



AGENDA PACKET

**REGULAR MEETING OF THE CITY COUNCIL
MONDAY, FEBRUARY 12, 2024 7:00 PM**

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



AGENDA

REGULAR MEETING OF THE CITY COUNCIL MONDAY, FEBRUARY 12, 2024 7:00 PM

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

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS

1. **C0032-24** Ordinance/s/ Robert J. Van Campen, as President

An ordinance amending the parking requirements, use regulations and dimensional standards of Section 30 "Lower Broadway Economic Development District (LBEDD)" of the City of Everett Zoning Ordinance

The City Council is required to hold a Public Hearing on all requests for Zoning Ordinance changes.

The required legal advertising for this public hearing appeared in the January 10, 2024 edition of the Everett Independent.

2. **C0051-24** Public Hearing/s/ Councilor Robert J. Van Campen, as President

A petition from National Grid requesting permission to install approximately 15' of 2-4" underground conduit from existing pole #2837 to a private property at 33 Mystic Street to provide a temporary UG service

PUBLIC PARTICIPATION

COMMUNICATIONS FROM HIS HONOR THE MAYOR

3. **C0047-24** Order/s/ Robert J. Van Campen, as President

An order requesting approval of the declaration of the Everett Fire Department's 1995 spare/reserve ladder truck as surplus

4. **C0048-24** Order/s/ Robert J. Van Campen, as President

An order requesting approval to accept and expend a donation totaling \$1,000.00 from Mayor Carlo and Stacy DeMaria through the Honey Dew Family Foundation, Inc. for the Fire Victims Fund

5. C0068-24 Order/s/ Councilor Robert J. Van Campen, as President

An order requesting approval to accept and expend a grant from the Massachusetts Department of Energy Resources (DOER) Green Communities Division in the amount of \$200,000.00 to fund energy conservation measures, air source heat pump, weatherization, and infrared heaters in municipal facilities including the DPW office area and garage.

6. C0070-24 Order/s/ Councilor Robert J. Van Campen, as President

An order requesting the confirmation of the appointment of Millie Cardello as a member of the Board of Assessors for a term of three (3) years, expiring February 1, 2027

7. C0071-24 Order/s/ Councilor Robert J. Van Campen, as President

An order requesting approval to accept and expend donations totaling \$195.00 from City of Everett employees during the month of January for the Fire Victims Fund

8. C0073-24 Order/s/ Councilor Robert J. Van Campen, as President

An order requesting approval to accept and expend the Massachusetts Emergency Management Agency Grant in the amount of \$20,150.00 for use by the Everett Fire Department to support emergency management preparedness

9. C0074-24 Order/s/ Councilor Robert J. Van Campen, as President

An order requesting approval to accept and expend a grant from the Massachusetts Department of Fire Services in the amount of \$50,000.00 for use by the Everett Fire Department to enhance the efficiency of fire alarm dispatch operations, and facilitate quicker and more accurate documentation and dispatch of fire apparatus.

10. C0075-24 Order/s/ Councilor Robert J. Van Campen, as President

An order requesting approval to accept and expend a grant from the Massachusetts Department of Fire Services in the amount of \$37,500.00 for use by the Everett Fire Department to enhance capabilities in managing hazardous waste materials.

11. C0078-24 Order/s/ Councilor Robert J. Van Campen, as President

An order requesting approval to accept and expend a grant from the Massachusetts Department of Fire Services in the amount of \$10,153.33 for use by the Everett Fire Department to procure replacements for hoses, nozzles, and valves that have reached the end of their operational life

12. C0083-24 Order/s/ Councilor Robert J. Van Campen, as President

An order requesting the confirmation of the appointment of DeAnne Mullett to the Board of Health for a term of three (3) years, expiring February 1, 2027.

13. C0084-24 Order/s/ Councilor Robert J. Van Campen, as President

An order requesting approval to appropriate \$115,000.00 from Budgetary Fund Balance (Free Cash) to the following accounts: Fire Department Equipment Maintenance \$50,00.00.00 & BLS-1 Operating Funds \$65,000.00

14. C0085-24 Order/s/ Councilor Robert J. Van Campen, as President

An order requesting approval to appropriate by borrowing \$11,400,000.00 for Improvements at the Old Everett High School, located at 548 Broadway

15. C0086-24 Order/s/ Councilor Robert J. Van Campen, as President

An order requesting approval to execute a contract with Axon Enterprise, Inc, to lease tasers for a period of five (5) years

PETITIONS AND LICENSES

16. C0079-24 Petition/s/ Councilor Robert J. Van Campen, as President

A petition requesting the renewal of a lodging house license for 450 Ferry St-BREC LHP LLC at 450 Ferry Street

17. C0080-24 Petition/s/ Councilor Robert J. Van Campen, as President

A petition requesting the renewal of a lodging house license for 11-13 Ellsworth - BREC LHP LLC at 11-13 Ellsworth Street

18. C0081-24 Petition/s/ Councilor Robert J. Van Campen, as President

A petition requesting the renewal of a lodging house license for 51 Cottage St-BREC LHP LLC at 51 Cottage Street

19. C0082-24 Petition/s/ Councilor Robert J. Van Campen, as President

A petition requesting the renewal of a lodging house license for Fenno's at 336 Broadway

COMMITTEE REPORTS

20. C0045-24 Order/s/ Robert J. Van Campen, as President

An order requesting approval to appropriate \$150,000.00 from the General Fund Budgetary Fund Balance (Free Cash) to the Litigation/Professional Services account to cover additional legal services related to the EEOC inquiry.

To convene in Executive Session, pursuant to G.L. c.30A, Section 21(a)(3) and (7), whereas an EEOC complaint was filed against the City of Everett and, in accordance with EEOC regulations details cannot be made public, and whereas engaging in a discussion in open session about the details of said EEOC complaint could have a detrimental effect on the litigating position of the City of Everett.

21. C0046-24 Order/s/ Robert J. Van Campen, as President

An order requesting approval to appropriate \$270,000.00 from the General Fund

Budgetary Fund Balance (Free Cash) to the General Fund Comp General Liability account to cover increased insurance costs related to the Old High School and the new Fire Boat

UNFINISHED BUSINESS

22. C0014-24 Resolution/s/ Councilor Stephanie Martins

That the administration provide an update on the process to select a new permanent Fire Chief.

23. C0016-24 Resolution/s/ Councilor Stephanie Martins

That the administration provide an update on the process to renegotiate the Encore host agreement

24. C0036-24 Resolution/s/ Councilor Katy L. Rogers, Councilor Peter Pietrantonio

A resolution requesting that National Grid fulfill their commitment on the Rivergreen Walkway under Chapter 91

25. C0037-24 Resolution/s/ Councilor Katy L. Rogers, Councilor Anthony DiPierro, Councilor Stephanie Martins

A resolution requesting coyote signage be added to Ward 3 and any other areas where coyotes may be present

26. C0040-24 Resolution/s/ Councilor Anthony DiPierro, Councilor Wayne A. Matewsky

That The Administration consider re-paving Thorndike Street when the weather permits, as members of the Sikh Temple Community have been requesting repairs for quite some time

NEW BUSINESS

27. C0049-24 Resolution/s/ Councilor Stephanie V. Smith, Councilor Anthony DiPierro

That the Traffic Commission institute a temporary 30-day study on Clarence Street from between Birch and Woodlawn to be No Parking on the odd side

28. C0050-24 Order/s/ Councilor Robert J. Van Campen, as President

An order calling for the Election and setting up of the polling places for the 2024 Presidential Preference Primary

29. C0052-24 Resolution/s/ Councilor Anthony DiPierro

Requesting that the Mayor's Office, School Department and President of the City Council collaborate to revive the School Finance Review Commission in accordance with the Administrative Code

30. C0053-24 Resolution/s/ Councilor Anthony DiPierro & the entire City Council

A request to petition the Department of Public Utilities to require towing companies to

accept credit cards as a form of payment

31. C0054-24 Resolution/s/ Councilor Anthony DiPierro & the entire City Council

A request to work with the Traffic Commission on updating the street sweeping policy by implementing a tiered fine structure that avoids a tow on a first or second offense

32. C0055-24 Resolution/s/ Councilor Michael K. Marchese

A resolution requesting that the city's Fire Department provides the City Council with all available operational statistics regarding the performance of the city-owned ambulance.

33. C0056-24 Resolution/s/ Councilor Michael K. Marchese

A resolution requesting that the city's Chief Financial Officer provides the City Council with information about the revenues and expenses to date associated with the city owned ambulance.

34. C0057-24 Resolution/s/ Councilor Michael K. Marchese

A resolution requesting that the city's Chief Assessing Officer provides the City Council with any available information about expected major property value decreases (Power Plant, LNG, Exxon, etc.) in the upcoming fiscal years.

35. C0058-24 Resolution/s/ Councilor Michael K. Marchese

A resolution requesting that the city's Planning Department/Board encourages the development of 55+ housing communities.

36. C0059-24 Order/s/ Councilor Robert J. Van Campen, as President

An order to amend the City Council's Public Participation rules to bring them in-line with a recent Massachusetts Supreme Judicial Court ruling

37. C0060-24 Resolution/s/ Councilor Stephanie Martins

That the CFO provide an update on the formation of the Municipal Scholarship Committee and its potential activation for the graduating class of 2024

38. C0061-24 Resolution/s/ Councilor Stephanie Martins

That the administration/Anser provide an update on the application process for ARPA funding for local organizations

39. C0062-24 Ordinance/s/ Councilor Stephanie Martins

An Ordinance Amending Section 32 of the Zoning Ordinances. (Inclusionary Zoning)

40. C0063-24 Resolution/s/ Councilor Stephanie Martins

That 2 hour parking spots be added to the first block of Lexington St at the request of business owners on Broadway/Lexington St

41. C0064-24 Resolution/s/ Councilor Stephanie Martins

That the cleanliness of tree pits be considered year round

42. C0065-24 Ordinance/s/ Councilor Robert J. Van Campen, as President

An ordinance reducing the lead time required to advertise a City Council public hearing on a proposed zoning ordinance amendment from at least thirty (30) days before the date of the hearing to at least fourteen (14) days before the date of the hearing

43. C0066-24 Resolution/s/ Councilor Peter Pietrantonio, Councilor Robert J. Van Campen

That the administration provide an update on the process of hiring a new chief of police

44. C0067-24 Resolution/s/ Councilor Peter Pietrantonio

That the DPW Director or his designee, and the EHS Football Coach appear at the next meeting to discuss the replacement of the turf field at Everett Stadium

45. C0069-24 Resolution/s/ Councilor Peter Pietrantonio

That the Transportation Director provide an update on how many trucks have got hung up on the roundabout at Ferry Street & Chelsea Street since it has been installed

46. C0076-24 Resolution/s/ Councilor Robert J. Van Campen

That the City Clerk provide a detailed summary of those positions in the City of Everett and the Everett Public Schools that have been designed by the Everett City Council with Special Municipal Employee status pursuant to G.L. c. 268A, and offer recommendations as to which designations are appropriate for rescission as being no longer necessary

47. C0077-24 Resolution/s/ Councilor Holly D. Garcia

That the Administration provide an update on the reconstruction of the Smith Playground aka Central Ave Park

48. C0087-24 Resolution/s/ Councilor Guerline Alcy Jabouin

A resolution requesting information responding to residents' concerns regarding infrastructure improvements, particularly related to water, wastewater, and sewage services.

49. C0088-24 Resolution/s/ Councilor Guerline Alcy Jabouin

A resolution asking the administration to submit all costs associated with the old Everett High School (Utilities, maintenance, heat, insurance, etc.) and all funds allocated to maintain it.

MAINTENANCE REQUESTS

A. Councilor Stephanie Martins

That a trash barrel be added between numbers 609-615 on Broadway to address bus passengers leaving cups and trash behind at the bus stop

B. Councilor Robert J. Van Campen

In the interest of public safety that the Water Department identify an appropriate funding source, and commence work, to replace the inadequate water main and fire hydrant on Belmont Park

C. Councilor Wayne A. Matewsky

That a no parking to corner sign be placed in the area of 25 Union Street near the fire hydrant at the request of residents.

D. Councilor Holly D. Garcia

That a speed bump be added on Edith Street near the Lafayette School at the request of residents & school administration

E. Councilor Holly D. Garcia

That the fence at the Lafayette School Park aka McGrann Playground, that abuts the residents that live on Albion Street, be adjusted or replaced, as it is leaning over into their properties damaging their fences

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



C0032-24

To: Mayor and City Council

From: Robert J. Van Campen

Date: January 22, 2024

Agenda Item:

An ordinance amending the parking requirements, use regulations and dimensional standards of Section 30 "Lower Broadway Economic Development District (LBEDD)" of the City of Everett Zoning Ordinance

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR
484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

January 16, 2024

The Honorable City Council
City Hall
484 Broadway
Everett, Massachusetts 02149

Dear Honorable Members:

Please find attached an ordinance to amend Section 30 (“Lower Broadway Economic Development District”), of the City of Everett’s Zoning Ordinance in the following two ways:

1. To amend Section G.1: “Table of Parking Requirements,” in the following manner:
 - a. Use: Industrial. Amending by deleting Minimum Required Parking “1 per usable SF” and insert “1 per 1,000 SF of GSF”
2. To amend Section E.2.b “Notes to table of Use Regulation” in the following manner:
 - a. At the end of the existing section adding the following sentence: “Except that on any lot in the Employment Subdistrict which is larger than two acres, Multifamily Residential Use may be a standalone use or part of a Mixed Use Development Project, provided that the first level of any such Development Project, with the exception to the access to the Multifamily Residential Use, shall have on its first level a minimum of 10 square feet of non-residential space per residential unit, which may be combined or spread across multiple buildings. The non-residential use may include, but shall not be limited to, retail.”
3. To amend Section F.1: “Table of Dimensional Standards,” in the following manner:
 - a. Res. Density. Min. Lot Area per Dwelling Unit, Employment Zoning Sub-Districts. Amending by adding a footnote (e) to the Min. Lot Area per Dwelling Unit by Special Permit: “2,000 (e)” and adding the following footnote at the end of the dimensional table: “(e) Except that for any lot larger than two acres, the Min. Lot Area per Dwelling Unit allowed by Special Permit shall be 350 square feet.”

Thank you for your favorable consideration.

Respectfully submitted,

Carlo DeMaria
Mayor



January 16, 2024

City of Everett, Massachusetts CITY COUNCIL

Offered By: _____
Councilor Robert VanCampen, as President

Bill Number:
Bill Type:
Ordinance

Be it
Ordained: BY City Council OF THE CITY OF EVERETT, as follows:

to amend Section 30 (“Lower Broadway Economic Development District”), of the City of Everett’s Zoning Ordinance in the following three ways:

1. To amend Section G.1: “Table of Parking Requirements,” in the following manner:
 - a. Use: Industrial. Amending by deleting Minimum Required Parking “1 per usable SF” and insert “1 per 1,000 SF of GSF”
2. To amend Section E.2.b “Notes to table of Use Regulation” in the following manner:
 - a. At the end of the existing section adding the following sentence: “Except that on any lot in the Employment Subdistrict which is larger than two acres, Multifamily Residential Use may be a standalone use or part of a Mixed Use Development Project, provided that the first level of any such Development Project, with the exception to the access to the Multifamily Residential Use, shall have on its first level a minimum of 10 square feet of non-residential space per residential unit, which may be combined or spread across multiple buildings. The non-residential use may include, but shall not be limited to, retail.”
3. To amend Section F.1: “Table of Dimensional Standards,” in the following manner:
Res. Density. Min. Lot Area per Dwelling Unit, Employment Zoning Sub-Districts. Amending by adding a footnote (e) to the Min. Lot Area per Dwelling Unit by Special Permit: “2,000 (e)” and adding the following footnote at the end of the dimensional table:
“(e) Except that for any lot larger than two acres, the Min. Lot Area per Dwelling Unit allowed by Special Permit shall be 350 square feet.”

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: MM/DD/2024
DATE OF PROPOSED ORDAINMENT: MM/DD/2024



CITY COUNCIL..... No. C0032-24

IN THE YEAR TWO THOUSAND AND TWENTY-FOUR

**AN ORDINANCE AMENDING THE PARKING REQUIREMENTS, USE
REGULATIONS AND DIMENSIONAL STANDARDS OF SECTION 30 “LOWER
BROADWAY ECONOMIC DEVELOPMENT DISTRICT (LBEDD)” OF THE CITY OF
EVERETT ZONING ORDINANCE**

Councilor /s/ Robert J. Van Campen, as President

Whereas: The purpose of this ordinance is to amend Section 30, “Lower Broadway Economic Development District (LBEDD)”, of the City of Everett Zoning Ordinance”; and

Whereas: Section 12 of the City of Everett Zoning Ordinance enables the City Council to “...amend, supplement, or change these [Zoning] regulations or districts as provided by statute”; and

Whereas: By amending the allowed parking in the LBEDD and the multifamily density and required non-residential component allowed for certain parcels with the LBEDD, the City of Everett can better align future development with the City’s vision of highest and best uses.

Now, therefore, by the authority granted to the City Council of the City of Everett, Massachusetts to make and amend ordinances:

Be it Ordained by the City Council of the City of Everett, Massachusetts that Appendix A, Section 30 of the Revised Ordinances of the City of Everett is hereby amended as follows:

Sub-section (e)(2)b. “Notes to Table of Use Regulation - Allowance for Multi-Family in Commercial and Employment Sub-Districts” shall be amended in the following manner:

The following sentence shall be added as the last sentence in the sub-section:

“Except that on any lot in the Employment Subdistrict which is larger than two (2) acres, Multifamily Residential Use may be a stand-alone use or part of a Mixed Use Development Project, provided that the first level of any such Development Project, with the exception to the access to the Multifamily Residential Use, shall have on its first level a minimum of ten (10)

square feet of non-residential space per residential unit, which may be combined or spread across multiple buildings. The non-residential use may include, but shall not be limited to, retail.”;

Sub-section (f)(1): “Table of Dimensional Standards,” shall be amended in the following manner:

Res. Density. Min. Lot Area per Dwelling Unit, Employment Zoning Sub-Districts shall be amended by adding a footnote (e) to the Min. Lot Area per Dwelling Unit by Special Permit: table entry as follows: “2,000 (e)”

Sub-section (f)(2)e. “Notes to Table of Dimensional Standards” shall be added as the last note in the list of notes as follows:

“e. Except that for any lot larger than two acres, the Min. Lot Area per Dwelling Unit allowed by Special Permit shall be 350 square feet.”;

Sub-section (g)(1): “Table of Parking Requirements,” shall be amended in the following manner:

Use: “Industrial” shall be amended by deleting the existing table entry for Minimum Required Parking “1 per usable SF” and replacing it with the following new table entry “1 per 1,000 SF of GSF”

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

A true copy attest



A handwritten signature in black ink that reads "Sergio Cornelio". The signature is written in a cursive style.

Sergio Cornelio, City Clerk

City of Everett

PLANNING BOARD
484 BROADWAY
EVERETT, MA 02149

PLANNING BOARD MEMBERSHIP

Frederick Cafasso – *Chairman*
Leo Pizzano, Jr. – *Member*
Michael O’Connor – *Member*
Shayane Rangel – *Member*
Phil Mastrocola – *Member*
James Tarr – *Alternate*
Michael Hart – *Alternate*



PLANNING DEPARTMENT STAFF

Matthew Lattanzi, Esq. – Planning Director
Jay Monty – Transportation Director
Eric Molinari – Transportation Planner
Tom Philbin – Conservation Planner
Katherine Jenkins-Sullivan – Sustainability Planner
Zerina Gace – Affordable Housing Coordinator
Jeannie Vitukevich – Administrative Assistant
Main Office Line: 617-394-2334

February 6, 2024

Michael Mangan
Office of the City Council
484 Broadway, Room 38
Everett, MA 02149

RE: Zoning Amendment Recommendations of the Planning Board to City Council

Mr. Mangan,

Below, please find two (3) separate pieces which have been voted upon by the Planning Board, referred now to the Everett City Council for introduction at the Council’s February 12, 2024 City Council Regular Meeting.

(1) Section 30 (“Lower Broadway Economic Development District”) Subsection G.1 of the City of Everett Zoning Ordinance

During the February 5, 2024 meeting of the City of Everett Planning Board, a motion was made and seconded for **Favorable Recommendation** to amend Section 30, Subsection G.1 in the following manner:

To amend Section G.1: “Table of Parking Requirements,” in the following manner:

Use: Industrial. Amending by deleting Minimum Required Parking “1 per usable SF” and insert “1 per 1,000 SF of GSF”

All members were in favor to refer the matter to the City Council with **Favorable Recommendation** (4-0 vote).

(2) Section 30 (“Lower Broadway Economic Development District”) Subsection E.2.b (“Notes to Table of Use Regulation”) of the City of Everett Zoning Ordinance

During the February 5, 2024 meeting of the City of Everett Planning Board, a motion was made and seconded for **Continuance for Further Consideration** to amend Section 30, Subsection G.1 in the following manner:

To amend Section E.2.b “Notes to Table of Use Regulation” in the following manner:

At the end of the existing section adding the following sentence: “Except that on any lot in the Employment Subdistrict which is larger than two acres, Multifamily Residential Use may be a standalone use or part of a Mixed Use Development Project, provided that the first level of any such Development Project, with the exception to the access to the Multifamily Residential Use, shall have on its first level a minimum of 10 square feet of non-residential space per residential unit, which may be combined or spread across multiple buildings. The non-residential use may include, but shall not be limited to, retail.”

All members were in favor to **Continue the Public Hearing on the Proposed Amendment for Further Consideration** (4-0 vote). In doing so, this portion of the Proposed Zoning Amendment has *not* been referred out to the City Council and will be continued at the March 4, 2024 Planning Board meeting.

(3) Section 30 (“Lower Broadway Economic Development District”) Subsection F.1 (“Table of Dimensional Standards”) of the City of Everett Zoning Ordinance

During the February 5, 2024 meeting of the City of Everett Planning Board, a motion was made and seconded for **Favorable Recommendation** to amend Section 30, Subsection F.1 in the following manner:

To amend Section F.1: “Table of Dimensional Standards”, in the following manner:

Res. Density. Min. Lot Area per Dwelling Unit, Employment Zoning Sub-Districts. Amending by adding a footnote (e) to the Min. Lot Area per Dwelling Unit by Special Permit: “2,000 (e)” and adding the following footnote at the end of the dimensional table:

“(e) Except that for any lot larger than two acres, the Min. Lot Area per Dwelling Unit allowed by Special Permit shall be 350 square feet.”

All members were in favor to refer the matter to the City Council with **Favorable Recommendation** (4-0 vote).

Respectfully Submitted,

Matt Lattanzi, Esq.
Director, Planning & Development

cc: Sergio Cornelio, City Clerk
David Flood, Legislative Research Analyst
Colleen Mejia, Esq., City Solicitor



C0051-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

A petition from National Grid requesting permission to install approximately 15' of 2-4" underground conduit from existing pole #2837 to a private property at 33 Mystic Street to provide a temporary UG service

Background and Explanation:

Attachments:



January 23, 2024

City of Everett

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit please contact:

If this petition meets with your approval, please return an executed copy to:

National Grid Contact: Vincent LoGuidice; 1101 Turnpike Street; North Andover, MA 01845
Phone 978-725-1392.

Very truly yours,

Bob Coulter

Bob Coulter
Supervisor, Distribution Design

Enclosures

Questions contact – Jose Azurdia 781-853-1870

Petition of the Massachusetts Electric Company d/b/a National Grid
Of NORTH ANDOVER, MASSACHUSETTS
For Electric conduit Location:

To City Council of Everett, Massachusetts

Respectfully represents the Massachusetts Electric Company d/b/a National Grid of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked: Mystic St - Everett - Massachusetts.

The following are the streets and highways referred to:

Plan # 30819269 Mystic St - National Grid to install beginning at a point approximately 13 feet south of the centerline of the intersection of Mystic St and continuing approximately 15 feet in a southwest direction. National Grid to install approximately 15' of 2-4" conduit from existing Pole # 2837 to private property to provide a temporary UG service at 33 Mystic St.

Location approximately as shown on plan attached.

Massachusetts Electric Company d/b/a

NATIONAL GRID *Bob Coulter*

BY _____

Engineering Department

Dated: January 23, 2024

ORDERED:

Notice having been given and public hearing held, as provided by law, that the Massachusetts Electric Company d/b/a National Grid be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 23rd day of January, 2024.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – Mystic St - Everett - Massachusetts. Plan # 30819269.

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

Mystic St - National Grid to install beginning at a point approximately 13 feet south of the centerline of the intersection of Mystic St and continuing approximately 15 feet in a southwest direction. National Grid to install approximately 15' of 2-4" conduit from existing Pole # 2837 to private property to provide a temporary UG service at 33 Mystic St.

I hereby certify that the foregoing order was adopted at a meeting of the
.....
....., held on the day of, 20
....., 20

Received and entered in the records of location orders of the City/Town of
Book Page

Attest:
.....

..... hereby certify that on20....., at o'clock,M
at, a public hearing was held on the petition of
Massachusetts Electric Company d/b/a National Grid for permission to construct the underground
electric conduits described in the order herewith recorded, and that I mailed at least seven days
before said hearing a written notice of the time and place of said hearing to each of the owners of
real estate (as determined by the last preceding assessment for taxation) along the ways or parts of
ways upon which the Company is permitted to construct the underground electric conduits under
said order. And that thereupon said order was duly adopted.

.....
.....
.....

ORDERED:

Notice having been given and public hearing held, as provided by law, that the Massachusetts Electric Company d/b/a National Grid be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 23rd day of January, 2024.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – Mystic St - Everett - Massachusetts. Plan # 30819269.

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

Mystic St - National Grid to install beginning at a point approximately 13 feet south of the centerline of the intersection of Mystic St and continuing approximately 15 feet in a southwest direction. National Grid to install approximately 15' of 2-4" conduit from existing Pole # 2837 to private property to provide a temporary UG service at 33 Mystic St.

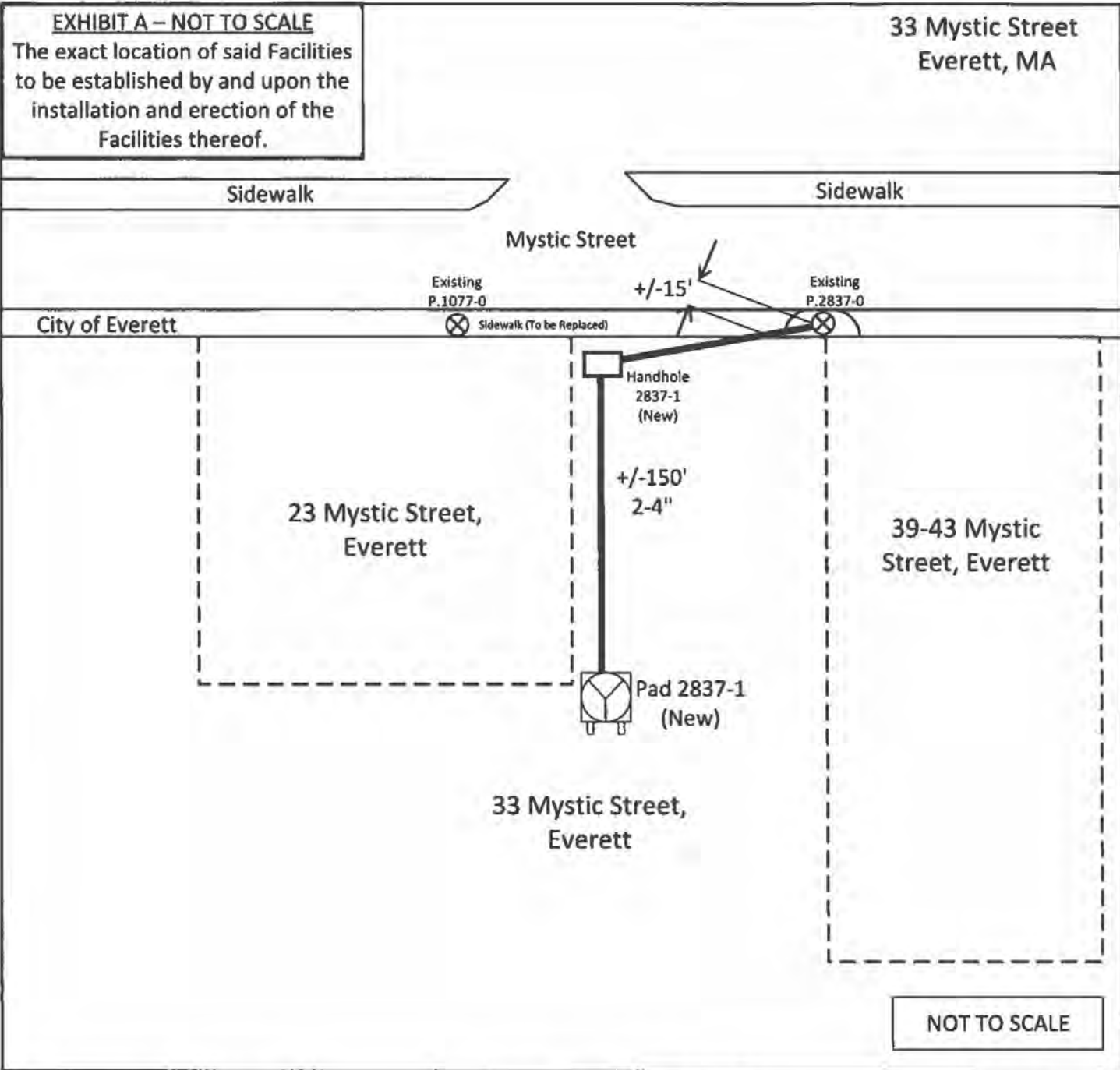
I hereby certify that the foregoing order was adopted at a meeting of the
.....
....., held on the day of, 20
....., 20

Received and entered in the records of location orders of the City/Town of
Book Page

Attest:
.....

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before said hearing a written notice of the time and place of said hearing to each of the owners of
real estate (as determined by the last preceding assessment for taxation) along the ways or parts of
ways upon which the Company is permitted to construct the underground electric conduits under
said order. And that thereupon said order was duly adopted.

.....
.....
.....



LEGEND

- Proposed Pad Mounted Transformer
- Proposed UG Conduit/Cable
- Proposed Handhole
- Existing Pole
- Property Line
- Existing

PETITION

33 Mystic Street
Everett, MA

SKETCH TO ACCOMPANY
PETITION (1 of 1):

Date: 12.28.2023

Designer: AZURDJ

W/R: 30819269

nationalgrid



C0047-24

To: Mayor and City Council

From: Robert J. Van Campen

Date: February 12, 2024

Agenda Item:

An order to declare the Everett Fire Department's 1995 spare/reserve Ladder truck as surplus

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR
484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

January 22, 2024

The Honorable City Council
Everett City Hall
484 Broadway
Everett, MA 02149

Dear Honorable Members:

I hereby submit for your consideration an order to declare the Everett Fire Department's 1995 spare/reserve Ladder truck as surplus. The truck is in need of costly repairs which are beyond the actual value of the vehicle. Once declared surplus by this Honorable City Council, the truck will be sold by public auction.

Thank you for your favorable consideration in this matter.

Respectfully Submitted

Carlo DeMaria
Mayor



January 22, 2024
City of Everett, Massachusetts
CITY COUNCIL

Offered By: _____
Councilor Robert VanKampen, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

That the Everett Fire Department's 1995 spare/reserve Ladder
truck be declared as surplus.

FIRE DEPARTMENT

ADMINISTRATION OFFICE
384 BROADWAY
ACTING CHIEF SABATO
LORUSSO



Item Number 2
CHIEF 617-394-2348
BUSINESS 617-387-7443
FIRE PREVENTION 617-394-2349
EMERGENCY 911
FAX 617-389-1802

MASSACHUSETTS 02149-3427

January 16, 2024

To Whom it may concern,

RE: 1995 Pierce Ladder Truck Vin # 4P1CA02G5SA000598

Everett Fire's spare / reserve Ladder truck, a 1995 Pierce Ladder Truck is 29 years old. Maintaining a fire truck for such an extended period comes at a considerable cost, and in the case of reserve Ladder 1, it has reached a point where the financial investment is no longer fiscally responsible. The ongoing expenses associated with the upkeep of this apparatus, considering its age and potential issues, outweigh the benefits it provides. It is in the best interest of fiscal responsibility to explore removing it from our fleet.

Sincerely,



Acting Chief
Deputy Chief Sabato LoRusso
Everett Fire Department
Central Fire Station
384 Broadway
Everett, MA. 02149

Vehicle	Est Trade Value-NO MAJOR Repairs	Vin Number	Issue Details	Estimated Cost to Repair
1995 Pierce Ladder Truck	\$ 5,000.00	4P1CA02GSSA000598	Rotted Frame, Doors, Cabinets. Excessive Rust	Cost exceeds value



C0048-24

To: Mayor and City Council

From: Robert J. Van Campen

Date: February 12, 2024

Agenda Item:

An order requesting approval to accept and expend a donation totaling \$1,000.00 from Mayor Carlo and Stacy DeMaria through the Honey Dew Family Foundation, Inc. for the Fire Victims Fund

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR
484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

January 23, 2024

Honorable City Council
484 Broadway
Everett, MA 02149

Dear Honorable Members:

I hereby submit for your consideration an order to accept and expend a donation totaling \$1,000.00 from Mayor Carlo and Stacy DeMaria through the Honey Dew Family Foundation, Inc. for the Fire Victims Fund.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria
Mayor



January 23, 2024

City of Everett, Massachusetts
CITY COUNCIL

Offered By: _____
Councilor Robert VanKampen, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

to accept and expend a donation totaling \$1,000.00 from Mayor
Carlo and Stacy Demaria through the Honey Dew Family
Foundation, Inc. for the Fire Victims Fund.



C0068-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

An order requesting approval to accept and expend a grant from the Massachusetts Department of Energy Resources (DOER) Green Communities Division in the amount of \$200,000.00 to fund energy conservation measures, air source heat pump, weatherization, and infrared heaters in municipal facilities including the DPW office area and garage.

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR
484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

February 5, 2024

Honorable City Council
484 Broadway
Everett, MA 02149

Dear Honorable Members:

I hereby submit for your consideration an order to accept and expend a grant from the Massachusetts Department of Energy Resources (DOER) Green Communities Division in the amount of \$200,000.00 to fund energy conservation measures, air source heat pump, weatherization, and infrared heaters in municipal facilities including the DPW office area and garage.

Thank you for your favorable consideration.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria
Mayor



February 5, 2024
City of Everett, Massachusetts
CITY COUNCIL

Offered By: _____
Councilor Robert VanCampen, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

to accept and expend a grant from the Massachusetts Department of Energy Resources (DOER) Green Communities Division in the amount of \$200,000.00 to fund energy conservation measures, air source heat pump, weatherization, and infrared heaters in municipal facilities including the DPW office area and garage.

Office of Planning and Community Development

484 Broadway Everett, Massachusetts 02149 (Room 25)

Matt Lattanzi, Esq., Director of Planning & Development

Jay Monty, Transportation Director

Eric Molinari, Transportation Planner

Tom Philbin, Conservation Planner

Kate Jenkins-Sullivan, Planning Specialist

Phil Massa, Affordable Housing Coordinator

Jeannie Vitukevich, Administrative Assistant



**CARLO DEMARIA
MAYOR**

☎ 617-394-2234

✉ Matt.Lattanzi@ci.everett.ma.us

The Planning Department is seeking approval from the City Council to accept the Department of Energy Resources Green Communities Division award of \$200,000. For the following projects proposed in the City of Everett's Green Communities Competitive Grant application

List of projects funded:

- \$63,333, DPW Office Area— Air source heat pump
- \$6,561, DPW Garage— Weatherization
- \$130,106, DPW Garage Bays — Infrared heaters

DPW has one of the highest energy usages in the City due to a lack of insulation and inefficient heating systems. These energy-saving measures will help to reduce greenhouse gases and costs while working towards electrification measures for this building and the City of Everett.

The Division reviewed Everett's grant application and has determined these are viable projects that meet the eligibility requirements of our Competitive Grant program. These funds must be used before September 30, 2025, and will be managed by the Planning Department, Facilities, and the Department of Public Works.

The City's administrative costs shall not exceed ten percent (10%) of the maximum obligation contract amount of \$200,000.



C0070-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

An order requesting the confirmation of the appointment of Millie Cardello as a member of the Board of Assessors for a term of three(3) years, expiring February 1, 2027

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR
484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

February 6, 2024

The Honorable City Council
Everett City Hall
484 Broadway
Everett, MA 02149

Dear Honorable Members:

Please be advised that in accordance with Section 3-3 of the City Charter and, Section C (II)(a) of the City of Everett Administrative Code, and subject to confirmation by the City Council, I hereby appoint Millie Cardello, as a member of the Board of Assessors for a term of Three (3) years, expiring February 1, 2027.

Thank you for your favorable consideration in this matter.

Respectfully Submitted,

Carlo DeMaria
Mayor



February 6, 2024
City of Everett, Massachusetts
CITY COUNCIL

Offered By: _____
Councilor Robert VanCampen, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

to accept the appointment of Millie Cardello to the Board of
Assessors for a term of three (3) years, expiring February 1,
2027.



C0071-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

An order requesting the confirmation of the appointment of Millie Cardello as a member of the Board of Assessors for a term of three(3) years, expiring February 1, 2027

Background and Explanation:

Attachments:



C0073-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

An order requesting confirmation to accept and expend the Massachusetts Emergency Management Agency Grant in the amount of \$20,150.00 for use by the Everett Fire Department to support emergency management preparedness

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR
484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

February 5, 2024

Honorable City Council
484 Broadway
Everett, MA 02149

Dear Honorable Members:

I hereby submit for your consideration an order to accept the Massachusetts Emergency Management Agency Grant in the amount of \$20,150.00 for use by the Everett Fire Department to support emergency management preparedness.

Thank you for your favorable consideration.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria
Mayor



February 5, 2024
City of Everett, Massachusetts
CITY COUNCIL

Offered By: _____
Councilor Robert VanCampen, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

to accept and expend a grant from the Massachusetts
Emergency Management Agency Grant in the amount of
\$20,150.00 for use by the Everett Fire Department to support
emergency management preparedness.

From: Sabato LoRusso <Sabato.LoRusso@cityofeverett.org>

Sent: Tuesday, February 6, 2024 9:46 AM

To: Dolores Lattanzi <Dolores.Lattanzi@ci.everett.ma.us>

Cc: Mellissa Neil <Mellissa.Neil@cityofeverett.org>; Erin Deveney <Erin.Deveney@ci.everett.ma.us>

DRONE Grant \$20,150

- Identify the source of the grant fund
Massachusetts Emergency Management Agency (MEMA)
- The amount of the grant
\$21,150
- Identify if there is a city match and if there is, what is that amount and what is the source of the city's matching funds
There is a match of the total amount of \$21,150. The Fire department can match these funds from what was spent on Emergency Management from October 2021 – June 30th 2024. The Fire Department has already spent the required matching funds during that time period. For our annual fees for the current CAD / report software from Microsystems.
- How long is the grant period, i.e. when does the grant need to be spent
June 30th 2024, can apply for an extension if needed.
- What project, effort, or initiative is the grant funding going to support and why is that important to the residents of Everett
The grant funding will support the acquisition of a drone for the fire department, a crucial initiative for the residents of Everett due to its multifaceted benefits. This drone will significantly enhance the safety of firefighters by minimizing their exposure to hazardous environments. It will serve as an invaluable tool for gathering vital information and assessing situations before firefighters enter, providing insights into fire intensity, structure, and potential dangers. Additionally, the drone will offer aerial insights, affording firefighters a perspective that aids in assessing the scale, direction, and behavior of fires, thereby facilitating more informed decision-making. Furthermore, it will play a pivotal role in search and rescue operations, as its thermal camera capability enables the scanning of large areas and identification of individuals in distress, ultimately bolstering the fire department's ability to safeguard and serve the community
- Which department(s) will be responsible for administering the grant and how it is being spent
The Fire Department will be responsible for the above.



C0074-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

An order requesting confirmation to accept and expend a grant from the Massachusetts Department of Fire Services in the amount of \$50,000.00 for use by the Everett Fire Department to enhance the efficiency of fire alarm dispatch operations, and facilitate quicker and more accurate documentation and dispatch of fire apparatus.

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR
484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

February 6 2024

Honorable City Council
484 Broadway
Everett, MA 02149

Dear Honorable Members:

I hereby submit for your consideration an order to accept and expend a grant from the Massachusetts Department of Fire Services in the amount of \$50,000.00 for use by the Everett Fire Department to enhance the efficiency of fire alarm dispatch operations, and facilitate quicker and more accurate documentation and dispatch of fire apparatus.

Thank you for your favorable consideration.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria
Mayor



February 6, 2024
City of Everett, Massachusetts
CITY COUNCIL

Offered By: _____
Councilor Robert VanCampen, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

to accept and expend a grant from the Massachusetts
Department of Fire Services in the amount of \$50,000.00 for use
by the Everett Fire Department to enhance the efficiency of fire
alarm dispatch operations, and facilitate quicker and more
accurate documentation and dispatch of fire apparatus.

From: Sabato LoRusso <Sabato.LoRusso@cityofeverett.org>

Sent: Tuesday, February 6, 2024 9:46 AM

To: Dolores Lattanzi <Dolores.Lattanzi@ci.everett.ma.us>

Cc: Mellissa Neil <Mellissa.Neil@cityofeverett.org>; Erin Deveney <Erin.Deveney@ci.everett.ma.us>

CAD (computer-aided dispatch) EARMARK \$50,000

- Identify the source of the grant fund
Department of Fire Service – Earmark Grant funded by State Operating Appropriation
- The amount of the grant
\$50,000, was cut from \$100,000 due to Governor Healy’s budget cuts
- Identify if there is a city match and if there is, what is that amount and what is the source of the city’s matching funds
N/A not a matching grant
- How long is the grant period, i.e. when does the grant need to be spent
beginning on July 1, 2023 and terminating no later than the completion date of June 30, 2024
- What project, effort, or initiative is the grant funding going to support and why is that important to the residents of Everett
The grant will be utilized to implement a computer-aided dispatch program within the fire alarm dispatch center. This initiative is crucial for the citizens of Everett as it will introduce a state-of-the-art CAD system. Consequently, this upgrade will enhance the efficiency of fire alarm dispatch operations, facilitating quicker and more accurate documentation and dispatch of fire apparatus, thus ensuring the safety and well-being of the community.
- Which department(s) will be responsible for administering the grant and how it is being spent
The Fire Department will be responsible for the above.



C0075-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

An order requesting confirmation to accept and expend a grant from the Massachusetts Department of Fire Services in the amount of \$37,500.00 for use by the Everett Fire Department to enhance capabilities in managing hazardous waste materials.

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR

484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

February 6 2024

Honorable City Council
484 Broadway
Everett, MA 02149

Dear Honorable Members:

I hereby submit for your consideration an order to accept and expend a grant from the Massachusetts Department of Fire Services in the amount of \$37,500.00 for use by the Everett Fire Department to enhance capabilities in managing hazardous waste materials.

Thank you for your favorable consideration.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria
Mayor



February 6, 2024
City of Everett, Massachusetts
CITY COUNCIL

Offered By: _____
Councilor Robert VanCampen, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

to accept and expend a grant from the Massachusetts
Department of Fire Services in the amount of \$37,500.00 for use
by the Everett Fire Department to enhance capabilities in
managing hazardous waste materials.

From: Sabato LoRusso <Sabato.LoRusso@cityofeverett.org>

Sent: Tuesday, February 6, 2024 9:46 AM

To: Dolores Lattanzi <Dolores.Lattanzi@ci.everett.ma.us>

Cc: Mellissa Neil <Mellissa.Neil@cityofeverett.org>; Erin Deveney <Erin.Deveney@ci.everett.ma.us>

Hazmat Earmark \$37,500

- Identify the source of the grant fund:
Department of Fire Service – Earmark Grant funded by State Operating Appropriation
- The amount of the grant
\$37,500, was cut from \$75,000 due to Governor Healy's budget cuts
- Identify if there is a city match and if there is, what is that amount and what is the source of the city's matching funds
N/A not a matching grant
- How long is the grant period, i.e. when does the grant need to be spent
beginning on July 1, 2023 and terminating no later than the completion date of June 30, 2024
- What project, effort, or initiative is the grant funding going to support and why is that important to the residents of Everett
The grant will enable the Fire Department to enhance its capabilities in managing hazardous materials. This includes activities such as calibrating metering equipment, replenishing depleted stocks of equipment, and conducting training sessions. These measures are vital for the residents of Everett as they ensure that the Fire Department is better equipped and prepared to respond to and mitigate hazardous material incidents effectively, thereby enhancing overall safety within the community.
- Which department(s) will be responsible for administering the grant and how it is being spent
The Fire Department will be responsible for the above.



C0078-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

An order requesting confirmation to accept and expend a grant from the Massachusetts Department of Fire Services in the amount of \$10,153.33 for use by the Everett Fire Department to procure replacements for hoses, nozzles, and valves that have reached the end of their operational life

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR

484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

February 7, 2024

Honorable City Council
484 Broadway
Everett, MA 02149

Dear Honorable Members:

I hereby submit for your consideration an order to accept and expend a grant from the Massachusetts Department of Fire Services in the amount of \$10,153.33 for use by the Everett Fire Department to procure replacements for hoses, nozzles, and valves that have reached the end of their operational life. Additionally, it will facilitate the acquisition of Nomex hoods, crucial personal protective equipment required for firefighting operations.

Thank you for your favorable consideration.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria
Mayor



February 7, 2024

City of Everett, Massachusetts CITY COUNCIL

Offered By: _____
Councilor Robert VanCampen, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

to accept and expend a grant from the Massachusetts Department of Fire Services in the amount of \$10,153.33 for use by the Everett Fire Department to procure replacements for hoses, nozzles, and valves that have reached the end of their operational life. Additionally, it will facilitate the acquisition of Nomex hoods, crucial personal protective equipment required for firefighting operations.

FY24 Firefighter Equipment Grant \$10,153.33

- Identify the source of the grant fund:
Through the Department of Fire Service – awarded by the Executive Office of Public Safety
- The amount of the grant
\$10,153.33
- Identify if there is a city match and if there is, what is that amount and what is the source of the city's matching funds
N/A not a matching grant
- How long is the grant period, i.e. when does the grant need to be spent
Grant recipients must take delivery of equipment no later than June 30, 2024
- What project, effort, or initiative is the grant funding going to support and why is that important to the residents of Everett
This grant will enable the fire department to procure replacements for hoses, nozzles, and valves that have reached the end of their operational life. Additionally, it will facilitate the acquisition of Nomex hoods, crucial personal protective equipment required for firefighting operations.
- Which department(s) will be responsible for administering the grant and how it is being spent
The Fire Department will be responsible for the above.



C0083-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

An order requesting the confirmation of the appointment of DeAnne Mullett to the Board of Health for a term of three (3) years, expiring February 1, 2027.

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR
484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

February 7, 2024

The Honorable City Council
Everett City Hall
484 Broadway
Everett, MA 02149

Dear Honorable Members:

Please be advised that in accordance with Section 3-3 of the City Charter and, Section G (II) of the City of Everett Administrative Code, I hereby appoint, subject to confirmation by the City Council, DeAnne Mullett to the Board of Health for a term of three (3) years, expiring February 1, 2027.

Thank you for your favorable consideration in this matter.

Respectfully Submitted,

Carlo DeMaria
Mayor



February 7, 2024

City of Everett, Massachusetts
CITY COUNCIL

Offered By: _____
Councilor Robert VanCampen, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as follows:

I hereby submit for your approval the appointment of DeAnne Mullett to the Board of Health for a term of three (3) years, expiring February 1, 2027.



C0084-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

An order requesting approval to appropriate \$115,000 from Budgetary Fund Balance(Free Cash) to the following accounts: Fire Department Equipment Maintenance \$50,000, & BLS-1 Operating Funds \$65,000

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR
484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

February 7, 2024

The Honorable City Council
City Hall
484 Broadway
Everett, Massachusetts 02149

Dear Honorable Members:

I hereby submit for your consideration an order to appropriate **\$115,000** from General Fund Budgetary Fund Balance (Free Cash) to the following accounts:

Fire – Equipment Maintenance	\$ 50,000
Fire – BLS-1 Operating Funds	\$ 65,000
<u>Total</u>	<u>\$115,000</u>

The balance in General Fund Free Cash is **\$15,105,861**. This amount does not include appropriations under considered by the Council at the February 12, 2024 meeting.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria
Mayor



February 7, 2024
City of Everett, Massachusetts
CITY COUNCIL

Offered By: _____
Councilor Robert VanCampen, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

That the sum of \$115,000 be appropriated from the General
Fund Budgetary Fund Balance (Free Cash) to the following
accounts:

Fire - Equipment Maintenance	\$ 50,000
Fire - BLS-1 Operating Funds	\$ 65,000
Total	\$115,000



C0085-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

An order requesting approval that \$11,400,000.00 be appropriated by borrowing for Improvements at the Old Everett High School, located at 548 Broadway

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR
484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

February 7, 2024

The Honorable City Council
City Hall
484 Broadway
Everett, Massachusetts 02149

Dear Honorable Members:

I hereby request the amount of \$11,400,000.00 be appropriated by borrowing for Improvements at the Old Everett High School, located at 548 Broadway. We will be making a presentation to the Council detailing the scope of this project being requested.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria
Mayor



February 7, 2024

City of Everett, Massachusetts CITY COUNCIL

Offered By: _____
Councilor Robert VanCampen, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

That the City hereby appropriates the amount of Eleven Million, Four Hundred Thousand Dollars (\$11,400,000) to be funded by borrowing for Improvements at the Old Everett High School, located at 548 Broadway, including the payment of all other costs incidental and related thereto, and that to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §8 or pursuant to any other enabling authority, and to issue bonds and notes therefore, provided, that any premium received upon the sale of any bonds or notes approved by this Order, less any such premium applied to the payment of the costs of such issuance of bonds or notes, may be applied to the payment of costs approved by this order in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and to take any other action relative thereto.



C0086-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

An order requesting approval to execute a contract with Axon Enterprise, Inc, to lease tasewrs for a period of five (5) years

Background and Explanation:

Attachments:



CARLO DeMARIA
MAYOR

CITY OF EVERETT - OFFICE OF THE MAYOR

484 Broadway Everett, Massachusetts 02149

☎ 617-394-2270

✉ mayorcarlo.demaria@ci.everett.ma.us

February 6 2024

Honorable City Council
484 Broadway
Everett, MA 02149

Dear Honorable Members:

I hereby submit for your consideration an order to authorize the City of Everett to execute a contract with Axon Enterprise, Inc. for the lease of Electronic Control devices, commonly referred to as tasers), for a period of five (5) years.

Under the provisions of Massachusetts General Law Chapter 30B, section 12 (b), a majority vote of the City Council is required for the Chief Procurement Officer to award a contract for a term of more than three (3) years. Please be advised that funding for this contract and these devices was approved during the preceding City Council session. This order presently before you is not a request for funds and relates to only to the period of the lease. The terms of the lease include savings for the City of Everett.

Thank you for your favorable consideration and passage of this order.

Respectfully submitted,

Carlo DeMaria
Mayor



February 7, 2024
City of Everett, Massachusetts
CITY COUNCIL

Offered By: _____
Councilor Robert VanCampen, as President

Bill Number:
Bill Type: Order

Be it
Ordered: BY City Council OF THE CITY OF EVERETT, as
follows:

In accordance with MGL c. 30B, s. 12(b), the city council approves a contract between the City of Everett and Equature. for the lease of equipment, maintenance and training for Police Department issued tasers for a term of five (5) years.



C0079-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

A petition requesting the renewal of a lodging house license for 450 Ferry St-BREC LHP LLC at 450 Ferry Street

Background and Explanation:

Attachments:



C0080-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

A petition requesting the renewal of a lodging house license for 11-13 Ellsworth -BREC LHP LLC at 11-13 Ellsworth Street

Background and Explanation:

Attachments:



C0081-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

A petition requesting the renewal of a lodging house license for 51 Cottage St-BREC LHP LLC at 51 Cottage Street

Background and Explanation:

Attachments:



C0082-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

A petition requesting the renewal of a lodging house license for Fenno's at 336 Broadway

Background and Explanation:

Attachments:



C0045-24

To: Mayor and City Council

From: Robert J. Van Campen

Date: January 22, 2024

Agenda Item:

An order requesting approval to appropriate \$150,000 from General Fund Budgetary Fund Balance (Free Cash) to the Litigation/Professional Services account to cover additional legal services related to the EEOC inquiry.

Background and Explanation:

Attachments:

January 3, 2024

The Honorable City Council
City Hall
484 Broadway
Everett, Massachusetts 02149

Dear Honorable Members:

I hereby submit for your consideration an order to appropriate **\$150,000** from General Fund Budgetary Fund Balance (Free Cash) to the Litigation/Professional Services account to cover additional legal services related to the EEOC inquiry.

The balance in General Fund Free Cash is **\$15,105,861**.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria
Mayor

January 3, 2024

ORDER

BE IT

ORDERED: That the sum of \$150,000 be appropriated from the General Fund Budgetary Fund Balance (Free Cash) to the Litigation/Professional Services account.



C0046-24

To: Mayor and City Council

From: Robert J. Van Campen

Date: January 22, 2024

Agenda Item:

An order requesting approval to appropriate \$270,000 from General Fund Budgetary Fund Balance (Free Cash) to the General Fund Comp General Liability account to cover increased insurance costs related to the Old High School and the new Fire Boat.

Background and Explanation:

Attachments:

January 3, 2024

The Honorable City Council
City Hall
484 Broadway
Everett, Massachusetts 02149

Dear Honorable Members:

I hereby submit for your consideration an order to appropriate **\$270,000** from General Fund Budgetary Fund Balance (Free Cash) to the General Fund Comp General Liability account to cover increased insurance costs related to the Old High School and the new Fire Boat.

The balance in General Fund Free Cash is **\$15,105,861**.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria
Mayor

January 3, 2024

ORDER

BE IT

ORDERED: That the sum of \$270,000 be appropriated from the General Fund Budgetary Fund Balance (Free Cash) to the General Fund Comp Liability account.

Everett, Mass.

#3 - C0046-24

.....
Ways and Means Committee

February 5, 2024

COMMITTEE REPORT

The Committee on Ways and Means met on Monday, February 5, 2024 at 6:00pm in the City Council Chambers at City Hall.

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

Members present were Councilor Stephanie Smith, presiding; Councilors Anthony DiPierro, Guerline Alcy Jabouin, Holly Garcia and Robert Van Campen, as ex-officio.

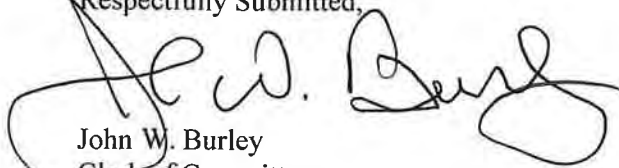
The Committee met on an Order from Councilor Robert Van Campen, as President: An Order requesting the approval to appropriate \$270,000 from the General Fund Budgetary Fund Balance (Free Cash) to the General Fund Comp General Liability account to cover the increased insurance costs related to the Old High School and the new Fire boat.

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

Solicitor Mejia explained that the Insurance carrier the City had dropped the coverage for the old high school and as a result the City had to find a new Insurance Carrier which resulted in the new policy setting the City over budget at a cost referenced at \$168,000. Solicitor Mejia also noted that the City had acquired a new Fire Boat through a grant, but need to fund the docking and insurance costs. Councilor DiPierro asked if these costs were just related to insurance or if repairs were also included. Mr. Demas informed the Committee that there would be an agenda item at the next regular meeting seeking an additional appropriation related to repair work for the old high school roof. Councilor Jabouin asked if there was a long term plan for the old high school and Mr. Demas responded that the Mayor would address that at the next City Council meeting.

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

Respectfully Submitted,



John W. Burley
Clerk of Committees



C0014-24

To: Mayor and City Council
From: Councilor Stephanie Martins
Date: January 22, 2024

Agenda Item:

That the administration provide an update on the process to select a new permanent Fire Chief.

Background and Explanation:

Attachments:



C0016-24

To: Mayor and City Council
From: Councilor Stephanie Martins
Date: January 22, 2024

Agenda Item:

That the administration provide an update on the process to renegotiate the Encore host agreement

Background and Explanation:

Attachments:



C0036-24

To: Mayor and City Council

From: Councilor Katy L. Rogers

Date: January 22, 2024

Agenda Item:

A resolution requesting that National Grid fulfill their commitment on the Rivergreen Walkway under Chapter 91

Background and Explanation:

SUMMARY: National Grid has failed to fulfill their legally mandated obligation to the City of Everett under Chapter 91, in which residents are entitled to public access to our waterfront. The pathway is a key component in a multi-municipal plan to develop a connection between Everett, Malden, and Medford. Without the Riverwalk, the Malden River Greenway remains incomplete and inaccessible. National Grid has skirted around their obligation since at least 2018.

RECOMMENDATIONS:

- A representative from National Grid and the administration are invited to speak on the status of the Rivergreen Walkway.
- The Everett City Council sends a letter requesting National Grid to fulfill their legal obligation to Everett residents

Attachments:



COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON, MA 02133

October 18, 2023

Commissioner Bonnie Heiple
Massachusetts Department of Environmental Protection
100 Cambridge Street Suite 900
Boston, MA 02114

Re: Written Comments on 170 Medford Street, Docket No. 2018-018 DEP File No.: Waterways Application No. W-16-4697, Draft Waterways License Malden, Everett, and Medford, MA

Dear Commissioner Heiple,

Malden, Everett, and Medford have been patiently waiting for National Grid to come into Chapter 91 compliance since at least 2018. More recently, as community engagement with surrounding natural resources has only grown, National Grid has continued to stand in the way of their legally mandated responsibilities to these environmental justice communities. We are requesting that the Commissioner's review be completed soon and with full understanding of the impact that this decision will have on our three communities.

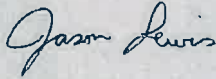
As the legislative delegations representing these communities, we understand the critical importance of ensuring access to tidelands and holding all parties accountable under the law. We believe that it is in the best interest of these communities that they be guaranteed safe and contiguous access along the Malden River, and that National Grid should be held to all conditions of the permit for which they initially applied. National Grid's decision to file, withdraw, and appeal various aspects of this permitting process has unnecessarily delayed granting public access to the Malden River.

While we are appreciative of National Grid's initial investment in funding the design documents for this community walkway, we are disheartened that resources are being focused on litigation instead of sustained community engagement. Malden, Everett, and Medford are prepared to be willing partners in maintenance and enforcement for the community path once it is built. The key is ensuring that National Grid complies with all the state regulations it is subject to, including ones that require investment in our communities.

We echo the concerns of the community groups activated around this issue; National Grid should not be allowed to strategically skirt their obligations under the law through parliamentary maneuverings. To allow so would set a dangerous precedent that would not serve to benefit residents as they seek to access our state's many nautical resources to which they are legally entitled access.

We encourage a thoughtful and timely review of the facts of this case, with the goal of moving this to a final decision on how National Grid must comply with the Chapter 91 conditions that have previously been discussed. With any questions, please be in touch with Sarah Zeiberg in Senator Jason Lewis' office at sarah.zeiberg@masenate.gov

Best Regards,



Jason Lewis
State Senator
Fifth Middlesex



Kate Lipper-Garabedian
State Representative
32nd Middlesex



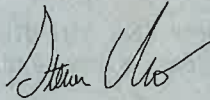
Sal DiDomenico
State Senator
Middlesex and Suffolk



Paul Donato
State Representative
35th Middlesex



Patricia Jehlen
State Senator
Second Middlesex



Steven Ultrino
State Representative
33rd Middlesex

CC:

- Secretary Rebecca Tepper, Executive Office of Energy and Environmental Affairs
- Johannes Buchanan, Executive Office of Energy and Environmental Affairs
- Ivy Powers, Executive Office of Energy and Environmental Affairs
- Mayor Gary Christenson, City of Malden
- Mayor Breanna Lungo-Koehn, City of Medford
- Mayor Carlo DeMaria, City of Everett
- Deb Burke, City of Malden
- Tom Philbin, City of Everett
- Margaret Sullivan, Conservation Law Foundation
- Patrick Herron, Mystic River Watershed Association
- Karen Buck, Friends of the Malden River
- John Prudente, National Grid
- Wendy Levine, National Grid

Michael Mangan

From: John Prudente <John.Prudente@nationalgrid.com>
Sent: Monday, February 5, 2024 8:27 AM
To: Michael Mangan
Cc: Katy Rogers; Peter Pietrantonio
Subject: Re: [EXTERNAL] National Grid/Rivergreen Walkway

Good morning, Mike,

Hope all is well.

Because this is still the subject of ongoing litigation, National Grid must defer. The company remains open to reaching an equitable agreement.

Best regards,
John Prudente

Get [Outlook for iOS](#)

From: Michael Mangan <Michael.Mangan@ci.everett.ma.us>
Sent: Monday, February 5, 2024 7:37:20 AM
To: John Prudente <John.Prudente@nationalgrid.com>
Cc: Katy Rogers <Katy.Rogers@ci.everett.ma.us>; Peter Pietrantonio <Peter.Pietrantonio@ci.everett.ma.us>
Subject: [EXTERNAL] National Grid/Rivergreen Walkway

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. If you suspect this email is malicious, please use the 'Report Phish' button.

Good morning John,

As per our conversation last week about the agenda item below, could you please put it in writing explaining why National Grid can not appear to address this item.

Sincerely,

Mike Mangan
Legislative Aide
Everett City Council

Page 84/155

C0036-24 Resolution/s/ Councilor Katy L. Rogers

A resolution requesting that National Grid fulfill their commitment on the Rivergreen Walkway under Chapter 91
AMENDED TO ADD COUNCILOR PETER PIETRANTONIO AS A CO-SPONSOR, POSTPONED, INVITE A REPRESENTATIVE FROM NATIONAL GRID, & ASST CITY SOLICITOR KEITH SLATTERY TO ADDRESS THIS ITEM

This e-mail, and any attachments are strictly confidential and intended for the addressee(s) only. The content may also contain legal, professional or other privileged information. If you are not the intended recipient, please notify the sender immediately and then delete the e-mail and any attachments. You should not disclose, copy or take any action in reliance on this transmission.

You may report the matter by contacting us via our [UK Contacts Page](#) or our [US Contacts Page](#) (accessed by clicking on the appropriate link)

Please ensure you have adequate virus protection before you open or detach any documents from this transmission. National Grid plc and its affiliates do not accept any liability for viruses. An e-mail reply to this address may be subject to monitoring for operational reasons or lawful business practices.

For the registered information on the UK operating companies within the National Grid group please use the attached link:
<https://www.nationalgrid.com/group/about-us/corporate-registrations>



C0037-24

To: Mayor and City Council

From: Councilor Katy L. Rogers

Date: January 22, 2024

Agenda Item:

A resolution requesting Coyote signage be added to Ward 3 and any other areas where Coyotes may be present

Background and Explanation:

SUMMARY: Coyotes are becoming increasingly prominent throughout the City of Everett as development continues. It is important for residents to be aware of their presence for the safety of themselves and their pets.

RECOMMENDATIONS:

- Signage is increased in neighborhoods where coyotes are most prominent, such as Elm St.
- The City of Everett provides information pertaining to Coyote awareness and safety to the city website

Attachments:

COYOTE PREVENTION & HAZING

Everett is home to a variety of wildlife, including coyotes. Coyotes are typically shy animals that avoid people and tend to be more afraid of us than we are of them. They play an important role in our ecosystem, and are crucial in controlling the rat population. One coyote will eat approximately 1,600 rodents per year.

When coyotes have access to human food, trash and compost, they adapt to urban neighborhoods. This can create conflicts with people and pets. You can avoid problematic encounters with coyotes by taking preventative steps.

PREVENTION

Following these steps can help make your yard and neighborhood less attractive to coyotes:

- **Never feed** coyotes.
- **Supervise pets** and do not allow them outside unattended.
- **Always** feed pets indoors. Pet food attracts coyotes to backyards.
- **Keep** trash and compost in bins with secure lids.
- **Keep** bird feeders out of reach or bring them in at night.
- **Remove** water bowls and other artificial water sources when possible.
- **Maintain** landscaping to reduce hiding places for coyotes.
- **Talk** to neighbors about coyote awareness.

HAZING

If you encounter a coyote, you can use the following techniques to discourage unwanted behavior and deter them from your property:

- **Be loud and large:** stand tall, wave your arms and yell until they run away.
- **Make noise:** voice, whistles, bells, bang pots and pans together, shake cans full of rocks/coins/marbles.
- **Spray them:** garden hoses, water guns.
- **Throw items:** sticks, small rocks, cans, or tennis balls toward (*not at*) the coyote.

WALKING WITH PETS

- **Never run away from a coyote.** Walk away calmly. Coyotes may continue to follow you.
- **Hazing techniques** can be very helpful during a coyote encounter. When walking your pet, bring a noisemaker such as those listed above, a water gun, or an umbrella.
- **Keep pets on leash** and never let your pet approach or chase a coyote. If you have a small pet, pick them up and carry them away if you see a coyote.
- **Never allow pets outside unattended.**

RECOMMENDATIONS:

1. ADD ABOVE INFORMATION TO CITY OF EVERETT WEBSITE

2. INCORPORATE SIGNAGE IN AREAS OF INTEREST IDENTIFIED WITH ACO (8 SIGNS):

- Hospital vicinity, Garland St. (Ward 2)
- Little Florence Street Park Area, Nichol St. (Ward 2)
- Woodlawn Neighborhood, Elm St. (Ward 3)
- Gledhill Ave., Corner of Russell St. (Ward 3)
- Dairy Maid Area, Shute St. (Ward 4)
- Swan St. Park Area (Ward 5)
- Rivergreen Park, along walkway/parking lot billboard area and trail (x2) (Ward 6)



C0040-24

To: Mayor and City Council
From: Councilor Anthony DiPierro
Date: January 22, 2024

Agenda Item:

That The Administration consider re-paving Thorndike St when the weather permits, as members of the Sikh Temple Community have been requesting repairs for quite some time

Background and Explanation:

Attachments:



C0049-24

To: Mayor and City Council
From: Councilor Stephanie V. Smith
Date: February 12, 2024

Agenda Item:

That the Traffic Commission institute a temporary 30-day study on Clarence Street from between Birch and Woodlawn to be No Parking on the odd side

Background and Explanation:

Attachments:



C0050-24

To: Mayor and City Council

From: Robert J. Van Campen

Date: February 12, 2024

Agenda Item:

An order calling for the Election and setting up of the polling places for the 2024 Presidential Preference Primary

Background and Explanation:

Attachments:



CITY COUNCILNo. C0050-24

IN THE YEAR TWO THOUSAND AND TWENTY-FOUR

AN ORDER CALLING FOR THE ELECTION AND SETTING UP OF THE POLLING PLACES FOR THE 2024 PRESIDENTIAL PREFERENCE PRIMARY

/s/Robert VanCampen, as President

Be It Ordered: BY THE CITY COUNCIL OF THE CITY OF EVERETT, and by the authority of the same as follows:

That, in accordance with the provisions of the General Law of Massachusetts, the City Clerk and Elections Commission are hereby authorized and directed to notify and warn the inhabitants of the City of Everett, qualified to vote as the law requires, to assemble at the several polling places, for and within the several precincts, where they are duly registered voters on TUESDAY, March 5, 2024 for the PRESIDENTIAL PRIMARY, then and there to give in their votes for the election of candidates for the following offices:

- PRESIDENTIAL PREFERENCE**
- STATE COMMITTEE MAN**
- STATE COMMITTEE WOMAN**
- WARD COMMITTEE**

BE IT FURTHER ORDERED: That the polls be opened from 7 o'clock in the morning to 8 o'clock in the evening and the City Clerk and Elections Commission to cause all voting places to be properly fitted up for the PRESIDENTIAL PRIMARY, TUESDAY, March 5, 2024.

BE IT FURTHER ORDERED: That the following places are designated as polling places for the above-mentioned PRESIDENTIAL PRIMARY, TUESDAY, March 5, 2024:

WARD 1	Precinct 1	Connolly Center, 90 Chelsea St
	Precinct 2	Connolly Center, 90 Chelsea St
	Precinct 3	Whittier School, 337 Broadway
	Precinct 3A	Whittier School, 337 Broadway
WARD 2	Precinct 1	Keverian School, 20 Nichols St
	Precinct 2	Keverian School, 20 Nichols St
	Precinct 2A	Keverian School, 20 Nichols St
	Precinct 3	Parlin School, 587 Broadway

WARD 3	Precinct 1	Community Center, 21 Whittier Dr
	Precinct 2	Rec Center, 47 Elm St
	Precinct 3	Rec Center, 47 Elm St
WARD 4	Precinct 1	Lafayette School, Bryant St entrance
	Precinct 2	Glendale Towers, 381 Ferry St
	Precinct 3	Lafayette School, Bryant St entrance
WARD 5	Precinct 1	Maddie English, 105 Woodville St
	Precinct 2	City Hall 484 Broadway, Keverian Room
	Precinct 3	Parlin School, 587 Broadway
WARD 6	Precinct 1	Maddie English, 105 Woodville St
	Precinct 2	Parlin Library, 410 Broadway
	Precinct 3	City Services, 19 Norman St

Central Tabulation Polling Location for all Vote by Mail, Absentee and Early In-Person ballot processing and tabulation:

484 Broadway City Hall, 3rd Floor, The Peter J. McCarron, City Council Chambers

A true copy attest



Sergio Cornelio, City Clerk



C0052-24

To: Mayor and City Council
From: Councilor Anthony DiPierro
Date: February 12, 2024

Agenda Item:

Requesting that the Mayor's Office, School Department and President of the City Council collaborate to revive the School Finance Review Commission in accordance with the Administrative Code

Background and Explanation:

Attachments:



C0053-24

To: Mayor and City Council

From: Councilor Anthony DiPierro, Councilor Stephanie Martins, Councilor Robert J. Van Campen, Councilor Katy L. Rogers, Councilor Holly D. Garcia, Councilor Guerline Alcy Jabouin, Councilor Peter Pietrantonio, Councilor Stephanie V. Smith

Date: February 12, 2024

Agenda Item:

A request to petition the Department of Public Utilities to require towing companies to accept credit cards as a form of payment

Background and Explanation:

Tow Companies are regulated by the MA Department of Public Utilities. The tow companies in Everett only accept cash as a form of payment. The median income in Everett is just above \$32,000 and many of our residents struggle to come up with that amount of cash on the spot and it can have a detrimental effect on their weekly/monthly budget and finances

Attachments:



C0054-24

To: Mayor and City Council

From: Councilor Anthony DiPierro, Councilor Holly D. Garcia, Councilor Peter Pietrantonio, Councilor Robert J. Van Campen, Councilor Stephanie Martins, Councilor Stephanie V. Smith, Councilor Katy L. Rogers, Councilor Guerline Alcy Jabouin

Date: February 12, 2024

Agenda Item:

A request to work with the Traffic Commission on updating the street sweeping policy by implementing a tiered fine structure that avoids a tow on a first or second offense

Background and Explanation:

We are interested in exploring a tiered fine structure and avoid a tow on someone's first or second offense. If the city has the capability of monitoring habitual offenders, those are the vehicles that should be towed rather than someone forgetting to move once. We are cognizant that our streets need to be cleaned for an array of reasons and we seek to balance that with fairness for our residents

Attachments:



C0055-24

To: Mayor and City Council
From: Councilor Michael K. Marchese
Date: February 12, 2024

Agenda Item:

A resolution requesting that the city's Fire Department provides the City Council with all available operational statistics regarding the performance of the city-owned ambulance.

Background and Explanation:

Attachments:



C0056-24

To: Mayor and City Council
From: Councilor Michael K. Marchese
Date: February 12, 2024

Agenda Item:

A resolution requesting that the city's Chief Financial Officer provides the City Council with information about the revenues and expenses to date associated with the city owned ambulance.

Background and Explanation:

Attachments:



C0057-24

To: Mayor and City Council
From: Councilor Michael K. Marchese
Date: February 12, 2024

Agenda Item:

A resolution requesting that the city's Chief Assessing Officer provides the City Council with any available information about expected major property value decreases (Power Plant, LNG, Exxon, etc.) in the upcoming fiscal years.

Background and Explanation:

Attachments:



C0058-24

To: Mayor and City Council
From: Councilor Michael K. Marchese
Date: February 12, 2024

Agenda Item:

A resolution requesting that the city's Planning Department/Board encourages the development of 55+ housing communities.

Background and Explanation:

Attachments:



C0059-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

An order to amend the City Council's Public Participation rules to bring them in-line with a recent Massachusetts Supreme Judicial Court ruling

Background and Explanation:

Attachments:

CITY COUNCIL RULES

RULE 10: **Public participation.**

- A.** Each formal session of the city council shall include a period of public participation not to exceed thirty (30) minutes. If the public participation period reaches its allotted time limit, the current speaker will be notified by the chair and they will be allowed to complete their remarks. Before a motion to close public participation is made, any councilor may make a motion to extend the public participation period. However, if extended, public participation must be tabled until after the completion of all other city business on the meeting's agenda and will only be removed from the table prior to the adjournment of the meeting.
(C0240-22, C0348-22)
- B.** Types of Public Participation Allowed at Different Meeting Types
1. At regular meetings of the city council, the subject matter of public participation shall not be limited to the items before the city council at the present meeting. However, public participation shall be split into two separate sections.
 1. The first section of public participation shall be limited to those speakers wishing to speak on items that appear on that meeting's agenda. Those speakers shall be heard first.
 2. The second section of public participation, called general public participation, shall include speakers who wish to speak on items that do not appear on that meeting's agenda.
 1. The topics for discussion under this general public participation shall be limited to those items within the city council's scope of authority.
 2. Comments and complaints regarding city council members or city personnel are prohibited unless those comments and complaints concern matters within the city council's scope of authority.
- (C0348-22)
2. At any special meeting of the city council, the subject matter of public participation shall be limited to the subject matter of the present special meeting.
- C.** For the purpose of this rule, the term "public" shall be construed to mean any member of the public at large and not limited as to restrict any individual from participation.
- D.** Prior to the start of the formal session of the city council, each member of the public wishing to speak during public participation shall sign-in using the correct sign-in sheet for the topic(s) upon which they wish to speak.
1. Both sign-in sheets shall require the speaker's name and address.
 2. The sign-in sheet for items that appear on the agenda shall require the agenda item number(s) or a brief description of the agenda item(s) on which the speaker wishes to speak.

CITY COUNCIL RULES

3. The sign-in sheet for topics that do not appear on the agenda shall require a brief description of the topic(s) on which the speaker wishes to speak.
4. If a speaker wishes to speak on both items that appear on the agenda and on other topics, they should sign-in on both public participation sign-in sheets.

(C0348-22)

- E.** Each member of the public shall be limited to no more than two (2) minutes of participation without unanimous consent of the members present. Large groups should designate a spokesperson to speak on a particular issue.
- F.** This rule does not limit or replace the provisions of Rule 16, which remains in full effect.
- G.** Participants shall address all comments to the president.
- H.** Participants shall not promote or oppose any candidate running for office.
- I.** Participants shall not use public participation for political purposes.
- J.** Participants shall not advertise for commercial purposes or private gain.
- K.** Participants shall not make personal attacks on or make any accusatory statements against any city council members or other elected or appointed city officials.
- L.** Comments and complaints regarding city council members or city personnel are prohibited unless those comments and complaints concern matters within the scope of the city council authority.
(C0348-22)
- M.** With the president as the sole judge, any participant who during the agenda only section of public participation speaks on matters that are not on the meeting's agenda will receive one (1) verbal warning of such and will be asked to add their name to the sign-in sheet for the other section of public participation. With the president's sole judge, if the participant continues to speak off the allowed subject matter, they will be asked to immediately cease their comments and return to the audience.
(C0348-22)
- N.** Anyone making out of order comments or acting in an unruly manner shall be subject to removal from the meeting.
- O.** This rule shall be posted in the chambers for public viewing and understanding of rules.

NOTICE: All slip opinions and orders are subject to formal revision and are superseded by the advance sheets and bound volumes of the Official Reports. If you find a typographical error or other formal error, please notify the Reporter of Decisions, Supreme Judicial Court, John Adams Courthouse, 1 Pemberton Square, Suite 2500, Boston, MA, 02108-1750; (617) 557-1030; SJCRreporter@sjc.state.ma.us

SJC-13284

LOUISE BARRON & others¹ vs. DANIEL L. KOLENDA² & another.³

Worcester. November 2, 2022. - March 7, 2023.

Present: Budd, C.J., Gaziano, Lowy, Cypher, Kafker,
& Wendlandt, JJ.

Open Meeting Law. Municipal Corporations, Open meetings, Selectmen, Governmental immunity. Constitutional Law, Right to assemble, Right to petition government, Freedom of speech and press. Governmental Immunity. Massachusetts Civil Rights Act. Civil Rights, Availability of remedy, Immunity of public official. Declaratory Relief.

Civil action commenced in the Superior Court Department on April 3, 2020.

The case was heard by Shannon Frison, J., on a motion for judgment on the pleadings.

The Supreme Judicial Court on its own initiative transferred the case from the Appeals Court.

Ginny Sinkel Kremer for the plaintiffs.
John J. Davis for the defendants.

¹ Jack Barron and Arthur St. Andre.

² Individually and as a member of the board of selectmen of Southborough.

³ Town of Southborough.

The following submitted briefs for amici curiae:
John Foskett for Massachusetts Association of School Committees.

Ruth A. Bourquin for American Civil Liberties Union of Massachusetts, Inc.

Maura E. O'Keefe, Town Counsel, & Rosemary Crowley for Massachusetts Municipal Lawyers Association.

Frank J. Bailey, Selena Fitanides, & John C. La Liberte for PioneerLegal, LLC.

KAFKER, J. After objecting to open meeting law violations and other municipal actions in a public comment session at a meeting of the board of selectmen of Southborough (board), the plaintiff Louise Barron was accused of violating the board's "public participation at public meetings" policy (public comment policy or civility code) and eventually threatened with physical removal from the meeting. Thereafter, she and two other plaintiffs brought State constitutional challenges to the policy, claiming in particular that she had exercised her constitutionally protected right under art. 19 of the Massachusetts Declaration of Rights "to assemble, speak in a peaceable manner, and petition her town leaders for redress."

In the plaintiffs' request for declaratory relief, seeking to have the public comment policy declared unconstitutional, they also used terminology associated with free speech claims brought under art. 16 of the Massachusetts Declaration of Rights, as amended by art. 77 of the Amendments to the Constitution, and the First Amendment to the United States Constitution, although they voluntarily withdrew their First

Amendment and other Federal claims, eliminating the Federal constitutional basis that had justified removal of the case from State to Federal court. Finally, Barron claims that the threat to remove her from the meeting for exercising her State constitutional rights violated the Massachusetts Civil Rights Act (MCRA), G. L. c. 12, §§ 11H-11I.

For the reasons set forth infra, we conclude that the public comment policy of the town of Southborough (town) violates rights protected by art. 19 and, to the extent it is argued, art. 16. Under both arts. 19 and 16, such **civility restraints on the content of speech at a public comment session in a public meeting are forbidden. Although civility, of course, is to be encouraged, it cannot be required regarding the content of what may be said in a public comment session of a governmental meeting without violating both provisions of the Massachusetts Declaration of Rights, which provide for a robust protection of public criticism of governmental action and officials. What can be required is that the public comment session be conducted in an "orderly and peaceable" manner, including designating when public comment shall be allowed in the governmental meeting, the time limits for each person speaking, and rules preventing speakers from disrupting others, and removing those speakers if they do.** We have concluded that such time, place, and manner restrictions do not violate either

the right to assembly under art. 19 or the right to free speech under art. 16. See Desrosiers v. Governor, 486 Mass. 369, 390-391 (2020), cert. denied, 142 S. Ct. 83 (2021) (permitting time, place, and manner restrictions under art. 19); Mendoza v. Licensing Bd. of Fall River, 444 Mass. 188, 197-198 (2005) (discussing time, place, and manner restrictions under art. 16).

Furthermore, when Barron alleged that the chair threatened to have her physically removed from a public comment session of a public meeting after she criticized town officials about undisputed violations of the open meeting laws, she properly alleged that he threatened to interfere with her exercise of State constitutional rights protected by arts. 16 and 19 in violation of the MCRA. There is also no qualified immunity, as there is a clearly established State constitutional right under arts. 16 and 19 to object (and even to do so vigorously) to the violation of the law by government officials in a public comment session of a public meeting. We therefore reverse the Superior Court judgment entered in favor of board member Daniel L. Kolenda. We also direct the Superior Court to enter a judgment declaring the town's public comment policy unconstitutional in violation of arts. 19 and 16.⁴

⁴ We acknowledge the amicus briefs submitted by the Massachusetts Association of School Committees; American Civil Liberties Union of Massachusetts, Inc.; Massachusetts Municipal Lawyers Association; and PioneerLegal, LLC.

Background. 1. Public meeting. We draw the facts from the plaintiffs' complaint, while also considering the board's public comment policy and the video recording of the board's December 4, 2018 meeting, both of which were included in the record and considered by the judge below. See Mullins v. Corcoran, 488 Mass. 275, 281 (2021), quoting Schaer v. Brandeis Univ., 432 Mass. 474, 477 (2000) ("In deciding [a motion for judgment on the pleadings], all facts pleaded by the nonmoving party must be accepted as true. . . . We also may rely on 'matters of public record, orders, items appearing in the record of the case, and exhibits attached to the complaint'"); Rosenberg v. JPMorgan Chase & Co., 487 Mass. 403, 408 (2021) (in reviewing motion to dismiss, we may consider extrinsic documents plaintiff relied on in framing complaint).

Barron is a town resident and a longtime participant in local government. The board consists of five elected members. Kolenda was a longtime member of the board. The board is subject to "the Massachusetts open meeting law, G. L. c. 30A, §§ 18 and 20 (a), which generally requires public bodies to make their meetings, including 'deliberations,' open to the public." Boelter v. Selectmen of Wayland, 479 Mass. 233, 234 (2018). The board's public comment policy outlines the public comment portion of its meetings where town residents may address the

board.⁵ In 2018, the Attorney General determined that the board had committed dozens of open meeting law violations and ordered

⁵ The public comment policy states in full:

"The [board of selectmen] recognizes the importance of active public participation at all public meetings, at the discretion of the [c]hair, on items on the official agenda as well as items not on the official agenda. All comments from the public should be directed to or through the [c]hair once the speaker is recognized, and all parties (including members of the presiding [b]oard) act in a professional and courteous manner when either addressing the [b]oard, or in responding to the public. Once recognized by the [c]hair, all persons addressing the [b]oard shall state their name and address prior to speaking. It is the role of the [c]hair to set time limitations and maintain order during public meetings, as it is important that the [b]oard allow themselves enough time to conduct their official town business.

"If included on the meeting agenda by the [c]hair, '[p]ublic [c]omment' is a time when town residents can bring matters before the [b]oard that are not on the official agenda. Comments should be short and to the point, with the [c]hair ultimately responsible to control the time available to individual speakers. Except in unusual circumstances, any matter presented under '[p]ublic [c]omment' will not be debated or acted upon by the [b]oard at the time it is presented.

"All remarks and dialogue in public meetings must be respectful and courteous, free of rude, personal or slanderous remarks. Inappropriate language and/or shouting will not be tolerated. Furthermore, no person may offer comment without permission of the [c]hair, and all persons shall, at the request of the [c]hair, be silent. No person shall disrupt the proceedings of a meeting.

"Finally, while it true that State law provides that the [c]hair may order a disruptive person to withdraw from a meeting (and, if the person does not withdraw, the [c]hair may authorize a constable or other officer to remove the person from the meeting), it is the position of the [board] that no meeting should ever come to that point."

each member of the board to attend in-person open meeting law training.

Barron attended the board's meeting on December 4, 2018, where Kolenda was acting as the chair. The board members discussed a number of topics, including the town budget, which, if approved, would result in increased real estate taxes for town residents. The board also discussed the possibility of elevating the town administrator to the position of town manager. The board also briefly addressed the open meeting law violations. During the discussion on this point, Kolenda stated that the board is "a group of volunteers," and further characterized its members as "public servants" who "do their best."

After approximately two and one-half hours of business, Kolenda announced that the board would be moving to public comment. Kolenda then stated, paraphrasing from the public comment policy:

"And before we go to public comment, just a reminder for anyone who wants to make public comment. It's a time when town residents can bring matters before the board of selectmen that are not on the official agenda. We do have these posted for all boards and committees. Comments should be short and to the point and remarks must be respectful and courteous, free of rude, personal, or slanderous remarks, and the guidelines go on for a couple of pages, but if anyone has any questions on that feel free to ask us. If not, public comment please."

Barron then approached the podium holding a sign that stated "Stop Spending" on one side and "Stop Breaking Open Meeting Law"

on the other. Barron began her comments by critiquing the proposed budget increases, opining that the town "ha[d] been spending like drunken sailors" and was "in trouble." She argued for a moratorium on hiring and inquired about the benefits of hiring a town manager as opposed to a town administrator.

Kolenda responded that questions would not be answered as the board was "not going to have a back and forth discussion during public comment." Barron began moving to her next topic of concern but another board member responded to her question, indicating that the issue of a town manager would be considered by a committee and "ha[d] nothing to do with [the] upcoming town meeting."

After the board member's response, Barron began to critique the board for its open meeting law violations. Barron and Kolenda then had the following exchange:

Barron: "And the next thing I want to say is you said that you were just merely volunteers, and I appreciate that, but you've still broken the law with open meeting law, and that is not the best you can do. And . . . when you say that . . . this is the best we could do, I know it's not easy to be volunteers in town but breaking the law is breaking the law and --"

Kolenda: "So ma'am if you want to slander town officials who are doing their very best --"

Barron: "I'm not slandering."

Kolenda: "-- then then we're gonna go ahead and stop the public comment session now and go into recess."

When Kolenda said the word "now," Barron interjected and, simultaneously to Kolenda saying, "go into recess," Barron stated, "Look, you need to stop being a Hitler." Barron continued: "You're a Hitler. I can say what I want." After Barron's second reference to Hitler, Kolenda said: "Alright, we are moving into recess. Thank you."

The audio recording on the public broadcast then stopped. A message on the screen stated, "The Board of Selectmen is taking a brief recess and will return shortly," but the video recording continued to show the board members for approximately thirteen seconds.

Kolenda turned off his microphone, stood up, and began pointing in Barron's direction, repeatedly yelling at her, "You're disgusting!" Kolenda told Barron that he would have her "escorted out" of the meeting if she did not leave. Concerned that Kolenda would follow through with his threat, Barron left the meeting.

2. Procedural history. In April 2020, Barron, her husband, and a third resident of the town filed a complaint in the Superior Court alleging both Federal and State causes of action relating to the board's December 4, 2018 meeting. The defendants removed the case to Federal court, but it was remanded to the Superior Court after the plaintiffs withdrew the Federal claims. The plaintiffs' amended complaint sought a

judgment declaring that a portion of the policy was unconstitutional under the Massachusetts Declaration of Rights to the extent that the policy disallows criticism of the board members and their decisions. They also sought relief against Kolenda in his individual capacity under the MCRA, G. L. c. 12, §§ 11H-11I, for violation of art. 19.⁶ Article 19 is the only provision of the Declaration of Rights that is expressly referenced in the complaint, although the request for declaratory relief is more open-ended and uses the terminology associated with free speech claims.

Prior to discovery, the defendants filed a motion for judgment on the pleadings. The motion was allowed as to all counts, and the plaintiffs appealed. We transferred the case here on our own motion.

Discussion. In the instant case, we are confronted with a State, not a Federal, constitutional challenge. It is also a

⁶ The plaintiffs also brought an MCRA claim against Kolenda in his official capacity; MCRA claims against two other board members in their official and individual capacities; and claims against the board members for violating the open meeting law. Barron individually brought several common-law claims against Kolenda. The judge dismissed all of Barron's and the plaintiffs' claims. On appeal, the plaintiffs challenge only the dismissals of their claim for a declaratory judgment and the MCRA claim against Kolenda. The plaintiffs do not argue against the dismissal of the MCRA claim against Kolenda in his official capacity. Consequently, we do not review the dismissal of the other claims. See Lyons v. Secretary of the Commonwealth, 490 Mass. 560, 593 n.42 (2022) (claims not argued in brief are waived).

challenge expressly premised on art. 19, a provision that has not been the focus of much attention in recent case law, despite its illustrious past. Notably, this provision has served an important, independent purpose for much of the history of Massachusetts government, as there was no free speech provision in the original Declaration of Rights. In fact, such a provision was not added to the Massachusetts Constitution until 1948, when it was amended to include express free speech protections. See art. 16 of the Massachusetts Declaration of Rights, as amended by art. 77 of the Amendments to the Constitution.

As the text of art. 19, which was drafted by John Adams with some assistance from his cousin Samuel Adams,⁷ along with its illuminating constitutional history, is directly applicable and dispositive of the claims here, we focus on art. 19 first. Because the request for declaratory relief is more open-ended and uses the terminology associated with art. 16 and First Amendment claims, we address art. 16 as well.

1. Standard of review. "We review the allowance of a motion for judgment on the pleadings de novo." Mullins, 488 Mass. at 281. We accept as true "all facts pleaded by the

⁷ The Adams cousins were two of the three members of the subcommittee at the constitutional convention charged with drafting the Massachusetts Constitution. See S.E. Morison, *History of the Constitution of Massachusetts* 20 (1917).

nonmoving party" and "draw every reasonable inference in [that party's] favor" to determine whether the "factual allegations plausibly suggest[]" that the nonmoving party is entitled to relief. Id., quoting UBS Fin. Servs., Inc. v. Aliberti, 483 Mass. 396, 405 (2019). This standard applies to our review of the allowance of the motion for judgment on the pleadings with regard to the claim of a violation of the MCRA. Our review of the request for a declaratory judgment, however, differs. The plaintiffs seek a declaration that the town's public comment policy is unconstitutional. We review this as a facial challenge based on the uncontested language of the policy itself. This presents a question of law for the court requiring de novo review. See Commonwealth v. McGhee, 472 Mass. 405, 412 (2015) (facial challenge to statute "present[s] questions of law that we review de novo").

2. Article 19. The text of art. 19 provides: "The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer." As written, this provision expressly envisions a politically active and engaged, even aggrieved and angry, populace.

The text of art. 19 thus encompasses the plaintiffs' complaint here. Barron assembled with others at the public comment session of the board meeting to request redress of the wrongs they claimed had been done to them and the grievances they claimed to have suffered by town official actions, including the town's noncompliance with the open meeting law.

The text of this provision has also not been interpreted to be limited to State representatives or legislative bodies, despite some wording to that effect, but rather has been interpreted to be directed at the people's interaction with government officials more generally, including in particular town officials. See Kobrin v. Gastfriend, 443 Mass. 327, 333 (2005) (statutory right to petition is coextensive with art. 19 and applies where "a party seeks some redress from the government"); MacKeen v. Canton, 379 Mass. 514, 521-522 (1980) (evaluating whether town meeting procedures were consistent with art. 19); Fuller v. Mayor of Medford, 224 Mass. 176, 178 (1916) (right to assemble under art. 19 "enable[s] the [town] voters to have full and free discussion and consultation upon the merits of candidates for public office and of measures proposed in the public interests").

The provision also has a distinct, identifiable history and a close connection to public participation in town government that is uniquely informative in this case. As more fully

explained infra, art. 19 reflects the lessons and the spirit of the American Revolution. The assembly provision arose out of fierce opposition to governmental authority, and it was designed to protect such opposition, even if it was rude, personal, and disrespectful to public figures, as the colonists eventually were to the king and his representatives in Massachusetts.

Our interpretation of the text, history, and purpose of art. 19 is further informed by the words and actions of Samuel and John Adams, who not only theorized and commented upon the right, but were historic actors well versed in its application during the revolutionary period, particularly in the towns. Both Adams cousins emphasized in their correspondence and their actions the importance of the right to assemble. See Bowie, *The Constitutional Right of Self-Government*, 130 *Yale L.J.* 1652, 1727-1728 (2021). Samuel Adams wielded it to great effect in his attempt to "procure a Redress of Grievances" when the British governor of the colony attempted to exercise control over assemblies after the Boston Massacre. Id. at 1680, quoting Report of the Committee to Prepare an Answer to Thomas Hutchinson's Speech (July 31, 1770), in 47 *Journals of the House of Representatives of Massachusetts 1770-1771*, at 63, 69 (1978).

More philosophically, John Adams explained that the right of assembly was a most important principle and institution of self-government, as it allowed "[every] Man, high and low . . .

[to speak his sentiments of public Affairs." Bowie, supra at 1708, quoting Letter from John Adams to Edmé Jacques Genet (May 28, 1780), in 9 Papers of John Adams 350, 353 (G.L. Lint et al. eds., 1996). Town inhabitants, he wrote, "are invested with . . . the right to assemble, whenever they are summoned by their selectmen, in their town halls, there to deliberate upon the public affairs of the town." Letter from John Adams to the Abbé de Mably (1782), in 5 Works of John Adams 492, 495 (C.F. Adams ed. 1851). "The consequences" of the right of assembly, in Adams's words, were that "the inhabitants . . . acquired . . . the habit of discussing, of deliberating, and of judging of public affairs," and thus, "it was in these assemblies of towns . . . that the sentiments of the people were formed . . . and their resolutions were taken from the beginning to the end of the disputes . . . with Great Britain." Id. Alexis de Tocqueville made a similar point in Democracy in America: "Town-meetings are to liberty what primary schools are to science; they bring it within the people's reach, they teach men how to use and how to enjoy it." 1 A. de Tocqueville, Democracy in America 55 (H. Reeve trans. 1862).

Our own case law interpreting art. 19 confirms Adams's insights regarding the critical role of the right of assembly in the towns in cultivating the spirit and practice of self-

government. As Justice Rugg wrote in Wheelock v. Lowell, 196 Mass. 220, 227 (1907):

"It is hard to overestimate the historic significance and patriotic influence of the public meetings held in all the towns of Massachusetts before and during the Revolution. No small part of the capacity for honest and efficient local government manifested by the people of this Commonwealth has been due to the training of citizens in the form of the town meeting. The jealous care to preserve the means for exercising the right of assembling for discussion of public topics . . . demonstrates that a vital appreciation of the importance of the opportunity to exercise the right still survives."

From the beginning, our cases have also emphasized that "the fullest and freest discussion" seems to be "sanctioned and encouraged by the admirable passage in the constitution," Commonwealth v. Porter, 1 Gray 476, 478, 480 (1854), so long as the right is exercised in "an orderly and peaceable manner," id. at 478. In fact, the drafters of art. 19 tracked the language of the Pennsylvania Constitution but with the specific addition of the clause providing that such assembly shall be done "in an orderly and peaceable manner." Bowie, 130 Yale L.J. at 1707.

Further clarifying the type of limitations that ensure an "orderly and peaceable" assembly, our more recent case law has drawn on well-understood First Amendment principles and provided for reasonable time, place, and manner restrictions. As we stated:

"States may impose reasonable restrictions on the time, place, or manner of protected speech and assembly 'provided the restrictions "are justified without reference to the content of the regulated speech, that they are narrowly

tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information."'"

Desrosiers, 486 Mass. at 390-391, quoting Boston v. Back Bay Cultural Ass'n, 418 Mass. 175, 178-179 (1994).

3. The application of art. 19 to the civility code. The question then becomes whether the enforcement of the town's civility code passes muster under art. 19. The code provides:

"All remarks and dialogue in public meetings must be respectful and courteous, free of rude, personal, or slanderous remarks. Inappropriate language and/or shouting will not be tolerated. Furthermore, no person may offer comment without permission of the [c]hair, and all persons shall, at the request of the [c]hair, be silent. No person shall disrupt the proceedings of a meeting."

As explained supra, the text, history, and case law surrounding art. 19 provide for the "fullest and freest" discussion of public matters, including protection of fierce criticism of governmental action and actors, so long as that criticism is done in a peaceable and orderly manner and is consistent with time, place, and manner restrictions. Porter, 1 Gray at 478. See Desrosiers, 486 Mass. at 390-391. "Peaceable and orderly" is not the same as "respectful and courteous." There was nothing respectful or courteous about the public assemblies of the revolutionary period. There was also much that was rude and personal, especially when it was directed at

the representatives of the king and the king himself.⁸ See Bowie, 130 Yale L.J. at 1677 ("in London, a columnist called Boston's town meetings a 'declaration of war' and criticized Boston's leaders for 'working up the populace to such a frenzy of rage'").

Here, the town expressly provided a place for public comment: the meeting of the board. The town also set the time, after the conclusion of the regular meeting, as was the town's right. Barron presented her grievances at the established time and place.⁹ The town nonetheless then sought to control the content of the public comment, which directly implicates and restricts the exercise of the art. 19 right of the people to request "redress of the wrongs done them, and of the grievances

⁸ The policy's prohibition on slander raises a different set of questions that we need not resolve here. In Commonwealth v. Surrige, 265 Mass. 425, 427 (1929), this court expressly carved out slander from protection under art. 19. However, at least under First Amendment principles, slander directed at public officials requires actual malice. See Edwards v. Commonwealth, 477 Mass. 254, 263 (2017), S.C., 488 Mass. 555 (2021), citing New York Times Co. v. Sullivan, 376 U.S. 254, 279-280 (1964).

⁹ A manner regulation restricts the way in which a speaker communicates, i.e., the medium of communication or aspects of that medium like the size of signs or the volume of audio. See Regan v. Time, Inc., 468 U.S. 641, 656 (1984) (plurality opinion) (manner regulations include "size and color limitations" on photographs, "decibel level restrictions," and "size and height limitations on outdoor signs"); Back Bay Cultural Ass'n, 418 Mass. at 183 (ban on "forms of entertainment" that "create the type of noise the city legitimately seeks to eliminate" would be permissible). We are not presented with disputed manner restrictions in the instant case.

they suffer."¹⁰ The content sought to be prohibited -- discourteous, rude, disrespectful, or personal speech about government officials and governmental actions -- is clearly protected by art. 19, and thus the prohibition is impermissible. In sum, the town's civility code is contradicted by the letter and purpose of art. 19.¹¹

¹⁰ This is not a case in which the public meeting was limited to a particular item or items. Although that would be content based, in order to function efficiently, towns must be able to hold public meetings limited to a particular subject without violating art. 19, so long as the town provides other opportunities to exercise this right, as it did in the instant case. Cf. Madison Joint Sch. Dist. No. 8 v. Wisconsin Employment Relations Comm'n, 429 U.S. 167, 175 n.8 (1976) ("Plainly, public bodies may confine their meetings to specified subject matter and may hold nonpublic sessions to transact business").

¹¹ Given the detailed and emphatic text, history, and case law, there is no reason to conclude that the State constitutional right protected by art. 19 would be any less protective than the right of assembly protected by the First Amendment. Throughout most of its history, the right of assembly clause in the First Amendment, although not interpreted as being "identical" to the right of free speech, has not been given much independent significance. See National Ass'n for the Advancement of Colored People v. Claiborne Hardware Co., 458 U.S. 886, 911-912 (1982); Thomas v. Collins, 323 U.S. 516, 530 (1945) (rights to freedom of speech, assembly, and press, "though not identical, are inseparable"). See also Blackhawk, Lobbying and the Petition Clause, 68 Stan. L. Rev. 1131 (2016); Bowie, 130 Yale L.J. at 1655; El-Haj, The Neglected Right of Assembly, 56 UCLA L. Rev. 543 (2009); Inazu, The Forgotten Freedom of Assembly, 84 Tul. L. Rev. 565, 570 (2010). Although the Supreme Court's more recent decision in Duryea v. Guarnieri, 564 U.S. 379, 394 (2011), somewhat reinvigorated the provision, Blackhawk, supra at 1181, the vigor of art. 19 is unquestionable as reflected in its text, history, and case law. Indeed, the clear thrust of that text, history, and case law interpreting art. 19 compels the conclusion that the town's civility code is unconstitutional.

4. Article 16. Assuming that the request for declaratory relief also includes a claim based on art. 16, as well as art. 19, we also conclude that art. 16 is violated.

In their request for declaratory relief, the plaintiffs state:

"The [c]ourt should declare that the [d]efendants may not regulate protected speech during any time period designated for speech by the public based on the content of the message of the speaker, the view point of the speaker, or their desire to avoid criticism, ensure 'proper decorum', or avoid 'personal' or derogatory or even defamatory statements, unless such regulation is the least restrictive means necessary to achieve a compelling government interest."

Our cases interpreting art. 16 clearly support this request for relief. They also do so without any need to survey, as the parties do, the contested Federal case law distinguishing limited and designated public forums and the different standards of review applicable to these forums under the First Amendment. As this court expressly stated in Walker v. Georgetown Hous. Auth., 424 Mass. 671, 675 (1997): "We need not decide whether we would find the [United States] Supreme Court's public, nonpublic, and limited public forum classifications instructive in resolving free speech rights under our Declaration of Rights" in the instant case. Indeed, "we need not enter that fray because, under our Declaration of Rights, the applicable standard for content-based restrictions on political speech is clearly strict scrutiny." Commonwealth v. Lucas, 472 Mass. 387,

397 (2015). See Massachusetts Coalition for the Homeless v. Fall River, 486 Mass. 437, 441-442 (2020) (holding that strict scrutiny applies to content-based regulation of protected speech); Bachrach v. Secretary of the Commonwealth, 382 Mass. 268, 276 (1981) ("As a substantial restriction of political expression and association . . . the legislation at bar should attract 'strict scrutiny'").¹²

There is no question that this civility code is directed at political speech, as it regulates speech in a public comment session of a meeting of the board, and that it is content based, as it requires us to examine what was said. See Opinion of the Justices, 436 Mass. 1201, 1206 (2002) ("if the applicability of

¹² As we apply strict scrutiny here, the protection provided by the State Constitution is at least as great if not greater than the protection provided by the First Amendment for content-based governmental restrictions. As noted supra, we are not confronted with a public meeting limited to a particular item or items. We recognize that even though a public meeting limited to a particular purpose may require a content-based restriction on comments, government must be able to hold such meetings to function efficiently. Whether the government's right to hold such meetings satisfies strict scrutiny or some lesser standard under art. 16, we need not decide. Cf. Rowe v. Cocoa, 358 F.3d 800, 803 (11th Cir. 2004) ("There is a significant governmental interest in conducting orderly, efficient meetings of public bodies," which may be done via "confinin[ing] their meetings to specified subject matter"); White v. Norwalk, 900 F.2d 1421, 1425 (9th Cir. 1990) ("the Council does not violate the first amendment when it restricts public speakers to the subject at hand"); Smith vs. Middletown, U.S. Dist. Ct., No. 3:09-CV-1431 (D. Conn. Sept. 1, 2011), aff'd sub nom. Smith v. Santangelo, 518 Fed. Appx. 16 (2d Cir. 2013) ("The restriction of public comment to items on the agenda is also reasonable because it . . . facilitate[s] the official business of the Council").

the bill's requirements can only be determined by reviewing the contents of the proposed expression, the bill is a content-based regulation of speech"). As such, it must withstand strict scrutiny, which means it must be "both 'necessary to serve a compelling [S]tate interest and . . . narrowly drawn to achieve that end.'" Lucas, 472 Mass. at 398, quoting Opinion of the Justices, supra. It is neither. Although civility can and should be encouraged in political discourse, it cannot be required. In this country, we have never concluded that there is a compelling need to mandate that political discourse with those with whom we strongly disagree be courteous and respectful. Rather, we have concluded that political speech must remain "uninhibited, robust, and wide-open." Van Liew v. Stansfield, 474 Mass. 31, 39 (2016), quoting New York Times Co. v. Sullivan, 374 U.S. 254, 270 (1964). This civility code is also drafted with an extraordinarily broad brush. It is certainly not narrowly tailored.

Finally, the policy's requirement that the speech directed at government officials "be respectful and courteous, [and] free of rude . . . remarks" appears to cross the line into viewpoint discrimination: allowing lavish praise but disallowing harsh criticism of government officials.¹³ As the Supreme Court has

¹³ At the same time, as between members of the public taking opposite positions, a requirement that the comments be respectful and courteous appears not to be viewpoint based, but

explained, "[w]hen the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant." Rosenberger v. Rector & Visitors of Univ. of Va., 515 U.S. 819, 829 (1995). See Shurtleff v. Boston, 142 S. Ct. 1583, 1587 (2022) ("When the government encourages diverse expression -- say, by creating a forum for debate -- the [right to free speech] prevents it from discriminating against speakers based on their viewpoint"). Although we have not been required to precisely define what constitutes viewpoint discrimination in our case law, art. 16, like the First Amendment, certainly does not permit viewpoint discrimination. See Roman v. Trustees of Tufts College, 461 Mass. 707, 716-717 (2012); Opinion of the Justices, 430 Mass. 1205, 1209 (2000).¹⁴

A provision "that public officials [can] be praised but not condemned" is "the essence of viewpoint discrimination." Matal v. Tam, 582 U.S. 218, 249 (2017) (Kennedy, J., concurring). Speech that politely praises public officials or their actions is allowed by the policy, but speech that rudely or

rather only content based. An example would be if a town official told both sides debating a tax increase to fully express their views but to do so courteously. Although still impermissible, because it is content based, the restriction would not be viewpoint based.

¹⁴ The same is true for art. 19.

disrespectfully criticizes public officials or their actions is not. This constitutes viewpoint discrimination.

In sum, this civility code is unconstitutional under art. 16 as well as art. 19.

5. Overbreadth, vagueness, and permissible restrictions.

In the instant case, we have not been asked, nor should we attempt on our own, to separate the unconstitutional from the constitutional aspects of the town's civility code. We conclude that it is so overbroad, so vague, and so subject to manipulation on its face that it is not salvageable or severable. See Massachusetts Coalition for the Homeless, 486 Mass. at 447 (statute declared facially invalid under art. 16 in its entirety because we discerned an "unacceptable risk of a chilling effect"); Lucas, 472 Mass. at 404 (statute declared unconstitutional in its entirety because "even under a narrow construction, there is a genuine risk that the operation of [statute] will cast an unacceptable chill on core political speech").

This is not to say that restrictions cannot be imposed on public comment sessions consistent with arts. 16 and 19. Reasonable time, place, and manner restrictions could include designating when and where a public comment session may occur, how long it might last, the time limits for each person speaking

during the public comment session, and rules preventing speakers from disrupting others and removing those who do.

6. MCRA claim. We also have no difficulty concluding that the dismissal of the MCRA claim should be reversed. Taking the facts in the light most favorable to the plaintiffs, Kolenda "interfere[d]" with Barron's clearly established constitutional right under arts. 19 and 16 via "threats, intimidation or coercion." G. L. c. 12, § 11H. As such, there was a violation of the MCRA and no qualified immunity.

"To establish a claim under the [MCRA], 'a plaintiff must prove that (1) the exercise or enjoyment of some constitutional or statutory right; (2) has been interfered with, or attempted to be interfered with; and (3) such interference was by threats, intimidation, or coercion.'" Glovsky v. Roche Bros. Supermkts., Inc., 469 Mass. 752, 762 (2014), quoting Currier v. National Bd. of Med. Examiners, 462 Mass. 1, 12 (2012). In the instant case, the video recording shows that, first, Barron complained about the open meeting law violations; then, Kolenda accused her of slander and said, "[W]e're gonna go ahead and stop the public comment session now"; next, Barron said, "[Y]ou need to stop being a Hitler"; and finally, Kolenda ended the meeting and the audio stopped. Subsequently, Kolenda stood up and started yelling and aggressively pointing at Barron. The plaintiffs' complaint alleges that Kolenda shouted, "You're disgusting," and

threatened to have her "escorted out" of the meeting. The video recording does not show Barron after the end of the audio portion.

Taking the facts, including the video recording, in the light most favorable to the plaintiffs, Barron exercised her constitutional right under arts. 19 and 16 to address the meeting of the board and complain about the open meeting law violations. Her comparison between Kolenda and Hitler was, at least in the light most favorable to the plaintiffs, simply hyperbole, describing Kolenda as behaving in a dictatorial manner, that is, domineering or authoritarian. Although a comparison to Hitler is certainly rude and insulting, it is still speech protected by art. 16.¹⁵

¹⁵ We note that personally insulting comments may rise to the level of fighting words, that is, "face-to-face personal insults that are so personally abusive that they are plainly likely to provoke a violent reaction and cause a breach of the peace," which are not protected speech. O'Brien v. Borowski, 461 Mass. 415, 423 (2012). See also Cohen v. California, 403 U.S. 15, 20 (1971) (fighting words are "personally abusive epithets which, when addressed to the ordinary citizen, are, as a matter of common knowledge, inherently likely to provoke violent reaction"). We have also explained that "the fighting words exception [to free speech] is 'an extremely narrow one.'" O'Brien, *supra*, quoting Johnson v. Campbell, 332 F.3d 199, 212 (3d Cir. 2003). We further emphasize that elected officials are expected to be able to respond to insulting comments about their job performance without violence. See Commonwealth v. Bigelow, 475 Mass. 554, 562 (2016) ("personal insults and allegations concerning [selectman's] alleged criminal past" were "constitutionally protected political speech" because "central thrust is criticism of him as a selectman"). Although not presented in the instant case, we recognize that fighting words from one public speaker may trigger a disturbance from another

In addition, the plaintiffs' allegations plausibly suggest that Barron's rights were interfered with via threats, intimidation, or coercion. Kolenda's response is not fully captured by the video recording, but, accepting the plaintiffs' account as true, Kolenda told Barron to stop speaking, started screaming at her, and threatened to have her removed from the meeting in response to her protected speech. If this is proved at trial, she could establish a violation of the MCRA. See Batchelder v. Allied Stores Corp., 393 Mass. 819, 823 (1985) ("sufficient intimidation or coercion" where "security officer ordered [plaintiff] to stop soliciting and distributing his political handbills"); Sarvis v. Boston Safe Deposit & Trust Co., 47 Mass. App. Ct. 86, 93 (1999) (third element of MCRA satisfied where "defendants attempted to interfere with the plaintiffs' right to a summary process hearing by threatening them with arrest and then bringing about their arrests").

On the facts alleged, Kolenda is also not entitled to qualified immunity. As we have explained: "[G]overnment officials performing discretionary functions, generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have

member of the public, which may require action by government officials.

known." LaChance v. Commissioner of Correction, 463 Mass. 767, 777 (2012), S.C., 475 Mass. 757 (2016), quoting Rodrigues v. Furtado, 410 Mass. 878, 882 (1991). More specifically, "[a] right is only clearly established if, at the time of the alleged violation, 'the contours of the right allegedly violated [were] sufficiently definite so that a reasonable official would appreciate that the conduct in question was unlawful.'" LaChance, supra, quoting Longval v. Commissioner of Correction, 448 Mass. 412, 419 (2007). Nevertheless, "it is not necessary for the courts to have previously considered a particular situation identical to the one faced by the government official." Caron v. Silvia, 32 Mass. App. Ct. 271, 273 (1992). "It is enough, rather, that there existed case law sufficient to clearly establish that, if a court were presented with such a situation, the court would find that the plaintiff's rights were violated." Id., quoting Hall v. Ochs, 817 F.2d 920, 925 (1st Cir. 1987). In the instant case, the contours of the rights are sufficiently clear, and a reasonable public official would understand that his response to the exercise of those rights was unlawful.

As discussed supra, the "full and free" discussion in town meetings protected by art. 19 has a long and distinguished history in Massachusetts. Fuller, 224 Mass. at 178. It is also well established that restrictions on the content of political

speech must be "necessary to serve a compelling [S]tate interest and . . . narrowly drawn to achieve that end" to satisfy the requirements of art. 16, Opinion of the Justices, 436 Mass. at 1206, and that viewpoint discrimination is absolutely prohibited, Rosenberger, 515 U.S. at 829.

At a public comment session in a meeting of the board, a resident of the town thus clearly has the right to accurately complain about violations of law committed by town officials and object to other town actions, including its spending practices, and to express her views vehemently, critically, and personally to the government officials involved. Such a right is clearly protected by art. 19 as well as art. 16 for the reasons discussed supra. When a government official responds to a resident's exercise of those rights by accusing her of slandering the board, screaming at her, and threatening her physical removal, it should be clear to him that his conduct is unlawful. Thus, there is no basis for qualified immunity.

Conclusion. The order of judgment on the pleadings is reversed, and the case is remanded for further proceedings consistent with this opinion, including entry of a judgment declaring that the town's public comment policy is unconstitutional.

So ordered.



CITY COUNCILNo. C0059-24

IN THE YEAR TWO THOUSAND AND TWENTY-FOUR

**AN ORDER TO AMEND THE CITY COUNCIL’S PUBLIC PARTICIPATION RULES
TO BRING THEM IN-LINE WITH A RECENT MASSACHUSETTS SUPREME
JUDICIAL COURT RULING**

/s/Councilor Robert J. Van Campen, as President

Whereas: Section 2-6(c)(i) of the City of Everett Home Rule Charter requires regular meetings of the city council to have a period of public comment, provided; however, that the city council may promulgate rules that regulate such period of public comment as deemed appropriate; and

Whereas: City Council rules are used by the Everett City Council to regulate its procedures including public comment (Rule 10); and

Whereas: Last year, the Massachusetts Supreme Judicial Court issued a ruling that deemed certain portions of the public participation rules used for a meeting of the Southborough Town Council were unconstitutional; and

Whereas: Portions of the Everett City Council rules that regulate public participation at their meetings are very similar to the Southborough Town Council Rules that were deemed to be unconstitutional.

Now, therefore, by the authority granted to the City Council of the City of Everett, Massachusetts by its City Charter to adopt rules regulating its procedures:

Be it Ordered by the City Council of the City of Everett, Massachusetts that Rule 10 of the Rules of the Everett City Council of Everett be amended as follows:

Subsection A of Rule 10 is hereby amended by deleting the phrase “formal session” and replacing it with the phrase "regular and special meeting”; and

Subsection K of Rule 10 is hereby amended by deleting the current text of the subsection in its entirety and replacing it with a new version of the subsection text as follows:

“Public participation shall be conducted in an orderly and peaceable manner. While all public comments made may be uninhibited, robust and wide-open, civility is encouraged.”: and

Subsection L of Rule 10 is hereby amended by deleting the current text of the subsection in its entirety and resequencing the subsequent subsections accordingly: and

The newly re-sequenced Subsection M of Rule 10 is hereby amended by deleting the current text of the subsection in its entirety and replacing it with a new version of the subsection text as follows:

“With the president as the sole judge, no member of the public shall be allowed to disrupt any public participation speaker. Anyone continuing to disrupt a public participation speaker may be removed from the meeting after one (1) or more verbal warnings from the president.”

This act shall take effect upon its passage.

A true copy attest



A handwritten signature in black ink that reads "Sergio Cornelio". The signature is written in a cursive style.

Sergio Cornelio, City Clerk

CITY COUNCIL RULES

RULE 10: **Public participation.**

- A.** Each regular and special meeting of the city council shall include a period of public participation not to exceed thirty (30) minutes. If the public participation period reaches its allotted time limit, the current speaker will be notified by the chair and they will be allowed to complete their remarks. Before a motion to close public participation is made, any councilor may make a motion to extend the public participation period. However, if extended, public participation must be tabled until after the completion of all other city business on the meeting's agenda and will only be removed from the table prior to the adjournment of the meeting.
(C0240-22, C0348-22)
- B.** Types of Public Participation Allowed at Different Meeting Types
1. At regular meetings of the city council, the subject matter of public participation shall not be limited to the items before the city council at the present meeting. However, public participation shall be split into two separate sections.
 1. The first section of public participation shall be limited to those speakers wishing to speak on items that appear on that meeting's agenda. Those speakers shall be heard first.
 2. The second section of public participation, called general public participation, shall include speakers who wish to speak on items that do not appear on that meeting's agenda.
 1. The topics for discussion under this general public participation shall be limited to those items within the city council's scope of authority.
 2. Comments and complaints regarding city council members or city personnel are prohibited unless those comments and complaints concern matters within the city council's scope of authority.
- (C0348-22)
2. At any special meeting of the city council, the subject matter of public participation shall be limited to the subject matter of the present special meeting.
- C.** For the purpose of this rule, the term "public" shall be construed to mean any member of the public at large and not limited as to restrict any individual from participation.
- D.** Prior to the start of the formal session of the city council, each member of the public wishing to speak during public participation shall sign-in using the correct sign-in sheet for the topic(s) upon which they wish to speak.
1. Both sign-in sheets shall require the speaker's name and address.
 2. The sign-in sheet for items that appear on the agenda shall require the agenda item number(s) or a brief description of the agenda item(s) on which the speaker wishes to speak.

CITY COUNCIL RULES

3. The sign-in sheet for topics that do not appear on the agenda shall require a brief description of the topic(s) on which the speaker wishes to speak.
4. If a speaker wishes to speak on both items that appear on the agenda and on other topics, they should sign-in on both public participation sign-in sheets.

(C0348-22)

- E.** Each member of the public shall be limited to no more than two (2) minutes of participation without unanimous consent of the members present. Large groups should designate a spokesperson to speak on a particular issue.
- F.** This rule does not limit or replace the provisions of Rule 16, which remains in full effect.
- G.** Participants shall address all comments to the president.
- H.** Participants shall not promote or oppose any candidate running for office.
- I.** Participants shall not use public participation for political purposes.
- J.** Participants shall not advertise for commercial purposes or private gain.
- K.** Public participation shall be conducted in an orderly and peaceable manner. While all public comments made may be uninhibited, robust and wide-open, civility is encouraged.
(C0348-22, C0059-24)
- L.** With the president as the sole judge, any participant who during the agenda only section of public participation speaks on matters that are not on the meeting's agenda will receive one (1) verbal warning of such and will be asked to add their name to the sign-in sheet for the other section of public participation. With the president's sole judge, if the participant continues to speak off the allowed subject matter, they will be asked to immediately cease their comments and return to the audience.
(C0348-22)
- M.** With the president as the sole judge, no member of the public shall be allowed to disrupt any public participation speaker. Anyone continuing to disrupt a public participation speaker may be removed from the meeting after one (1) or more verbal warnings from the president.
(C0059-24)
- N.** This rule shall be posted in the chambers for public viewing and understanding of rules.

CITY COUNCIL RULES

RULE 10: **Public participation.**

- A. Each ~~formal session~~regular and special meeting of the city council shall include a period of public participation not to exceed thirty (30) minutes. If the public participation period reaches its allotted time limit, the current speaker will be notified by the chair and they will be allowed to complete their remarks. Before a motion to close public participation is made, any councilor may make a motion to extend the public participation period. However, if extended, public participation must be tabled until after the completion of all other city business on the meeting's agenda and will only be removed from the table prior to the adjournment of the meeting.

(C0240-22, C0348-22)

B. Types of Public Participation Allowed at Different Meeting Types

1. At regular meetings of the city council, the subject matter of public participation shall not be limited to the items before the city council at the present meeting. However, public participation shall be split into two separate sections.

1. The first section of public participation shall be limited to those speakers wishing to speak on items that appear on that meeting's agenda. Those speakers shall be heard first.

2. The second section of public participation, called general public participation, shall include speakers who wish to speak on items that do not appear on that meeting's agenda.

1. The topics for discussion under this general public participation shall be limited to those items within the city council's scope of authority.

2. Comments and complaints regarding city council members or city personnel are prohibited unless those comments and complaints concern matters within the city council's scope of authority.

(C0348-22)

2. At any special meeting of the city council, the subject matter of public participation shall be limited to the subject matter of the present special meeting.

- C. For the purpose of this rule, the term "public" shall be construed to mean any member of the public at large and not limited as to restrict any individual from participation.

- D. Prior to the start of the formal session of the city council, each member of the public wishing to speak during public participation shall sign-in using the correct sign-in sheet for the topic(s) upon which they wish to speak.

1. Both sign-in sheets shall require the speaker's name and address.

2. The sign-in sheet for items that appear on the agenda shall require the agenda item number(s) or a brief description of the agenda item(s) on which the speaker wishes to speak.

CITY COUNCIL RULES

3. The sign-in sheet for topics that do not appear on the agenda shall require a brief description of the topic(s) on which the speaker wishes to speak.
4. If a speaker wishes to speak on both items that appear on the agenda and on other topics, they should sign-in on both public participation sign-in sheets.

(C0348-22)

- E. Each member of the public shall be limited to no more than two (2) minutes of participation without unanimous consent of the members present. Large groups should designate a spokesperson to speak on a particular issue.
- F. This rule does not limit or replace the provisions of Rule 16, which remains in full effect.
- G. Participants shall address all comments to the president.
- H. Participants shall not promote or oppose any candidate running for office.
- I. Participants shall not use public participation for political purposes.
- J. Participants shall not advertise for commercial purposes or private gain.

~~K. ParticipantsPublic participation shall not make personal attacks on or make any accusatory statements against any city council members or other elected or appointed city officials.~~

~~L-K. Commentsbe conducted in an orderly and complaints regarding city council members or city personnel are prohibited unless thosepeaceable manner. While all public comments made may be uninhibited, robust and complaints concern matters within the scope of the city council authoritywide-open, civility is encouraged.~~

(C0348-22, C0059-24)

~~M-L. With the president as the sole judge, any participant who during the agenda only section of public participation speaks on matters that are not on the meeting's agenda will receive one (1) verbal warning of such and will be asked to add their name to the sign-in sheet for the other section of public participation. With the president's sole judge, if the participant continues to speak off the allowed subject matter, they will be asked to immediately cease their comments and return to the audience.~~

(C0348-22)

~~N. Anyone making out of order comments or acting in an unruly manner shall be subject to removal from the meeting.~~

~~M. With the president as the sole judge, no member of the public shall be allowed to disrupt any public participation speaker. Anyone continuing to disrupt a public participation speaker may be removed from the meeting after one (1) or more verbal warnings from the president.~~

(C0059-24)

~~O-N. This rule shall be posted in the chambers for public viewing and understanding of rules.~~



C0060-24

To: Mayor and City Council

From: Councilor Stephanie Martins

Date: February 12, 2024

Agenda Item:

That the CFO provide an update on the formation of the Municipal Scholarship Committee and its potential activation for the graduating class of 2024

Background and Explanation:

Attachments:



C0061-24

To: Mayor and City Council
From: Councilor Stephanie Martins
Date: February 12, 2024

Agenda Item:

That the administration/Anser provide an update on the application process for ARPA funding for local organizations

Background and Explanation:

Attachments:



C0062-24

To: Mayor and City Council

From: Councilor Stephanie Martins

Date: February 12, 2024

Agenda Item:

An Ordinance Amending Section 32 of the Zoning Ordinances. (Inclusionary Zoning)

Background and Explanation:

Attachments:



C0063-24

To: Mayor and City Council

From: Councilor Stephanie Martins

Date: February 12, 2024

Agenda Item:

That 2 hour parking spots be added to the first block of Lexington St at the request of business owners on Broadway/Lexington St

Background and Explanation:

Attachments:



C0064-24

To: Mayor and City Council
From: Councilor Stephanie Martins
Date: February 12, 2024

Agenda Item:

That the cleanliness of tree pits be considered year round

Background and Explanation:

Attachments:



C0065-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

An ordinance reducing the lead time required to advertise a City Council public hearing on a proposed zoning ordinance amendment

Background and Explanation:

Attachments:

SECTION 12. AMENDMENTS.

The council may from time to time, after publishing notice and hearing, amend, supplement or change these regulations or districts as provided by statute. Upon petition of any party or parties interested, the city council may amend these regulations, after a public hearing has been held, notice of which shall be published at least thirty (30) days before the date of the hearing, at the expense of the petitioner, in some newspaper published in Everett.

(End of Section)

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: MM/DD/2024

DATE OF PROPOSED ORDAINMENT: MM/DD/2024



CITY COUNCIL..... No. C0065-24

IN THE YEAR TWO THOUSAND AND TWENTY-FOUR

**AN ORDINANCE REDUCING THE LEAD TIME REQUIRED TO ADVERTISE A
CITY COUNCIL PUBLIC HEARING ON A PROPOSED ZONING ORDINANCE
AMENDMENT**

Councilor /s/ Robert J. Van Campen, as President

Whereas: The city’s zoning ordinance currently requires a City Council public hearing on a proposed zoning ordinance amendment to be advertised at least thirty (30) days before the date of the hearing; and

Whereas: State law (MGL Chapter 40A, Section 5) requires a Planning Board public hearing on a proposed zoning ordinance amendment to be advertised no less than fourteen (14) days before the date of the hearing; and

Whereas: Most public hearings held by the City Council are required to be advertised for no more than fourteen (14) days before the date of the hearing; and

Whereas: Since there does not appear to be a good reason for a City Council public hearing on a zoning amendment to be advertised so far in advance; it makes sense to bring this publishing requirement in-line with similar requirements.

Now, therefore, by the authority granted to the City Council of the City of Everett, Massachusetts to make and amend ordinances:

Be it Ordained by the City Council of the City of Everett, Massachusetts that Appendix A, Section 12, Amendments of the Revised Ordinances of the City of Everett is hereby amended as follows:

Section 12 is hereby amended by replacing the phrase “thirty (30)” with the phrase “fourteen (14)”.

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

SECTION 12. AMENDMENTS.

The council may from time to time, after publishing notice and hearing, amend, supplement or change these regulations or districts as provided by statute. Upon petition of any party or parties interested, the city council may amend these regulations, after a public hearing has been held, notice of which shall be published at least fourteen (14) days before the date of the hearing, at the expense of the petitioner, in some newspaper published in Everett.

(C0065-24)

(End of Section)

SECTION 12. AMENDMENTS.

The council may from time to time, after publishing notice and hearing, amend, supplement or change these regulations or districts as provided by statute. Upon petition of any party or parties interested, the city council may amend these regulations, after a public hearing has been held, notice of which shall be published at least ~~thirty~~ fourteen (14) days before the date of the hearing, at the expense of the petitioner, in some newspaper published in Everett.

(C0065-24)

(End of Section)



C0066-24

To: Mayor and City Council

From: Councilor Peter Pietrantonio, Councilor Robert J. Van Campen

Date: February 12, 2024

Agenda Item:

That the administration provide an update on the process of hiring a new chief of police

Background and Explanation:

Attachments:



C0067-24

To: Mayor and City Council

From: Councilor Peter Pietrantonio

Date: February 12, 2024

Agenda Item:

That the DPW Director or his designee, and the EHS Fottball Coach appear at the next meeting to discuss the replacement of the turf field at Everett Stadium

Background and Explanation:

Attachments:

C0069-24

To: Mayor and City Council**From: Councilor Peter Pietrantonio****Date: February 12, 2024**

Agenda Item:

That the Transportation Director provide an update on how many trucks have got hung up on the roundabout at Ferry Street & Chelsea Street since it's been installed

Background and Explanation:

As this was a federally funded project, the design was managed by MassDOT. Through their design process, they required the removal of the signal and installation of the roundabout based on the traffic flow of size and capacity of the surrounding roads. Separately they also required the removal of two other traffic lights at Union Street and Springvale Ave as they did not meet "warrants."

The trucks that have gotten stuck are larger than what MassDOT considers to be allowable for the roads at that intersection. The roundabout is designed to accommodate a standard 50-foot tractor trailer. The vehicles that have gotten stuck were all significantly larger than that. We are having conversations with MassDOT currently about revising the design to allow for the occasional oversized truck without the vehicle becoming stuck

Attachments:



C0076-24

To: Mayor and City Council
From: Councilor Robert J. Van Campen
Date: February 12, 2024

Agenda Item:

That the City Clerk provide a detailed summary of those positions in the City of Everett and the Everett Public Schools that have been designed by the Everett City Council with Special Municipal Employee status pursuant to G.L. c. 268A, and offer recommendations as to which designations are appropriate for rescission as being no longer necessary

Background and Explanation:

Attachments:



C0077-24

To: Mayor and City Council

From: Councilor Holly D. Garcia

Date: February 12, 2024

Agenda Item:

That the Administration provide an update on the reconstruction of the Smith Playground aka Central Ave Park

Background and Explanation:

Attachments:



C0087-24

To: Mayor and City Council
From: Councilor Guerline Alcy Jabouin
Date: February 12, 2024

Agenda Item:

A resolution requesting information responding to residents' concerns regarding infrastructure improvements, particularly related to water, wastewater, and sewage services.

Background and Explanation:

Can the current infrastructure support the addition of thousands of apartments being built in the city. These improvements are crucial to support the addition of thousands of apartments and accommodate a population increase of over 30 percent within a short time frame. Additionally, the resolution seeks a comprehensive report on past, ongoing, approved, and pending infrastructure projects, including those awaiting approval from the Planning Board for water and sewer connection permits issued.

Attachments:



C0088-24

To: Mayor and City Council
From: Councilor Guerline Alcy Jabouin
Date: February 12, 2024

Agenda Item:

A resolution asking the administration to submit all costs associated with the old Everett High School (Utilities, maintenance, heat, insurance, etc.) and all funds allocated to maintain it.

Background and Explanation:

Attachments: