

May 9, 2006

**Medford City Council**  
Seventeenth Regular Meeting  
Medford, Massachusetts  
May 9, 2006

**City Council**  
Robert A. Maiocco, Council President  
Breanna Lungo, Vice President  
Stephanie Muccini Burke  
Paul A. Camuso  
Frederick N. Dello Russo, Jr.  
Michael J. Marks  
Robert M. Penta

Council President Robert A. Maiocco called the Seventeenth Regular Meeting of the Medford City Council to order at 7:00 P.M. at the Howard F. Alden Memorial Auditorium, Medford City Hall.

**ROLL CALL**  
Six Members Present  
One Absent (Lungo)

### **Salute to the Flag**

The Records of the Meeting of May 2, 2006 were passed to Councillor Burke.

Those present and seated inside the hall were Edward P. Finn, City Clerk, Lawrence Lepore, City Messenger and Jesse Kawa, Medford Transcript

Televised by Channel 16-Government Access

### **HEARINGS**

#### **06-385**

### **NOTICE OF PUBLIC HEARING CITY OF MEDFORD**

A Public Hearing will be held in the Howard F. Alden Memorial Chambers, City Hall, Medford, Massachusetts, on Tuesday Evening, May 9, 2006 at 7:00 P.M., by Kelly's Roast Beef, Inc., on a request for a Special Permit to establish a Drive Trough Eating Establishment in accordance with the City of Medford Zoning Ordinances, Chapter 94, section 94-192 Table of Use Regulation (Use 56-A) at its location at 35 Revere Beach Parkway, Medford, MA. 02155 said site being located in a Commercial 1 (C-1) Zoning District.

Call 781-393-2501 for any aids/accommodations. T.D.D.781- 393-2516. The City of Medford is an EEO/AA/504 Employer.

By order of the City Council

S/Edward P. Finn

City Clerk

Those in Favor-Attorney Robert Abruzese, 92 High St., Medford

Those in Opposition-None

This portion of the hearing closed

Upon motion by Councillor Camuso on a roll call vote of 6 in the affirmative and 1 absent (Lungo)-Granted

**06-386**

**NOTICE OF PUBLIC HEARING  
CITY OF MEDFORD**

A Public Hearing will be held in the Howard F. Alden Memorial Chambers, City Hall, Medford, Massachusetts, on Tuesday Evening, May 9, 2006 at 7:00 P.M., by Kelly's Roast Beef, Inc., on a request for a Special Permit to extend its hours of operation from 11:00 P.M. to 1:00 A.M. Monday to Sunday, Seven Days a week in accordance with the City of Medford Zoning Ordinances, Chapter 94, section 94-145 B Extended Hours of Operation at its location at 35 Revere Beach Parkway, Medford, MA. 02155 said site being located in a Commercial 1 (C-1) Zoning District.

Call 781-393-2501 for any aids/accommodations. T.D.D.781- 393-2516. The City of Medford is an EEO/AA/504 Employer.

By order of the City Council

S/Edward P. Finn  
City Clerk

Those in Favor-Attorney Robert Abruzese, 92 High St., Medford

Those in Opposition-Patrick Fiorello, 15 Bradbury Ave., Medford

This portion of the hearing closed

Amended by Councillor Camuso that Kelly's Roast Beef provide a Police Detail through the Medford Police Department in concert with Chief Sacco's future evaluation on need on Friday and Saturdays 9:00 P.M. to 1:00 A.M.

Amended by Councillor Burke that the Special Permit stay with the petitioner and not the land

Amended by Councillor Penta that letter from Lt. Thomas Coogan of the Saugus Police be made part of the record of the petition

Upon motion by Councillor Camuso as amended on a roll call vote of 6 in the affirmative and 1 absent (Lungo)-Granted

Councillor Camuso motioned for suspension of the rules to take papers pertaining to Kelly's Petitions on sign denials out of order-passed

**06-437**-Petition by Kelly's Roast Beef, 35 Revere Beach Parkway, Medford, Ma. For reversal of sign denial on OCD Application 1003-A - Replace the face of the existing free-standing sign located at its restaurant

Upon motion by Councillor Camuso-Granted

**06-438**-Petition by Kelly's Roast Beef, 35 Revere Beach Parkway, Medford, Ma. For reversal of sign denial on OCD Application 1003-B – Replace the face of the existing secondary wall sign located at its restaurant

Upon motion by Councillor Camuso-Granted

**06-439**-Petition by Kelly's Roast Beef, 35 Revere Beach Parkway, Medford, Ma. For reversal of sign denial on OCD Application 1003-C – Replace the face of the existing primary wall sign located at its restaurant

Addressing the Council-Brian McCarthy, President Kelly's Roast Beef Inc  
Robert Abruzese, 92 High St

Upon motion by Councillor Camuso-Granted

Councillor Camuso motioned to revert back to regular order of business-passed

### **MOTIONS ORDERS AND RESOLUTIONS**

**06-440** -Offered by President Maiocco

Be it Resolved that the Medford City Council send a note of thanks to Senator Pat Jehlen for organizing a State Budget briefing meeting this past Thursday that was held at the Grace Church in Medford

Addressing the Council-Pat Fiorello, 15 Bradbury Ave

Upon motion by Councillor Camuso-passed

**06-441** -Offered by President Maiocco

Be it Resolved that Gerry Leone, Democratic Candidate for Middlesex District Attorney be allowed to address the Council at this time

Upon motion by Councillor Burke to table-Tabled

**06-442**-Offered by Councillor Penta,

Be it resolved ... that the Medford city Council file a home rule petition to amend chapter 605 of the acts of 1986 as detailed in MGL 43,s 46(Plan A) form of government to allow for the City Auditor be under the appointment and direction of the Medford City Council.

Amended by Councillor Penta that the City Solicitor be invite to the Committee of the Whole Meeting accompanied with the prepared appropriate language for a Home Rule Petition.

Upon motion by Councillor Penta as amended to forward the paper to the Committee of the Whole-passed

Councillor Camuso motioned for suspension of the rules to allow a citizen to address the Council-passed

At this Time Nancy McCarthy of 99 Riverside Ave addressed the Council on the recent School Trip Bus to the State House

Also addressing the Council Pat Fiorello, 15 Bradbury Ave.

Councillor Camuso motioned to revert back to regular order of business-passed

**06-443**-Offered by Councillor Penta,  
Be it resolved ... that the Linkage legislation as written be discussed

Amended by Councillor Penta that the Auditor provide minutes of the Linkage Committee starting in year 2000 to present

Amended by Councillor Burke that the Auditor provide the Council with all activity in the Linkage accounts from Monies in by date and by whom and what linkage accounts it was distributed to, what was expended from those accounts by line item/project and up to date balances

Upon motion by Councillor Penta as amended that the paper be forwarded to the Sub Committee on Zoning and Ordinance-passed

**06-444**-Offered by Councillor Penta,  
Be it resolved ... that once again the city administration furnish the City Council with an updated list of boards and commissions, names and addresses, salaries and or stipends attached to each position and the terms of each appointee. This is the third

**06-444(Cont)**

request since October 2004.

Amended by Councillor Penta that the list include stipends awarded to each position

Amended by Councillor Burke that Mayor fill all vacancies

Upon motion by Councillor Penta as amended-passed

#### **COMMUNICATIONS FROM THE MAYOR**

**06-400A**

#### **REQUEST FOR EXPENDITURE FROM LAW DEPARTMENT CLAIMS OVER \$1,000.00 ACCOUNT #010-151-5762**

Date: May 4, 2006

To: The President and Members of the

Honorable Medford City Council

Fr: Michael J. McGlynn, Mayor (Signature on file w/paper)

Claimant Name: Lucien and Chantal Paul  
Date of Accident: June 28, 2005  
Date of Settlement: April 14, 2006  
Date of Trial Result: NA  
Amount of Request: **\$20,000.00**  
Claimant's Attorney: Clark, Hunt & Embry

Description of Alleged Claim:

The claimants, Lucien and Chantal Paul, 11 Collings Circle, Medford, MA., seek Reimbursement for damages and expenses incurred as a result of damage to their home and personal property as a result of sewage backup into their basement on June 28, 2005. The Department of Public Works has confirmed that a blockage occurred in the immediate vicinity of the Paul's home that may have caused or contributed to sewage flowing into their home. The necessary Releases have been obtained from the claimant.

Breakdown to Amount Requested:

Medical Cost:	-0-
Lost Wages:	-0-
Property Damage:	\$20,000.00
Other:	-0-
Total Settlement:	\$20,000.00

Upon motion by Councillor Camuso on a roll call vote of 6 in the affirmative and 1 absent (Lungo)-passed

Councillor Camuso motioned for suspension of the rules to address papers in the possession and other matters-passed

**06-441**-Offered by Councillor Marks

Be it Resolved that the Mayor has the appropriate department remove the three dead trees in front of 5 High St and replant new ones

Amended by Councillor Marks that the Building Commissioner contact the owners of North Shore Developments to have the surrounding streets around the St. James Site swept.

Amended by Councillor Penta that swing sets at the Tot Lot at Harris and Playstead Park ground beneath each swing be filled in to an appropriate level

Amended by Councillor Marks that Mayor look into finding a way to replace the planters in West Medford Square

Upon motion by Councillor Marks as amended-passed

**06-442**-Offered by Councillor Camuso

Be it Resolved that the Medford City Council congratulate Councillor Michael Marks on his 40<sup>th</sup> Birthday

Upon motion by Councillor Camuso-passed

**06-443**-Offered by Councillor Marks

Be Resolved that Don Ouellette, City Engineer be invited to the May 30<sup>th</sup> City Council meeting at 7:00 P.M. to provide the public and Council on an up date to the Water Meter Program

Upon motion by Councillor Marks-passed

**06-444**-Offered by Councillor Penta

Be it Resolved that Cal Carpenter be sent our best of wishes for a healthy and wonderful retirement after serving 35 years as a Medford Educator within the Medford Public School System.

He certainly made Social Studies an enjoyable educational agenda

Upon motion by Councillor Penta-passed

#### **COMMITTEE REPORTS**

#### **UNFINISHED BUSINESS**

Upon motion of \_\_\_\_\_, all Unfinished Business on the Table was taken from the table for action.

**06-045** \_\_\_\_\_ Massachusetts Electric Company - Install pole @ Horne Ave.

IN COUNCIL

JANUARY 31, 2006

Section 22

#### **UNFINISHED BUSINESS(Cont)**

**06-047** \_\_\_\_\_ Common Victualler's License for BRASIL BRAZIL

IN COUNCIL

JANUARY 31, 2006

TABLED

**06-065** \_\_\_\_\_ Petition by Richard Goode for a TaxiCab License

IN COUNCIL

JANUARY 31, 2006

TABLED

**6-240** \_\_\_\_\_ Petition by Ali Hamadi, / Winthrop Gas and Services –  
Reversal of sign denial

IN COUNCIL

FEBRUARY 28, 2006 TABLED

Public Participation

COUNCIL PAPERS IN COMMITTEE

**Reports Due**

02-430 – Auto Insurance by the Mile 02-542 – Rt. 16 under bridge lighting – from Mystic St. to Mall 04-315 – Three month review Burger King Sept. 1, 2004/Six month Dec., 1, 2004 05-895- Comprehensive Master Wellington Plan-3 months-Jan. 17, 2006
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**Records:** Councillor Burke was the passed the records of May 2, 2006” at this time Councillor Burke amended Council Resolution 06-417 on page 92 to insert in front of Real Estate “Sale of” and delete trust. Councillor Burke then examined the records as amended and that she moved and the papers were carried that they be **approved**

**Adjournment: Upon motion of Councillor Burke motioned that the meeting was adjourned at 848 P.M.**

A true copy  
Attest

Edward P. Finn, City Clerk