



## **Medford City Council**

The Thirty-Seventh Regular Meeting

Medford, Massachusetts

November 29, 2016

Frederick N. Dello Russo, Jr., Council 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 Thirty-Seventh 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 November 22, 2016 were passed to Vice President Lungo-Koehn.

### **HEARING**

16-747-

**CITY OF MEDFORD**

**NOTICE OF A PUBLIC HEARING**

A Public Hearing will be held by the Medford City Council in the Howard F. Alden Memorial Auditorium, Medford City Hall, 85 George P. Hassett Dr., Medford, MA., on TUESDAY EVENING, November 29, 2016 at 7:00 P. M. on a petition by for a Special Permit petition 16-747 pursuant to Chapter 94, Zoning Ordinances of the City of Medford, Section 94-148 Use No. 37, to operate at a Class I Automotive Sales at 83 Mystic Avenue, Medford, MA. said site being located in an C-2 Zoning District.

*Petition and plans may be seen in the Office of the City Clerk, City Hall, Medford, MA.*

*Call 393-2501 for any accommodations/aids. T.D.D. 393-2516*

*The City of Medford is an EEO/AA/504 Employer.*

*By order of the City Council.*

*Edward P. Finn  
City Clerk*

*Advertise Medford Daily Mercury November 15 and November 22, 2016*

**On File**

Business Certificate # 210	Treasurer
Building Dept.	Letter of Compliance
Fire Dept	Tax Identification
Police Traffic Impact	Workmen's Compensation
	Petition

**MOTIONS, ORDERS AND RESOLUTION**

**16-771**-Offered by Councillor Knight

Whereas, wage theft is defined as the improper withholding of payment to employees and the failure to pay employees according to required schedules, and

Whereas, instances of wage theft most often involves employers paying their employees less than the minimum, contracted, or prevailing wage, not paying for all hours worked, or not paying overtime for hours exceeding 40 per week, and

Whereas, in FY 2016 the Attorney General's Office received over 6,000 complaints, issued over 400 citations and secured over \$3.75M in restitution and penalties related to wage theft, and

Whereas, in FY 2016 the Attorney General's Office received over 6,000 complaints, issued over 400 citations and secured over \$3.75M in restitution and penalties related to wage theft,

Be it so ordered the Medford City Council adopt the following language:

#### An Ordinance Relative to Wage Theft Prevention

- (a) The following certification shall be incorporated by the City of Medford and adopted as a required standard in regard to all bids and proposals for the provision and delivery of services within the City, and shall apply to every new contract and every renewal term of a contract entered into after the date of passage:

“The Contractor certifies that neither it nor any of its subcontractors have been subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three years prior to the date of the contract; or certifies that it has provided copies of any and all of the above to the city prior to the date of the contract and any required wage bond or insurance; and certifies that while the contract is in effect, it will report any instance of the above to the city within five days of the contractor's receipt.”

- (b) The following provisions shall be included in any request for proposals, invitation for bids or request for qualifications issued by the city on or after July 1, 2017; prospective vendors must provide the following certifications or disclosures in writing to the purchasing agent with their bids or proposals. Failure to provide the following shall result in rejection of the bid or proposal;
  - (1) Prospective vendors must certify that neither they nor any of their subcontractors have been subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three years prior to the date vendors submit their bids or proposals; or
  - (2) Prospective vendors must disclose any such criminal or civil judgments, administrative citation, final administrative determination, order or debarment and include copy(ies) with their bids or proposals.
  - (3) Prospective vendors are notified that they must report any such criminal or civil judgment, administrative citation, final administrative determination, order or debarment from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages

while any of their bids or proposals to the purchasing agent official is pending and, if awarded a contract, during the term of the resulting contract, within five days of vendor's receipt.

- (4) Prospective vendors that are subject to a state or federal debarment for violation of the above laws, either voluntarily or involuntarily, or that have been prohibited from contracting with the Commonwealth or any of its agencies or subdivisions will be deemed not responsible and their bids or proposals shall be rejected. Such vendors shall be deemed not responsible for the entire term of debarment or other stated time period. During the term of a contract, upon a finding or order of such debarment or prohibition, the city may terminate the contract.
  
- (5) Vendor(s) awarded a contract that have disclosed a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three years prior to the date they submit their bids or proposals, or vendor(s) awarded a Contract that receive a federal or state criminal or civil judgment, administrative citation, order or final administrative determination resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages during the term of the contract and that are not otherwise prohibited from public contracting may be required by the city to obtain a wage bond or other form of suitable insurance in an amount equal to the aggregate of one year's gross wages for all employees, based on an average of its total labor costs for the past two years. Such bond must be maintained for the terms or extensions of any contract, and proof of such bond must be provided upon request by the city.
  
- (6) Vendor(s) awarded a contract that have disclosed a federal or state criminal or civil judgment administrative citation, final administrative determination, order or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three years prior to the date they submit their bids or proposals and through the contract term shall furnish their monthly certified payrolls to the purchasing agent for all employees working on such contract.

**16-778**-Offered by Vice President Lungo-Koehn

Be It Resolved that the Medford City Council request that the Administration work with the MBTA to make the bus routes more reliable and on a more frequent schedule in Medford especially the 134, which only runs every thirty to forty minutes during peak times. The current service for the current population is and has been inadequate never mind when the current 800 more units are finished being developed plus any other potential projects that are either being held up in the courts or are awaiting approval.

**PETITIONS, PRESENTATIONS AND SIMILAR MATTERS**

**16-775-**

Petition for Class I Auto Sales License by Dom's Motor Service 83 Mystic Avenue, Medford, MA

**On File**

Business Certificate # 210	Treasurer
Building Dept.	Letter of Compliance
Fire Dept	Tax Identification
Police Traffic Impact	Workmen's Compensation
	Petition

**COMMUNICATIONS FROM THE MAYOR**

**16-776-**

November 23, 2016

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

Dear Mr. President and City Councillors:

I respectfully request and recommend that your Honorable Body approve the appropriation of Certified Free Cash in the amount of Ten Thousand (\$10,000) dollars for the purpose of testing a lighting upgrade in Medford Square to determine if we want to do a full retrofit project estimated to cost approximately \$100,000.

As you are aware, the lighting in Medford Square is not adequate. The City has had a vendor install three sample fixtures. However, it is not conclusive if the retrofit would be beneficial to the light levels for the entire square.

The balance in certified free cash prior to this vote is \$9,719,329.

The Director of Energy and Environment, Alicia Hunt as well as Steve Randazzo, Superintendent of Wires, will be present to answer any questions you may have.

Sincerely,  
(signature file/paper)  
Stephanie M. Burke, Mayor

**16-777-**

November 23, 2016

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

Dear Mr. President and City Councillors:

Whereas: The strength of our nation is derived from its history of diversity that has enriched our communities with a variety of cultures, faith traditions and viewpoints, and

Whereas: The City of Medford is a community that welcomes and values the varied racial and ethnic makeup of our residents, and

Whereas: The City of Medford stands in support of all immigrant groups and newcomers as they pursue the 'American Dream', and

Whereas: The City of Medford will work to model our City as a safe and welcoming place that equally encourages all to seek personal advancement and to reside in peaceful contentment in Medford, and

Whereas: The City of Medford rejects all words and acts of hate, indifference, and intolerance that undermine our neighborhoods, communities of faith, and our schools, and thwart the promise of equal justice, and

Whereas: Our nation was founded on the fundamental principle that all persons are entitled to equal protection of law, equal opportunity, and to the enjoyment of civil and human rights;

Now therefore, the City of Medford proudly supports the Medford Conversations Project

to promote dialogue and collaboration about Race and Ethnicity in Medford and Beyond.

Sincerely,  
(signature file/paper)  
Stephanie M. Burke, Mayor

**UNFINISHED BUSINESS**

<b><u>'15-605</u></b>	Hearing National Grid & Verizon Canal St		
	IN CITY COUNCIL	AUGUST 11, 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>16-472</u></b>	Accounting Use of school facilities for Fee or Donation		
	IN CITY COUNCIL	MAY 10, 2016	TABLED
<b><u>'16-529</u></b>	Residents address pedestrian safety		
	IN CITY COUNCIL	JUNE 7, 2016	TABLED
<b><u>'16-636</u></b>	Special Permit use Keno Monitor NK Convenience 562 High St		
	IN CITY COUNCIL	SEPTEMBER 20, 2016	TABLED

	IN CITY COUNCIL	OCTOBER 11, 2016	TABLED
<b><u>16-759-</u></b>	Update on expenditures for property		
	IN CITY COUNCIL	NOVEMBER 15, 2016	TABLED
<b><u>16-766-</u></b>	CPA ordinance		
	IN CITY COUNCIL	NOVEMBER 22, 2016	FIRST READING

**PUBLIC PARTICIPATION**

**COUNCIL PAPERS IN COMMITTEE**

**Reports Due/ Deadlines**

**Records:**

The Records of the Meeting of November 22, 2016 were passed to Vice President Lungo-Koehn.

**Adjournment:**