



Medford City Council  
Medford, Massachusetts

**The Seventh Regular Meeting, March 28, 2023**

**City Council**

Isaac B. “Zac” Bears  
Richard F. Caraviello  
Kit Collins  
Adam Knight  
Nicole Morell  
George A. Scarpelli  
Justin Tseng

Broadcast Live: Channel 22 (Comcast) and Channel 43 (Verizon)

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**ROLL CALL**

President Nicole Morell called the Regular meeting of March 28, 2023 of the Medford City Council to order at 7:00 P.M. at the Howard F. Alden Memorial Auditorium, Medford City Hall, and via Zoom.

Present: Vice President Bears; Councillor Caraviello; Councillor Collins; Councillor Knight; Councillor Scarpelli; Councillor Tseng; President Morell. Inside the Rail: City Clerk Adam Hurtubise; City Messenger Lawrence Lepore.

**SALUTE TO THE FLAG**

At 7:04 p.m., Vice President Bears moved to suspend the rules to take Public Participation (Councillor Scarpelli second)—approved.

**PUBLIC PARTICIPATION**

Addressing the Council:

Mark Chubbs, 356 Winthrop Street  
George Lane, 352 Winthrop Street  
Steve South, Teamsters Local 125, 106 Damon Road

To participate remotely outside of Zoom, please email [AHurtubise@medford-ma.gov](mailto:AHurtubise@medford-ma.gov).

At 7:45 p.m., while under suspension, Councillor Knight called for Paper **23-080**, the CAF change for the Human Resources Director.

### **COMMUNICATIONS FROM THE MAYOR**

#### **23-080**

March 23, 2023

#### **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 Morell and City Councilors:

I respectfully request and recommend that the City Council approves the following Amendment to the Revised Ordinances entitled “Personnel” Article II, “Classification and Compensation Plan,” Section 66-33 entitled “Officers and Employees – Non-Union” by adopting the following change:

#### **Amendment A**

The language of “CAF-19” shall be amended to include the following position:

**“Human Resources Director”**

Respectfully submitted,

  
Breanna Lungo-Koehn  
Mayor

Councillor Knight moved to receive and place on file (Councillor Caraviello second)—received and placed on file.

At 7:46 p.m., while under suspension, Vice President Bears called for Papers **23-081** and **23-028**.

### **COMMUNICATION FROM MBTA OFFICIALS**

#### **23-081**

#### **Medford City Council Meeting**

**March 28, 2023**

The MBTA Plan for Accessible Transit Infrastructure (PATI) project will be presenting to the Medford City Council on March 28, 2023, at 7:00pm. The PATI Project aims to

improve rider accessibility and compliance with the Americans with Disabilities Act (ADA). In Medford specifically, this project will improve crosswalks, ADA compliant Pedestrian ramps, add traffic calming measures, and other various improvements to MBTA bus stops. A few bus stop relocations are proposed to create safer traffic movements. In addition, several bus stop eliminations are proposed for stops that have very low ridership.

The MBTA PATI project will present the following locations for improvements.

- Medford G-1 – Winthrop Street at Robinson Road
- Medford G-3 – Boston Avenue at High Street
- Medford G-4 – Boston Avenue at Arlington Street
- Medford G-5 – High Street at Canal Street
- Medford G-6 – High Street at Woburn Street
- Medford G-7 – Salem Street at Hadley Place
- Medford G-8 – Highland Avenue at Middlesex Avenue
- Medford G-9 – Highland Avenue at Tucker Street
- Medford G-10 – Fellsway W at Foss

And the following locations for elimination.

- Main Street at South Gateway
- Main Street at Town Way
- Main Street at Windsor Rd
- Boston Avenue at Holton Street
- Playstead Rd opposite Chardon Rd
- Playstead Rd at Chardon Rd
- Fellsway W at Cherry Street
- 205 Fellsway W
- Fellsway W at Fulton Springs Rd
- High Street at Monument Street
- High Street at Pitcher Avenue
- High Street at Hillside Avenue
- 163 Riverside Avenue
- Riverside Avenue at Pleasant Street
- Fellsway at Central Avenue
- Fellsway at Medford Street

For additional information, please see the project website, <https://www.mbta.com/projects/bus-stop-accessibility-improvements>. With any questions, please email, [betterbusproject@mbta.com](mailto:betterbusproject@mbta.com).

Addressing the Council:

Bin Jou, MBTA Project Delivery  
Jackie Davis, HDR Engineering, for the MBTA  
Julian Antos, Senior Director, Bus Transformation, MBTA  
Transportation Director Todd Blake

The Council made the following motions and requests during the MBTA presentation:

Vice President Bears moved for and requested an RRFB for G-1, Winthrop and Robinson Road.

Councillor Collins moved for and requested an RRFB for G-3, Boston Avenue at High Street.

Vice President Bears moved for and requested an RRFB for G-3, on the High Street-facing side.

Councillor Tseng moved for and requested an RRFB for G-7, Salem Street at Allen Court.

Councillor Tseng moved for and requested additional pedestrian safety and an RRFB at G-8, Highland Avenue at Middlesex Avenue.

Councillor Tseng moved for and requested an RRFB for the crossing for G-9, at Highland Avenue at Waddell.

Vice President Bears moved for and requested that the MBTA hold over High Street at Hillside Avenue.

Councillor Tseng moved for and requested that the MBTA hold over Fellsway at Medford Street.

Councillor Tseng moved to table until the Council gets additional information from the MBTA and to give the community a chance for additional feedback. Councillor Tseng withdrew this motion until the end of debate.

Vice President Bears moved to combine all motions and recommendations (Councillor Tseng second)—motions and recommendations combined.

Councillor Tseng moved to table until April 25 so the Council can get additional information from the MBTA and to give the community a chance for additional feedback (Vice President Bears second)—tabled until April 25.

### **MOTIONS, ORDERS, AND RESOLUTIONS**

**23-028**-Offered by Offered by Councillor Caraviello

Be it so Resolved that Eversource provide an update to the Medford City Council, DPW, and Engineering Departments.

Addressing the Council:

Bob Coates, Vice President of Capital Construction, Eversource  
Transportation Director Todd Blake

- a) Councillor Knight offered an amendment requesting that we reach out to the City Engineer and to Eversource to see if the bike lanes that are taking away parking spots in front of those homes between Lawrence Road and High Street would be a result of the mitigation package that was negotiated between the Administration and Eversource; in addition, Councillor Knight requested that the City Clerk reach out to the American Legion Commander to inquire whether the removal of parking spaces would have any impact on Election Day operations at the polling place.

Councillor Knight moved for approval as amended (Councillor Scarpelli second)—approved as amended.

At 9:10 p.m., Councillor Collins moved to revert to the regular order of business (Councillor Tseng second)—approved.

### **ANNOUNCEMENTS, ACCOLADES, REMEMBRANCES, REPORTS, AND RECORDS**

**23-076**- Offered by Vice President Bears and Councillor Tseng

A Resolution to extend best wishes to Muslims in Medford, Massachusetts, the United States, and worldwide, for a joyous and meaningful observance of Ramadan, a holy month of prayer, fasting, charity, and reflection.

Whereas Islam is one of the world's major religions and part of our shared faith tradition; and

Whereas Muslims have been a part of the fabric of America for over 400 years, since the first Muslims in America arrived as enslaved people; and

Whereas the Commonwealth of Massachusetts is home to 131,000 Muslims, and their Muslim faith is welcome here; and

Whereas the Muslim community is one of the most racially diverse faith groups in the United States, and has enriched the Commonwealth of Massachusetts; and

Whereas Ramadan is the holy month of fasting and spiritual renewal for Muslims worldwide, and the 9th month of the Muslim calendar year; and

Whereas Ramadan is a time to reflect spiritually, build communally, give to charity, and a reason to celebrate and express gratitude; and

Whereas Ramadan began at dusk on March 23, 2023, and lasts for one lunar month, with the first and last dates determined by the lunar Islamic calendar;

Now, therefore:

Be it Resolved that the Medford City Council goes on record to recognize the commencement of Ramadan, a holy month of prayer, fasting, charity, and reflection; and

Be it Further Resolved that the Council extends best wishes to Muslims in Medford, the Commonwealth of Massachusetts, the United States, and worldwide, a joyous and meaningful observance of Ramadan; and

Be it Further Resolved that the City Clerk is hereby requested to ensure that the Islamic Cultural Center of Medford and Jetpac Resource Center receive a copy of this resolution.

Councillor Tseng moved for approval (Vice President Bears second)—approved.

**23-077**-Offered by Councillor Collins

Be it so Resolved that the Medford City Council send its deepest and most sincere condolences to the family of Margaret Egitto and hold a moment of silence in her honor.

Councillor Collins moved for approval (Councillor Tseng second)—approved.

**23-078**-Offered by Councillor Collins and Vice President Bears

Be it so Resolved that the Medford City Council recognize Walk, Bike and Roll to School Day on April 4th. Supported by the Safe Routes to School Program and Walk Medford,

students and community members will be celebrating the day with bike trains to and from school.

Councillor Collins moved for approval (Vice President Bears second)—approved.

**23-079**-Offered by President Morell, Councillor Tseng, and Councillor Collins

Be it so Resolved that the Medford City Council honor and celebrate Women's History Month.

Councillor Collins moved for approval (Councillor Caraviello second)—approved.

### **Records:**

The Records of March 21, 2023 were passed to Councillor Caraviello. Councillor Caraviello moved for approval (Councillor Knight second)—approved.

### **Reports of Committees:**

**22-494**- March 21, 2023 Subcommittee on Ordinances and Rules Report.

**22-494**  
**SUBCOMMITTEE ON ORDINANCES AND RULES**  
**MEETING REPORT**  
**TUESDAY, MARCH 21, 2023 @ 6:00 P.M.**

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Attendees: Council Vice President Isaac “Zac” Bears; Councillor Kit Collins; City Clerk Adam Hurtubise; Finance Director Bob Dickinson.

Vice President Bears called the meeting to order on Tuesday, March 21, 2023, at 6:00 p.m. in the Medford City Council Chamber on the second floor of Medford City Hall, and via Zoom. The purpose of the meeting was to discuss the creation of a Budget Needs Assessment Ordinance to provide accurate and actionable information on the City of Medford's operating and capital budget needs and the deficit between current revenues and needed expenditures (Paper **22-494**).

Vice President Bears thanked participants for attending. He provided a summary of work done to date. Councillor Collins thanked Vice President Bears. Vice President Bears shared a memo he drafted as a result of the last meeting. He said currently Chapter 2 Section 5 governs the budget. He recommended moving all the budget items to a new chapter in the ordinances. He said he hopes that the draft ordinance provides a framework so that the Council has enough information to make informed decisions.

He said right now we get a budget in late May or early June. He said that this ordinance would allow the Council to meet with department heads earlier. He said nothing in the ordinance is intended to conflict with Massachusetts General Law and the proposed effective date would be September 1, 2023.

Councillor Collins said that this is a great start. She said that the memo encapsulates the previous discussions. She said that this provides a structure to which we can hold ourselves accountable. She said that quarterly meetings are important and improve transparency.

Councillor Collins said that section 107 would merit further discussion. She said that this is the Council's opportunity to set forth a best-case scenario on how this would go. She said that a couple of these dates could be bumped. She said she does not want a process that is not doable. She suggested submissions by the last week in March and a request for a comprehensive budget proposal in the first half of May.

Councillor Collins moved for a five-minute recess to address technical issues (Vice President Bears second)—approved.

Vice President Bears declared a recess at 6:24 p.m.

Vice President Bears called the meeting back to order at 6:26 p.m.

Director Dickinson said that as a framework, the ordinance looks quite reasonable. He said he would have to review it in more detail. He said he doesn't want to do what we did last June. He said he assumes that this is a working document and wants to review it with his team.

Vice President Bears said that there will be future meetings on this document and that he would move to send the document to Director Dickinson for his review.

Vice President Bears said that Article 6, the annual budget needs assessments, is important. He asked if it was feasible for the City to create an annual or other report that would provide an overview of short and long term financial needs. He said all of this would require further discussion for capital needs and operating needs. He said he looked for other processes in other cities and towns. He said he didn't find anything by way of an ordinance, but the framework is that at some regular interval, the City produces a document with operational and capital needs.

Councillor Collins said that we can look for a template. She said she thinks this is doable. She said it could be a tough thing to get exactly right. She said this strikes her as a top-heavy project. She said that this is driven by the exact under-resource issues that created the discussion about this ordinance. She said that in terms of immediate next steps, the hardest thing is to describe what these reports should look like.

Director Dickinson said this would be a big project but that it wouldn't be as heavy a lift once the structure is in place. He said extending road and sidewalk needs to needs of other departments Citywide is a bit tough to do. He said it becomes more difficult to predict on the operating side what people we would need to get these projects done.

Vice President Bears said one result of the last meeting was to produce a memo on what could be done outside of the ordinance. He said he would like feedback from the full Council on this. He said the intent is to articulate the policies and procedures. He said that this could create a collaborative approach around budgeting. He said that generally, other comparable cities have more staff members. He said that an ordinance

would give the Council more authority over the budget process. He said that a Charter Amendment might also be necessary. He said that the Boston City Council just changed the City Charter. He said it would be better for democracy if the Council had a voice in this. He said he would support circulating the documents again for more feedback from the Council.

Councillor Collins said that this is a summary of conversations that the full Council should have. She said all the newer Councillors have a view on the budget process. She said that there is so much to be said about the influence of the City Council on the process. She said that the Council is often more accessible.

Councillor Collins moved to send the documents to the subcommittee members for comments, and to Director Dickinson for comments, and then for a discussion of those comments at a future meeting (Vice President Bears second)—approved.

Councillor Collins moved to adjourn at 6:53 p.m. (Vice President Bears second)—approved.

Vice President Bears adjourned the meeting at 6:53 p.m.

[End of Subcommittee on Ordinances and Rules Report.]

Vice President Bears moved to approve the report (Councillor Collins second)—approved.

**22-321-** March 22, 2023 Subcommittee on Zoning, Planning, and Development Report to Follow.

**22-321**  
**SUBCOMMITTEE ON ZONING, PLANNING AND DEVELOPMENT**  
**MEETING REPORT**  
**WEDNESDAY, MARCH 22, 2023 @ 6:00 P.M.**

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Attendees: Council Vice President Isaac “Zac” Bears; Councillor Kit Collins; Councillor Adam Knight; City Clerk Adam Hurtubise; Building Commissioner Bill Forte; Alicia Hunt, Director of Planning, Development and Sustainability.

Vice President Bears called the meeting to order on Wednesday, March 22, 2023, at 6:00 p.m. in the Medford City Council Chamber on the second floor of Medford City Hall, and via Zoom. The purpose of the meeting was to discuss the Condo Conversion Ordinance (Paper **22-321**).



Vice President Bears thanked participants for attending. He said that this paper was actually referred to the Subcommittee on Housing, not this subcommittee, but that he and Councillor Collins were both on this Subcommittee and there may need to be a resolution sending this paper to this committee, but that he did not see any difficulties.

Councillor Collins gave a brief overview of similar ordinances as she understood them. She discussed the benefits of a condo conversion ordinance. This is a way to help displaced tenants. She said some communities have ordinances that are more strict than state law provides. She compared ordinances in other communities. She said these ordinances are tailored to target for-profit developers, not people converting properties to be transferred to family members.

Councillor Collins went through the structure of typical condo conversion ordinances. She said that the state statute enacted 40 years ago and regulates how condo conversions happen and imposes certain conditions. There must be notice to tenants. There must be notice of at least one year, and in some cases it is two years. Tenants in a protected class must be given two years of notice and an additional two years if housing can't be found in the same community. Other tenants get one year of notice. There are limits on rent increases during this period as well. Tenants are afforded the first right of refusal. There are relocation payments, with higher payments to tenants in protected classes. There are penalties for violating the law.

Councillor Collins said that 12-15 cities have these ordinances. She highlighted some of the provisions within these ordinances.

Director Hunt said this is not something we've really dug into. She said the Housing Production Plan is basically silent on this topic. She said that the Interim Assessor said that condo conversions are good for the budget and increase the tax levy, but they need to be balanced against the need for affordable housing, and there is not enough deed-restricted affordable housing. Director Hunt contrasted homeowners who want to convert to condos versus developers who are trying to flip properties for profit.

Vice President Bears asked for data on condo conversions and Director Hunt said she would try to get what she had.

Lilly Worth from PDS provided some highlights of the Somerville ordinances. Commissioner Forte said most renovations are not condo conversions. He said soundproofing and fire protection are big issues with condo conversions. He said it's a hassle to divide up an existing property into title. Sound attenuation is particularly difficult. He said certain conversions would require two separate building permits and two separate certificates of occupancy. He said that the big 40B project coming up might be something we want to restrict. He said he very rarely sees two-family homes converted to condos unless the building has been demolished and rebuilt.

Vice President Bears said that there was a condo boom in the 80s, then a moratorium later. He said there is a pretty big new building on Middlesex Avenue. He said he could see the 10-25 unit buildings going in that direction.

Councillor Collins said this was all helpful context. She said that the Green Line Extension is now here and could factor into a variety of housing issues. She said she would like to follow up with our Interim Assessor.

Councillor Collins said she looked at other ordinances. She said many communities required a declaration of emergency. She said most of these ordinances require notifying the tenant in the targeted unit. She said that these ordinances identify protected tenants. She detailed other situations such as when a unit becomes vacant during the conversion notice period and then is re-rented. Eviction during the conversion period is also spelled out by statute. She said that Lexington has a Condo Conversion Board which issues licenses.

She detailed tenant rights of first refusal. She said that everywhere except Lexington, the tenants have first right of refusal. They can purchase at the same or more favorable terms as offered to the general public. Some ordinances give the right to a city to purchase if a tenant does not exercise the right to purchase, so that the condo can be purchased as affordable housing. She said some cities go higher for the relocation payments (higher than state law requires). There is also relocation assistance requiring owners to help tenants find alternate housing. Boston and Marlboro extend the notice period in the event that new housing cannot be found. She gave examples of reporting and review requirements. She asked in what ways we might want this to be a lever for affordable condo conversions.

Vice President Bears said one way we could go forward is to get more data and to get more anecdotal information. He said we could check additional data. He said he is interested in the potential outcomes. Councillor Collins said she wanted to start with desired outcomes and work backward from there.

Vice President Bears asked Ms. Worth for examples of communities looking for desired outcomes and crafting that into the ordinance. Ms. Worth gave examples from Somerville. She said there may have been incentives to property owners to connect tenants with new housing.

Councillor Collins said that she would like to circulate the documents from the meeting tonight to relevant City staff, asking for feedback on outcomes to avoid and outcomes to focus on, making sure that tenants can remain in the community or streamlining procedures for owner-occupants.

Vice President Bears moved to request data and other information from the Building Department, PDS, and the Assessor's Office (Councillor Collins second)—approved.

Councillor Collins moved to circulate the relevant documents to subcommittee members and relevant city employees for feedback on goals a potential ordinance could help achieve, and potential negative consequences any ordinance should avoid (Vice President Bears second)—approved.

Councillor Collins moved to adjourn at 7:09 p.m. (Vice President Bears second)—approved.

Vice President Bears adjourned the meeting at 7:09 p.m.

[End of Subcommittee on Zoning, Planning, and Development Report.]

Vice President Bears moved to approve the report (Councillor Collins second)—approved.

At 9:25 p.m., Vice President Bears moved to suspend the rules to take papers under suspension and in the hands of the Clerk (Councillor Tseng second)—approved.

**23-082**—Offered under suspension by Councillor Scarpelli

Be it so Resolved that the City Administration update the City Council with where in the process are all of the Ordinances that this Council has worked on since the vacancies in the Solicitor's Office.

- a) Councillor Scarpelli offered an amendment asking the Administration to forward to the Council any ordinances signed by KP Law.
- b) Councillor Scarpelli offered an amendment that the Council ask the City Administration for funding to reach out to former City Solicitors, preferably former Solicitor Rumley or former Solicitor Scanlon, to come in and work on a per diem or stipend program, or on retainer, and be sworn in as Acting City Solicitors for the per diem.

Councillor Scarpelli moved for approval as amended (Councillor Caraviello second)—approved as amended.

At 9:46 p.m., Councillor Collins moved to take Papers **22-519**, **21-053**, **22-058**, **23-043**, **23-057**, and **20-024** from the table because they are eligible for third reading (Vice President Bears second)—approved.

**22-519--**

September 23, 2022

To: President Nicole Morell and Honorable Members of the City Council

From: Roberta Cameron, Chair of the Community Preservation Committee

Re: Amendment to Community Preservation Act Ordinance

Dear President Morell and Members of the Medford City Council:

I respectfully request that your Honorable Body approve an amendment to the ordinance governing the Community Preservation Act in Medford. The proposed amendment would simplify unnecessary procedures and bring the process of appointment members in line with common and best practices. Enclosed please find a summary of the proposed amendment and draft of the amended ordinance.

Thank you for your consideration.

Respectfully submitted,

Roberta Cameron

Chair, Community Preservation Committee

The following sections of the Ordinances of the City of Medford shall be amended as follows:

**Sec. 2-561. - Establishment, responsibilities and organization.**

(c) *Organization*: The committee shall annually elect one of its members to serve as chairperson and may elect such other officers, adopt procedural rules and regulations and establish any subcommittees as it deems appropriate, In addition:

(1) The chairperson may recommend to the mayor that any member of the committee be removed if, without good cause, that member has a number of unexcused absences that exceed 25 percent of the number of meetings of the committee held within a 12-month period. The decision of the mayor to accept, reject or take no action with regard to the recommendation of the chairperson under this section shall not be subject to the approval or confirmation of the city council

(2) The chairperson of the committee may call for public hearings in excess of one in her or his sole discretion.

**Sec. 2-563. - Preference in selection, qualifications for appointed members.**

(d) No elected official of the city, shall be eligible to serve as an "appointed member" of the committee.

**Sec. 2-564. - Vacancies in appointed member positions.**

If there is a vacancy in an appointed member position of the commissions, the following process shall be utilized to fill such vacancy:

- (1) Written notice of the vacancy shall be posted by way of a public advertisement on the website of the city and by any other suitable method announcing to the general public that there is a vacancy in the appointed membership of the commission and stating how and where an application for that position can be obtained.
- (2) Vacancies shall be advertised and posted as soon as reasonably possible and continue to be advertised until such time as the vacancy is filled.
- (3) The qualification for appointment to a vacancy to an appointed member position shall be the same as is set forth in [section 2-563](#).

Vice President Bears moved to approve the paper for third reading to be ordained (Councillor Tseng second)—approved for third reading to be ordained on a roll call vote of seven in favor and zero opposed.

**21-053—**

**21-053-** Offered by Councillor Collins

**Housing Stability Notification Ordinance**

Chapter 49 - Housing

Article I. - IN GENERAL

Secs. 49-1—49-30. - Reserved.

Article II. - HOUSING STABILITY NOTIFICATION ORDINANCE

Sec. 49-31. - Purpose.

The purpose of this Ordinance is to promote the housing stability of Medford residents.

Sec. 49-32. - Definitions.

"Applicable laws" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders that have the effect of law, as well as all applicable final, non-appealable judicial opinions.

"Entity" means a business organization, or any other kind of organization, including without limitation a corporation, partnership, trust, limited liability corporation, limited liability partnership, joint venture, sole proprietorship, development or project, or any other category of organization, and any employee, agent, servant or other representative of such entity.

"Former Homeowner" means any natural person or group of natural persons who, prior to foreclosure of a housing accommodation, had been the title owner or owners of such housing accommodation, or who has a legal or beneficial interest in the housing accommodation by dissolution of marriage, separation agreement, survivorship, devise, or intestate succession, and who at the time of foreclosure actually occupied such housing accommodation as a resident or residents.

"Foreclosing Owner" means any natural person or entity that holds title in any capacity, directly or indirectly without limitation, whether in its own name, as trustee or as

beneficiary, to a housing accommodation that has been foreclosed upon and either (1) held or owned a mortgage or other security interest in the housing accommodation at any point prior to the foreclosure of the housing accommodation, or is the subsidiary, parent, trustee, or agent thereof; or (2) is an institutional mortgagee that acquires or holds title to the housing accommodation; or (3) is the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

"Landlord" means owner of record, or lessor or sublessor of an owner of record, or any other person, project, housing development, or other entity entitled either to receive rent for the use and occupancy of any rental unit or to maintain an action for possession of a rental unit, or an agent, representative, successor, or assignee of any of the foregoing.

"Lease non-renewal or expiration" means a provision in a written rental agreement for a housing accommodation or rental unit that the lease will expire either as of a fixed date, or at the election of the owner for the failure of the tenant to take certain affirmative action.

"Notice to quit" means any written notice sent by a landlord or a foreclosing owner to a tenant or former homeowner of a residential rental unit or housing accommodation seeking to terminate the tenant's tenancy or the former homeowner's occupancy of such rental unit or housing accommodation.

"Owner" means any person or entity that holds title to one or more dwelling units in any manner including but not limited to a partnership, corporation or trust. For purposes of this ordinance the term "owner" shall include one who manages, controls, or customarily accepts rent on behalf of the owner.

"Rental Unit" means a non-owner occupied room or group of related rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating.

"Skilled Nursing Facility" means a health facility or a distinct part of a hospital that provides, at a minimum, skilled nursing care and supportive care to patients whose primary medical need is the availability of skilled nursing care on an extended basis. Such facility must provide 24 hour inpatient care, an activity program, and medical, nursing, dietary, and pharmaceutical services. Additionally, the facility must provide effective arrangements, confirmed in writing, through which services required by the patients but not regularly provided within the facility can be obtained promptly when needed.

"Tenancy" means occupation or use of a dwelling unit under an express or implied rental agreement.

"Tenant" means any person who inhabits or is entitled to inhabit a dwelling unit under a rental agreement.

#### Sec. 49-33. - Applicability.

(a) The provisions of this ordinance shall apply to all rental units and housing accommodations in the City of Medford, in whole or in part, where:

1. a landlord and tenant have entered into a new tenancy as described in Section 49-34(a) below; or
2. a notice to quit or other notice of lease nonrenewal or expiration has been served, or should have been served, on the tenant or former homeowner of any such rental unit or housing accommodation as of the effective date of this ordinance, but where any such rental unit or housing accommodation has not yet been vacated or a final order of judgment for possession has not entered as of the effective date of this ordinance.

(b) The provisions of this ordinance shall not apply to the following types of units:

3. Rental units in any hospital, skilled nursing facility or health facility.
4. Rental units in a nonprofit facility that has the primary purpose of providing short term treatment, assistance or therapy for alcohol, drug or other substance abuse.

Short term treatment is treatment meant to last thirty or less days where such housing is incidental to the recovery program and where the client has been informed in writing of the short term, temporary or transitional nature of the housing at its inception.

Sec. 49-34. - Required Notices.

(a) Inception of the tenancy: At the inception of a tenancy or whenever a landlord enters into a new tenancy with a tenant under written lease, written tenancy-at-will or oral tenancy-at-will, regardless of length, the landlord shall, on or before the fifth day of the tenancy, provide to the tenant a notice of basic housing rights and resources, which shall also include citations where additional information about such rights and resources can be obtained online or in person; and also including a list of organizations available to assist tenants and/or former homeowners, with these organizations' contact information. The notice shall be in a form or forms prepared by the City of Medford which shall be attached thereto and obtainable on its website. Such notice shall be provided in-hand or by certified mail, in addition to by email if one is available. This notice shall include translated instructions for how to readily access the included information and resources in languages other than English.

(b) Termination of tenancy: When a landlord or foreclosing owner serves the tenant or former homeowners any notice to quit or notice of lease nonrenewal or expiration, such landlord or foreclosing owner shall, at the same time, also provide the tenant or former homeowner with a notice of basic housing rights and resources, which shall also include citations where additional information about such rights and resources can be obtained online or in person; and also including a list of organizations available to assist tenants and/or former homeowners with these organizations' contact information, on a form or forms prepared by the City of Medford which shall be attached thereto and obtainable on its website. Where a landlord or foreclosing owner is exercising a right of lease nonrenewal or expiration, the owner shall give such written notice prepared by the City of Medford at least thirty days prior to commencing any summary process action against the tenant or former homeowner. Such notice shall be provided in-hand or by certified mail. This notice shall include translated instructions for how to readily access the included information and resources in languages other than English.

(c) The Board of Health Director or their designee shall consult the Office of Diversity, Equity and Inclusion, Office of Planning, Development and Sustainability, and Office of Prevention and Outreach on the creation of the required notices.

(d) The required notices shall be updated annually and shall provide information regarding online access to additional resources and language translation of information included within the required notices.

Sec. 49-35. - Non-Waiveability.

The provisions of this Ordinance may not be waived, and any term of any lease, contract or other agreement which purports to waive or limit a tenant's or former homeowner's substantive or procedural rights under this ordinance is contrary to public policy, unenforceable, and void.

Sec. 49-36. - 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 of this article.

Sec. 49-37. - Enforcement.

The provisions of this Ordinance shall be enforced by the Board of Health Director or their designee, by a noncriminal disposition pursuant to Massachusetts General Laws Chapter 40, Section 21D. Each failure to comply with the requirements set forth in this Act with respect to an individual tenant or occupant entitled to notice hereunder shall be deemed a separate offense triggering a separate warning or fine. The penalty for the

first violation of this ordinance shall be a written warning and the penalty for each subsequent violation shall be a fine of \$50.

Sec. 49-38. - Effective date.

This Ordinance shall become effective 90 days after passage by the City Council.

- a) Councillor Knight offered an amendment striking “a fine of \$300” and replacing it with “a fine of \$50” (Vice President Bears second)—approved on a roll call vote of four in favor (Vice President Bears, Councillor Caraviello, Councillor Knight, Councillor Scarpelli) and three opposed (Councillor Collins, Councillor Tseng, President Morell).
- b) Councillor Knight offered an amendment exempting Tufts-owned on-campus housing (Councillor Caraviello second)—failed on a roll call vote of three in favor (Councillor Caraviello, Councillor Knight, Councillor Scarpelli) and four opposed (Vice President Bears, Councillor Collins, Councillor Tseng, President Morell).

The amendments above were added during consideration for first reading.

Vice President Bears moved for approval for third reading to be ordained (Councillor Tseng second)—approved for third reading to be ordained on a roll call vote of seven in favor and zero opposed.

## **22-058—**

### **Section 50, Article III - An Ordinance To Promote Transparency and Protect Civil Rights and Civil Liberties With Respect to Surveillance Technology**

#### **Section 50–70. - Purpose and Intentions.**

The purpose of this Ordinance is to provide for the regulation of Surveillance Technology acquisition or use by the City of Medford or the use of the Surveillance Data it provides, to:

- safeguard the right of individuals to privacy;
- balance the public's right to privacy with the need to promote and ensure safety and security;
- mitigate potential impacts on the civil rights and liberties of any individuals, communities or groups, including communities of color or other marginalized communities in the City;
- balance any decision to use Surveillance Technology with an assessment of the costs and protection of privacy, civil liberties and civil rights;
- allow for informed public discussion before deploying Surveillance Technology;
- provide for transparency, oversight, and accountability;
- and to minimize the risks posed by use of Surveillance Technology in the City.

Nothing in this ordinance should be interpreted as:

- preventing compliance with warrants or court orders;
- requiring disclosures or any other actions that would violate explicit confidentiality provisions contained within warrants or court orders;
- preventing compliance with federal or state authorities’ requests to use surveillance technology or share surveillance data where such use is authorized pursuant to this ordinance.
- requiring disclosures that are so detailed and specific as to imperil ongoing police investigations or impinge upon the privacy of individual actors.

#### **Section 50–71. - Definitions**

For the purposes of this Ordinance:

(A) "Surveillance" shall mean the act of observing or analyzing the movements, behavior, or actions of Identifiable Individuals.

(B) "Identifiable Individual" shall mean an individual whose identity can be revealed by data, including Surveillance Data, or revealed by data when it is analyzed and/or combined with any other type of record.

(C) "Municipal entity" shall mean any municipal government, agency, department, bureau, division, or unit of this City.

(D) "Exigent circumstances" means the police commissioner or the police commissioner's designee's good faith and reasonable belief that an emergency involving danger of death, physical injury, similar to those that would render it impracticable to obtain a warrant, requires the use of the Surveillance Technology or the Surveillance Data it provides. The use of Surveillance Technology in Exigent Circumstances shall not infringe upon an individual's right to peacefully protest or exercise other lawful or protected constitutional rights.

(E) "Surveillance Data" shall mean any data collected, captured, recorded, retained, processed, intercepted, analyzed, or shared by Surveillance Technology.

(F) "Viewpoint-based" shall mean targeted at any community or group or its members because of their exercise of rights protected under the First Amendment of the United States Constitution.

(G) "Surveillance Technology" shall mean any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, behavioral, or similar information or communications specifically associated with, or capable of being associated with, any specific individual or group; or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software.

1. "Surveillance Technology" includes, but is not limited to: (a) international mobile subscriber identity (IMSI) catchers and other cell site simulators; (b) automatic license plate readers; (c) electronic toll readers; (d) closed-circuit television cameras; (e) biometric Surveillance Technology, including facial, voice, iris, and gait-recognition software and databases; (f) mobile DNA capture technology; (g) gunshot detection and location hardware and services; (h) x-ray vans; (i) video and audio monitoring and/or recording technology, such as surveillance cameras, wide-angle cameras, and wearable body cameras; (j) surveillance enabled or capable light-bulbs or light fixtures; (k) tools, including software and hardware, used to gain unauthorized access to a computer, computer service, or computer network; (l) social media monitoring software; (m) through-the-wall radar or similar imaging technology, (n) passive scanners of radio networks, (o) long-range Bluetooth and other wireless-scanning devices, (p) radio-frequency I.D. (RFID) scanners, and (q) software designed to integrate or analyze data from Surveillance Technology, including surveillance target tracking and predictive policing software.
2. For the purposes of this Ordinance, the following do not constitute Surveillance Data or Surveillance Technology, and the requirements of this Ordinance do not apply to them:



a. Surveillance Data acquired where the individual knowingly and voluntarily consented to provide the information, such as submitting personal information for the receipt of City services;

b. Surveillance Data acquired where the individual was presented with a clear and conspicuous opportunity to opt out of providing the information.

3. For the purposes of this Ordinance, “Surveillance Technology” does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, a Surveillance Technology as defined in this section:

- a. Office hardware, such as televisions, computers, smart phones or handheld devices, credit card machines, copy machines, telephones, and printers that are in widespread use by the City and are used for routine City business and transactions;
- b. City databases and enterprise systems that contain information kept in the ordinary course of City business, including, but not limited to, human resources, permits, licenses, and business records;
- c. City databases and enterprise systems that do not contain any data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by Surveillance Technology, including payroll, accounting, or other fiscal databases;
- d. Information technology security systems, including firewalls and other cybersecurity systems;
- e. Physical access control systems, employee identification management systems, inventory control systems, and other physical control systems;
- f. Infrastructure and mechanical control systems, including those that control or manage street lights, traffic lights, electrical, natural gas, or water or sewer functions;
- g. LiDAR technology and systems used for Geographic Information Systems imagery purposes;
- h. Global Positioning System technology used to collect field data or track City-owned vehicles that are stored on City property when not in use;
- i. Computers, software, hardware, or other devices used in monitoring the work and work-related activities involving City employees, contractors and volunteers or used in conducting internal investigations involving City employees, contractors and volunteers;
- j. Cameras installed on the exterior or the interior of City property solely for security purposes, such as to monitor entryways and outdoor areas of City-owned or controlled buildings and property for the purpose maintaining the safety of City employees and visitors to City buildings, protecting City property, or to protect the physical integrity of City infrastructure;
- k. Cameras, computers, software, hardware, or devices used for videoconferencing or to facilitate broadcast or recording of public meetings;
- l. Police department interview room, holding cell, and police department internal security audio/video recording systems;
- m. Police department computer-aided dispatch (CAD), records/case management, DCJIS, III, Live Scan, booking, Department of Motor Vehicles, 9-1-1, and related dispatch and operation or emergency services systems;
- n. Police department early warning systems;

- o. Parking Ticket Devices ("PTDs") and related databases;
  - p. Manually-operated, handheld cameras, audio recorders, and video recorders whose functionality is limited to manually capturing and manually downloading video and/or audio recordings;
  - q. Surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles;
  - r. Manually-operated technological devices that are used primarily for internal City communications, such as radios, personal communications devices, and email systems; and
  - s. Parking access and revenue control systems, including proximity card readers and transponder readers at City-owned or controlled parking garages.
4. For the purposes of this Ordinance, traffic monitoring technologies, as well as recording and streaming technologies used for the broadcast of live events, shall be exempted.

**Section 50–72. - City Council Approval Mandatory for Surveillance Technology Funding, Acquisition, or Use**

(A) A municipal entity must obtain City Council approval, subsequent to a mandatory, properly-noticed, germane, public City Council hearing at which the public is afforded a fair and adequate opportunity to provide online, written and oral testimony, prior to engaging in any of the following:

- 1. Seeking funds for new Surveillance Technology, including but not limited to soliciting or accepting state or federal funds or in-kind or other donations;
- 2. Acquiring or borrowing new Surveillance Technology, whether or not that acquisition is made through the exchange of monies or other consideration;
- 3. Using new or existing Surveillance Technology for a purpose or in a manner not previously approved by the City Council in accordance with this Ordinance, including the sharing of Surveillance Data therefrom; or
- 4. Soliciting proposals for or entering into an agreement with any other person or entity to acquire, share or otherwise use Surveillance Technology or Surveillance Data.
- 5. Further, the City may seek, but not accept, funds for Surveillance Technology without approval from the City Council, provided that the City shall notify the City Council of the funding application at the time it is submitted, and include in this notification (i) the deadline of the funding opportunity, and (ii) details regarding the nature of the Surveillance Technology for which funding is sought.

(B) Body Worn Cameras shall be exempt from Section 50–72 of this Ordinance until January 1, 2028.

**Section 50–73. - Surveillance Impact Report and Surveillance Use Policy Submission**

(A) As a part of the process of seeking City Council approval, pursuant to Section 50-72(A), to fund, acquire, or use Surveillance Technology or to enter into an agreement concerning such funding, acquisition, or use, a municipal entity shall submit to the City Council and make publicly available a **Surveillance Impact Report** and **Surveillance Use Policy** concerning the technology at issue.

1. No use of Surveillance Technology by a municipal entity pursuant to Section 50-72(A) shall be permitted without the City Council's express approval of the related Surveillance Impact Report and Surveillance Use Policy submitted by the municipal entity pursuant to Section 50-73(A).

2. Prior to approving or rejecting a Surveillance Impact Report or Surveillance Use Policy submitted pursuant to Section 50-73(A), the City Council may request revisions be made by the submitting municipal entity.

(B) **Surveillance Impact Report:** A Surveillance Impact Report submitted pursuant to Section 50-73(A) shall be a publicly-released, mandatory written report. This shall contain a description of the Surveillance Technology so as to provide the public and City Council with a general understanding of the Surveillance Technology's workings and the reasons for which it is sought for use in the city. Nothing in this section should be interpreted as requiring information that is substantially more detailed or technical than what is publicly available from the manufacturer of a surveillance technology, i.e. on a product website, unless the description of the capabilities to be used by the city are not publicly available. The Surveillance Impact Report shall include, at a minimum, the following:

1. Information describing the Surveillance Technology and how it works, including product descriptions from manufacturers;
2. Information on the proposed purpose(s) of the Surveillance Technology;
3. If the Surveillance Technology will not be uniformly deployed or targeted throughout the city, what factors will be used to determine where the technology is deployed or targeted;
4. The fiscal impact of the Surveillance Technology; and
5. An assessment identifying with specificity:
  - a. Any potential adverse impacts the Surveillance Technology, if deployed, might have on civil liberties and civil rights; and
  - b. What specific, affirmative measures will be implemented to safeguard the public from the potential adverse impacts identified pursuant to Section 50-73(B)(5)(a).

(C) **Surveillance Use Policy:** A Surveillance Use Policy submitted pursuant to Section 50-73(A) shall be a publicly-released, legally enforceable written policy governing the municipal entity's use of the Surveillance Technology that, at a minimum, includes and addresses the following:

1. Purpose: What specific purpose(s) the Surveillance Technology is intended to advance.
2. Authorized Use: For what specific capabilities and uses of the Surveillance Technology is authorization being sought, and
  - a. What legal and procedural rules will govern each authorized use;
  - b. What potential uses of the Surveillance Technology will be expressly prohibited, such as the warrantless surveillance of public events and gatherings; and
  - c. How and under what circumstances will Surveillance Data that was collected, captured, recorded, or intercepted by the Surveillance Technology be analyzed and reviewed.
3. Data Collection:
  - a. What types of Surveillance Data will be collected, captured, recorded, intercepted, or retained by the Surveillance Technology;

- b. What Surveillance Data may be inadvertently collected during the authorized uses of the Surveillance Technology, and what measures will be taken to minimize the inadvertent collection of data; and
  - c. How inadvertently collected Surveillance Data will be expeditiously identified and deleted.
4. Data Protection: What safeguards will be used to protect Surveillance Data from unauthorized access, including encryption and access control mechanisms.
5. Data Retention: Insofar as the privacy of the public can be severely compromised by the long-term storage of mass Surveillance Data, what rules and procedures will govern the retention of Surveillance Data, including those governing:
  - a. For what time period Surveillance Data will be retained. Such information shall include a statement explaining why the designated retention period is no greater than that which is absolutely necessary to achieve the specific purpose(s) enumerated in the Surveillance Use Policy;
  - b. What specific conditions must be met to retain Surveillance Data beyond the retention period stated in Section 50-73(C)(5)(a);
  - c. By what process Surveillance Data will be regularly deleted after the retention period stated in Section 50-73(C)(5)(a) elapses and what auditing procedures will be implemented to ensure data is not improperly retained;
6. Surveillance Data Sharing: If a municipal entity is seeking authorization to share access to Surveillance Technology or Surveillance Data with any other governmental agencies, departments, bureaus, divisions, or units, it shall detail:
  - a. How it will require that the collection, retention, and storage of Surveillance Data be conducted;
  - b. Which governmental agencies, departments, bureaus, divisions, or units will be approved for (i) Surveillance Technology sharing, and for (ii) Surveillance Data sharing;
  - c. How such sharing is necessary for the stated purpose and use of the Surveillance Technology;
  - d. How it will ensure any entity sharing access to the Surveillance Technology or Surveillance Data complies with the applicable Surveillance Use Policy and does not further disclose the Surveillance Data to unauthorized persons and entities; and
  - e. What processes will be used to seek approval of future Surveillance Technology or Surveillance Data sharing agreements from the municipal entity and City Council.
7. Demands for Access to Surveillance Data: What legal standard must be met by government entities or third parties seeking or demanding access to Surveillance Data.
8. Auditing and Oversight: What mechanisms will be implemented to ensure the Surveillance Use Policy is followed, including what independent persons or entities will be given oversight authority, and what legally enforceable sanctions will be put in place for violations of the policy.
9. Complaints: What procedures will be put in place by which members of the public can register complaints or concerns or submit questions about the deployment or use of a specific Surveillance Technology, and how the municipal entity will ensure each question and complaint is responded to in a timely manner.

(D) Any Surveillance Technology Impact Report and Surveillance Use Policy submitted to the City Council under this Section may be redacted (a) to the extent required to comply with an order by a court of competent jurisdiction or (b) to exclude information that in the, reasonable discretion of the Chief of Police, if disclosed, would materially jeopardize an ongoing investigation or otherwise represent a significant risk to public safety and security provided, however, that any information redacted pursuant to this paragraph will be

released in the next Annual Surveillance Report following the point at which the reason for such redaction no longer exists.

(E) Body Worn Cameras shall be exempt from Section 50-73 of this Ordinance until January 1, 2028.

#### **Section 50–74. - Review of Preexisting Uses Mandatory**

(A) No later than ninety (90) days following the effective date of this Ordinance or prior to implementation of any new Surveillance Technology use covered by this Ordinance, any municipal entity seeking to continue the use of any Surveillance Technology that was in use prior to the effective date of this Ordinance, or the sharing of Surveillance Data therefrom, must commence a City Council approval process in accordance with Section 50-72(A)(3). If the City Council has not approved the continuing use of the Surveillance Technology, including the Surveillance Impact Report and Surveillance Use Policy submitted pursuant to Section 50-73(A), within one hundred eighty (180) days of their submission to the City Council, the municipal entity shall cease its use of the Surveillance Technology and the sharing of Surveillance Data therefrom until such time as City Council approval is obtained in accordance with this Ordinance.

(B) Body Worn Cameras shall be exempt from Section 50-74 of this Ordinance until January 1, 2028.

#### **Section 50–75. - Lead Entity Identification**

If more than one municipal entity will have access to the Surveillance Technology or Surveillance Data, a lead municipal entity shall be identified. The lead municipal entity shall be responsible for maintaining the Surveillance Technology and ensuring compliance with all related laws, regulations and protocols.

#### **Section 50–76. - Standard for Approval**

The City Council shall only approve a request to fund, acquire, or use a Surveillance Technology if it determines the benefits of the Surveillance Technology outweigh its costs, that the proposal will safeguard civil liberties and civil rights, and that the uses and deployments of the Surveillance Technology will not be based upon discriminatory or viewpoint-based factors or have a disparate impact on any community or group.

To assist the public in participating in such an analysis, all approved Surveillance Impacts Reports and Surveillance Use Policies shall be made available to the public, at a designated page on the relevant municipal entity's public website, and in hard-copy form for review and photocopying at City Hall and the Medford Public Library, for as long as the related Surveillance Technology remains in use. An approval for the funding, acquisition and/or use of a Surveillance Technology by the City Council, where the risk of potential adverse impacts on civil rights or civil liberties has been identified in the Surveillance Impact Report pursuant to Section 50-73(B)(5)(a), shall not be interpreted as an acquiescence to such impacts, but rather as an acknowledgement that a risk of such impacts exists and must be proactively avoided.

#### **Section 50–77. - Annual Surveillance Report**

(A) A municipal entity that obtains approval for the use of a Surveillance Technology must submit to the City Council, and make available on its public website and in hard-copy form at Medford City Hall and the Medford Public Library, an Annual Surveillance Report for each specific Surveillance Technology used by the municipal entity within twelve (12) months of City Council approval, and annually thereafter on or before March 15.

(B) Scope and Intentions: The Annual Surveillance Report is to provide a written report on an annual basis that contains a high-level and generalized summary of policies and usages concerning surveillance technology used by any city department during the previous year and containing the information set forth in Section 50-77 of this ordinance. This ordinance should not be interpreted as requiring disclosures of personally identifying information. If a municipal entity seeking surveillance technology or data use approval brings forth information in a request for approval that they feel would be detrimental to discuss in a public setting, the City Council may review that portion of their application in Executive Session. Further, nothing in this ordinance should be interpreted as:

- requiring disclosures that would violate the integrity of ongoing investigations, nor that would detail past, current or planned MPD investigations;
- requiring disclosures that would violate confidentiality in compliance with state and federal law and court orders, should they apply;
- requiring disclosures that would violate the Family Educational Rights and Privacy Act (FERPA) or other federal or state-level privacy protections;
- requiring disclosures that would in any way divulge or imperil sensitive information, i.e. information involving juveniles or medical records.

(C) The Annual Surveillance Report shall, at a minimum, include the following information for the previous calendar year:

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;
2. Whether the Surveillance Technology has been effective at achieving its identified purpose;
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);
4. The number of public records requests received by the City seeking documents concerning Surveillance Technology approved during the previous year;
5. A summary of complaints or concerns that were received about the Surveillance Technology;
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;
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;
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
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.

- (D) Within thirty (30) days of submitting and publicly releasing an Annual Surveillance Report pursuant to Section 50-77(A), the Subcommittee on Public Health & Community Safety, or the current most relevant subcommittee, shall hold one or more well-publicized and conveniently located community engagement meetings at which the general public is invited to discuss and ask questions regarding the Annual Surveillance Report and the municipal agency's use of surveillance technologies.
- (E) Based upon information provided in the Annual Surveillance Report, the City Council shall determine whether the benefits to the impacted municipal agency or City department(s) and the community of the Surveillance Technology identified in response to Section 50-77(A), as used by the report-submitting entity, outweigh the financial and operational costs; and whether reasonable safeguards exist to address reasonable concerns regarding privacy, civil liberties, and civil rights impacted by deployment of the Surveillance Technology; and if deployment/usage otherwise meets the standard for approval set forth in Section 50-76. If the benefits or reasonably anticipated benefits do not outweigh the financial and/or operational costs or civil liberties or civil rights are not reasonably safeguarded, the City Council may (1) recommend modifications to the Surveillance Use Policy that are designed to address the City Council's concerns; (2) request a report back from the Mayor or municipal agency regarding steps taken to address the City Council's concerns; and/or (3) direct the use of the Surveillance Technology be discontinued.

**Section 50–78. - Annual Public Reporting**

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:

- (A) The number of requests for approval submitted to the City Council under this Ordinance for the funding, acquisition, or new use of Surveillance Technology;
- (B) The number of times the City Council approved requests submitted under this Ordinance for the funding, acquisition, or new use of Surveillance Technology;
- (C) The number of times the City Council rejected requests submitted under this Ordinance for the funding, acquisition, or new use of Surveillance Technology;
- (D) 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
- (E) 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.

**Section 50–79. - Enforcement; Remedies; Penalties; Whistleblower Protections.**

- (A) Enforcement: This ordinance shall be enforced by the Mayor's office or the Mayor's designee.
- (B) Cause of action: Any violation of this Ordinance constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandamus in any court of competent jurisdiction to enforce this Ordinance. An action instituted under this paragraph shall be brought against the City and, if necessary to effectuate compliance with

this ordinance, any other governmental agency with possession, custody, or control of data subject to this Ordinance.

(C) The City will address alleged violations of this ordinance in accordance with its usual practices, applicable law, and contractual obligations.

(D) Municipal employees or agents, except in the event of exigent circumstances, or in response to a declared municipal, state, or federal state of emergency, shall not use any Surveillance Technology except in a manner consistent with policies approved pursuant to the terms of this Ordinance, and may in no circumstances utilize Surveillance Technology in a manner which is discriminatory, viewpoint-based, or violates the City Charter, the Massachusetts Constitution, or United States Constitution.

(E) Whistleblower protections. Subject to the limitations and requirements set forth in G. L. c. 149, §185 (the “Massachusetts Whistleblower Statute” or “Section 185”) as it may be amended from time to time, any City employee as defined in Section 185 who reports an alleged violation of this Ordinance, shall be afforded protections against retaliation if applicable pursuant to Section 185, as set forth in and subject to the limitations and requirements of Section 185.

(F) Nothing in this ordinance shall be construed to limit or affect any individual’s rights under state or federal laws.

**Section 50–80. - Certain Public-Private Contracts Prohibited**

It shall be unlawful for the City to enter into any contract for monetary value with a commercial entity that provides the City with the mass acquisition of privately generated and owned bulk Surveillance Data. Any contracts or agreements signed prior to the enactment of this Ordinance that violate this section shall not be renewed after the completion of the term of said contracts or agreements. Section 50-80 shall not apply to any contract or agreement executed for law enforcement operations or purposes.

**Section 50–81. - Severability**

The provisions in this Ordinance are severable. If any part or provision of this Ordinance, or the application of this Ordinance to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of this Ordinance, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue to have force and effect.

**Section 50–82. - Effective Date**

This Ordinance shall take effect immediately after its adoption.

Councillor Knight moved to NOT approve the paper for third reading to be ordained.

Councillor Knight withdrew his motion.

Vice President Bears moved to approve the paper for third reading to be ordained (Councillor Tseng second)—approved for third reading to be ordained on a roll call vote of five in favor and two opposed (Councillor Knight and Councillor Scarpelli).

**COMMUNICATIONS FROM THE MAYOR**

**23-043-**



February 8, 2023

**Via Electronic Delivery**

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

**Re: Request to Establish a Revolving Fund for Stormwater**

Dear President Morell and Members of the City Council:

I respectfully request and recommend that the City Council approve the following amendment to Chapter 2, Article V, Division 4, of the City’s Ordinances by adopting the following change:


The table in “Sec. 2-964. – Authorized revolving funds” shall be amended to include a Stormwater Revolving Fund as per the enclosed table.

Enclosed is a letter from City Engineer & Stormwater Board Chair Owen Wartella which outlines this request and provides supporting documentation. Finally, I am enclosing a memorandum by Finance Director/Auditor Bob Dickinson which provides the necessary certification pursuant to M.G.L. c. 44, § 53E ½ for establishing a revolving fund in the middle of a fiscal year.

City Engineer Owen Wartella will be available to speak to this request and answer any questions you may have.

Thank you for your kind attention to this matter.

Sincerely,

  
Breanna Lungo-Koehn  
Mayor  
(signature on file / paper)

Councillor Tseng moved to approve the paper for third reading to be ordained (Vice President Bears second)—approved for third reading to be ordained on a roll call vote of seven in favor and zero opposed.

**20-024- Offered by Vice President Bears**

**Medford Affordable Housing Trust**

**Chapter 49 – HOUSING**

**Article II. - HOUSING STABILITY NOTIFICATION ORDINANCE**

Secs. 49-39—49-49. - Reserved.

**Article III. – MEDFORD AFFORDABLE HOUSING TRUST FUND**

**Sec. 49-50. - Establishment.**

Pursuant to the authority of M.G.L. c.44, Section 55C, there is hereby created a local municipal affordable housing trust fund to be known as the Medford Affordable Housing Trust Fund (hereinafter: “the Trust”)

**Sec. 49-51. - Purpose.**

The purpose of the Trust shall be to provide for the preservation and creation of affordable and community housing in the City of Medford for the benefit of low and moderate income households *in accordance with the provisions of MGL c. 44, 55C.*

**Sec. 49-52. - Board of Trustees**

1. *Composition.* There shall be a Board of Trustees (the "Board") of the Medford Affordable Housing Trust Fund that will meet at regular intervals. The Board shall be composed of seven members, of whom one shall be Mayor or their designee, one may be a member of the Community Preservation Committee, and the remaining members shall be residents of the City who would bring to the Trust relevant experience in the fields of real estate, housing, banking, architecture, planning, social services, or the lived experience residing in low-income housing.
2. *Appointment of Trustees; terms, vacancies.* The Mayor shall appoint Trustees, subject to confirmation by the City Council. The Trustees first appointed shall have staggered terms, with three of the appointed Trustees initially serving a one-year term, and the remaining four serving a two-year term. Thereafter, all appointments and reappointments, with the exception of the Mayor's term, shall be for a period of two years. Said Trustees may be re-appointed at the discretion of the Mayor. If a vacancy shall occur among the Trustees, it shall be filled in the same manner as the original appointment for the unexpired term.
3. *Removal.* Any member of the Board of Trustees may be removed by the Mayor for cause after the opportunity of a hearing.
4. *Quorum.* A majority of the number of authorized Trustees shall constitute a quorum and shall also be required to approve any motion.
5. *Compensation of Trustees.* With the exception of the Mayor, Trustees shall receive an annual stipend in an amount determined by the City Council from time to time.

**Sec. 49-53. - Declaration of Trust.**

The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Trust, to be recorded with the Middlesex South Registry of Deeds and filed with the Middlesex South Registry District of the Land Court.

**Sec. 49-54. - Authority and Responsibilities.**

The specific authority and responsibilities of the Trustees, all of which shall be carried on in furtherance of the purposes set forth in MGL c. 44, § 55C, and in this article, are as follows:

1. To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from M.G.L. c. 44B; provided, however, that any such money received from M.G.L. c. 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said M.G.L. c.44B are reported to the Medford Community Preservation Committee for inclusion in the Community Preservation Initiatives report, form CP-3, to the Department of Revenue;
2. To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

3. To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
4. To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements, and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
5. To employ advisors and agents, such as consultants, accountants, appraisers and lawyers, and full time or part-time staff, and to contract for administrative and support goods and services, as the Board deems necessary;
6. To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
7. To apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
8. To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
9. To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
10. To carry property for accounting purposes other than acquisition date values;
11. To borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge Trust assets as collateral; provided, however, that any borrowing by the Trust that pledges more than 70% of the cash assets of the Trust requires City Council approval;
12. To make distributions or divisions of principal in kind;
13. To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;
14. To manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
15. To hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and

16. To extend the time for payment of any obligation to the Trust.

**Sec. 49-55. - Transfer Limitations.**

The City Council, in conveying City-owned property to the Trust, may choose to place limitations and/or conditions on the conveyance of such property by the Trust. The Trust shall not convey any real property pursuant to Section E.3 above having an area of more than 7,500 s.f. without the approval of the City Council.

**Sec. 49-56. - Funding Preference for Projects with Project Labor Agreements.**

The Trust, in evaluating funding requests, shall give preference to projects that include a Project Labor Agreement.

**Sec. 49-57. - Acts of Trustees.**

A majority of Trustees may exercise any or all of the powers of the Board hereunder, unless otherwise provided herein, and may execute on behalf of the Board any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

**Sec. 49-58. - Funds Paid to the Trust.**

Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any zoning by-law, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of the fiscal year, whether or not expended by the Board within 1 year of the date they were appropriated into the trust, remain Trust property.

**Sec. 49-59. - Custodian of Funds.**

The Treasurer/Collector shall be the custodian of the Trust's funds and shall maintain separate accounts and records for such funds. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust fund. In accordance with M.G.L. c. 44, §55C, the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices or take any other action relative thereto. Upon receipt of the audit by the Board, a copy shall be provided forthwith to the Mayor.

**Sec. 49-60. - Liability.**

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the City, except as specifically authorized herein. The Trust is a public employer and the members of the Board are public employees for the purposes of M.G.L. c. 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees, for purposes of M.G.L. c. 268A.

**Sec. 49-61. - Taxes.**

The Trust is exempt from M.G.L. c. 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth of Massachusetts or any political subdivision thereof.

**Sec. 49-62. - Governmental Body.**

The Trust is a governmental body for purposes of the Open Meeting Law, M.G.L. c.30A, §18-25.

**Sec. 49-63. - Board of the City.**

The Trust is a board of the City of Medford for the purposes of M.G.L. c.30B and Section 15A of c. 40, but agreements and conveyances between the Trust and

agencies, boards, commissions, authorities, departments and public instrumentalities of the City shall be exempt from said M.G.L. c. 30B.

**Sec. 49-64. - Amendments.**

The provisions of this Trust can only be amended by a vote of the Medford City Council.

**Secs. 49-65—49-69. - Reserved.**

- a) Vice President Bears offered an amendment striking the word “four” in section 49-52 and replacing it with “the remaining members.”
- b) Vice President Bears offered an amendment in 49-54.11 reading that “any borrowing by the trust that pledges more than 70% of the cash assets of the trust requires City Council approval.”
- c) Vice President Bears offered an amendment attaching the letter of comment received from the Greater Boston Labor Council and requiring the trustees to incorporate that language into their rules and regulations.



This paper includes amendments adopted during consideration for first reading; those amendments are listed above.

Vice President Bears moved to approve the paper for third reading to be ordained (Councillor Collins second)—approved for third reading to be ordained on a roll call vote of seven in favor and zero opposed.

**23-057-**

February 22, 2023

**Via Electronic Delivery**

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

**Re: Request to Establish the Traffic & Transportation Director Position in the City’s Classification and Compensation Plan - Resubmitted**

Dear President Morell and Members of the City Council:

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

The language of “PW-22” shall be amended to include the following position:  
**“Traffic & Transportation Director”**

The Traffic & Transportation Director position is filled by a current staff member who took on a new role with additional responsibilities was included in the FY22 and 23 budgets, but the title has not been added to the City’s classification and compensation plan. Based on the October 20, 2022, KP Law memo (“Personnel Ordinance Amendment – Quantum of Vote Requirement”), it is our revised opinion that this classification requires 4 votes under G.L. c. 44, § 33A, along with a supplemental appropriation, for which we have submitted an associated paper.

Chief of Staff Nina Nazarian is available to speak to this request and answer any questions you may have.

Thank you for your kind attention to this matter.

Respectfully submitted,

  
Breanna Lungo-Koehn  
Mayor

Councillor Knight moved to table the paper (Councillor Scarpelli second)—motion failed on a roll call vote of three in favor (Councillor Caraviello, Councillor Knight, Councillor Scarpelli) and four opposed (Vice President Bears, Councillor Collins, Councillor Tseng, and President Morell).

Vice President Bears moved to approve the paper for third reading to be ordained (Councillor Tseng second)—approved for third reading to be ordained on a roll call vote of four in favor (Vice President Bears, Councillor Collins, Councillor Tseng, and President Morell) and three opposed (Councillor Caraviello, Councillor Knight and Councillor Scarpelli).

### **UNFINISHED BUSINESS**

<b><u>20-600</u></b>	National Grid Grant of Location Riverside Ave.		
	IN CITY COUNCIL	DECEMBER 8, 2020	TABLED
<b><u>21-422</u></b>	Grant of Location Citizens Bank ADA Upgrades		
	IN CITY COUNCIL	AUGUST 17, 2021	TABLED
<b><u>22-547</u></b>	Council Enact Spending Moratorium (Main Paper)		TABLED
	IN CITY COUNCIL	OCTOBER 25, 2022	For 90 Days
<b><u>23-052-</u></b>	Appendix A of City of Medford Code of Ordinances Amended		
	IN CITY COUNCIL FEBRUARY 28, 2023		1 <sup>st</sup> Reading
	ADVERTISED MARCH 23, 2023	MEDFORD TRANSCRIPT	
	(ELIGIBLE FOR 3 <sup>RD</sup> READING) APRIL 11, 2023		
<b><u>23-044-</u></b>	Loan Order – Sidewalk Construction and Equipment Bonds		
	IN CITY COUNCIL MARCH 21, 2023		1 <sup>st</sup> Reading
<b><u>23-059-</u></b>	Proposed Wage Adjustment for Non-Union Personnel		
	IN CITY COUNCIL MARCH 21, 2023		1 <sup>ST</sup> Reading
<b><u>23-060-</u></b>	Free Cash (Item 2 of paper, \$80,000)		
	IN CITY COUNCIL MARCH 21, 2023		TABLED
<b><u>23-072-</u></b>	Contract Trash and Solid Waste Collection		
	IN CITY COUNCIL MARCH 21, 2023		TABLED

### **Reports Due/ Deadlines:**

**16-574** – University Accountability Spring 2017-Report (Next Report Due in October, 2023)

**17-606** – Evangelical Haitian Church 400 High St. 90 Day Review on Illumination-January 9, 2018 (Tabled)

**20-086** –90-Day Review Report on El Tacuba Cocina and Tequila Bar for a petition for a Special Permit – Hours (granted by the Council, as amended to require 90-day report period to begin on opening of restaurant)

**22-007** – 90 Day Report from Administration to present 5-year plan to address gas leaks (Report due in April 2022)

**22-009** – 90 Day Report from School Administration to identify opportunities to connect classroom learning to career applications (Report due in April of 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.

**23-026** - Elections Manager and Elections Commission provide an update on the status of the 2022 Elections After-Action Report requested by the City Council last fall.

**Adjournment:**

Councillor Scarpelli moved to adjourn at 10:13 p.m. (Councillor Tseng second)—approved on a roll call vote of seven in favor and zero opposed.

President Morell adjourned the meeting at 10:13 p.m.

A true copy, Attest

Adam L. Hurtubise  
City Clerk