

#1-C0181-21

Legislative Affairs & Election Committee  
November 15, 2021

The Committee on Legislative Affairs & Elections met on Monday, November 15, 2021 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Anthony DiPierro, presiding, Councilors Rosa DiFlorio, Fred Capone and Stephanie Martins.

The Committee considered a Resolution offered by Councilor Fred Capone: That the various signs posted on public property, without permission, throughout the City be removed and the offending parties be contacted to make them aware of the same.

City Solicitor Colleen Mejia, Assistant City Clerk Peter Napolitano and City Clerk Consultant David Flood were also present.

Councilor Capone explained that he had reviewed the current ordinance and believes it addresses his concerns. He requested that the matter be referred back to Sponsor.

The Committee voted: to report back to the City Council with a recommendation to refer back to Sponsor.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

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#2-C0047-21

Legislative Affairs & Election Committee  
November 15, 2021

The Committee on Legislative Affairs & Elections met on Monday, November 15, 2021 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Anthony DiPierro, presiding, Councilors Rosa DiFlorio, Fred Capone and Stephanie Martins.

The Committee considered a Resolution offered by Councilor Wayne Matewsky, as President: An Ordinance Resolving Discrepancies between two recently passed Ordinances regarding Construction Noise.

City Solicitor Colleen Mejia, Assistant City Clerk Peter Napolitano and City Clerk Consultant David Flood were also present.

Mr. Flood provided the Committee with a document that listed some additional definitions of construction noise that he would like to see added to the proposed ordinance. The Committee concurred that the additional definitions should be included as a reference to assist with enforcement. Mr. Flood agreed to provide the City Council with the appropriate amendments.

The Committee voted: to report back to the City Council at its first regular meeting in December with a recommendation of Favorable action pending the receipt and inclusion of the appropriate amendments from Mr. Flood.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

The Committee on Legislative Affairs & Elections met on Monday, November 15, 2021 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Anthony DiPierro, presiding, Councilors Rosa DiFlorio, Fred Capone and Stephanie Martins.

The Committee considered a Resolution offered by Councilor Wayne Matewsky, as President: An Ordinance Updating the Motor Vehicle Dealer Licensing Ordinances to Use the Standardized Procedures for Licenses Issued under the Authority of the City Council.

City Solicitor Colleen Mejia, Assistant City Clerk Peter Napolitano, City Clerk Consultant David Flood and Councilor John Hanlon were also present.

Mr. Flood informed the Committee that he met with Councilor Hanlon after he raised some concerns at a prior regular meeting on the subject matter and agreed to make the following amendments offered by Councilor Hanlon.

- in the opening line of the preamble delete the words "A couple of years ago" and replace with "In the year 2018"
- in Section 12-490 delete the words " as it sees fit" and add the word "standard" so that it now reads "... as the public good requires and subject to standard terms and conditions, to such parties" . . etc.

Councilor Hanlon stated that he wanted to insure that the ordinance conformed to State Law. Mr. Napolitano expressed concern with an expansion of these types of licenses noting that there were 40 current licenses which he declared were tough to enforce. Chairman DiPierro concurred that the City shouldn't be expanding these licenses noting the City was running out of room for these types of businesses. The Committee discussed amending Section 12-493 (b) to place a cap on the number of license issued and Solicitor Mejia suggested that they could amend the word "shall" to "may" but after further discussion determined that the current cap was fine and that no further amendments were needed.

The Committee voted: to report back to the City Council with a recommendation for Favorable action as amended as follows - in the opening line of the preamble delete the words "A couple of years ago" and replace with "In the year 2018" and in Section 12-490 delete the words " as it sees fit" and add the word "standard" so that it now reads "... as the public good requires and subject to standard terms and conditions, to such parties" . . etc.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

The Committee on Legislative Affairs & Elections met on Monday, November 15, 2021 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Anthony DiPierro, presiding, Councilors Rosa DiFlorio, Fred Capone and Stephanie Martins.

The Committee considered a Resolution offered by Councilor Wayne Matewsky, as President: An Ordinance Updating the Motor Vehicle Repair Licensing Ordinances to Use the Standardized Procedures for Licenses Issued under the Authority of the City Council.

City Solicitor Colleen Mejia, Assistant City Clerk Peter Napolitano, City Clerk Consultant David Flood and Councilor John Hanlon were also present.

Mr. Flood informed the Committee that he met with Councilor Hanlon after he raised some concerns at a prior regular meeting on the subject matter and agreed to make the following amendments offered by Councilor Hanlon.

- in the opening line of the preamble delete the words "A couple of years ago" and replace with "In the year 2018"
- in Section 12-500 delete the words " as it sees fit" and add the word "standard" so that it now reads ..." as the public good requires and subject to standard terms and conditions, to such parties" . . etc.

Councilor Hanlon stated that he wanted to insure that the ordinance conformed to State Law. Mr. Napolitano expressed concern with an expansion of these types of licenses noting that there were 40 current licenses which he declared were tough to enforce. Chairman DiPierro concurred that the City shouldn't be expanding these licenses noting the City was running out of room for these types of businesses. The Committee discussed amending Section 12-501 (c) to delete the word "maintain" as requested by Councilor Hanlon however Mr. Flood explained that the wording was consistent with State law so the Committee agreed no further amendments were needed.

The Committee voted: to report back to the City Council with a recommendation for Favorable action as amended as follows - in the opening line of the preamble delete the words "A couple of years ago" and replace with "In the year 2018" and in Section 12-500 delete the words " as it sees fit" and add the word "standard" so that it now reads ..." as the public good requires and subject to standard terms and conditions, to such parties" . . etc.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

The Committee on Legislative Affairs & Elections met on Monday, November 15, 2021 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Anthony DiPierro, presiding, Councilors Rosa DiFlorio, Fred Capone and Stephanie Martins.

The Committee considered a Resolution offered by Councilor Wayne Matewsky, as President: An Ordinance Allowing and Controlling Early Renewals of Certain Licenses and Permits Issued under the Authority of the City Council.

City Solicitor Colleen Mejia, Assistant City Clerk Peter Napolitano, City Clerk Consultant David Flood and Councilor John Hanlon were also present.

Mr. Flood informed the Committee that some licenses and permits expire at various times throughout the year and that this proposed Ordinance would help streamline the process to allow businesses to legally renew certain licenses early to avoid a repetitive process again to the year while also helping the City to eliminate the need for duplicate inspections. Mr. Napolitano explained that this would affect only a small number of businesses but that it was a good service to offer them.

The Committee voted: to report back to the City Council with a recommendation for Favorable action

Respectfully Submitted,

John W. Burley  
Clerk of Committees

The Committee on Legislative Affairs & Elections met on Monday, November 15, 2021 at 6pm in the City Council Chambers.

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Members present were Councilor Anthony DiPierro, presiding, Councilors Rosa DiFlorio, Fred Capone and Stephanie Martins.

The Committee considered a Resolution offered by Councilor Wayne Matewsky, as President: An Ordinance Creating a Limited Motor Vehicle Dealer – 2nd Class License Issued under the Authority of the City Council.

City Solicitor Colleen Mejia, Assistant City Clerk Peter Napolitano, City Clerk Consultant David Flood and Councilor John Hanlon were also present.

Mr. Flood informed the Committee that he was asked to write the proposed Ordinance. He explained that the number of motor vehicle dealer 2<sup>nd</sup> class licenses issued by the City Council is always near or at the prescribed limit and that holders of motor vehicle repair shop licenses issued by the City frequently come into possession of a limited number of motor vehicles that they would like to be able to sell and were looking for a legal process for selling such vehicles without having to acquire a motor vehicle dealer 2<sup>nd</sup> class license. Mr. Flood noted that an applicant under this proposed ordinance may request to have no more than (3) 2<sup>nd</sup> class vehicles for sale at any given time. Councilor Capone asked if the City Solicitor has had the chance to review the proposals and Solicitor Mejia responded that she had not seen the proposal as of yet. Councilor Capone recommended moving favorable action pending the approval of the City Solicitor.

The Committee voted: to report back to the City Council with a recommendation for Favorable action pending the approval of the City Solicitor.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

#7-C0295-21

Legislative Affairs & Election Committee  
November 15, 2021

The Committee on Legislative Affairs & Elections met on Monday, November 15, 2021 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Anthony DiPierro, presiding, Councilors Rosa DiFlorio, Fred Capone and Stephanie Martins.

The Committee considered a Resolution offered by Councilor Stephanie Martins: An Ordinance Amending Code Compliance Section 13A-62 (g)(14) Loud and Unnecessary Noises Construction Work. An Ordinance Amending Code Compliance Section 13A-62 (g)(14) Loud and Unnecessary Noises Construction Work

City Solicitor Colleen Mejia, Assistant City Clerk Peter Napolitano and City Clerk Consultant David Flood were also present.

Councilor Martins requested that the matter be referred back to Sponsor as long as item #2 on the Committee agenda was passed with the additional definitions of construction noise to help with enforcement.

The Committee voted: to report back to the City Council with a recommendation to refer back to Sponsor.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

The Committee on Legislative Affairs & Elections met on Monday, November 15, 2021 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Anthony DiPierro, presiding, Councilors Rosa DiFlorio, Fred Capone and Stephanie Martins.

The Committee considered a Resolution offered by Councilor Fred Capone: That Section 7-167 Longevity - Mayor, of Chapter 7 of the Revised Ordinances for the City of Everett, providing for a \$10,000.00 (ten thousand dollar) payment for each completed full term as mayor and bonus payment, enacted as CO421-16 is hereby deleted in its entirety

City Solicitor Colleen Mejia and Chief Financial Officer Eric Demas were also present.

Councilor Capone remarked that the Mayor receiving a \$10,000 annual longevity was excessive when he was already receiving close to a \$200,000 annual salary along with a car allowance and requested favorable action to delete the Ordinance. Councilor Martins asked for an explanation on exactly what the Mayor was getting for longevity since she was unsure if the \$10,000 was one lump sum, or was \$10,000 divided over a four year period or if the Mayor was receiving \$10,000 a year in longevity. Solicitor Mejia responded that based on the wording of the Ordinance the Mayor was receiving \$10,000 annually after each completed full term. Mr. Demas concurred that the Mayor was receiving the longevity in \$10,000 annual payments. Chairman DiPierro reflected back when the Ordinance was proposed acknowledging that it wasn't popular to give elected officials pay raises so the longevity was considered as a means to reflect years of service with the belief that the annual longevity stipend would be \$2500. Councilor DiFlorio recommended that the Ordinance be amended to \$2500. Councilor Capone asserted that providing the Mayor with longevity pay is asinine and that longevity for an elected official it to get re-elected.

The Committee voted: to report back to the City Council with no recommendation.

Respectfully Submitted,

John W. Burley  
Clerk of Committees



#9-C0344-21

Legislative Affairs & Election Committee  
November 15, 2021

The Committee on Legislative Affairs & Elections met on Monday, November 15, 2021 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Anthony DiPierro, presiding, Councilors Rosa DiFlorio, Fred Capone and Stephanie Martins.

The Committee considered a Resolution offered by Councilors. Stephanie Martins and Fred Capone: That the Administration consider opting-in to offer Paid Family Medical Leave as a municipality to our city employees.

City Solicitor Colleen Mejia and Chief Financial Officer Eric Demas were also present.

Councilor Martins expressed her disappointment that no one from Human Resources was invited as she had requested to discuss costs, etc.

The Committee voted: to report back to the City Council with a recommendation to refer to the Mayor and Human Resources.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

The Committee on Legislative Affairs & Elections met on Monday, November 15, 2021 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Anthony DiPierro, presiding, Councilors Rosa DiFlorio, Fred Capone and Stephanie Martins.

The Committee considered a Resolution offered by Councilors Stephanie Martins: Ordinance Amending City Council Rule 6 Determination of Quorum; record of attendance to add "absence and resignation" and sections D, E, F D. The absence of a member from two successive regular meetings of the city council, except for reasons of illness or other reasonable circumstances proved to the satisfaction of the president of the city council, shall result in the forfeiture of the corresponding stipend for the applicable period. E. The absence of a member from three successive regular meetings of the city council, except for reasons of illness or other reasonable circumstances proved to the satisfaction of the president of the city council, may be deemed a resignation from the city council on the part of said member. F. A member who is not present for the equivalent of half of a regular meeting based on the number of agenda items, except for reasons of illness or other reasonable circumstances proved to the satisfaction of the president of the city council, shall no longer be considered to be in attendance for roll call purposes.

City Solicitor Colleen Mejia was also present.

Councilor Martins stated that she was looking for accountability from her fellow City Councilors and mentioned that if she wasn't successful with the rule change she would push the voters to utilize the recall provision in order to make the City Councilors accountable. Solicitor Mejia informed the Committee that the City Council does not have the authority to deem a resignation from a seat of a member who is absent as proposed in subsection E nor can the Council change the application of the provisions of the Open Meeting Law on whether a Councilor was in attendance or not as implied in subsection E. She stated that the Council could establish a Rule to amend the salary requirements and place conditions on said salary in subsection D but would also need to amend an Ordinance to do so as well. Both Councilors Capone and DiFlorio explained that they understood her reasoning to propose the Rule change but were opposed to it because they believed that these decisions should be left with the voters to decide rather than having the City Council police itself.

The Committee voted: to report back to the City Council with no recommendation.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

The Committee on Legislative Affairs & Elections met on Monday, November 15, 2021 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Anthony DiPierro, presiding, Councilors Rosa DiFlorio, Fred Capone and Stephanie Martins.

The Committee considered a Resolution offered by Councilor Michael Marchese: An Ordinance requiring certain licenses and permits issued under the authority of the City Council that do not normally require City Council consideration to be considered by the City Council.

City Solicitor Colleen Mejia and City Clerk Consultant David Flood were also present.

Mr. Flood informed the Committee that the issue arose at the regular meeting of the City Council on September 27, 2021 when questions were raised about granting licenses and permits to petitioners who do not own the property where such licenses and permits shall be exercised and there are past due payments for the property due to the City. He noted that the current license and permit procedures do not currently contain any specific guidance on how to process petitions for such licenses and permits if there are past due payments for the property where the license shall be exercised. He further noted that there are standard procedures that already require petitioners for such licenses who do not own the property to provide a copy of their current lease on file in the City Clerks office which is not currently being done. Under Councilor Marchese's proposal all such similar situations must be submitted to the City Council for consideration if there are past due payments on the property where a license or permit is to be exercised. Chairman DiPierro expressed concern that the City Council shouldn't be involved in tenant & landlord issues. Both Councilors Capone and Martins stated that they were okay with these matters coming before the City Council.

The Committee voted: to report back to the City Council with a recommendation for Favorable action pending the approval of the City Solicitor.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

#12-C0352-21

Legislative Affairs & Election Committee  
November 15, 2021

The Committee on Legislative Affairs & Elections met on Monday, November 15, 2021 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Anthony DiPierro, presiding, Councilors Rosa DiFlorio, Fred Capone and Stephanie Martins.

The Committee considered a Resolution offered by Councilor Rosa DiFlorio: That the City considers eliminating the use of plastic bags by businesses.

City Solicitor Colleen Mejia was also present.

Councilor DiFlorio acknowledged that the City Council has already enrolled an Ordinance that addresses the issue and as such requested that the matter be referred back to Sponsor.

The Committee voted: to report back to the City Council with a recommendation to refer back to Sponsor.

Respectfully Submitted,

John W. Burley  
Clerk of Committees