



Medford City Council
The Tenth Regular Meeting
Medford, Massachusetts
March 15, 2016

City Council

Frederick N. Dello Russo, Jr. President
Breanna Lungo-Koehn, Vice President
Richard F. Caraviello
John C. Falco, Jr.
Adam Knight
Michael J. Marks
George A. Scarpelli

Council President Frederick N. Dello Russo Jr. called the Tenth Regular Meeting of the Medford City Council to order at 7:00 P.M at the Howard F. Alden Memorial Auditorium, Medford City Hall.. Those inside the rail Edward P. Finn, City Clerk and Lawrence Lepore, City Messenger

Televised on
The Government Channel

ROLL CALL

6 Members Present
1 absent (Lungo-Koehn)
Lungo-Koehn recorded present at 7:02 PM

SALUTE TO THE FLAG

RECORDS

The Records of the Meeting of March 8, 2016 were passed to Councillor Knight

Councillor Caraviello motioned for suspension of the rules to take paper 16-306 out of order-passed

16-306-Offered by Councillor Caraviello

Be It Resolved the Medford City Council award a certificate of appreciation to Chad Murphy and associates for their volunteer work on the home of Francis Blomwerth a World War 2 veteran. Chad and associates installed an elevator lift, ramp, and updated electrical services on Mr. Blomwerth's home with funds they raised for veterans in our community.

The elevator lift was donated by Kate and Trevor Morris who just moved to Medford 9 months ago.

Councillor Caraviello and President Dello Russo presented Chad Murphy with a Council Citation, Mr. Murphy spoke on behalf of the associates and the project.

Group Picture

Upon motion by Councillor Caraviello-passed

Councillor Knight motioned for suspension of the rules to take paper 16-309 out of order and 15-736 and 15-734 out of unfinished business-passed

16-309-

March 10, 2016

To: President Frederick N. Dello Russo, Jr. and Honorable Members of the Medford City Council

From: Mayor Stephanie M. Burke

Re: Amendment to Article VIII of the Revised Ordinances of the City of Medford Entitled "Outdoor Dining Licenses"

Dear President Dello Russo and Honorable Members of the Medford City Council:

I respectfully request and recommend that your Honorable Body approve the attached amendment to Article VIII of the Revised Ordinances of the City of Medford entitled "Outdoor Dining Licenses"

This Amendment clarifies and codifies the original purpose of the Outdoor Dining License ordinance which is to allow for a process to review and approve the use of sidewalks and other property which is under the jurisdiction of the city to be used by an appropriate entity for outdoor dining. In addition, it makes clear that the provisions of this ordinance do not apply to property which is privately owned.

Of course, any rules and regulations [eg. zoning, building, liquor and health] that may apply to outdoor dining use on private property will remain in effect and not be altered by this amendment.

The following is a full text of the proposed Amendment.

Respectfully Submitted,
(signature filed/paper)
Stephanie M. Burke, Mayor

**AN AMENDMENT
TO THE REVISED ORDINANCES OF THE CITY OF MEDFORD
CHAPTER 14 "BUSINESSES", ARTICLE VIII
"OUTDOOR DINING LICENSES",
DIVISION 1, SECTION 14-482**

BE IT ORDAINED, By the City Council of the City of Medford that Chapter 62 of the Revised Ordinances of the City of Medford, as most recently amended, is hereby further amended by adding language to Chapter 14 "Businesses", Article VIII "OUTDOOR DINING LICENSES", Division 1, Section 14-482, entitled "Purpose, scope, authority". Said section presently states:

"The purpose of this article is to provide for the licensing of outdoor dining areas of appropriate design, configuration, and appearance that will be an amenity to the city during the spring, summer and fall. The city council may issue annual outdoor dining licenses which shall be for the period of March 1 through October 31. Licenses shall be valid for one season, and must be re-applied for annually."

The language of Chapter 14 "Businesses", Article VIII "OUTDOOR DINING LICENSES", Division 1, Section 14-482, entitled "Purpose, scope, authority" shall be amended by the addition of the sentence: *"The provisions of this Article shall be applicable and specifically limited to sidewalks and other property which is under the jurisdiction of the City or any of its departments. Notwithstanding the provisions of this Article, all other laws, regulations, ordinances, and codes that pertain or relate to Outdoor Dining shall continue to be applicable and in full force and effect."*

Accordingly, the language of Chapter 14 "Businesses", Article VIII "OUTDOOR DINING LICENSES", Division 1, Section 14-482, entitled "Purpose, scope, authority" shall be amended to read as follows:

"The purpose of this article is to provide for the licensing of outdoor dining areas of appropriate design, configuration, and appearance that will be an amenity to the city during the spring, summer and fall. The city council may issue annual

outdoor dining licenses which shall be for the period of March 1 through October 31. Licenses shall be valid for one season, and must be re-applied for annually. ***The provisions of this Article shall be applicable and specifically limited to sidewalks and other property which is under the jurisdiction of the City or any of its departments. Notwithstanding the provisions of this Article, all other laws, regulations, ordinances, and codes that pertain or relate to Outdoor Dining shall continue to be applicable and in full force and effect.***
 [emphasis added to highlight the language added by this amendment

Upon motion by Councillor Knight that the paper be referred to the Sub Committee on Zoning and Ordinances-passed

15-736- Loan Order Winthrop Street Drainage Project \$350,000

IN CITY COUNCIL	NOVEMBER 10, 2015	TABLED
IN CITY COUNCIL	NOVEMBER 17, 2015	TABLED
IN CITY COUNCIL	DECEMBER 1, 2015	1ST READING PASSED
ADVERTISED	DECEMBER 11, 2015	MEDFORD DAILY MERCURY

(eligible for third reading December 22, 2015)

Addressing the Council
 Louise Miller, Budget Director
 Mark Rumley, Solicitor

Upon motion by Councillor Knight that the paper take its 3rd and final reading to be ordained on a roll call vote of 7 in the affirmative and 0 in the negative-Order/Ordained

15-734- Loan Order addition DPW Facility Project Funds \$300,000

IN CITY COUNCIL	NOVEMBER 10, 2015	TABLED
IN CITY COUNCIL	NOVEMBER 17, 2015	TABLED
IN CITY COUNCIL	DECEMBER 1, 2015	REFERRED TO COMMITTEE
IN COMMITTEE	DECEMBER 8, 2015	REPORTED OUT
IN CITY COUNCIL	DECEMBER 8, 2015	TABLED

Addressing the Council
 Louise Miller, Budget Director
 Mark Rumley, Solicitor

Upon motion by Councillor Knight that the paper take its first reading on a roll call vote of 7 in the affirmative and 0 in the negative-passed to take its 1st reading

16-310-
 March 10, 2106

To: President Frederick N. Dello Russo, Jr. and Honorable Members of the Medford City Council

From: Mayor Stephanie M. Burke

Re: Deed Restrictions- 15 Maple Park Avenue, Medford, property commonly known as the "Hegner Center"

Dear President Dello Russo and Honorable Members of the Medford City Council:

In 1991, following the procurement process set forth in G.L. c 30B, the City of Medford transferred the property located at 15 Maple Park Avenue to Hegner Center, Inc. for one dollar [\$1.00]¹. The Hegner Center, a Massachusetts non-profit corporation served individuals with intellectual disabilities. The deed from the City to the Hegner Center contained the provision² that:

“[I]n the event the premises shall no longer be used for non-profit educational purposes, the premises shall revert to the City of Medford.”

On October 31, 2007 the Hegner Center merged with Bridgwell, Inc. As Hegner had done before, Bridgwell also works with individuals with disabilities and their families to provide services to assist them with rehabilitative, educational and treatment services.

Due to increases in referrals and the demand for space, Bridgwell relocated from 15 Maple Park Drive during November of 2013.

After exploring various options to use the property, Bridgwell began to market the property to non-profit corporations.

Bridgwell and Ministerio La Palabra Unicon Y Fuego, Inc. have entered into a Purchase and Sale Agreement pursuant to which Ministerio would purchase the property at 15 Maple Park Avenue for \$650,000.00.

Ministerio La Palabra Unicon Y Fuego, Inc. is a public charity (religious) and has received tax exempt status under section 501 (c) (3) of the Internal Revenue Code.

The purpose of this communication is to inform you that the City, Bridgwell and Ministerio have entered into a tentative agreement under which the City will receive \$125,000.00 from the proceeds of the sale of 15 Maple Park Avenue to resolve any issues arising out of Bridgwell's non-use of the property since November, 2013. It is agreed that the Mayor, consistent with the earlier deed restriction on the property, can use these funds to support the activities of Medford non-profit entities or any other appropriate municipal purpose.

The primary purpose of this communication is to request that your Honorable Body approve the inclusion of the following requirements in the deed from Bridgwell to Ministerio:

1. In the event the Premises [15 Maple Park Avenue] shall no longer be used for non-profit educational purposes, Ministerio shall notify the City of the same, in writing, sent to the Office of the Mayor of the City of Medford;
2. Ministerio shall notify the City annually, in writing, sent to the Office of the Mayor of the City of Medford, as to whether the Premises are being used for non-profit educational purposes.
3. In the event the Premises shall no longer be used for non-profit educational purposes, the Premises shall revert to the City of Medford;
4. The reversionary interest of the City shall be subject and subordinate to any mortgage indebtedness of Ministerio secured by the Premises;
5. In the event that Ministerio shall take steps to sell, transfer or convey the Premises, it will notify the City of the same, in writing, sent to the Office of the Mayor of the City of Medford and Ministerio shall give the City the right of first refusal or option to make or tend Ministerio an offer to purchase the Premises at fair market value.

¹ A copy of the June 12, 1991 Deed from the City of Medford to the Hegner Center, recorded at Book 21430 Page 599 is attached hereto.

² This provision was approved by the Medford City Council in Council Paper 91-527

The City Solicitor and a representative of Ministerio will be in attendance to address any questions or concerns.

Respectfully Submitted,
(signature filed/paper)
Stephanie M. Burke, Mayor

Enc.
SMB/mr

Paper withdrawn by the Mayor

Councillor Knight motioned for suspension of the rules to take paper 16-307 and 16-308 out of order-passed

16-307- Petition for Common Victualler License by Denise Baker, Manager for ADTM, LLC dba Salvatore's, 55 High Street, Medford, MA

On File

Business Certificate # 36	Treasurer
Building Dept.	Letter of Compliance
Fire Dept	Tax Identification
Police Traffic Impact	Workmen's Compensation
Health Dept.	Certificate of Organization
	Petition

Upon motion by Councillor Caraviello-Granted

16-308- Petition for Taxi Operator License for Ezekiel Luxama, 40 Governor Winthrop Rd, Somerville, MA 02145. Driving for On Call Taxi dba Metric Cab, 407R Mystic Avenue, Medford, MA

ON FILE

CORI Police Dept.

Upon motion by Councillor Caraviello-Granted (Marks-opposed)

16-311-Petition by Sal Zagarella, 72, Pamela Circle, Medford, MA to address the Council about the Board of Health closing the Totally Tanned business after a four day opening.

WITHDRAWN by Petitioner

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

MOTIONS, ORDERS AND RESOLUTIONS

16-305-Offered by Councillor Falco

Whereas the Medford City Council, Medford School Committee, and many various boards and commissions meet on a regular basis to discuss city issues.

Whereas each meeting has an agenda that is required to be posted by the City Clerk to comply with Open Meeting Law.

Be It Resolved that the Medford City Council schedule a Committee of the Whole meeting to meet with vendors to explore various software/technology options to help streamline meetings, engage citizens, and make the meeting process more transparent and efficient.

Addressing the Council
Matt Liberman
Joe Viglione

Upon motion by Councillor Falco-passed

Councillor Knight motioned for suspension of the rules to address papers in the possession of the Clerk-passed

16-315-Offered by Councillor Caraviello

Be It Resolved that Medford City Council commend and congratulate George Thurrott of Modern Hardware as the recipient of the Chamber of Commerce 2016 Executive Directors Award.

Upon motion by Councillor Caraviello-passed

16-312-Offered by Councillor Caraviello

Be It Resolved that the Medford City Council have Chief Sacco contact the State Police regarding the 2 pick up trucks, one with a plow and snow blower that has been parked in the Route 16 lot for over 2+ weeks and have not moved.

Plate # 550 074 Commercial

Plate # 235 WG1

Upon motion by Councillor Caraviello-passed

16-313-Offered by Councillor Caraviello

Be It Resolved that the Medford City Council commend and congratulate State Representative Paul Donato for being selected as the Democrat of the Year by the Malden Ward and City Committee

Upon motion by Councillor Caraviello-passed

16-314-Offered by Councillor Caraviello

Be It Resolved that Medford City Council commend and congratulated Pat Theberge as the Chamber of Commerce 2016 Citizen of the Year

Upon motion by Councillor Caraviello-passed

16-318-Offered by Councillor Knight

Be Resolved that the Building Commissioner provide recommendations to section 94-191 of the City of Medford Zoning Ordinances for Council Review

Upon motion by Councillor Knight-passed

16-316-Offered by Councillor Marks

Be It Resolved that the sidewalks across from Panera's on Riverside Ave be discussed

a) Amended by Councillor Marks that the administration report back when will the new sidewalks take place

b) Amended by Councillor Marks that the Owner of the Property, Developer, OCD, DPW and Licensees honor their commitments to the area as specified from the various licenses and permits issued.

Upon motion by Councillor Marks as amended-passed

16-317-Offered by Vice President Lungo-Koehn

Be It Resolved that the Mayor work with Waste Management in scheduling a Clean up day throughout the City.

Upon motion by Vice President Lungo-Koehn-passed

UNFINISHED BUSINESS

'15-605 Hearing National Grid & Verizon Canal St
IN CITY COUNCIL AUGUST 11, 2015 TABLED

'15-734- Loan Order addition DPW Facility Project Funds \$300,000

	IN CITY COUNCIL	NOVEMBER 10, 2015	TABLED
	IN CITY COUNCIL	NOVEMBER 17, 2015	TABLED
	IN CITY COUNCIL	DECEMBER 1, 2015	REFERRED TO COMMITTEE
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'15-736	Loan Order Winthrop Street Drainage Project \$350,000		
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	IN CITY COUNCIL	DECEMBER 1, 2015	1ST READING PASSED
	ADVERTISED	DECEMBER 11, 2015	MEDFORD DAILY MERCURY
	(eligible for third reading December 22, 2015)		
'15-788-	Representative from Tufts explain function of TEMS		
	IN CITY COUNCIL	DECEMBER 8, 2015	TABLED
'15-816-	Transfer \$250,000 from sale of real estate for 5 kiosks improvements		
	IN CITY COUNCIL	DECEMBER 22, 2015	TABLED
'16-009-	No Confidence		
	IN CITY COUNCIL	JANUARY 5, 2016	TABLED Council Rule 29
'16-063	School Committee Policies Future Bomb Threats		
	IN CITY COUNCIL	FEBRUARY 9, 2016	TABLED
'16-093	Taxi Operator License Philippe M. Tovar, 20 Burget Ave #2, Medford		
	IN CITY COUNCIL	FEBRUARY 23, 2016	TABLED
'16-295	Amendment Chapter 66 Personnel Fire Dept.		
	IN CITY COUNCIL	MARCH 8, 2016	FIRST READING

PUBLIC PARTICIPATION
COUNCIL PAPERS IN COMMITTEE

Records:

The Records of the Meeting of March 8, 2016 were passed to Councillor Knight. Councillor Knight then reviewed the records and found them to be in order and approved-approved

Adjournment:

Councillor Knight motioned to adjourn at 7:52 PM

A true copy, Attest

Edward P. Finn, City Clerk