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EVERETT, MA

2022 APR -6 A 9:15

AGENDA PACKET

**COMMITTEE ON LEGISLATIVE AFFAIRS & ELECTIONS
MONDAY, APRIL 11, 2022 6:00 PM**

**EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR
EVERETT, MA 02149**

Posted in accordance with the
provisions of Mass. General Laws
Chapter 30A - Sections 18-25

on 4/6/22 at 9:15 A
Attest:


ASSIST. City Clerk



AGENDA

COMMITTEE ON LEGISLATIVE AFFAIRS & ELECTIONS MONDAY, APRIL 11, 2022 6:00 PM

EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR
EVERETT, MA 02149

ROLL CALL

PLEDGE OF ALLEGIANCE

UNFINISHED BUSINESS

1. C0077-22 Resolution/s/ Councilor Anthony DiPierro

That the Legislative Affairs & Elections Committee discuss possible amendments to the Precious Metals Dealers license in response to an uptick in catalytic converter thefts.

NEW BUSINESS

2. C0194-22 Order/s/ Councilor John F. Hanlon, as President

Executive session pursuant to G.L. c. 30A, s. 21, purposes (1) and (7)(Open Meeting Law) as the chair declares- Open Meeting Law complaints filed against the City Council Committee on Legislative Affairs and Elections from Joan Beckta dated April 2, 2022, acknowledgement of the Open Meeting Law complaint, discussion and response to same; votes may be taken.

ADJOURNMENT

www.cityofeverett.com

(All agendas and reports can be obtained on City of Everett Website)

Respectfully submitted:

Michael J. Mangan

Legislative Aide
Everett City Council Office



C0077-22

To: Mayor and City Council
From: Councilor Anthony DiPierro
Date: February 14, 2022

Agenda Item:

That the Legislative Affairs & Elections Committee discuss possible amendments to the Precious Metals Dealers license in response to an uptick in catalytic converter thefts.

Background and Explanation:

Attachments:

1.

ENROLLED ORDINANCE

PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED ORDINANCES OF THE CITY OF EVERETT AND IN COMPLIANCE WITH MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.

ENROLLED:

DATE OF PROPOSED ORDAINMENT:



CITY COUNCIL No. C01XX-22

IN THE YEAR TWO THOUSAND AND TWENTY-TWO

AN ORDINANCE UPDATING THE PRECIOUS METALS DEALER LICENSE ORDINANCE TO USE THE STANDARDIZED PROCEDURES FOR LICENSES AND PERMITS APPROVED BY THE CITY COUNCIL

Councilor /s/ John F. Hanlon, as President

Whereas: In 2018, the Everett City Council adopted ordinances standardizing the procedures governing the licenses and permits issued by the City Council; and

Whereas: It makes sense, whenever possible, for all licenses and permits issued under the authority of the city council to use the same standard procedures; and

Whereas: The precious metal dealers license ordinance has not yet been updated to use the standardized procedures for licenses and permits approved by the city council.

Now, therefore, by the authority granted to the City Council of the City of Everett, Massachusetts to make ordinances;

Be it Ordained by the City Council of the City of Everett, Massachusetts that the Revised Ordinances of the City of Everett be amended as follows:

Article IV of Chapter 12 of the Revised Ordinances of the City of Everett are hereby deleted in its entirety;

Chapter 12, Article XI of the Revised Ordinances of the City of Everett is hereby further amended by adding a new Division 25 as follows:

DIVISION 25. PRECIOUS METALS DEALER LICENSES

(C01XX-22)

Section 12-550 Purpose

The city council may, by petition, grant precious metals dealer licenses, as the public good requires and subject to terms and conditions as it sees fit, to such parties deemed appropriate, subject to the provisions of these Revised Ordinances and applicable state statutes.

Section 12-551 **Definitions**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) “Precious metals” Any object made, constructed or electroplated with gold, silver or platinum, regardless of its form, weight or appearance.

Section 12-552 **Precious metals dealer license required**

- (a) No party shall operate as a precious metals dealer within the limits of the city unless such party has first obtained the required license for said purpose from the city council.
- (b) No owner of any property located in whole or in part within the limits of the city shall allow any party to operate as a precious metals dealer on such property unless such party has first obtained the required license for said purpose from the city council.
- (c) Any violations of this section shall be reported to the city clerk. After conferring with the city solicitor and/or the president of the city council, if necessary, the city clerk may:
 - (1) Issue fines in accordance with Section 1-8 of these Revised Ordinances to the party acting as an unlicensed precious metals dealer; and/or
 - (2) Issue fines in accordance with Section 1-8 of these Revised Ordinances to the owner of the property on which any party has been operating as an unlicensed precious metals dealer; and/or
 - (3) Issue a cease and desist order the party operating as an unlicensed precious metals dealer.

Section 12-553 **Precious metals dealer license qualifications**

All applicants for a precious metals dealer license shall meet the qualifications for all licenses and permits issued under the authority of the city council as prescribed in Section 12-302 of this Chapter.

Section 12-554 **Precious metals dealer license**

- (a) All applications for precious metals dealer licenses pursuant to this division shall be completed, reviewed and processed in accordance with the provisions of Sections 12-303 of this Chapter.
- (b) Petitions for precious metals dealer licenses shall be considered by the city council in accordance with the provisions of Section 12-309 of this Chapter.
- (c) License conditions and restrictions
 - (1) All precious metals dealer licenses shall be subject to the standard license and permit conditions and restrictions for licenses and permits issued under the authority of the city council as specified in Section 12-308(a) of this Chapter and the following additional conditions:
 - a. Additional inspections conditions

Precious metals dealers or other persons in charge of the licensed premises of such dealers shall allow any police officer or the city clerk, as the agent for the city council, to enter said premises, at any time, to

1. Upon demand, examine all items purchased, stored or kept in or upon said premises; and
 2. Upon demand, examine all records kept by the precious metals dealer.
- (2) Precious metals dealer licenses shall only allow the licensee to operate on the property address for which the license was granted.
- (3) All precious metals dealer licenses shall also be subject to the following conditions and restrictions:
- a. All holders of precious metal dealer licenses shall comply with the operating standards prescribed in Section 12-554 of this division.
- (4) The city council may impose other reasonable restrictions and conditions on individual precious metals dealer licenses as they deem necessary to protect the public safety and welfare. Such restrictions and conditions may include, but shall not be limited to, limitations on the days and hours of operation.
- (d) Petitions for approved precious metals dealer licenses shall be handled in accordance with the provisions of Section 12-310 of this Chapter.
- (e) Petitions for denied precious metals dealer licenses shall be handled in accordance with the provisions of Section 12-311 of this Chapter.
- (f) Renewals of existing precious metals dealer licenses shall be handled in accordance with the provisions of Section 12-312 of this Chapter.
- (g) The process used to monitor and ensure compliance with the conditions and restrictions placed on precious metals dealer licenses, as well as the possible penalties for such non-compliance are prescribed in Section 12-313 of this Chapter.
- (h) Reviews of existing precious metals dealer licenses shall proceed in accordance with the provisions of Section 12-314 of this Chapter.
- (i) The method used to file and process complaints regarding precious metals dealer licenses is prescribed in Section 12-318 of this Chapter.
- (j) Suspensions of existing precious metals dealer licenses shall be handled in accordance with the provisions of Section 12-315 of this Chapter.
- (k) Revocations of existing precious metals dealer licenses shall be handled in accordance with the provisions of Section 12-316 of this Chapter.

Section 12-555 Precious metals dealer operating standards

Every precious metals dealer licensed under the provisions of this division shall conform with the following operating standards.

(a) Identification required

- (1) No precious metals dealer shall purchase any item from any seller unless the seller can provide a valid method of identification.
- (2) Valid methods of identification shall include a driver's license, a liquor ID, a military ID, etc.
- (3) Precious metals dealers shall make a photocopy of each seller's method of identification, which will become a part of the transaction's record.

(b) Purchases from minors

No precious metals dealer shall, directly or indirectly, either purchase or receive, by way of barter or exchange, precious metals items from any person they know or have reason to believe to be a minor.

(c) Purchases to be held

All items purchased, over the counter, by precious metals dealers shall be held for a period of thirty (30) days in their original state before disposing of same.

(d) Records to be kept

- (1) Every precious metals dealer shall keep an accurate and complete transaction log, recording all purchases and sales made over the counter during each business day.
- (2) For purchases, said log shall contain an accurate description of all items purchased including:
 - a. All distinguishing marks and numbers of each item purchased;
 - b. The price paid for the items purchased;
 - c. The date and time when such purchase was made;
 - d. The name and address of the seller; and
 - e. A photocopy of the seller's provided method of identification.
- (3) The information contained in a precious metals dealer daily transaction log shall be delivered to the police department on a regular basis in a format and frequency to be determined by the police chief.

Secs. 12-556-12-559 Reserved

This ordinance shall take effect upon passage by the City Council and subsequent approval by His Honor the Mayor.

A true copy attest



Sergio Cornelio

Sergio Cornelio, City Clerk

No shopkeeper shall, directly or indirectly, either purchase or receive, by way of barter or exchange, catalytic converters from any business or individual who is not a licensed motor vehicle body shop or motor vehicle repair shop."

ENROLLED ORDINANCE

*PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED ORDINANCES OF THE CITY OF
EVERETT AND IN COMPLIANCE WITH MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.*

ENROLLED:

DATE OF PROPOSED ORDAINMENT:



CITY COUNCIL **No. C0077-22**

IN THE YEAR TWO THOUSAND AND TWENTY-TWO

**AN ORDINANCE PLACING A RESTRICTION ON THE SALE OF CATALYTIC
CONVERTERS TO PRECIOUS METALS DEALERS**

Councilor /s/ Anthony DiPierro

Whereas; and

Whereas; and

Whereas:

Now, therefore, by the authority granted to the City Council of the City of Everett,
Massachusetts to make ordinances;

Be it Ordained by the City Council of the City of Everett, Massachusetts that the Revised
Ordinances of the City of Everett be amended as follows:

Chapter 12, Article IV of the Revised Ordinances of the City of Everett is hereby amended by
inserting a new Section 12-95.5 as follows:

Section 12-95.5 ***Catalytic converter transactions restriction***
(C0077-22)

No precious metals dealer shall, directly or indirectly, either purchase or receive, by way of
barter or exchange, catalytic converters from any business or individual who is not a
representative of a licensed motor vehicle body shop or motor vehicle repair shop.

This ordinance shall take effect upon passage by the City Council and subsequent approval by
His Honor the Mayor.

A true copy attest



Sergio Cornelio

Sergio Cornelio, City Clerk

ENROLLED ORDINANCE

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**AN ORDINANCE PLACING A RESTRICTION ON THE SALE OF CATALYTIC
CONVERTERS TO PRECIOUS METALS DEALERS**

Councilor /s/ Anthony DiPierro

Whereas; and

Whereas; and

Whereas:

Now, therefore, by the authority granted to the City Council of the City of Everett,
Massachusetts to make ordinances;

Be it Ordained by the City Council of the City of Everett, Massachusetts that the Revised
Ordinances of the City of Everett be amended as follows:

Chapter 12, Article XI, Division 25 of the Revised Ordinances of the City of Everett is hereby
amended by inserting a new version of Section 12-555(d) as follows and resequencing the current
version of said subsection accordingly:

- (d) Catalytic converter transactions restrictions
(C0077-22)

No precious metals dealer shall, directly or indirectly, either purchase or receive, by way
of barter or exchange, catalytic converters from any business or individual who is not a
representative of a licensed motor vehicle body shop or motor vehicle repair shop.

This ordinance shall take effect upon passage by the City Council and subsequent approval by
His Honor the Mayor.

A true copy attest



Sergio Cornelio

Sergio Cornelio, City Clerk

."

The Committee on Legislative Affairs & Elections met on Monday, March 14, 2022 at 6pm in the Everett High School Library.

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

Members present were Councilor Michael Marchese, presiding, Councilors Alfred Lattanzi, Stephanie Smith and Anthony DiPierro.

The Committee considered a Resolution offered by Councilor Anthony DiPierro: That the Committee discuss possible amendments to the Precious Metals Dealers License in response to an uptick in catalytic converter thefts.

Councilor DiPierro referenced a recent rash of thefts of catalytic converters throughout the City and provided the Committee with a proposed amendment to ARTICLE IV. PRECIOUS METAL DEALERS Section 12-95.5 Purchase of catalytic converters - "No shopkeeper shall, directly or indirectly, either purchase or receive, by way of barter or exchange, catalytic converters from any business or individual who is not a licensed motor vehicle body shop or motor vehicle repair shop." as a means to address the matter. Councilor DiPierro remarked that if someone walked into a Precious Metal Dealer with a shopping cart full of items like this then it could be easily construed that there was something wrong. Chairman Marchese asked if these catalytic converters contained an ID# and Councilor DiPierro responded that he would be willing to postpone so that Police Officer Stephen Panzini could be invited to address any questions the committee had since he was the lead officer on this issue.

The Committee voted: to grant further time and to invite Police Officer Stephen Panzini to the next committee meeting.

Respectfully Submitted,

John W. Burley
Clerk of Committees



City of
Everett
Massachusetts

C0194-22

To: Mayor and City Council
From: Councilor John F. Hanlon
Date: April 11, 2022

Agenda Item:

Executive session pursuant to G.L. c. 30A, s. 21, purposes (1) and (7)(Open Meeting Law) as the chair declares- Open Meeting Law complaints filed against the City Council Committee on Legislative Affairs and Elections from Joan Beckta dated April 2, 2022, acknowledgement of the Open Meeting Law complaint, discussion and response to same; votes may be taken.

Background and Explanation:

Attachments:

1.



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Joan Last Name: Beckta

Address: P.O. Box 490221

City: Everett State: MA Zip Code: 02149

Phone Number: +1 (508) 287-2871 Ext. _____

Email: jbeckta@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Committee on Legislative Affairs, City Council

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: 3/7/2022

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Notice of public meeting not timely posted.
On 3/7/22, I downloaded the agenda for the Committee on Legislative Affairs. At 6:00, I went to the ECTV stream on the City's website to watch the meeting. It wasn't on. I emailed Deanna Deveney, who answered that the meeting had been postponed to 3/14/2022. I called a person I knew was planning to attend the meeting and she said she didn't find out about the postponement until she got to City Hall. When I went back to the City's website, still on 3/7/2022, the posting had changed. It said the meeting had been postponed to 3/14/2022 AND THAT THE NOTICE HAD BEEN POSTED 3/2/2022. NO, IT WASN'T.

This happened again more recently with a School Committee Finance Committee meeting, but the observer of that can file his or her own complaint.

Agendas appear and disappear from the City's website with alarming frequency. I get differing answers, depending on who I ask, as to who has access to post information on the website. The meetings and agendas are no longer published in a local paper so the website is the official publication of the meeting.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

I want an investigation into who has access to the website.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Joan P. Beckta 4/12/22

Date: _____

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO: