



## **Medford City Council**

The Tenth Regular Meeting  
Medford, Massachusetts  
March 15, 2016

City Council President, Frederick N. Dello Russo, Jr.  
Vice President Breanna Lungo-Koehn  
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.

### **ROLL CALL**

### **SALUTE TO THE FLAG**

### **RECORDS**

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

### **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.

**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. Bolmwerth’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.

**PETITIONS, PRESENTATIONS AND SIMILAR MATERS**

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

On File

Business Certificate # 36  
Building Dept.  
Fire Dept  
Police Traffic Impact  
Health Dept.

Treasurer  
Letter of Compliance  
Tax Identification  
Workmen’s Compensation  
Certificate of Organization  
Petition

**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.

**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.

**COMMUNICATIONS FROM THE MAYOR**

**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”

16-309 (cont.)

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

**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]<sup>1</sup>. The Hegner Center, a Massachusetts non-profit corporation served individuals with intellectual disabilities. The deed from the City to the Hegner Center contained the provision<sup>2</sup> that:

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<sup>1</sup> 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.

<sup>2</sup> This provision was approved by the Medford City Council in Council Paper 91-527

*“[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.

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

**UNFINISHED BUSINESS**

<b><u>'15-605</u></b>	Hearing National Grid & Verizon Canal St		
	IN CITY COUNCIL	AUGUST 11, 2015	TABLED
<b><u>'15-734-</u></b>	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
<b><u>'15-736</u></b>	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
	<b>(eligible for third reading December 22, 2015)</b>		
<b><u>'15-788-</u></b>	Representative from Tufts explain function of TEMS		
	IN CITY COUNCIL	DECEMBER 8, 2015	TABLED

<b><u>'15-816-</u></b>	Transfer \$250,000 from sale of real estate for 5 kiosks improvements		
	IN CITY COUNCIL	DECEMBER 22, 2015	TABLED
<b><u>'16-009-</u></b>	No Confidence		
	IN CITY COUNCIL	JANUARY 5, 2016	TABLED Council Rule 29
<b><u>'16-063</u></b>	School Committee Policies Future Bomb Threats		
	IN CITY COUNCIL	FEBRUARY 9, 2016	TABLED
<b><u>'16-093</u></b>	Taxi Operator License Philippe M. Tovar, 20 Burget Ave #2, Medford		
	IN CITY COUNCIL	FEBRUARY 23, 2016	TABLED
<b><u>'16-295</u></b>	Amendment Chapter 66 Personnel Fire Dept.		
	IN CITY COUNCIL	MARCH 8, 2016	FIRST READING

### **PUBLIC PARTICIPATION**

### **COUNCIL PAPERS IN COMMITTEE**

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

#### **Records:**

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

#### **Adjournment:**