	s held on the petition of

underground electric conduits described in the order seven days before said hearing a written notice of the owners of real estate (as determined by the last precor parts of ways upon which the Company is permit conduits under said order. And that thereupon said	ne time and place of said hearing to each of the ceding assessment for taxation) along the way tted to construct the underground electric	he
	***************************************	• • • • •



ABUTTERS LIST

S/NO.	Address		Owner	Acet#	Мар	Block	PID
1	85 MAIN ST	Owner: Address	M & E 85 MAIN STREET LLC 85 MAIN ST MEDFORD, MA 02155	10854	N-08	51	10854
2	100-120 MAIN ST	Owner: Co-Owner: Address:	MEDFORD CITY OF POLICE/FIRE 85 GEO P HASSETT DR MEDFORD, MA 02155	10915	N-09	1	10915
3	127 MAIN ST	Owner: Co-Owner: Address:	O T M LLC GMSNEIRSON PO BOX 505125 CHELSEA, MA 02150	11751	O-08	33	11751
4	133 MAIN ST	Owner: Co-Owner: Address	O T M LLC C/O GM SNEIRSON PO BOX 505125 CHELSEA, MA 02150	11750	O-08	32	11750
5	137 MAIN ST	Owner: Co-Owner: Address	O T M LLC C/O GM SNEIRSON PO BOX 505125 CHELSEA, MA 02150	11749	O-08	31	11749

S/NO.	Address		Owner	Acct#	Мар	Block	PID
6	140 MAIN ST	Owner Co-Owner Address	GLOBAL COMPANIES LLC C/O ALLIANCE ENERGY LLC ATTN TAX DEPARTMENT 15 NORTHEAST INDUSTRIAL RD BRANFORD, CT 06405	11811	O-09	8	11811
7	141 MAIN ST	Owner Address	BROADWAY PIANO EXCHANGE INC 28 KING AVE MEDFORD, MA 02155	11748	O-08	30	11748
8	145 MAIN ST	Owner Address	BROADWAY PIANO EXCHANGE INC 28 KING AVE MEDFORD, MA 02155	11747	O-08	29	11747
9	151 MAIN ST	Owner Address	151 MAIN STREET MEDFORD LLC 151 MAIN ST MEDFORD, MA 02155	11771	O-08	54	11771
10	153 MAIN ST	Owner Co-Owner Address	PROTEGE COMMERCIAL PROPERTIES, LLC C/O EMANUEL TSIANTOULOS 6 HELD CIRCLE MEDFORD, MA 02155	11772	O-08	55	11772

S/NO.	Address		Owner	Acet#	Map	Block	PID
11	154 MAIN ST	Owner Co-Owner Address	VRL REALTY TRUST VINCENT R LEO TRUSTEE 517 CONCORD AV CAMBRIDGE, MA 02138	11810	O-09	7	11810
12	101 MAIN ST #101,118,119	Owner Co-Owner Address	SPAULDING REHAB HOSP CORP ROBERT FELDMAN 125 NASHUA ST BOSTON, MA 02114	10902	N-08	5201	10902
13	101 MAIN ST #102-105	Owner Address	MAROTTA FAMILY HOLDINGS LLC 2150 NORTH OCEAN BLVD, APT 2N BOCA RATON, FL 33431-7867	10903	N-08	5202	10903
14	101 MAIN ST #106	Owner Co-Owner Address	HALLMARK HEALTH SYSTEM C/O JOHN DONOFRIO PROPERTY MANAGER LAWRENCE MEMORIAL HOSPITAL 170 GOVERNORS AVE MEDFORD, MA 02155	10904	N-08	5203	10904
15	101 MAIN ST #107	Owner Co-Owner Address	GEMINI REALTY TRUST KO BING H 168 SUTTON HILL RD NORTH ANDOVER, MA 01845	16950	N-08	5204	16950

S/NO.	Address		Owner	Acct#	Мар	Block	PID
16	101 MAIN ST #108-110	Owner Co-Owner Address	GEMINI TRUST MCNITT ROBERT 168 SUTTON HILL RD NORTH ANDOVER, MA 01845	10905	N-08	5204	10905
17	101 MAIN ST #111-112	Owner Address	LAWRENCE MEMORIAL ASSOC INC 170 GOVERNORS AV MEDFORD, MA 02155	16993	N-08	5205	16993
18	101 MAIN ST #113	Owner Co-Owner Address	LAWRENCE MEMORIAL ASSOC INC LAWRENCE MEML HOSP 170 GOVERNORS AV MEDFORD, MA 02155	16951	N-08	5205	16951
19	101 MAIN ST #114-117	Owner Co-Owner Address	LAWRENCE MEMORIAL ASSOC INC LAWRENCE MEMORIAL HOSP 170 GOVERNORS AV MEDFORD, MA 02155	10906	N-08	5205	10906
20	101 MAIN ST #201	Owner Co-Owner Address	LAWRENCE MEMORIAL ASSOC INC ACCOUNTING DEPT 170 GOVERNORS AVE MEDFORD, MA 02155	10908	N-08	5207	10908

S/NO.	Address		Owner	Acct#	Мар	Block	PID	
21	21	101 MAIN ST #202	Owner Co-Owner Address	HALLMARK HEALTH PROPERTIES INC ATTN: JOHN DONOFRIO LAWRENCE MEMORIAL HOSPITAL 170 GOVERNORS AVE MEDFORD, MA 02155	16955	N-08	5208	16955
22	101 MAIN ST #203-204	Owner Address	LAWRENCE MEMORIAL ASSOC INC 170 GOVERNORS AV MEDFORD, MA 02155	10911	N-08	5208	10911	
23	101 MAIN ST #205-206	Owner Co-Owner Address	NELIDA T LEPORE REV TRUST LEPORE LORENZO & NELIDA T TRUSTEES 117 WHITNEY RD MEDFORD, MA 02155	10912	N-08	5209	10912	
24	101 MAIN ST #207	Owner Co-Owner Address	SHARON A MURANO REVOCABLE TRUST MURANO JOSEPH R 101 MAIN ST, UNIT 207 MEDFORD, MA 02155	10913	N-08	5210	10913	
25	101 MAIN ST #208-209	Owner Address	CATFLOOR LLC 101 MAIN ST, UNITS 208-209 MEDFORD, MA 02155	10914	N-08	5211	10914	

S/NO.	Address		Owner	Acet#	Map	Block	PID
26	101 MAIN ST #210	Owner Co-Owner Address	THACKER REALTY TRUST THACKER MUKUND M & VASANT M TRUSTEES 3 PINEHURST RD BELMONT, MA 02478	16956	N-08	5211	16956
27	101 MAIN ST #211-212	Owner Co-Owner Address	MAIN ST #101 REALTY CORP KATHLEEN NATH PRESIDENT 6 CABOT ST WINCHESTER, MA 01890	10909	N-08	5207	10909
28	101 MAIN ST #213-214	Owner Address	LAWRENCE MEMORIAL ASSOC INC 170 GOVERNORS AV MEDFORD, MA 02155	16953	N-08	5207	16953
29	101 MAIN ST #215-219	Owner Address	LAWRENCE MEMORIAL ASSOCIATION 170 GOVERNORS AVE MEDFORD, MA 02155	10910	N-08	5207	10910
30	101 MAIN ST #220	Owner Address	101 MAIN STREET UNIT 220 MEDFORD LLC 101 MAIN ST, UNIT 220 MEDFORD, MA 02155	100395	N-08	5207	100399

nationalgri

via hand delivery

July 11, 2024

City Council of the City of Medford c/o City Clerk 85 George P. Hassett Drive Medford, MA 02155

Re: Petition to Amend Grant of Location Petition 23-445 for Massachusetts Electric Company's Main Street Project

Dear City Council:

I write on behalf of the Massachusetts Electric Company d/b/a National Grid (the Company) to respectfully request that the Medford City Council amend its decision on November 14, 2023, which allowed the Company's petition for a Grant of Location (GOL) to install underground electrical conduits beneath Main Street beginning close to the intersection of South Street and extending approximately 370 feet southward. For the reasons explained below, the Company requests that the decision be reissued with Condition No. 5 deleted in its entirety and replaced with the following:

Pursuant to the pavement restoration agreement reached between the DPW Commissioner, the Engineering Division and National Grid, which agreement is depicted on the Civil Layout plan dated 7.13.2023, provided to the Engineering Division, National Grid shall:

- (a) saw cut the bituminous concrete pavement at the outside painted edge of the bike lane;
- (b) mill and overlay the area between the outside painted edge of the bike lane and the western curb plus an approximately 35' x 35' section of curb-to-median curb pavement at the South Street crosswalk south of Manhole 186; and (c) at National Grid's election either: (i) restore the remainder of the west side of Main Street from curb-to-median-curb for the length of the project; or (ii) pay a

Street Preservation Offset Fee pursuant to Section 74-144(2)(b) of the City Ordinance.

The Civil Layout drawing is attached.

Background & Reasoning

Condition No. 5 should be amended to accurately reflect the agreement reached between and to avoid conflict with prevailing law as described below. Condition No. 5 currently states:

The Sidewalk and street restoration shall be done in consultation with the Engineering Division and per the requirements of an approved Street Opening permit. This must include a site inspection with the permit officer to determine extends [sic] of pavement restoration. Any concrete sidewalk damaged during this work must be replaced in-kind and cleanly cut at the control joints. The bituminous pavement over the trench shall be milled and overlaid to an offset approved by the Engineering Division. Vice President Bears offered an amendment requesting that Engineer Wartella's Condition 5 (this condition) be further amended to reflect that National Grid will provide the repaving of another roadway(s) in the City that is equal to all the work associated with 'curb to curb' roadway restoration within the project's limits.

Prior to submitting its GOL petition the Company had reached agreement with the DPW Commissioner and Engineering Division to (a) saw cut the bituminous concrete pavement at the outside painted edge of the bike lane; and (b) mill and overlay the area between that bike lane and the western curb and an approximately 35' x 35' section of curb-to-curb pavement at the South St crosswalk south of Manhole 186. The GOL should incorporate that prior agreement to avoid any confusion and/or the imposition of additional or inconsistent requirements in connection with the Street Opening Permit.

The Company's electrical distribution designer represented the Company on the evening of the City Council's hearing. He did not object to Condition No. 5 because he did not understand the legal constraints described below and because he understood "curb to curb" to mean curb-to-median-curb for the length of the project. Subsequently, the City Engineer took the position that "curb-to-curb" included both sides of Main Street for the length of the project – effectively doubling the restoration area – on the ground that doing so was an "industry standard." There is no pavement restoration "industry", however, let alone one that has established uniform standards. The City Engineer is also requiring that the repaving of "another roadway(s)" be completed *before* the City would issue any permits to the Company to begin the Main Street project, which is a requirement that the City Council did not impose. Efforts to negotiate a resolution with the City Engineer have been unsuccessful, leading the project team to consult with legal counsel, who advised that Condition No. 5 was unlawful for the following reasons:

First, the requirement to restore other undisturbed streets exceeds the City's authority relative to regulating utilities. The Legislature vested the DPU with exclusive authority to regulate utilities. See G.L. c. 164, § 105A. "[T]he Legislature [also] intended to preempt local activity on the subject [of utilities] absent an affirmative grant" of authority. Boston Edison Co. v. Town of Bedford, 444 Mass. 775, 782 (2005). There is no state statute or regulation that grants municipalities the authority to require a utility to repave streets that it had not excavated or otherwise disturbed.

Second, the Department of Telecommunications and Energy (now the Department of Public Utilities) issued Order D.T.E. 98-22 to establish uniform processes and methods for

restoring public roadways excavated by utilities. Section 9.1 of that Order expressly requires restoration of *disturbed areas only*:

The Utility shall be responsible to replace all pavement disturbed by work under the Permit with homogeneous and in-kind pavement, unless otherwise stipulated, to the original strength and condition.

This limitation applies in all instances, including guaranteed streets less than five years old, like Main Street. Section 9.16 of the Order grants municipalities the "jurisdiction to determine the pavement repair method to be utilized on all pavements which have been installed for less than five years"; however, nothing in Order authorizes municipalities to require a utility to repave roadways that are entirely unrelated to and undisturbed by a project.

Lastly, Condition No. 5 contradicts statewide policy aimed at ensuring that utility service is delivered in a uniform and efficient manner.² Condition No. 5 is inconsistent with how every other municipality in the Company's service territory handles roadway restoration. It is also inefficient because it would result in significant increases in the cost of gas and electric service, particularly if this approach were widely adopted by other municipalities. Further, it unfairly shifts the costs of maintaining Medford's roads onto customers in other cities and towns.³

Street Preservation Offset Fee (SPOF)

Under Section 74-144 of the City Ordinance, an applicant can elect to pay a SPOF to defer part of the permanent restoration costs. In this case, the Company's trench would be less than two feet wide, meaning that the SPOF would be determined pursuant to City Ordinance § 74-144(2)(b) by "multiplying the most recent City of Medford contract price for street reconstruction times the product of the length of the street to be restored and one-half of the paved width of the street measured from curb to curb." In this case, the Company voluntarily agreed to the City's request to restore the pavement to the edge of the bike lane. Because that agreement resulted in a larger disturbed area, the City Engineer now takes the position that the SPOF should be calculated using the full width of the street pursuant to Section 74-144(2)(c). In

¹ Section 74-141(2) of Article IV of the City Ordinance expressly requires compliance with Order D.T.E. 98-22.

² <u>See Boston Gas Co. v. Somerville</u>, 420 Mass. 702, 706 (1995) (holding that the City "cannot use its limited authority enact an ordinance which has the practical effect of frustrating the fundamental State policy of ensuring uniform and efficient utility services to the public").

³ Courts have struck down municipal efforts to shift costs on to utilities. See Boston Edison Co. v. Town of Bedford, 444 Mass. 775, 784-85 (2005) (rejecting local enforcement against double poles because it creates "inappropriate economic incentives that [would] compel pole owners to devote resources to those cities and towns where the penalties are the most oncrous" and thereby putting "purely local interests" above state policy); Colonial Gas Company v. Town of Wilmington, 1998 Mass. Super. LEXIS 495, *7 (Middlesex Super. Ct. 1998) ("Requiring the utility to pave the entire road "gutter-to-gutter" far exceeds this statutory requirement unless the excavation is so extensive as to effect [sic] the entire road. Additionally, such a requirement unfairly benefits the municipality by forcing the utility to improve portions of the road which were not excavated but were otherwise in disrepair.").

Petition to Amend GOL 23-445 re: Main Street Page 4

effect, the City Engineer is penalizing the Company for having agreed to the City's request to restore an area larger than the width of its trench.⁴

Accordingly, in order to accurately reflect the agreement reached between the Company and the City prior to the GOL hearing and to avoid conflicts with prevailing law, the Company respectfully submits that Condition No. 5 be deleted in its entirety and replaced with the language suggested above.⁵

Respectfully Submitted,

Mark R. Rielly

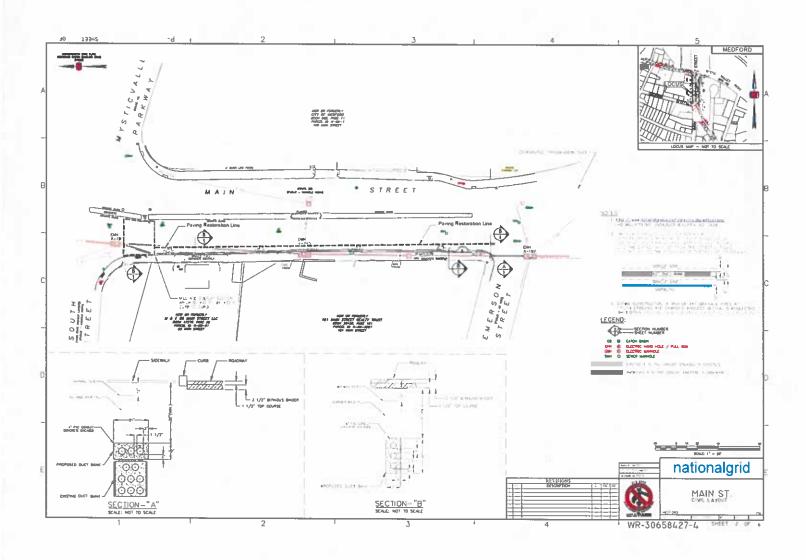
Assistant General Counsel

National Grid Service Company Inc.

cc: Mayor Lungo-Koehn
Timothy McGivern, P.E., DPW Commissioner
Owen Wartella, P.E., City Engineer

⁴ As noted, Section 9.16 of Order 98-22 grants municipalities the "jurisdiction to determine the pavement repair method to be utilized on all pavements which have been installed for less than five years." But Section 9.16 must be read in concert with Section 9.1, which expressly limits restoration to disturbed areas only. Accordingly, the term "repair method" means *how* the pavement should be restored, not *how much*. The City Engineer disagrees but has not cited to any authority or support for that position either in the Order or elsewhere.

⁵ The amendment of Condition No. 5 would also resolve the dispute regarding the City Engineer's requirement that the Company complete the restoration of "another roadway(s)" before issuing any permits for the Main Street project.





MEETING DATE

SPONSORED BY

August 13, 2024

AGENDA ITEM

24-456 - Petition For a Common Victualler License - Shop N Go

FULL TEXT AND DESCRIPTION

Business: Leeza Trading Inc. dba Shop N Go

374 Salem Street, Medford

Petitioner/Owner: Nazia Rasheed II Palmer Street, Medford

ON FILE

Business Certificate 2024 #134
Petition - received
Letter of Compliance - received
State Tax ID - received

Worker's Compensation - received

Treasurer/Collector - Received
Building Department - Received
Fire Department - Received
Police Department - Traffic Impact - Received
Health Department - Received

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS



MEETING DATE

SPONSORED BY

August 13, 2024

George Scarpelli, City Councilor

AGENDA ITEM

24-449 - Resolution To Discuss the Rodent Infestation in Our Community

FULL TEXT AND DESCRIPTION

Be it Resolved that the City Council discuss continued concerns dealing with the rodent infestation in our community.

Be it further Resolved that we request a meeting with the Health Department and City Administration to schedule a strategic planning meeting in devising a team dealing with this serious health concern across the City of Medford.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS



MEETING DATE

SPONSORED BY

August 13, 2024

George Scarpelli, City Councilor

AGENDA ITEM

24-450 - Resolution to Request The Mayor Provide Detailed Records of All Claims Against the City and a List of Such Matters Resolved During Fiscal Years 2021, 2022, 2023, 2024, 2025

FULL TEXT AND DESCRIPTION

Whereas, good government is based on a foundation of openness, clarity, transparency and accountability; and

Whereas, the City Council, the taxpayers and the residents of the City of Medford are entitled to be made aware whenever the City resolves claims made against:

- a. the City as a municipality;
- b. the School Department; or
- c. any department, department head or employee of the City of Medford or the School Department, by payment, regardless of whether those claims are resolved:
 - I. prior to litigation;
 - 2. after litigation but before trial;
 - 3. by way of judgment or decision by a court or administrative or quasi-judicial body.

Now therefore, be it Resolved that the Mayor provide the Council with a list of all such matters so resolved during fiscal years 2021, 2022, 2023, 2024 or 2025; and

Further, for each matter so resolved by payment, the Mayor report to the Council the name of each person, persons or entity who made such claim and the amount paid to each such person, persons or entity. If there is a legal reason that any such name should not be disclosed, such as in the case of a minor, a general description of the claim without identifying the person will suffice; and

Further, for each matter so resolved by payment, the Mayor report to the Council the source of the money or funding that was used to pay the claim by specifying which City or School account that the money was from or whether it was paid by an insurer of the City or School Department; and

Further, that the Mayor's report to the Council state the names and addresses of any insurers with whom the City or School Department maintained a policy of insurance whose coverage was the source of payments used to pay any such claims during fiscal years 2021, 2022, 2023, 2024 or 2025; and

Further, for each policy of insurance listed by the Mayor in answering the request set forth in the previous paragraph, that the Mayor state the annual premiums paid for each insurance policy listed and the applicable deductibles for each year during fiscal years 2021, 2022, 2023, 2024 or 2025; and

Finally, that the Mayor provide the City Council with a breakdown of all amounts paid to outside counsel for representing the City of Medford or the School Department or any department, department head or employee of the City of Medford for any claims made against the City as a municipality or the School Department or any department, department head or employee of the City of Medford during fiscal years 2021, 2022, 2023, 2024 or 2025.

This request includes payments made for any work performed on such claims to the Kopelman & Paige law firm, Peabody and Arnold law firm or to any other attorneys.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS



MEETING DATE

SPONSORED BY

August 13, 2024

Isaac Bears, Council President

AGENDA ITEM

24-45 I - Resolution to Request the Health Department In Partnership with TuftsMedicine and the City of Malden Provide Significant Rodent Control

FULL TEXT AND DESCRIPTION

Be it Resolved by the Medford City Council that the Health Department undertake additional efforts in partnership with TuftsMedicine and the City of Malden to provide significant additional rodent control to mitigate the impact of construction at the former Malden Hospital site on the neighboring community.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS



MEETING DATE

SPONSORED BY

August 13, 2024

Isaac Bears, Council President

AGENDA ITEM

24-452 - Resolution to Support Question 4, Limited Legalization and Regulation of Certain Natural Substances, on the November 5, 2024 General Election Ballot

FULL TEXT AND DESCRIPTION

Whereas, one in three Massachusetts residents struggle with mental health challenges; and

Whereas, pioneering research from Johns Hopkins and Harvard Medical School finds that natural psychedelics can be effective in managing treatment-resistant depression and other forms of mental illness; and

Whereas, the FDA recently granted psilocybin, one of the psychedelics, a "breakthrough therapy" designation for treatment-resistant depression; and

Whereas, the ballot question would create a regulated framework for psychedelic-assisted therapy for adults 21 and older; now, therefore:

Be it Resolved by the Medford City Council that we support Question 4, Limited Legalization and Regulation of Certain Natural Psychedelic Substances, on the November 5, 2024 general election ballot.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS



MEETING DATE

SPONSORED BY

August 13, 2024

AGENDA ITEM

24-446 - Brooks PTO Food Truck

FULL TEXT AND DESCRIPTION

Request for a "food truck" permit in the City of Medford, for the Brooks School Fall Festival, BonMe food truck

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

I. Brooks PTO Food Truck - 2024



August 1, 2024

Via Electronic Delivery

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

Re: Food Truck Permitting

Dear President Bears and Members of the City Council:

On behalf of the below entity, I respectfully submit to the Medford City Council the following request for a "food truck" permit in the City of Medford. In addition to City Council approval, vendors are required to adhere to Health Department food safety requirements.

The Brooks PTO

Dates/Times: 10/06/2024

11am - 3pm

Location: 388 High St.

Medford, MA 02155

Event: Fall Festival food truck

BonMe food truck

About the Event: The Brooks PTO is seeking City Council support for their annual Fall

Festival food truck permit. This fundraiser has been a great source

of revenue for the school's needs.

Thank you for your kind attention to this matter.

Sincerely,

Breanna Lungo-Koehn, Mayor



MEETING DATE

SPONSORED BY

August 13, 2024

AGENDA ITEM

24-447 - Medford Housing Authority Appointment - Michael Luongo

FULL TEXT AND DESCRIPTION

Medford Housing Authority Appointment Michael Luongo

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

I. Paperwork for City Council



City of Medford

OFFICE OF THE MAYOR

City Hall - Room 202 Medford, Massachusetts 02155 Telephone (781) 393-2408

FAX: (781) 393-2514 TDD: (781) 393-2516 E-mail: mayor@medford-ma.gov

July 30, 2024

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

Re: Medford Housing Authority Appointment

Dear President Bears and Members of the City Council:

I respectfully request and recommend that your Honorable Body, in accordance with M.G.L. c. 121B §5, confirm the re-appointment of the following individual effective July 1, 2024 for a 5-year term through June 30, 2029, as a "member" as cited in the referenced statute:

• Michael Luongo, Member, 145 Fourth Street, MA 02155

To the Medford Housing Authority for a term of 5 years to expire on June 30, 2029.

A copy of the appointment letter is attached.

Thank you for your kind attention to this matter.

Sincerely,

Breanna Lungo-Koehn

Mayor



City of Medford

OFFICE OF THE MAYOR

City Hall - Room 202 Medford, Massachusetts 02155 Telephone (781) 393-2408

FAX: (781) 393-2514 TDD: (781) 393-2516 E-mail: mayor@medford-ma.gov

July 30, 2024

Via Hand Delivery

Mr. Adam L. Hurtubise City Clerk City of Medford Medford City Hall, Rom 103 85 George P. Hassett Drive Medford, MA 02155

Dear Mr. Clerk:

Pursuant to Section 52 of the Medford City Charter, I hereby re-appoint **Michael Luongo** to the position of member of the **Medford Housing Authority**, so established, and I certify that in my opinion they are a person specifically fitted by education, training or experience to perform the duties of said office, and I make the appointment solely in the interest of the city.

This appointment will expire in 5 years on June 30th, 2029.

Signed,

Breanna Lungo-Koehn

Mayor

City of Medford



City of Medford

OFFICE OF THE MAYOR

City Hall - Room 202 Medford, Massachusetts 02155 Telephone (781) 393-2408

FAX: (781) 393-2514 TDD: (781) 393-2516 E-mail: mayor@medford-ma.gov

July 30, 2024

Via First Class Mail

Michael Luongo 145 4th Street Medford, MA 02155

Dear Mr. Luongo:

Thank you for your continued interest in serving on a board with the City of Medford. I am pleased to re-appoint you as a member of the **Medford Housing Authority**, for a five-year term, to expire on June 30, 2029.

Please contact the Office of the Medford City Clerk to be sworn in at your convenience.

Thank you for your commitment and dedication to the City of Medford.

Sincerely,

Breanna Lungo-Koehn

Mayor

City of Medford

BLK



MEETING DATE

SPONSORED BY

August 13, 2024

AGENDA ITEM

24-448 - Medford Housing Authority Appointment - Ann Schiavone

FULL TEXT AND DESCRIPTION

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

I. For City Clerk-Ann Schiavone_Appointment cover letter



City of Medford

OFFICE OF THE MAYOR

City Hall - Room 202 Medford, Massachusetts 02155 Telephone (781) 393-2408

FAX: (781) 393-2514 TDD: (781) 393-2516 E-mail: mayor@medford-ma.gov

July 25, 2024

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

Re: Medford Housing Authority Appointment

Dear President Bears and Members of the City Council:

I respectfully request and recommend that your Honorable Body, in accordance with M.G.L. c. 121B §5, confirm the appointment of the following individual effective August 13, 2024 for a 5-year term through March 1, 2029, as the "Representative of Saltonstall Local Tenant Organization Board Members" as cited in the referenced statute:

• Ann Schiavone, Representative of Saltonstall Local Tenant Organization Board Members, 121 Riverside Avenue, #206, Medford, MA 02155

To the Medford Housing Authority for a term of 5 years to expire on September 30, 2029.

A copy of the appointment letter is attached.

Thank you for your kind attention to this matter.

Sincerely,

Breanna Lungo-Koehn

Mayor



City of Medford

OFFICE OF THE MAYOR

City Hall - Room 202 Medford, Massachusetts 02155 Telephone (781) 393-2408

FAX: (781) 393-2514 TDD: (781) 393-2516 E-mail: mayor@medford-ma.gov

August 6, 2024

Via First Class Mail

Ann Schiavone 121 Riverside Avenue #206 Medford, MA 02155

Dear Ann:

Thank you for your interest in serving on a board or commission with the City of Medford.

Pursuant to Section 52 of the Medford City Charter and §5 of Chapter 121B of the Massachusetts General Laws, I hereby appoint **Ann Schiavone** as a member of the **Medford Housing Authority**, so established, and I certify in my opinion that he is a person specifically fitted by education, training, or experience to perform the duties of said office, and I make the appointment in the best interest of the City of Medford.

This appointment is for five years and expires on September 30, 2029.

Please contact the Office of the Medford City Clerk to be sworn in at your convenience.

Thank you for your commitment and dedication to the City of Medford.

Sincerely,

Breanna Lungo-Koehn

Mayor

City of Medford

BLK

cc. Caileen Foley



City of Medford

OFFICE OF THE MAYOR

City Hall - Room 202 Medford, Massachusetts 02155 Telephone (781) 393-2408

FAX: (781) 393-2514 TDD: (781) 393-2516 E-mail: mayor@medford-ma.gov

August 6, 2024

Via Hand Delivery

Mr. Adam L. Hurtubise City Clerk City of Medford Medford City Hall, Rom 103 85 George P. Hassett Drive Medford, MA 02155

Dear Mr. Clerk:

Pursuant to Section 52 of the Medford City Charter, I hereby appoint **Ann Schiavone** to the position of member **of the Medford Housing Authority**, so established, and I certify that in my opinion they are a person specifically fitted by education, training or experience to perform the duties of said office, and I make the appointment solely in the interest of the city.

This appointment expires on September 30, 2029.

Signed,

Breanna Lungo-Koehn

Mayor

City of Medford

Date



Medford City Council Medford, Massachusetts

MEETING DATE

SPONSORED BY

August 13, 2024

AGENDA ITEM

24-455 - Executive Session - Various Litigation Settlements

FULL TEXT AND DESCRIPTION

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

I. VariousLitigationSettlements_2024.08.13



August 8, 2024

Via Electronic Delivery

To the Honorable President and Members of the Medford City Council Medford 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 Samary Montes v. City of Medford, MCAD Docket No. 22BEM02938. I also recommend that the Council's agenda state in the executive session notice that "votes may be taken". Attorney John O'Connor will be present to provide the Council with guidance on this matter.

I further 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 Teamsters Local 25 and City of Medford, MUP-22-9555. I also recommend that the Council's agenda state in the executive session notice that "votes may be taken". Attorney Jared Collins will be present to provide the Council with guidance on this matter.

Thank you for your kind attention to this matter.

Sincerely,

Breanna Lungo-Koehn

Mayor



August 9, 2024

Via Electronic Delivery

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

Re: Personnel Ordinance

Dear President Bears and City Councilors:

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

The language of "CAF-11" shall be amended to replace the title of "Community Social Worker" with the following title:

"Social Services Coordinator"

Upon review by the Health Department / Office of Outreach and Prevention, the term "Social Worker" is very specific and may require the City to hire a licensed social worker, limiting the pool of applicants. Upon their assessing other municipalities and similar positions, several have Social Services or Human Service Coordinators for this role and fit within the current CAF range in Medford. The primary responsibility of this role is to connect residents to services. As the CAF would remain the same, there would be no change in compensation/budget required.

Respectfully submitted,

Breanna Lungo-Koehn

Mayor



August 12, 2024

Via Electronic Delivery

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

Re: Board of Election Commission Appointment

Dear President Bears and Members of the City Council:

I respectfully request and recommend that your Honorable Body confirm the appointment of William O'Keefe (R) of 18 Kilgore Avenue to the Election Commission, for the unexpired term of the existing vacancy, to expire March 30, 2026, in accordance with M.G.L. Chapter 51, Section 16A. William will be present in person or via Zoom for the meeting and a copy of the appointment letter is enclosed.

Thank you for your kind attention to this matter.

Sincerely,

Breanna Lungo-Koehn

Mayor

Enclosure



Medford City Council Medford, Massachusetts

MEETING DATE

SPONSORED BY

August 13, 2024

AGENDA ITEM

24-453 - Medford Call For Election September 2024

FULL TEXT AND DESCRIPTION

BE IT ORDERED: that the Elections Commission be and is hereby authorized and directed to notify and warn such of the inhabitants of the City of Medford, as were qualified by law to vote for candidates at the State Primaries on Tuesday, September 3, 2024

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

I. Medford Call For Election September 2024 (002)



Election Commission 85 George P. Hassett Drive, Room 102 Medford, Massachusetts 02155 781-393-2491

Call for Election STATE PRIMARIES Tuesday, September 3, 2024

BE IT ORDERED: that the Elections Commission be and is hereby authorized and directed to notify and warn such of the inhabitants of the City of Medford, as were qualified by law to vote for candidates at the State Primaries on Tuesday, September 3, 2024, to assemble at the polling places in their respective wards and precincts, then and there to give in their votes for:

SENATOR IN CONGRESS

REPRESENTATIVE IN CONGRESS

COUNCILOR

STATE SENATOR

STATE REPRESENTATIVE

CLERK OF COURTS

REGISTER OF DEEDS

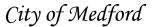
and the polls of said STATE PRIMARIES shall open at 7:00 A.M. and remain open until 8:00 P.M.

BE IT FURTHER ORDERED: that the following named polling places be, and they are hereby designated for use at the STATE PRIMARIES on September 3, 2024.

(The said polling places to be open at 7:00 A.M. to 8:00 P.M.)

Voting Precincts

Ward 1 Precinct 1	Andrews Middle School, 3000 Mystic Valley Pkwy
Ward 1 Precinct 2	Fire Fighters' Club, 340 Salem St.
W 12D ' 41	D 1 4 E1 4 G 1 1 25 G 4 G
Ward 2 Precinct 1	Roberts Elementary School, 35 Court St.
Ward 2 Precinct 2	Roberts Elementary School, 35 Court St.
Ward 3 Precinct 1	Medford American Legion, 321 Winthrop St.
	<u> </u>
Ward 3 Precinct 2	Temple Shalom, 475 Winthrop St.





Election Commission 85 George P. Hassett Drive, Room 102 Medford, Massachusetts 02155 781-393-2491

Ward 4 Precinct 1 Tufts University, Gantcher Center Rear, 161 College Ave. 22 Walkling Ct./Auburn and North St. (Fondacaro Center) Ward 4 Precinct 2 Ward 5 Precinct 1 Missituk Elementary School, 37 Hicks Ave. Ward 5 Precinct 2 Missituk Elementary School, 37 Hicks Ave. Ward 6 Precinct 1 West Medford Fire Station, 26 Harvard Ave. Ward 6 Precinct 2 Brooks Elementary School, 388 High St. Ward 7 Precinct 1 Mystic Valley Towers, North Building Entrance

McGlynn K-8 Public School, 3004 Mystic Valley Pkwy Ward 7 Precinct 2

Ward 8 Precinct 1 Senior Center, 101 Riverside Ave.

Ward 8 Precinct 2 South Medford Fire Station, Zero Medford St.



Medford City Council Medford, Massachusetts

MEETING DATE

SPONSORED BY

August 13, 2024

AGENDA ITEM

24-454 - Medford Election Warrant September 2024

FULL TEXT AND DESCRIPTION

WARRANT FOR MEDFORD SEPTEMBER 2024 STATE PRIMARIES ELECTION

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

I. Medford Election Warrant September 2024 (002)

COMMONWEALTH OF MASSACHUSETTS WILLIAM FRANCIS GALVIN SECRETARY OF THE COMMONWEALTH

WARRANT FOR MEDFORD SEPTEMBER 2024 STATE PRIMARIES ELECTION

SS.

To the Residents of the City of Medford, MA

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in Elections to vote at:

Ward 1 (P1)	Andrews Middle School	3000 Mystic Valley Pkwy
Ward 1 (P2)	Firefighter's Club	340 Salem St.
Ward 2 (P1)	Roberts Elementary School	Park St & Court St.
Ward 2 (P2)	Roberts Elementary School	35 Court St.
Ward 3 (P1)	American Legion	321 Winthrop St.
Ward 3 (P2)	Temple Shalom	475 Winthrop St.
Ward 4 (P1)	Tufts University, Gantcher Center	161 College Ave.
Ward 4 (P2)	Walkling Court (Fondacaro)	Auburn St. & North St.
Ward 5 (P1)	Missituk Elementary School	37 Hicks Ave.
Ward 5 (P2)	Missituk Elementary School	37 Hicks Ave.
Ward 6 (P1)	West Medford Fire Station	26 Harvard Ave.
Ward 6 (P2 & P2A)	Brooks Elementary School	388 High St.
Ward 7 (P1)	Mystic Valley Towers	North Building Entrance
Ward 7 (P2 & P2A)	McGlynn K-8 Public School	3004 Mystic Valley Pkwy
Ward 8 (P1)	Senior Center	101 Riverside Ave.
Ward 8 (P2)	South Medford Fire Station	Zero Medford St.

On TUESDAY, THE THIRD DAY OF SEPTEMBER 2024, from 7:00 A.M. to 8:00 P.M. for the following purpose: To cast their votes in the State Primaries Election for the candidates of the political parties for the following offices:

SENATUR IN CONGRESS	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS	FIFTH DISTRCT
COUNCILOR	SIXTH DISTRICT
STATE SENATOR	SECOND MIDDLESEX DISTRICT
STATE REPRESENTATIVE	23 rd , 34 th , 35 th MIDDLESEX DISTRICT
CLERK OF COURTS	MIDDLESEX COUNTY
REGISTER OF DEEDS	MIDDLESEX SOUTHERN DISTRICT
Given under our hands this <u>13th</u> day of August, 202	24.
The Medford City Council:	