



**AGENDA PACKET**

**REGULAR MEETING OF THE CITY COUNCIL  
MONDAY, FEBRUARY 26, 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 26, 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. **C0090-24** Public Hearing/s/ Councilor Robert J. Van Campen, as President  
A petition from National Grid requesting to install approximately 5 – 7' of 2 – 3" conduit from existing pole #1381 under the sidewalk to the property at 14 Baldwin Avenue
2. **C0091-24** Public Hearing/s/ Councilor Robert J. Van Campen, as President  
A petition from National Grid requesting to install approximately 75' of 2 – 4" conduit from existing pole #2161 underground to a customer owned manhole #170 at 380 Second Street

#### PUBLIC PARTICIPATION

#### COMMUNICATIONS FROM HIS HONOR THE MAYOR

3. **C0089-24** Order/s/ Councilor Robert J. Van Campen, as President  
An order requesting approval to accept and expend a donation from the Members Plus Credit Union of eight gift cards at \$25.00 each, totaling \$200.00 to be used as prizes for the Black History Month Basketball event at the Recreation Center on February 17, 2024
4. **C0099-24** Order/s/ Councilor Robert J. Van Campen, as President  
An order requesting approval for the Everett Police Department to execute a contract with Equature for a period of five (5) years for the purpose of servicing and maintaining E-911 Dispatch Equipment

**PETITIONS AND LICENSES**

**5. C0094-24** Petition/s/ Councilor Robert J. Van Campen, as President

A petition requesting the renewal of a lodging house license for the Prescott House at 36 Church Street

**6. C0095-24** Petition/s/ Councilor Robert J. Van Campen, as President

A petition requesting the renewal of a innholder license for Broadway & Main Hotel at 13 School Street

**7. C0096-24** Petition/s/ Councilor Robert J. Van Campen, as President

A petition requesting the renewal of a special license for extended hours of operation for Love Hot Dog Buffett INC. at 1865 Revere Beach Parkway

**8. C0097-24** Petition/s/ Councilor Robert J. Van Campen, as President

A petition requesting a new mechanical repair license for Emporium Auto Body Shop Inc. at 367 3<sup>rd</sup> Street

**9. C0098-24** Petition/s/ Councilor Robert J. Van Campen, as President

A petition requesting a new class two motor vehicle dealer license for Emporium Auto Body Shop Inc. at 367 3<sup>rd</sup> Street

**COMMITTEE REPORTS**

**10. C0015-24** Resolution/s/ Councilor Stephanie Martins

That the appropriate representative appear at the next meeting to discuss how the Supplemental Final Environmental Impact Report (SFEIR) for Encore Boston Harbor (EEA #15060), submitted by Wynn regarding the design, funding, and construction of the Mystic River Bridge will the impact Everett

**11. C0011-24** Resolution/s/ Councilor Stephanie V. Smith, Councilor Stephanie Martins

That the City Council adopts an annual performance review for their employees

**12. C0030-24** Order/s/ Robert J. Van Campen, as President

An order requesting the confirmation of the re-appointment of Rebecca Edmondson-Korom, Esq., as a member, to the Zoning Board of Appeals for a term of three (3) years, expiring January 31, 2027.

**13. C0031-24** Order/s/ Robert J. Van Campen, as President

An order requesting the confirmation of the re-appointment of Derek Shooster, as an Associate Member, to the Zoning Board of Appeals for a term of three (3) years, expiring January 31, 2027.

**14. C0035-24** Order/s/ Robert J. Van Campen, as President

An order requesting the confirmation of the re-appointment of James Booker to the Disability Commission for a term of three (3) years expiring January 31, 2027

**15. 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 \$50,000.00 & BLS-1 Operating Funds \$65,000.00

**16. 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

**17. 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.

**18. 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

**19. 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

**20. 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.

## **UNFINISHED BUSINESS**

**21. C0014-24** Resolution/s/ Councilor Stephanie Martins & the Entire City Council

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

**22. C0041-24** Resolution/s/ Councilor Anthony DiPierro

That The Administration take the necessary steps to ensure construction of the Fuller Street speed tables can commence once weather permits

**23. C0042-24** Resolution/s/ Councilor Anthony DiPierro

That The Administration provide an update on the long awaited reconstruction of The Arthur Nelson aka Fuller Street Playground

**24. 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



**25. 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.

**26. 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.

**27. 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

**28. C0061-24** Resolution/s/ Councilor Stephanie Martins

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

**29. C0066-24** Resolution/s/ Councilor Peter Pietrantonio, Councilor Robert J. Van Campen, Councilor Stephanie Martins

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

**NEW BUSINESS**

**30. C0093-24** Resolution/s/ Councilor Katy L. Rogers

That senior residents, or those with disabilities, be able to call 311 to request free house address numbers from the Fire Department

**MAINTENANCE REQUESTS**

**A. Councilor Holly D. Garcia**

Requesting that a mirror be placed at the intersection of Bradford Street and Hancock Street so cars can see the oncoming traffic from Hancock Street

**ADJOURNMENT**

[www.cityofeverett.com](http://www.cityofeverett.com)

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

Respectfully submitted:

**Michael J. Mangan**

Legislative Aide





C0090-24

---

**To:** Mayor and City Council  
**From:** Councilor Robert J. Van Campen  
**Date:** February 26, 2024

---

**Agenda Item:**

A petition from National Grid requesting to install approximately 5 – 7' of 2 – 3" conduit from existing pole #1381 under the sidewalk to the property at 14 Baldwin Avenue

**Background and Explanation:**

**Attachments:**



February 2, 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 – Zylmar Garcia 508-353-2444

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: Baldwin Ave - Everett - Massachusetts.

The following are the streets and highways referred to:

Plan # 30851219 Baldwin Ave - National Grid to install beginning at a point approximately 150 feet east of the centerline of the intersection of Valley St and continuing approximately 6 feet in a north direction. Customer to install approximately 5-7' of 2-3" conduit across sidewalk to property (0/14 Baldwin Ave).

Location approximately as shown on plan attached.

Massachusetts Electric Company d/b/a

NATIONAL GRID *Bob Coulter*

BY \_\_\_\_\_

Engineering Department

Dated: February 2, 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 2nd day of February, 2024.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – Baldwin Ave - Everett - Massachusetts. Plan # 30851219.

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

Baldwin Ave - National Grid to install beginning at a point approximately 150 feet east of the centerline of the intersection of Valley St and continuing approximately 6 feet in a north direction. Customer to install approximately 5-7' of 2-3" conduit across sidewalk to property (0/14 Baldwin Ave).

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 on .....20....., 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 2nd day of February, 2024.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – Baldwin Ave - Everett - Massachusetts. Plan # 30851219.

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

Baldwin Ave - National Grid to install beginning at a point approximately 150 feet east of the centerline of the intersection of Valley St and continuing approximately 6 feet in a north direction. Customer to install approximately 5-7' of 2-3" conduit across sidewalk to property (0/14 Baldwin Ave).

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

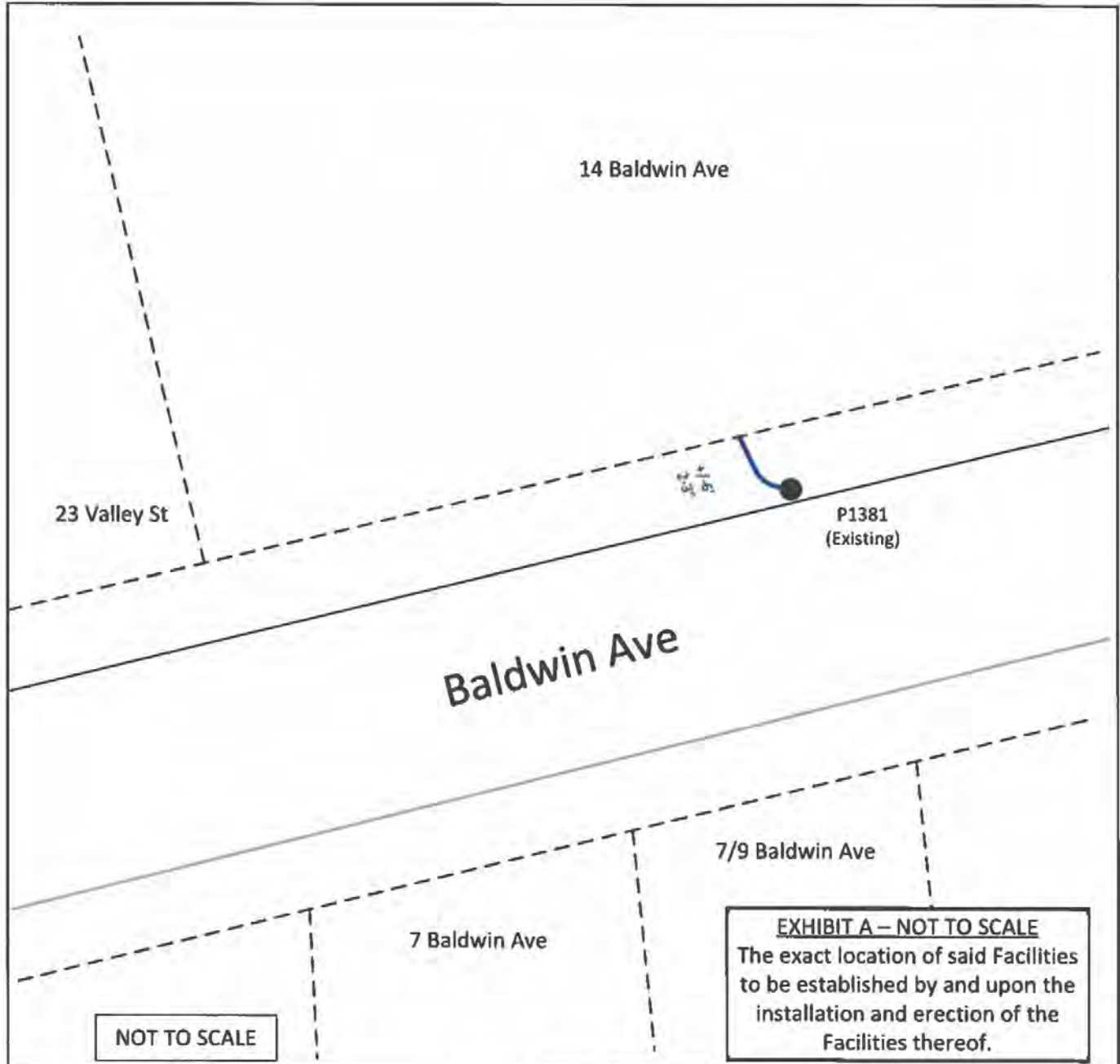
Received and entered in the records of location orders of the City/Town of  
Book ..... Page .....

Attest:  
.....

..... hereby certify that on .....20....., 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.

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





NOT TO SCALE

**EXHIBIT A – NOT TO SCALE**  
 The exact location of said Facilities to be established by and upon the installation and erection of the Facilities thereof.

<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li> Pole</li> <li> Existing</li> <li> UG Conduit/Cable</li> <li> Proposed</li> <li> Property Line</li> </ul>		<p><b>Petition Sketch</b></p>		<p>Date: 09/25/2023</p>
		<p>0/14 Baldwin Ave</p>		<p>Designer: GARCIZ</p>
		<p>Everett, MA</p>		<p>W/R: 30851219</p>
<p>SKETCH TO ACCOMPANY EASEMENT:</p>				





C0091-24

---

**To:** Mayor and City Council  
**From:** Councilor Robert J. Van Campen  
**Date:** February 26, 2024

---

**Agenda Item:**

A petition from National Grid requesting to install approximately 75" of 2 – 4" conduit from existing pole #2161 underground to a customer owned manhole #170 at 380 Second Street

**Background and Explanation:**

**Attachments:**

**nationalgrid**

February 15, 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 – Alex Yatzus 978-725-1392

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: 2<sup>nd</sup> St - Everett - Massachusetts.

The following are the streets and highways referred to:

Plan # 30742492 2<sup>nd</sup> St - National Grid to install approximately ~75', 2-4" PVC conduits from Pole # 2161 to customer owned manhole #170.

Location approximately as shown on plan attached.

Massachusetts Electric Company d/b/a

NATIONAL GRID *Bob Coulter*

BY \_\_\_\_\_

Engineering Department

Dated: February 15, 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 15th day of February, 2024.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – 2<sup>nd</sup> St - Everett - Massachusetts. Plan # 30742492.

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

2<sup>nd</sup> St - National Grid to install approximately ~75', 2-4" PVC conduits from Pole # 2161 to customer owned manhole #170.

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 on .....20....., 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 15th day of February, 2024.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – 2<sup>nd</sup> St - Everett - Massachusetts. Plan # 30742492.

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

2<sup>nd</sup> St - National Grid to install approximately ~75', 2-4" PVC conduits from Pole # 2161 to customer owned manhole #170.

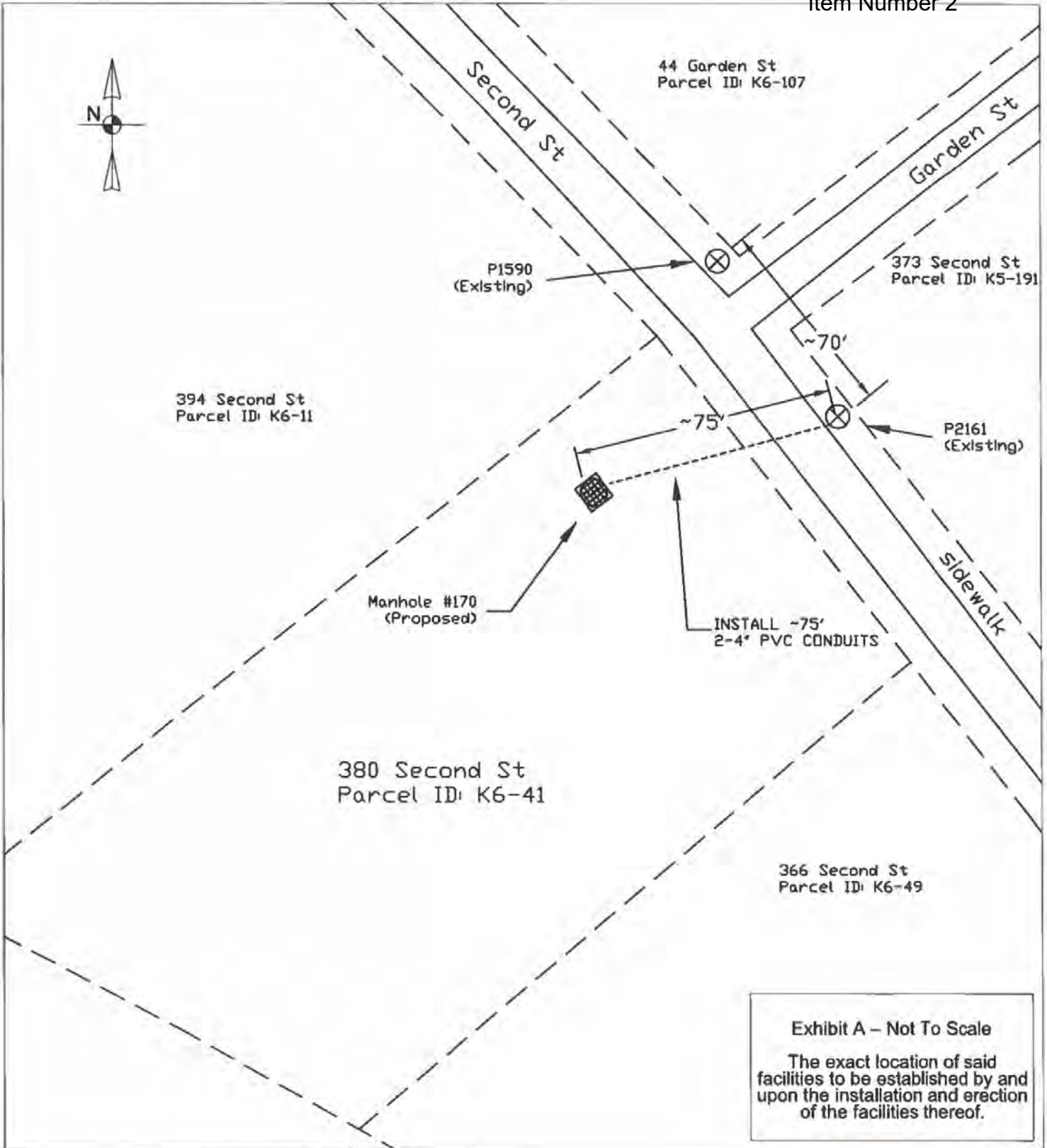
I hereby certify that the foregoing order was adopted at a meeting of the .....  
.....  
....., held on the ..... day of ....., 20 .....  
....., ..... 20 .....

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

Attest:  
.....

..... hereby certify that on .....20....., 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.

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



**UNDERGROUND PETITION**



LEGEND	----	Conduit	⊗	Existing Pole
	---	Property Line	■	New MH
	—	Road Edge		

Date: 2/13/2024 To Accompany Petition Dated:

Plan Number: 30742492-1 To The: City Of Everett

For Proposed: SO Pole: N/A Location: Second St

Date Of Original Grant:

**DISTANCES ARE APPROXIMATE**





C0089-24

---

**To:** Mayor and City Council  
**From:** Councilor Robert J. Van Campen  
**Date:** February 26, 2024

---

**Agenda Item:**

An order requesting approval to accept and expend a donation from the Members Plus Credit Union of eight gift cards at \$25.00 each, totaling \$200.00 to be used as prizes for the Black History Month Basketball event at the Recreation Center on February 17, 2024

**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](mailto:mayorcarlo.demaria@ci.everett.ma.us)

---

February 12, 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 from the Members Plus Credit Union of eight gift cards at \$25.00 each, totaling \$200.00 to be used as prizes for the Black History Month Basketball event at the Recreation Center on February 17, 2024.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria  
Mayor





February 12, 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 donation from the Members Plus Credit Union of eight gift cards at \$25.00 each, totaling \$200.00 to be used as prizes for the Black History Month Basketball event at the Recreation Center on February 17, 2024.



C0099-24

---

**To:** Mayor and City Council  
**From:** Councilor Robert J. Van Campen  
**Date:** February 26, 2024

---

**Agenda Item:**

An order requesting approval for the Everett Police Department to execute a contract with Equature for a period of five (5) years for the purpose of servicing and maintaining E-911 Dispatch Equipment

**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](mailto:mayorcarlo.demaria@ci.everett.ma.us)

---

February 21, 2024

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

Dear Honorable Members:

I hereby submit for your consideration an order requesting approval for the Everett Police Department to execute a contract with Equature for a period of five (5) years for the purpose of servicing and maintaining E-911 Dispatch Equipment.

I recommend your favorable passage of this order.

Respectfully submitted,

Carlo DeMaria  
Mayor



February 21, 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:

Requesting approval for the Everett Police Department to execute a contract with Equature for a period of five (5) years for the purpose of servicing and maintaining E-911 Dispatch Equipment.

## EQUATURE TERMS OF AGREEMENT

Customer Name: Everett Police Department

Address: 45 Elm Street, Everett, MA 02149

Contract Number: C20231103-112025826

### Payment Structure:

Year 1:	\$13,857.30
Year 2:	\$2,438.53
Year 3:	\$2,438.53
Year 4:	\$2,438.53
Year 5:	\$2,438.53

Equature (hereunder referred to as "PROVIDER"), upon acceptance of this Agreement by an authorized officer of its corporation, agrees to furnish to the above-designated entity (hereinafter referred to as "CUSTOMER") under the terms and conditions contained herein, maintenance and service on the listed equipment.

### I. Terms of Agreement

- a) The PROVIDER agrees to provide turn-key services as outlined in the Scope of Work, including all required hardware, software, maintenance, support, warranty and monitoring to the CUSTOMER for a period of five (5) years starting 1/15/2024 (Effective Date) through 1/14/2029 (End Date).
- b) CUSTOMER agrees that this purchase is a designated fully funded project with full award and payments directed to PROVIDER. PROVIDER is accepting multi-annual payments to facilitate the purchase. Under no circumstances, less than a breach of this agreement by PROVIDER, does PROVIDER forgo the amount owed and due in its entirety, at PROVIDER'S sole discretion. This agreement and its due payments are not predicated upon any changes in CUSTOMER'S organizational status, alignments, personnel changes, or any changes not defined herein. At any time that a due payment becomes late, past 30 days, PROVIDER will demand that the remaining balance is immediately paid in full.

### II. PAYMENT TERMS

- a) The CUSTOMER shall make annual payments in equal installments for the entire duration of the Agreement.
- b) Payments shall be due within [30] days of the invoice date provided by the PROVIDER.
- c) The payment amount for each year will be locked in at the beginning of the Agreement and shall not be subject to any increase throughout the five (5) year period provided the Scope of Work does not change.

- d) CUSTOMER agrees to pay the amount of \$12,357.30 (Annual Dues) plus \$1,500.00 (Professional Services Fee) due in full upon receipt of equipment and \$2,438.53 annually on the anniversary of the Effective Date.
- e) The term of this Agreement shall be for five (5) years from the Effective Date.
- f) Total not to exceed: \$23,611.42 over the 5-year term of the Agreement.

### III. Maintenance Agreement Charge

- a) This Maintenance Agreement charge is payable annually in advance at the beginning of each term. The Agreement price shall remain fixed during the initial period (5 years).
- b) Charges include unlimited calls for remote support, available 24 X7, with a 4-hour response time, Equature software updates, remote access, remote alerts, all parts, and labor not excluded in section c or d.
- c) Charges do not include consumable, expendable, supply items, such as, CD disks, or External Archive Drives. The use of supplies other than those recommended by PROVIDER may cause adverse equipment performance. Maintenance required to correct inadequate performance or equipment malfunctions caused by inferior supplies shall be charged to the CUSTOMER at the current hourly maintenance rates.
- d) Charges do not include labor costs, installation charges, or equipment costs associated with system upgrades or changes to the PROVIDER configured system recommended or mandated by either party. Any changes to the PROVIDER configured systems, whether initiated by the CUSTOMER or third parties not authorized by PROVIDER and resulting in a malfunction, will be addressed by PROVIDER on a time and material basis. Additionally, onsite support configurations for changes made by the CUSTOMER or third parties not authorized by PROVIDER will incur charges on a time and material basis. Any malfunctions caused by the CUSTOMER, or third parties not authorized by PROVIDER will also be subject to charges on a time and material basis.
- g) The Provider is not responsible for any data loss that is caused by factors outside of its control, including but not limited to:
  - i. Acts of God, such as natural disasters, terrorist attacks, or war.
  - ii. Malicious attacks, such as hacking, ransomware, or data breaches.
  - iii. Technical problems, such as hardware failures or software errors caused by power outages or user error.
- e) The PROVIDER is not responsible for Microsoft Windows hot fixes, updates, and service packs. The PROVIDER is not responsible for anti-virus, anti-malware, and anti-spyware software. If the CUSTOMER encounters a virus the PROVIDER may assist at a cost and at the PROVIDERS discretion.
- f) All invoices are due and payable Net30.
- g) Failure to renew this agreement will result in the customer forfeiting their priority support status. All service and support activities will transition to a time and materials-based billing structure at the PROVIDER's prevailing hourly rates. Prior to initiating any analysis, troubleshooting, training, or other activities directly related to the PROVIDER's platform, the PROVIDER will require the customer to issue a purchase order based on the PROVIDER's estimate.
  - i. Time and materials-based support requests will be addressed on a first-come, first-served basis, with priority accorded to partners with active maintenance agreements.

- ii. Renewal options include both multi-year agreements and the option to establish a one-year maintenance agreement.

#### **IV. Maintenance of Equipment**

PROVIDER will furnish maintenance, technical support, and service for the recording system per the terms herein.

- a) Support Coverage: Support includes hardware, software, interfaces, and any custom integrations that were explicitly agreed to by PROVIDER as part of the original scope of work. Support does not extend to any custom integrations developed separately from the original agreement.
- b) Technical Support: PROVIDER will provide 24/7/365 technical support by phone at 888-305-3428 or email at support@equature.com. Upon notification of an equipment malfunction from the CUSTOMER, PROVIDER will assign a service technician to make necessary repairs. The customer shall permit the service technician free access to the equipment while making the repair, including relevant password for normal system use. Remote troubleshooting will be attempted first to resolve any issues. If unsuccessful, onsite support can be dispatched as needed. Any malfunctions caused by the CUSTOMER, or third parties not authorized by PROVIDER will be subject to charges on a time and material basis.
- c) Monitoring and Alerts: PROVIDER monitors the system in real-time from the PROVIDER Network Operations Centers and responds to alerts based on severity level. Critical failures are addressed immediately, high priority failures by the next business day, and standard failures within 2 business days.
- d) Maintenance Process: Issues are reported by CUSTOMER via phone or email and assigned a severity level by PROVIDER based on impact. PROVIDER troubleshoots issues, escalating to engineering or vendors as needed. Status updates are communicated throughout. Onsite visits are scheduled if required.
- e) Escalation: If PROVIDER support personnel are unable to diagnose and resolve the issue within a reasonable time, PROVIDER will escalate the Issue to its Engineering Department, or to the appropriate Vendor as determined by the nature of the Issue.

#### **V. Excusable Delays / Force Majeure**

PROVIDER shall not be liable or deemed in default for any delay or failure in performance under this Agreement or interruption of service resulting directly from acts of God, acts of government, war or national emergency, accident, fires, riots, strikes, labor disputes, action or inaction where action is required by the CUSTOMER, damage to or delay of equipment in route, or for any indirect or consequential damage for any delay or failure or performance under this Agreement.

#### **VI. Termination**

- a) Early termination by the CUSTOMER before the expiration of the full 5-year term will incur a penalty equal to 100% of the fees still outstanding for the remainder of the 5-year term, except in the case of a material breach by the PROVIDER.
- b) Either party may terminate this Agreement due to a material breach by the other party by following the procedures outlined in the Material Breach clause of this Agreement.

## **VII. Transfer of Maintenance Service**

If CUSTOMER relocates the equipment from the site shown herein, it shall be at the sole option of the PROVIDER to continue to provide maintenance under this Agreement, and this may result in additional cost to CUSTOMER. CUSTOMER should arrange for continuing maintenance with PROVIDER prior to relocation of equipment.

## **VIII. Assignment**

This Agreement may not be assigned, transferred, sublet, or pledged by the CUSTOMER without prior written consent of an authorized officer of the PROVIDER Corporation. However, this agreement may be assigned to an entity controlling, controlled by, or under common control with customer or any successor by merger.

## **IX. Warranty**

- a) The PROVIDER warrants that all hardware and software provided shall be free from defects in material and workmanship for the entire duration of this agreement.
- b) The PROVIDER shall promptly replace or repair any defective hardware or software at no additional cost to the Client during the warranty period.

## **X. Material Breach Clause**

In the event of a material breach of this Agreement by either party, the non-breaching party shall have the right to terminate this Agreement with immediate effect. A material breach shall be deemed to have occurred if any of the following events take place:

- a) Failure to Make Payments: The CUSTOMER fails to make any payment due under this Agreement, and such failure continues for a period of [90] days after receiving written notice from the PROVIDER.
- b) Non-Compliance with Terms: Either party fails to fulfil any material obligation or condition stipulated in this Agreement, and such failure continues for a period of [90] days after receiving written notice from the other party.
- c) Unauthorized Disclosure: Any unauthorized disclosure of confidential information by either party or its employees, agents, or representatives, which results in significant harm or damage to the other party.
- d) Substantial Impairment: Any act or omission that substantially impairs the rights or interests of the other party or prevents the fulfillment of the essential purpose of this Agreement.
- e) Violation of Laws or Regulations: Either party engages in any unlawful, fraudulent, or unethical activities that are in direct violation of applicable laws or regulations, and such violation has a material adverse effect on the other party.
- f) Breach of Warranty: The PROVIDER fails to remedy any defects in hardware or software provided under this Agreement, as stipulated in the warranty section, within a reasonable time after receiving written notice from the CUSTOMER.



**Notice of Breach:**

In the event of a material breach, the non-breaching party shall provide written notice to the breaching party specifying the nature of the breach and providing a reasonable opportunity for the breaching party to cure the breach. The breaching party shall have a period of [90] days from the receipt of the notice to remedy the breach.

**Termination:**

If the material breach is not cured within the specified cure period or if the breach is of such a nature that it cannot be reasonably cured, the non-breaching party shall have the right to terminate this Agreement immediately by providing written notice to the breaching party.

**Effect of Termination:**

Upon termination due to a material breach, the non-breaching party shall be relieved of any further obligations under this Agreement, except for any rights or remedies that have already accrued. The breaching party shall be liable for any damages incurred by the non-breaching party as a result of the material breach.

**No Waiver:**

The failure of either party to enforce any provision of this Agreement at any time shall not be deemed a waiver of that provision or any other provision, nor shall it be deemed a waiver of the right to enforce such provision in the future.

**XI. Governing Law**

This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan exclusive of its conflicts of law provisions.

**XII. Survival of Obligations**

All obligations accrued but unfulfilled prior to expiration or termination of this Agreement shall survive.

**XIII. Entire Agreement**

This document and the documents incorporated herein constitute the entire Agreement between the CUSTOMER and PROVIDER. This Agreement supersedes any prior proposals, agreements, commitments, or representations of any kind, whether oral or written, with respect to PROVIDER service.



IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date below.

PROVIDER:

Dictation Sales & Service dba Equature  
18311 W. 10 Mile Rd.  
Southfield, MI 48075

CUSTOMER:

Everett Police Department  
45 Elm Street  
Everett, MA 02149

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



C0094-24

---

**To:** Mayor and City Council  
**From:** Councilor Robert J. Van Campen  
**Date:** February 26, 2024

---

**Agenda Item:**

A petition requesting the renewal of a lodging house license for the Prescott House at 36 Church Street

**Background and Explanation:**

**Attachments:**



C0095-24

---

**To:** Mayor and City Council  
**From:** Councilor Robert J. Van Campen  
**Date:** February 26, 2024

---

**Agenda Item:**

A petition requesting the renewal of a innholder license for Broadway & Main Hotel at 13 School Street

**Background and Explanation:**

**Attachments:**



C0096-24

---

**To:** Mayor and City Council  
**From:** Councilor Robert J. Van Campen  
**Date:** February 26, 2024

---

**Agenda Item:**

A petition requesting the renewal of a special license for extended hours of operation for Love Hot Dog Buffett INC. at 1865 Revere Beach Pkwy

**Background and Explanation:**

**Attachments:**



C0097-24

---

**To:** Mayor and City Council  
**From:** Councilor Robert J. Van Campen  
**Date:** February 26, 2024

---

**Agenda Item:**

A petition requesting the renewal of a mechanical repair license for Emporium Auto Body Shop Inc. at 367 3<sup>rd</sup> Street

**Background and Explanation:**

**Attachments:**



C0098-24

---

**To:** Mayor and City Council  
**From:** Councilor Robert J. Van Campen  
**Date:** February 26, 2024

---

**Agenda Item:**

A petition requesting the renewal of a class two motor vehicle dealer license for Emporium Auto Body Shop Inc. at 367 3<sup>rd</sup> Street

**Background and Explanation:**

**Attachments:**



C0015-24

---

**To:** Mayor and City Council

**From:** Councilor Stephanie Martins

**Date:** January 22, 2024

---

**Agenda Item:**

That the appropriate representative appear at the next meeting to discuss how the Supplemental Final Environmental Impact Report (SFEIR) for Encore Boston Harbor (EEA #15060), submitted by Wynn regarding the design, funding, and construction of the Mystic River Bridge will the impact Everett

**Background and Explanation:**

**Attachments:**



#1-C0015-24

Government Operations, Public Safety & Public Service Committee  
February 8, 2024

The Committee on Government Operations, Public Safety & Public Service met on Monday, February 8, 2024 at 6pm in City Council Chambers.

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

Members present were Councilor Stephanie Martins, presiding and Councilors Peter Pietrantonio, Holly Garcia and Guerline Alcy Jabouin.

The Committee considered a Resolution offered by Councilor Stephanie Martins: That the appropriate representative appear at this meeting to discuss how the supplemental Final Environmental Impact Report (SFEIR) for Encore Boston Harbor (EEA #15060) submitted by Wynn Regarding the design, funding, and construction of the Mystic River Bridge will impact Everett.

Matt Lattanzi, Planning Director was also present.

Chairperson Martins noted that the first time she heard about this bridge was back in October 2021 when Governor Charlie Baker announced State funding for the bridge and since that time she has heard that other communities have had meetings pertaining to the bridge, but none were held in Everett. Mr. Lattanzi explained that the \$50 million construction of the bridge would be funded as a Capital Improvement by the Commonwealth with Wynn Encore funding the design which is currently going through the final review process. Mr. Lattanzi explained further that construction would start in 2025 and would be strictly a pedestrian/bike bridge connecting the MBTA station at Assembly to the Wynn Encore waterfront. Councilor Pietrantonio asked if motorized bikes would be allowed on the bridge and who would be responsible for maintaining the bridge. Mr. Lattanzi responded that as far as he knew only pedal bikes would be allowed and that the State would be responsible for maintaining the bridge. Councilor Pietrantonio asked if there would be any cost to City and Mr. Lattanzi assured him that there would be no cost to City. Councilor Pietrantonio asked what would be the benefit to the Everett people and Mr. Lattanzi explained that the connection to the MBTA station would help lessen traffic on lower Broadway. Councilor Jabouin inquired on how it would help residents in the Ferry street area and Mr. Lattanzi informed the Committee that eventually with the proposed East of Broadway project that there would be new transportation routes and bridges connecting lower Broadway to Second Street that would allow easier connection routes to other parts of the community. Councilor Garcia inquired if there would be any impact during construction of the bridge and Mr. Lattanzi responded no. Councilor Pietrantonio expressed concern about the traffic and public parking availability with all the proposed development for the east side of Broadway and Mr. Lattanzi informed him that there would be public parking and that there would be an extensive public hearing process on the proposals. Councilor Pietrantonio remarked that he didn't want to wake up one morning and find a highway was built over his house to access this area. Councilor Jabouin expressed concern that the communities of Cambridge and Somerville have already held meetings on the proposed bridge but not the City of Everett. Mr. Lattanzi explained that these communities have a large bike advocacy group that drives these types of discussions and mentioned that the City of Everett looking to create a pedestrian/bike advocacy group here. Councilor Jabouin stated that the City needs to do a better job of sharing information other than GOPSPS Committee - #1-C0015-24 - - 2/8/24

page 2

on Facebook. Chairperson Martins asked if the City of Everett had any say on the matter of the bridge being designed and constructed. Mr. Lattanzi reminded her that the State was funding the construction of the bridge and Wynn Encore was funding the design which is now in final review. Chairperson Martins mentioned the meetings that occurred in the other communities and referenced some of the comments from these meetings such as people felt that Encore should take on more of the financial burden of constructing the bridge, others felt that the bridge should be wider than what is being proposed in the design and she felt that there should be more community meetings pertaining to this bridge.

The Committee voted: To report back to the City Council with a recommendation to send Transportation Director Jay Monty a correspondence outlining some issues the City Council has with the construction of the bridge.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

# STREETS BLOG

USA NYC MASS ILLINOIS CALIFORNIA

MASS

TRAILS

## Car-Free Mystic River Bridge Will Begin Construction In 2024



"We are on schedule for the project to go out to bid at the end of the calendar year," a state official confirmed for StreetsblogMASS.

5:45 AM EDT on June 20, 2023

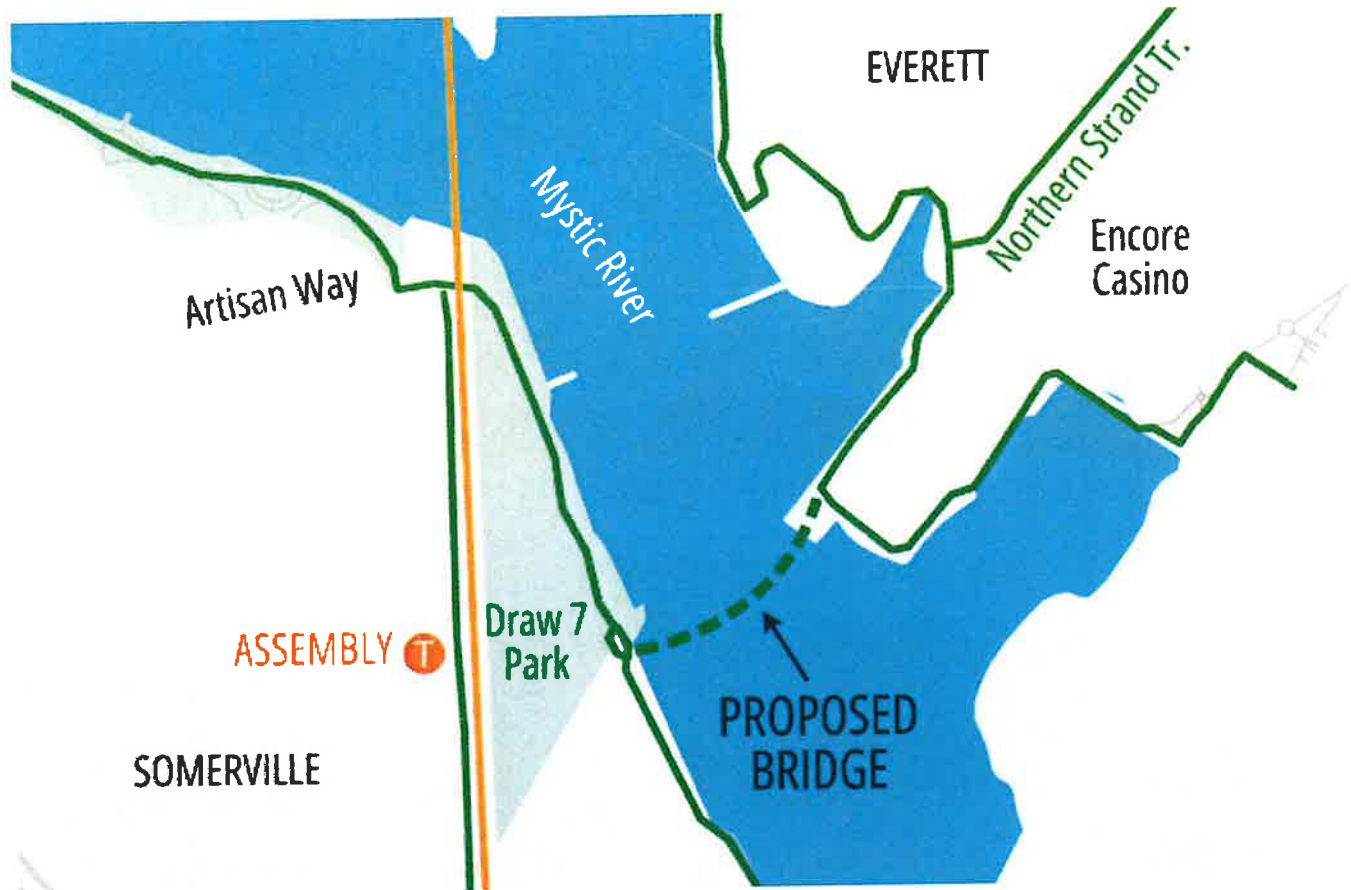


A rendering of a proposed Mystic River bike and pedestrian bridge, which could connect the Northern Strand multi-use path in the City of Everett to the Assembly Orange Line Station in Somerville. Rendering by AECOM, courtesy of the Massachusetts Department of Conservation and Recreation.



A new car-free bridge to connect Everett and Somerville over the Mystic River is on schedule to begin construction in 2024, according to state officials.

The bridge would provide a direct link between the Encore Casino and the Northern Strand Trail on the northern banks of the Mystic River in Everett to the Assembly Square neighborhood and its Orange Line station in Somerville, on the southern bank.



Two years ago, [former Governor Charlie Baker committed funding to finish designing and permitting the bridge.](#)

However, there had been no public updates on the bridge since then. [The federal government declined to fund the project](#) from its competitive RAISE grant program in 2022.

During [last week's MassTrails grant announcements in Billerica](#), StreetsblogMASS buttonholed Kurt Gaetner, Asst. Secretary for Environmental Policy at the Commonwealth's Executive Office of Energy & Environmental Affairs, to ask for an update.

Gaetner promised to get us an answer, and followed up by email last Friday.

"I have confirmed that DCR (the Department of Conservation and Recreation) and MassDOT continue to make good progress on the design and permitting of the Mystic River Bicycle and Pedestrian Bridge," wrote Gaetner. "We are on schedule for the project to go out to bid at the end of the calendar year."

Bridge proponents – particularly the Encore Casino – had also hoped for [cooperation from the MBTA](#) to build a new Assembly station entrance on the east side of the Orange Line tracks to provide a direct walking connection from the T to the new bridge.

The current Assembly station's entrances are all located to the west of the MBTA Orange Line tracks, facing the Assembly Row development.

[The T's latest Capital Investment Plan](#), its 5-year budget for upcoming construction projects, does not include any projects for the Assembly station.

That means that even though the Somerville end of the new bridge will land right next to the Assembly station, MBTA riders will only be able to get there by walking half a mile out of their way in order to cross under the Orange Line at Artisan Way (see map above).



## Read More:

[EVERETT, MYSTIC RIVER GREENWAYS, NORTHERN STRAND PATH, SOMERVILLE](#)

## Stay in touch

Sign up for our free newsletter

Email	SIGN UP
-------	---------

## More from Streetsblog Massachusetts



| [LEGISLATION](#)

STREETSBLOG USA

**D.C. to Dangerous Drivers: We Will Slow You Down!**

February 8, 2024



| [DAILY HEADLINES](#)

STREETSBLOG USA

**Thursday's Headlines Check In On Vision Zero**

February 8, 2024





Maura Healey, Governor  
Kimberley Driscoll, Lieutenant Governor  
Monica Tibbitts-Nutt, Acting Secretary & CEO

Item Number 10



## MEMORANDUM

TO: David J. Mohler, Executive Director  
Office of Transportation Planning

FROM: J. Lionel Lucien, P.E., Manager  
Public/Private Development Unit

DATE: October 10, 2023

RE: Everett – East of Broadway – SFEIR  
(EEA #15060)

The Public/Private Development Unit (PPDU) has reviewed the Supplemental Final Environmental Impact Report (SFEIR) for the East of Broadway (EOB) Project in Everett as submitted by Fort Point Associates Inc. on behalf of Wynn MA, LLC (the “Proponent”). The EOB project proposes the construction of approximately 1.8 million square feet (sf) of development with a mix of complementary commercial uses that would include 20,000 sf of event space; 600,000 sf of hotel space; 68,300 sf of food & beverage (F&B) facilities; 52,400 sf of entertainment space; 20,000 sf of retail; 60,000 sf of warehouse; 2,640 new parking spaces, and a 12,500-sf pedestrian bridge over Broadway (“Project”).

The Project is located across from the existing Encore Boston Harbor Casino Resort (EBH) on approximately 12.9 acres of land, which span portions of four blocks between Dexter Street and Beacham Street on the east side of Broadway. The site is currently occupied by vacant parcels and surface parking lots comprising the Lower Broadway Community Lot and a 711-space parking lot spanning several parcels of land between Dexter Street and Lynde Street.

The Project is expected to be built in two phases. Phase 1 includes the construction of a pedestrian bridge, an F&B venue with sports betting, a poker room, a day club, a 999-person occupancy night club, a 200-seat comedy club, and a 979-seat theater for a total gross floor area (GFA) of 165,000 sf. An approximately 740,500 sf parking garage ( $\pm 2,133$  parking spaces) is proposed for the Phase 1 development program. Phase 2 consists of 730,000 sf of additional development including hotel, event, retail, and restaurant uses, and 201,300 sf for parking ( $\pm 507$  parking spaces).

The Project is an expansion of the existing EBH, which opened in 2018. On November 15, 2022, the Proponent filed a Notice of Project Change (“NPC”) with MEPA for the EOB proposal, and, on January 6, 2023, the Secretary of Energy and Environmental Affairs (EEA) issued a Certificate requiring the preparation of a Supplemental Draft EIR (SDEIR) for the Project. On April 26, 2023, the Proponent filed the SDEIR, and the Secretary of EEA issued

Ten Park Plaza, Suite 4160, Boston, MA 02116  
Tel: 857-368-4636, TTY: 857-368-0655  
[www.mass.gov/massdot](http://www.mass.gov/massdot)

on June 2, 2023 a Certificate requiring the preparation of a SFEIR to address several outstanding issues including transportation impacts.

In commenting on the SDEIR, MassDOT recommended that the Proponent continue consultation with the appropriate agencies to address the following issues:

- Revisions needed to the traffic analysis to better reflect queuing and delay at the intersections in the study area;
- Localized improvements necessary at key intersections such as geometric improvements and traffic signal;
- More comprehensive multimodal transportation system improvements included to help reduce congestion in the study area; and
- Reconsideration of the number of parking spaces along with more aggressive transportation demand management (TDM) strategies.

The SFEIR includes an updated transportation section that is generally consistent with the *EOEEA/MassDOT Transportation Impact Assessment (TIA) Guidelines*. Based on the TIA revised analysis, the SFEIR includes an updated mitigation program intended to offset the adverse impacts of the project in the Future Build condition. The mitigation program generally consists of: geometric improvements at the Project's intersection with Broadway; the installation of a pedestrian bridge over Broadway; signal coordination and optimization at several intersections; safety improvements at Sweetser Circle and Alford Street based on prior road safety audit (RSA) recommendations; queue detection on the I-93 NB ramp; land donation along the Project's frontage area and funding to support MBTA transit expansion along the Broadway corridor; a reduction in the number of proposed parking spaces by 452; and further refinements to the TDM program.

MassDOT commends the Proponent for working cooperatively through several meetings and discussions to address the prior comments; update the transportation analysis; and refine the mitigation program. The revised information and analysis address the MassDOT 's key concerns regarding traffic operations in the study area; however, strict compliance with the monitoring program, coordination with the MBTA and the City of Everett, and a commitment to revisit and update the TDM program as necessary are paramount to achieving mobility and the Project's target mode shares along the Broadway corridor. We offer the following comments to guide the permitting process and the post-construction monitoring of the Project:

#### Study Area Traffic Operations

The SFEIR has reevaluated traffic operations for both existing and future build conditions at several key intersections in the study area, as well as additional intersections and roadway segments that were recommended for inclusion as part of discussions with the Proponent. In the SDEIR, these intersections were shown to experience excessive queues and delays inconsistent with observed traffic operations during field visits or in traffic video camera recordings. These conditions are further worsened with the addition of site traffic

with significant impacts to multimodal travel along the corridor. As a result, MassDOT suggested that other traffic analysis software with a simulation component be considered to better model existing and future conditions in the study area. In consultation with MassDOT, the SimTraffic analysis software was identified as the appropriate tool to conduct the analysis due to its capability to analyze complex multimodal traffic networks by optimizing and simulating signalized and unsignalized intersections.

The Proponent subsequently worked with MassDOT to use SimTraffic to calibrate the roadway network using traffic variables such as roadway geometrics, speeds, and queue lengths which were measured by traffic detectors and traffic video cameras installed at key locations in the study area. The SimTraffic software model did reasonably reproduce the operating conditions in the modeling area but also identified significant congestion in the study area as indicated by the delay and queuing in the network in both existing and future conditions.

#### Off-site Improvements

To alleviate these conditions, the Proponent proposes to implement comprehensive traffic signal system improvements in the study area. Using SimTraffic, the traffic signal timings were revised and optimized, and the analysis results indicate that future Build conditions would operate at a similar or better LOS and delay condition than the No Build conditions at the intersections along Cambridge Street, Maffa Way, Alford Street, Broadway, and Sweetser Circle. One key concern of MassDOT was the potential queuing of the I-93 NB ramp onto the I-93 mainline, which would impact regional highway traffic. The traffic signal improvements seem to contain the queue within the ramp while maintaining acceptable traffic operating conditions at the I-93 ramp intersection with Cambridge Street. As an added precautionary measure, the Proponent has committed to installing a queue detector on the ramp to prioritize ramp operations if necessary and prevent any queue spillback onto the mainline. We note that these improvements are contingent on approval by both the Cities of Boston and Everett to update and modify the traffic signals at their intersections. The Proponent has indicated that they have coordinated with both cities during the preparation of the SFEIR.

The Proponent has also committed to addressing safety concerns at the intersection of Alford Street with Dexter and at Sweetser Circle based on recommendations from the RSAs conducted at these locations. The Proponent will work with the respective MassDOT district offices to implement some of the low-cost improvements upon review and approval by MassDOT.

#### Multimodal Improvements

The MBTA currently operates extensive rapid transit service near the site and bus service directly to the site. MassDOT requested that the Proponent identified more aggressive strategies to make the use of public transit more efficient and attractive for commuting to and



from the Project. Accordingly, the Proponent has consulted with the MBTA to update previous analyses conducted in the SFEIR, particularly the methodology used to measure the impacts of the Project on the Orange Line. Although the transit analysis conducted for both the transit and bus system indicate that they would both operate at acceptable conditions per the MBTA Standard Delivery Policy, the Proponent is aware of the MBTA's capital investment plan to improve bus service, including improved passenger information; bus stop accessibility upgrades; bus transit priority; and fleet and facility modernization. The SFEIR references the Bus Network Redesign, ("BNRD"), an element of the MBTA Better Bus Project, which is expected to improve bus service by focusing on high-frequency corridor and improved midday, evening, and weekend service. As part of BNRD, high frequency corridor routes are planned along Broadway and Alford Street in the study area.

To support this effort, the Proponent commits to dedicate right-of-way (ROW) on the east side of Broadway to accommodate a future bus-only lane. This lane is expected to be utilized by the future Bus Routes 109 and 113 identified in BNRD. MassDOT believes high frequency service along this corridor would have a positive impact on transit ridership and provide a viable option for patrons and employees to travel to the EBH and EOB facilities.

In addition, to helping the MBTA advance the bus lane project, the Proponent has committed to provide funding for additional planning, permitting, and design of the dedicated bus lane. MassDOT strongly supports the MBTA's request for the Proponent to provide additional funding to help expedite the construction of the bus lane. The provision of BRT service is critical to maintain or improve transit mobility for the Project's patrons, visitors, and employees within this corridor and would significantly contribute to the Proponent's mode shift efforts.

Key to improving pedestrian conditions as part of the EOB is the provision of the pedestrian bridge over Broadway that would connect the land uses on the site and the parking garage within the EBH site. The bridge would significantly reduce the number of at grade pedestrian crossings on Broadway through parking consolidation and improve operations of the intersection of Broadway and Horizon Way by reducing the amount of time allocated to the pedestrian phase. The bridge would also provide a connection to the future Mystic River Crossing, which is currently in the design phase with the Department of Conservation and Recreation (DCR) and allow pedestrians and bicyclists to travel directly between EBH, the EOB, and the Assembly Row MBTA station thereby making the Orange Line a more viable option to travel to these facilities. The Proponent should continue coordination with DCR to advance this Project as this infrastructure is critical to achieve the targeted overall mode shares included in the SFEIR.

*Parking and TDM measures*

According to the SFEIR, the Project would now include 2,640 new parking spaces, a 452-space reduction from the SDEIR program. The SFEIR includes parking demand estimates based on the ITE Parking General Manual using independent variables to determine unadjusted parking demand. The number of parking spaces were adjusted based on a combination of internal capture; unmet demand for the EBH facility; accommodation for rideshare service in the parking garage; parking utilization; and operational efficiency factors. The last two factors (operational efficiency and parking utilization) are rarely considered in the *MassDOT/EEA TIA Guidelines* methodology to estimate parking needs; however they are commonly used in parking management to improve operations or customer service. Even with the increase associated with these two factors, the Project would result in a net overall decrease in the number of parking spaces. MassDOT is encouraged by the proposed reduction in the number of parking spaces.

We note however that consistent with most gaming facilities, the transportation analysis for both the EBH and the EOB projects have identified trip generation and distribution patterns that lead towards higher automobile mode of travel than other alternative modes. In fact, the annual transportation monitoring reports for the EBH project have so far documented trip generation numbers than projected, and the existing EBH parking garage is frequently at capacity. While we continue to encourage the Proponent to reduce parking to encourage mode shift; we understand that it is also important to right-size the amount of parking spaces and ensure any shortage of parking does not result in an increase of rideshare trips, which could then exacerbate traffic operations at the Project's site drive on Broadway and spillback to nearby intersections.

The Project is expected to be built in two phases with 2,137 parking spaces in the first phase and the balance in the second phase. Given that the EBH and the EOB projects are subject to annual monitoring to ensure that the target mode shares are met, MassDOT would recommend that the Secretary of EEA condition the construction of additional parking spaces for Phase 2 on the Proponent's meeting the mode share targets and that there is a demonstrated need for additional parking to accommodate site trips.

The SFEIR includes a comprehensive mitigation program based on the EBH program currently under implementation. The TDM program is designed to assist the EOB in meeting the set target modes. As part of the TDM program, the Proponent proposes to subsidize the minimum of 60% of the cost of MBTA passes for employees. While this is commendable, we believe that the Proponent should provide full subsidy of the cost of MBTA passes for employees to create a mode shift significant enough to achieve the set target mode shares. The infrastructure improvements currently plan for the area provide a unique opportunity for the Proponent to encourage a modal shift by maximizing incentives for employees and finding creative ways for patrons to consider other options than driving.

### Conclusion

MassDOT recommends that no further environmental review be required based on transportation issues. We do not believe further analysis is required; however, monitoring and updating the TDM program is an integral part of the success of the proposed mitigation plan as some of the multimodal infrastructure proposed by the Proponent and others have evolved over time. Accordingly, MassDOT would like to see some revisions to the Section 61 Finding to address the following:

1. A clear commitment to not proceed with the Phase 2 component of the Project and to file a Notice of Project Change to identify appropriate additional mitigation if the mode share targets for the EBH project and the Phase 1 EOB are not met.
2. A commitment to fully subsidize MBTA passes for employees to encourage mode shift to transit. At a minimum, this commitment should be provided if the target mode shares are not met following the first monitoring report.
3. A clear commitment to consult with MassDOT on the methodology and metrics to measure target mode shares.

The Proponent should continue consultation with MassDOT, the MBTA, the Cities of Everett and Boston to update the draft Section 61 Finding, which will be the basis for MassDOT to issue the final Section 61 Finding for the Project. If you have any questions, please contact me at *Lionel.Lucien@dot.state.ma.us*.



C0011-24

---

**To:** Mayor and City Council  
**From:** Councilor Stephanie V. Smith  
**Date:** January 22, 2024

---

**Agenda Item:**

That the City Council adopts an annual performance review for their employees

**Background and Explanation:**

**Attachments:**

### **Why are performance reviews important?**

*Each one of us has the choice to make an impact, deliver outcomes, and leave our mark by helping move our office forward in a meaningful way.*

*Making an impact means understanding the work that moves the needle and taking the initiative to make sure it's done in the best possible way. Above all, to drive impact, we each have to do our jobs with excellence.*

*Performance ratings promote accountability and are used to assess individual achievement of goals/objectives and to provide an overall performance rating of the employee. You should consider all factors of the rating description when choosing it.*

The City Council office employs different types of employment contracts and classifications.

- Employees at Will
- Employees appointed for a specified time period
- Full-time employees
- Part-time employees

All employees will be rated by the same performance standards listed in this document regardless of employment contract or classification. Performance standards should be referenced when determining if an employee should continue in the current role (whether an employee is at will or contracted over a period of time) but should not be the only indicator in determining continuing employment.

A yearly performance review shall occur no later than July 31<sup>st</sup> of the current year and will consist of the following inputs.

- 360-degree review
- Self-reflection
- Goals & objective achievements
- Manager assessment

### **360-degree review**

The 360-review process is a type of performance evaluation in which an individual receives feedback from multiple sources, including peers, supervisors, subordinates, and other stakeholders. The process is designed to provide a comprehensive and well-rounded assessment of an individual's performance and to identify areas for improvement.

Inputs to the 360-review process must include the following at a minimum.

- All City Council members
- 2 City Department Heads outside of the direction of the City Council
- 1 full-time peer from a department under the direction of the City Council
- 1 part-time peer from a department under the direction of the City Council

The 360 review is anonymous.

**Self-reflection template**

Self-reflection is an essential aspect of personal and professional development. It enables individuals to assess their current situation, identify their strengths and weaknesses, and make the necessary adjustments to achieve their goals.

**Goals and objectives**

Goals and objectives should be a collaboration between the City Council and the employee and should be set yearly. The basis for the goals and objectives is from the duties required of the employee, prior performance reviews and objectives of the City Council. The goals should be specific, measurable, achievable, relevant, and time-bound (SMART).

**Manager assessment**

The City Council President and the entire body of the City Council shall provide an overall assessment of the employee taking into consideration all inputs of the performance review. The manager assessment will provide feedback on the employee's goal attainment and contributions to the City Council/City Clerk office. All employees will be calibrated on their overall assessment rating and not on the individual scores of their goals.

**Overall performance standards**

**Transformative Impact:** Employee displays the dedication and focus that delivers transformational impact to the City Council/City Clerk office. This employee consistently exceeds expectations on goals, contributes extraordinary results well beyond the requirements of the position and creates an exceptional customer experience. In addition, they influence others to perform better.

**Outstanding Impact:** Employee consistently exceeds goals, performs above the requirements of the position, and makes important contributions to the City Council/City Clerk office by advancing priorities and/or driving continuous improvements to the customer experience. They have strong partnerships across the City Council/City Clerk office and the other departments.

**Significant Impact:** The employee meets key outcomes in terms of quality, quantity, and overall impact. They meet, and may at times exceed, overall requirements for the role. This employee is a solid, reliable, team player who adds significant value and strives to deliver excellent results aligned with business priorities.

**Not Enough Impact:** This employee is inconsistent in meeting goals, in achieving the requirements for the role, and in delivering the required impact. Sometimes this employee has to sacrifice the quality of work in one area in order to meet expectations in another and/or requires more supervision and guidance than necessary. This team member cannot be counted on to consistently deliver high-impact work.

**360-review questionnaire**

1. How well does the employee communicate with other departments and stakeholders in the city?
2. Does the employee demonstrate a strong understanding of the city's regulations and legal requirements?
3. How effective is the employee in managing and organizing records, documents, and meetings?
4. Does the employee show a commitment to promoting transparency and accountability in city operations?
5. How well does the employee manage his/her time and prioritize tasks to meet deadlines?
6. Is the employee able to adapt to changes in the workplace and handle stress effectively?
7. Does the employee show initiative in identifying and addressing problems or opportunities for improvement?
8. Does the employee take responsibility for his/her professional development and seek opportunities to learn and grow?
9. How well does the employee balance competing demands and priorities in his/her work?
10. Does the employee demonstrate a commitment to providing high-quality customer service to residents and visitors?



**Self-reflection template**

Question	Description
What skills, knowledge, or behaviors have I developed over the last year that enabled me to be successful?	Consider <i>how</i> it has made you successful and give specific examples.
What skills, knowledge, or behaviors would have helped me better achieve my goals over the last year?	Consider goals that you have not achieved yet and goals you could have achieved easier or faster.
What skills, knowledge, or behaviors do I wish I had developed over the last year but were not able to yet?	Have you set yourself a development goal that you haven't achieved yet but still would like to?
How have my goals and priorities (performance or development) changed over the last year?	Organizational, department, and team priorities can change and your life circumstances can change as well. Reflect on how change has impacted your goals.
What skills, knowledge, or behaviors do I need to reach my goals for the next year?	Where could you develop to achieve your goals even faster or more easily. Think about further building on your strengths or working on your opportunity areas.
How might I leverage my strengths to achieve my goals?	What are your strengths (whether currently being utilized or not)? And how can you utilize them to both achieve, and energize you towards, your goals?
Of the opportunities identified, what are the 1-2 I want to set as goals to reach over this year?	If one of your goals feels like it's too big for this time frame to complete, consider how you can break it up into multiple goals and decide which to tackle first.
What are the potential obstacles I have to overcome to reach my goals?	Are these obstacles a skill or knowledge deficit or are they something that is outside of your control?
Remembering my strengths, what are the 1-2 next steps I will take to achieve my development goals?	What are the actionable steps you can take? What resources, courses, seminars will help you to accomplish this?

## Manager assessment

### Accomplishments & Contributions

What accomplishments or contributions had the biggest impact on the City Council/City Clerk office this year?

### Reporting

- Have any patterns of repeated tardiness/absence/improper time reporting been present?
- Do you have any concerns related to inappropriate conduct or undisclosed conflicts of interest involving this person?

### Challenges

- What do you wish this person had achieved that they weren't able to? What were the blockers or challenges they faced?
- Identify skill gaps while also making note of any obstacles that might have been outside of their control.

### Skill Development

- What are 2-3 skills or competencies you'd like them to focus on for further development?

### Performance Development

- Please comment on the goals they listed in their self-reflection. Are there any additional projects, goals, or areas for development they should consider?

### Rate Performance

- How would you rate this person's overall performance?
  - **Falling Behind.** Performance is below expectations. The employee is not completing all assignments in a timely manner and/or the work delivered lacks the quality that is expected. The employee is falling behind in the role and needs to improve job performance.
  - **Strong.** Performance at this level is in line with the very high standards we set as employees in the City of Everett. Employee is producing high quality and timely work. Given our talented workforce and high expectations, this is an excellent rating to achieve.
  - **Among the Best.** Performance is significantly above our already high expectations. Work is consistently produced much better and quicker than expected. Employee regularly goes above & beyond.
- How would you rate this person on a scale from one (1) to four (4) in the following areas
  - Scope
  - Complexity
  - Knowledge
  - Supervision

- o Working relationships

**Scope**

1	Tactical. Supports some departmental goals and objectives
2	Contributes to some departmental goals and objectives
3	Contributes to many departmental goals and objectives
4	Contributes to and often champions the development of departmental goals and objectives

**Complexity**

1	Works on projects and develops resolutions to problems of limited complexity
2	Works on projects and provides resolutions to problems of limited to moderately complex scope; Exercises judgment within defined procedures and practices determine appropriate action
3	Leads many projects and provides resolutions to a diverse range of complex problems; Often assists others with aspects of their job; Demonstrates good judgment in determining appropriate action to get to a solution
4	Works on complex problems and provides solutions that are highly creative; Is recognized for strong skills and innovation and is often viewed as the in-house expert; Exercises independent judgment in methods, techniques for obtaining results

**Knowledge**

1	Follows standard practices and procedures from which answers can be readily obtained
2	Applies policies and procedures to resolve a variety of issues not readily obtained
3	Has full understanding of area of specialization; resolves a wide range of issues in creative and effective ways
4	Has abroad expertise or unique knowledge, uses skills to contribute to development of objectives and principles and to achieve goals in creative and effective ways

**Supervision**

1	Receives general instructions on routine work, detailed instructions on new projects or assignments
2	Receives little instruction on day-to-day work, general instructions on new assignments
3	Acts independently to determine methods and procedures for assignments
4	Exercises wide latitude in determining objectives and approaches to assignments

**Working relationships**

1	Builds stable working relationships internally
2	Builds productive internal/external working relationships
3	Networks with senior internal and external personnel in own area of expertise

4	Networks with internal and external key contacts outside own area of expertise
---	--

### Overall Performance Summary Statement

- This should be a high-level summary of your assessment of this individual's performance (combining your feedback and their self-review).

## 20 Key Competencies for Strengths/Opportunities

<b>Approachability:</b> Being easy to approach and talk openly to
<b>Collaboration:</b> Working well with a range of people from across the business
<b>Communication:</b> Communicating information, ideas and concepts clearly
<b>Focus:</b> Focusing my efforts wisely. Strategically choosing where I spend my time
<b>Getting Feedback:</b> Actively seeking and responding positively to thoughtful feedback
<b>Growing Others:</b> Giving thoughtful feedback. Investing time and effort in developing capability in others
<b>Inclusion:</b> Involving others. Inviting people to contribute their opinions and ideas
<b>Innovation:</b> Experimenting with innovative ideas and approaches / being open to new ways of doing things
<b>Learning:</b> Eager to learn and committed to ongoing development
<b>Listening:</b> Listening and allowing others sufficient time and opportunity to speak
<b>Organization:</b> Prioritizing work and managing my time well. Balancing my schedule
<b>Ownership:</b> Taking the lead and showing ownership of issues. Demonstrating initiative
<b>Problem Solving:</b> Providing practical solutions to problems and finding ways to make improvements. Analytical
<b>Productivity:</b> Producing high quality work (in the context of time constraints)
<b>Resilience:</b> Remaining composed and productive under pressure/stress
<b>Sharing Information:</b> Keeping people informed about what is happening. Open and transparent
<b>Strategy:</b> Providing a broader perspective and looking beyond short-term goals
<b>Team Building:</b> Bringing people together to work effectively
<b>Team Player:</b> Willing to help with things that may be outside of my role

**Technical Competence:** Demonstrating a high level of domain, functional and/or technical capability

Draft goals and objectives for Legislative Office

**Legislative Aid**

1. Increase efficiency in managing legislative processes by creating and maintaining an organized system for tracking legislation and communicating with elected officials
  - a. *Related to duties associated with: Minutes & agendas, drafting correspondences, maintaining filing system*
2. Improve communication with constituents and other stakeholders by determining a new system or process for tracking and responding to inquiries
  - a. *Related to duties associated with: Receive phone calls, in person visitations, department mail*
3. Enhance communication with other city departments and stakeholders by developing and implementing a communication plan that includes regular updates on city council proceedings and important city events
  - a. *Related to duties associated with: Timely notice for meetings & events, current knowledge of department issues & activities*
4. Develop expertise in legislative policy and procedures by attending at least 3 relevant conferences or training sessions within the next 12 months, resulting in an increased ability to provide high-quality support and guidance to elected officials
  - a. *Related to duties associated with: drafting legislation*
5. Increase knowledge of legislative research techniques by directly assisting a council councilor on a relevant policy topic
  - a. *Related to duties associated with: Provide research*
6. Demonstrate ability to effectively manage workload, prioritize tasks, improve efficiency of office, adapt to changing priorities and reduce errors or delays related to administrative tasks. This may involve a wide range of tasks, such as managing schedules and appointments, organizing meetings, preparing reports and presentations, screening phone calls and emails, and handling various administrative duties
  - a. *Related to duties associated with: scheduling appointments, meetings, screening phone calls, mailing, budget, payrolls, supplies, accounts payable*

**Legislative Research & Systems Specialist**

1. Increase efficiency in research support by implementing a new research/document management system within 12 months, resulting in a reduction in time spent on research tasks and reduction in errors/ inconsistencies in governing documents
  - a. *Related to duties associated with: administrative, research and systems support; initiating & drafting legislation*
2. Enhance the City Council's transparency by creating a comprehensive online, updated archive of all governing documents within 12 months, resulting in an increase in accessibility to public records.
  - a. *Related to duties associated with: tracking & codifying city's Governing Documents, online accessibility of updates*

3. Enhance knowledge of the City Charter, Revised Ordinances, City Council Rules, and Legislative Code; Increase knowledge and expertise in local government by attending a minimum of 3 training sessions or workshops related to these topics, including one specific to legislative research and systems management within the next 12 months
  - a. *Related to duties associated with: changes & improvements, semi-annual revisions, municipal finance/operations practices*
4. Proactively schedule semi-annual meetings (every 6 months) with the Chairperson of Legislative Affairs or his/her designee to discuss your proposed changes for improvements to the City Charter, the City Council Rules and the Legislative Code.
  - a. *Related to duties associated with: changes & improvements, semi-annual revisions*
5. Enhance collaboration with other City departments by establishing regular meetings with department heads to discuss and exchange information on relevant legislative matters, resulting in an increase in cross-departmental cooperation. This should include a process and enforcement guidelines for the departments to provide responses prior to the agenda packet deadline
  - a. *Related to duties associated with: Legislative aide assistance liaison to others*
6. Increase efficiency in elections support by ASK DANIELLE
  - a. *Election Department*

**Clerk of Committees**

Responsible for providing administrative support to various committees in the municipality, including preparing agendas, taking minutes, coordinating meetings, and maintaining records. This position plays a critical role in ensuring the transparency and effectiveness of the City Council's decision-making process.

1. Draft and distribute accurate meeting minutes for all committee meetings within 24 hours of the meeting's conclusion
2. Establish a system for tracking action items and following up on outstanding tasks
3. Develop a training program/session/handbook for new committee members within the next 12 months about roles, responsibilities, rules, procedures, etc.
4. Develop a system to improve coordination with all committee members and sponsors regarding future meeting dates

## Draft goals and objectives for Office of the City Clerk

**City Clerk**

1. Improve accuracy and efficiency in the creation, recording, maintenance, and issuing of vital records. Develop a plan to track and report on the timeliness and accuracy of vital record processing. Achieve an XX% accuracy rating in creating, recording, maintaining, and issuing vital records. Maintain a response time of no more than XX business days for vital record requests. Submit all vital record reports to the MA Registry of Vital Records and Statistics by the required deadlines.
  - a. *Related to duties associated with: Vital records manager*
2. Develop and implement a process to ensure that City Council meetings are well-organized and efficient, with clear and accurate records kept of all proceedings. Work to establish protocols for managing the City Council's agenda and for tracking any follow-up actions required. Ensure that accurate and complete minutes are taken and published within XX days of the meeting. Work with the City Council Office to maintain a system for tracking City Council business and communications effectively with visibility to all City Councilors in addition to tracking, filing and retrieving past and present initiatives promptly.
  - a. *Related to duties associated with: Clerk of the City Council & legislative support*
3. Enhance licensing support by working with licensees and potential licensees to improve the application and reapplication process and ensure the proper issuance and exercising of their license. Develop a plan for tracking and reporting on the timeliness and accuracy of license processing. Achieve a XX% accuracy rate in processing license applications and renewals and maintain a response time of no more than XX business days for license-related inquiries. Identify areas for improvement in the licensing process and develop and implement solutions.
  - a. *Related to duties associated with: Licensing support*
4. Improve the ability to gather and disseminate information from varied sources. Develop a process for tracking and responding to public records requests and ensure that records are maintained and accessible in accordance with applicable laws and regulations. Ensure that all public records requests are responded to within the required time frame (XX days). Begin to maintain a digital archive of all City records and ensure that they are accessible to the public. Develop and implement policies and procedures for handling confidential information.
  - a. *Related to duties associated with: city archivist & records access officer*
5. Improve general office management by providing excellent customer service at the counter, through email and on the telephone, issuing various licenses, permits and certificates, maintaining and processing various billings and payments. Develop a plan to measure and report on customer satisfaction levels, and implement improvements based on feedback
  - a. *Related to duties associated with: general office management*
6. Foster a positive and productive work environment by promoting teamwork, effective communication, and a culture of respect and accountability. Identify and address any staffing issues or challenges, such as employee turnover, low morale, or productivity



concerns and develop strategy to address. Develop and implement policies and procedures for managing personnel, such as work schedules, time off requests, and performance management. Identify and provide training opportunities for employees to enhance their skills and knowledge

*a. Related to duties associated with: manager of Clerk's office*

7. Develop expertise in municipal regulations and legal requirements by attending at least 2 relevant training sessions or workshops within the next 6 months, resulting in an increased ability to provide accurate and effective support and guidance to city staff and stakeholders

#### **Assistant City Clerk**

1. Streamline the licensing and permitting process. Meet with relevant department and stakeholders to identify areas for improvement in the licensing and permitting process. Ensure all license/permit applications are on the city website and are the most recent applications/forms. A new application/form should be uploaded XX days after approved.
2. Perform an analysis across other comparable cities for fees collected for similar licenses Research & conduct a comprehensive review of licensing and permit fees to ensure they align with standards and are reasonable; Provide a report to the City Council with recommendations for fee adjustments within 12 months
3. Develop and maintain positive relationships with business owners and residents by attending at least one community event a quarter to establish and maintain said relationships. Respond within XX days to inquiries and concerns.
4. City Messenger duties?

#1-C0011-24

Legislative Affairs & Election Committee  
February 12, 2024

The Committee on Legislative Affairs & Elections met on Monday, February 12, 2024 at 6pm in the City Council Chambers.

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

Members present were Councilor Stephanie Smith, presiding, Councilors Stephanie Martins and Katy Rogers. Member absent was Councilor Michael Marchese.

Communication received from Councilor Marchese that his flight into Boston was delayed.

The Committee considered a Resolution offered by Councilors Stephanie Smith and Stephanie Martins: That the City Council adopts an annual performance review for their employees.

Councilor Smith informed the Committee that she and Councilor Martins had previously worked on this and noted that she had also met with the new Human Resources Director who was in favor of Employee Performance Reviews for the City Council employees. Councilor Smith stated that what she was looking for right now was to obtain job descriptions for each employee so that eventually goals and objectives could be established for the employees. She mentioned that she wanted to roll it out small referencing that the City Council itself changes so often and wanted to assure that the position itself was being evaluated not the person. Councilor Martins remarked that she fully supports this and feels the need for accountability. Councilor Rogers acknowledged her support for the proposal as well.

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

Respectfully Submitted,

John W. Burley  
Clerk of Committees



C0030-24

---

**To:** Mayor and City Council

**From:** Robert J. Van Campen

**Date:** January 22, 2024

---

**Agenda Item:**

An order requesting the confirmation of Rebecca Edmondson-Korom, Esq., as a member, to the Zoning Board of Appeals for a term of three (3) years, expiring January 31, 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](mailto:mayorcarlo.demaria@ci.everett.ma.us)

---

January 16, 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 Q (12)(a) of the City of Everett Administrative Code, I hereby re-appoint, subject to confirmation by the City Council, Rebecca Edmondson-Korom, Esq., as a member, to the Zoning Board of Appeals for a term of three (3) years, expiring January 31, 2027.

Thank you for your favorable consideration in this matter.

Respectfully Submitted,

Carlo DeMaria  
Mayor



January 16, 2024  
**City of Everett, Massachusetts**  
**CITY COUNCIL**

**Offered By:** \_\_\_\_\_  
**Councilor Robert VanKampen, as President**

**Bill Number:**

Be it

**Bill Type: Order**

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

I hereby submit for your approval the re-appointment of  
Rebecca Edmondson-Korom, Esq to the Zoning Board of Appeals  
for a term of three (3) years, expiring January 31, 2027.

#2-C0030-24

Legislative Affairs & Election Committee  
February 12, 2024

The Committee on Legislative Affairs & Elections met on Monday, February 12, 2024 at 6pm in the City Council Chambers.

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

Members present were Councilor Stephanie Smith, presiding, Councilors Stephanie Martins and Katy Rogers. Member absent was Councilor Michael Marchese.

Communication received from Councilor Marchese that his flight into Boston was delayed.

The Committee considered an Order offered By Robert Van Campen as President: An Order requesting the confirmation of the re-appointment of Rebecca Edmondson-Korom, Esq., as a member to the Zoning Board of Appeals for a term of three (3) years, expiring January 31, 2027.

Zoning Board of Appeals member Rebecca Edmondson-Korom, was also present.

Ms. Edmondson-Korom informed the Committee that she bought a house in the City of Everett in 2018 and works as an Attorney with 50% of her work in zoning related matters in the communities of Boston, Chelsea and Revere. She noted that she was appointed to the ZBA in 2022. Councilor Rogers mentioned that she spoke with Ms. Edmondson-Korom over the summer months and fully supports her reappointment.

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

Respectfully Submitted,

John W. Burley  
Clerk of Committees



C0031-24

---

**To:** Mayor and City Council

**From:** Robert J. Van Campen

**Date:** January 22, 2024

---

**Agenda Item:**

An order requesting the confirmation of the re-appointment of Derek Shooster, as an Associate Member, to the Zoning Board of Appeals for a term of three (3) years, expiring January 31, 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](mailto:mayorcarlo.demaria@ci.everett.ma.us)

---

January 16, 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 Q (12)(a) of the City of Everett Administrative Code, I hereby re-appoint, subject to confirmation by the City Council, Derek Shooster, as an Associate Member, to the Zoning Board of Appeals for a term of three (3) years, expiring January 31, 2027.

Thank you for your favorable consideration in this matter.

Respectfully Submitted,

Carlo DeMaria  
Mayor





January 16, 2024  
**City of Everett, Massachusetts**  
**CITY COUNCIL**

**Offered By:** \_\_\_\_\_  
**Councilor Robert VanKampen, as President**

**Bill Number:**

Be it

**Bill Type: Order**

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

I hereby submit for your approval the re-appointment of Derek Shooster to the Zoning Board of Appeals as an Associate Member for a term of three (3) years, expiring January 31, 2027.

#3-C0031-24

Legislative Affairs & Election Committee  
February 12, 2024

The Committee on Legislative Affairs & Elections met on Monday, February 12, 2024 at 6pm in the City Council Chambers.

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

Members present were Councilor Stephanie Smith, presiding, Councilors Stephanie Martins and Katy Rogers. Member absent was Councilor Michael Marchese.

Communication received from Councilor Marchese that his flight into Boston was delayed.

The Committee considered an Order offered By Robert Van Campen as President: An Order requesting the confirmation of the re-appointment of Derek Shooster., as an Associate member to the Zoning Board of Appeals for a term of three (3) years, expiring January 31, 2027.

Zoning Board of Appeals Associate member Derek Shooster, was also present.

Councilor Martins informed the Committee that she had the opportunity to serve on a Housing Committee with Mr. Shooster and found him to be forward thinking , qualified and a great addition to the ZBA. Mr. Shooster noted that he was a resident of the City of Everett since 2007 and currently resides at 27 Carter Street and brought along 3 pieces of mail to confirm his residency. Mr. Shooster explained that he has attended Northeastern and Boston University's studying city and urban planning and is currently working for the Commonwealth of Massachusetts Department of Transportation remarking that the ZBA was an appropriate fit for me. Mr. Shooster informed the Committee that he has served on the ZBA for the past year and likes helping to solve problems and challenges.

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

Respectfully Submitted,

John W. Burley  
Clerk of Committees



C0035-24

---

**To:** Mayor and City Council

**From:** Robert J. Van Campen

**Date:** January 22, 2024

---

**Agenda Item:**

An order requesting the confirmation of the re-appointment of James Booker to the Disability Commission for a term of three (3) years expiring January 31, 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](mailto:mayorcarlo.demaria@ci.everett.ma.us)

---

January 16, 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 F (II) of the City of Everett Administrative Code, I hereby re-appoint, subject to confirmation by the City Council, James Booker to the Disability Commission for a term of three (3) years expiring January 31, 2027.

Thank you for your favorable consideration in this matter.

Respectfully Submitted,

Carlo DeMaria  
Mayor



January 16, 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:

I hereby submit for your approval the re-appointment of James Booker to the Disability Commission for a term of Three (3) years expiring January 31, 2027.

#4-C0035-24

Legislative Affairs & Election Committee  
February 12, 2024

The Committee on Legislative Affairs & Elections met on Monday, February 12, 2024 at 6pm in the City Council Chambers.

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

Members present were Councilor Stephanie Smith, presiding, Councilors Stephanie Martins and Katy Rogers. Member absent was Councilor Michael Marchese.

Communication received from Councilor Marchese that his flight into Boston was delayed.

The Committee considered an Order offered By Robert Van Campen as President: An Order requesting the confirmation of the re-appointment of James Booker., to the Disability Commission for a term of three (3) years, expiring January 31, 2027.

Communication received from Mr. Booker, that he and his family were sick and that he regrettably would be unable to attend and offered his apologies.

The Committee noted that Mr. Booker was a resident and did operate a business in the community and that the Disability Commission members are mostly volunteers who receive a small stipend.

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

Respectfully Submitted,

John W. Burley  
Clerk of Committees



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](mailto: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
<b>Total</b>	<b>\$115,000</b>



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](mailto: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.



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:**

<b>NATIONAL GRID ELECTRIC TRANSFER CREDIT</b>	\$ (154,569.96)
NATIONAL GRID ELECTRIC	\$ 112,229.02
NATIONAL GRID GAS	\$ 30,342.69
DIRECT ENERGY ELECTRIC	\$ 103,984.62
NRG GAS	\$ 33,294.13
INDUSTRIAL BOILER RENTAL	\$ 122,000.00
INSURANCE POLICY	\$ 250,000.00

ANNUAL COST FOR OLD HIGH SCHOOL

2023

*MONTHLY* Item Number 17

**Industrial Boiler &  
Mechanical Services, LLC  
156 Maple St. Danvers, MA  
01923**

156 Maple St  
Danvers, MA 01923  
(877) 532-6632 / (351) 201-0649  
lisa.ibms@comcast.net

**Invoice**

<b>DATE</b>	12/28/2023
<b>INVOICE#</b>	41626
<b>TERMS</b>	NET 30

<b>BILL TO</b>
City of Everett 484 Broadway Everett MA 02149

<b>SERVICE LOCATION</b>
484 Broadway Everett MA 02149

<b>JOB#</b>	<b>DATE</b>	<b>PO/REF#</b>	<b>DESCRIPTION</b>		
1034575076	12/28/2023				
<b>Completion Notes:</b> Temp boiler rental from 12/6/23-1/5/24					
<b>Job Charges</b>			<b>Qty</b>	<b>Rate</b>	<b>Total</b>
Quoted Services					
Temp. boiler rental			1.00	\$15,250.00	\$15,250.00
<b>Job Subtotal</b>					<b>\$15,250.00</b>
MA Sales Tax				6.25%	\$0.00
<b>Job Total</b>					<b>\$15,250.00</b>

<b>CUSTOMER MESSAGE</b>
For service calls please contact: 877-532-6632 Other inquiries: Phone# - 351-201-0649 Fax# - 978-255-1158 E-Mail - lisa.ibms@comcast.net

<b>Invoice Total:</b>	<b>\$15,250.00</b>
<b>Deposits (-):</b>	<b>\$0.00</b>
<b>Payments (-):</b>	<b>\$0.00</b>
<b>Total Due:</b>	<b>\$15,250.00</b>


*8 MONTHS*

*Low Annual  
8 MONTHS*





 652258 - 36202

Balance Due  
 \$9,696.39

PAY INVOICES

Payment History

## Natural Gas Payment History for 652258 - 36202

- Only fully paid invoices appear in your payment history. Partial payments on invoices are not shown.



EXPORT EXCEL

Give Feedback

From

1-15-2023



To

2-15-2024



UPDATE VIEW

Account #	Payment Date	Payment Amount	Payment Method
City of Everett			
652258 - 36202	01-24-2024	\$5,673.94	Check
652258 - 36202	12-29-2023	\$1,983.62	Check
652258 - 36202	08-21-2023	\$4.67	Check
652258 - 36202	07-25-2023	\$4.68	Check
652258 - 36202	06-22-2023	\$578.79	Check

Chat With Us 

Account #	Payment Date	Payment Amount	Item Number 17 Payment Method
652258 - 36202	05-23-2023	\$1,975.19	Check
652258 - 36202	04-28-2023	\$7,227.17	Check
652258 - 36202	03-23-2023	\$6,462.56	Check
652258 - 36202	02-27-2023	\$6,947.18	Check
652258 - 36202	01-24-2023	\$6,055.56	Check

Total items: 10

10 25 50 100

Go Paperless

Give Feedback

About Your Product & Invoice

FAQs

Outages & Emergencies

Privacy Policy

© 2023 NRG Energy, Inc. All rights reserved. NRG and the plus signs are registered service marks of NRG Energy, Inc. Direct Energy is a wholly owned subsidiary of NRG Energy, Inc. and offers an extensive suite of solutions for business. Direct Energy and the lightning bolt design are registered trademarks of Direct Energy.

Retail commodity services provided under Direct Energy Business, LLC dba NRG and NRG Business. (State Licensing) (DC PSC License No. EA-04-4-4; NJ BPU License Nos. ESL-0165, GSL-0145; MD PSC License Nos. IR-437; IR-2697; PUCT Cert. No. 10011; CT PURA License No. 00-05-14RE01; MA DPU License Nos. CS-021; GS-052; CS-108). Products and services vary depending on region or market.

Retail commodity services provided under NRG Business Marketing LLC. (State Licensing) (DC PSC License No. EA-13-12, GA-13-03-1; NJ BPU License Nos. ESL-142, GSL-0128; MD PSC License Nos. IR-3123; IR-3108; CT PURA License No. 12-03; MA DPU License Nos. GS-051). Products and services vary depending on region or market.

Share My Screen

Chat With Us 



Item Number 17

Invoice #: HS44049747  
 Account #: 652258 - 36202  
 Invoice Date: 01/23/2024  
 Payment Due Date: 02/07/2024

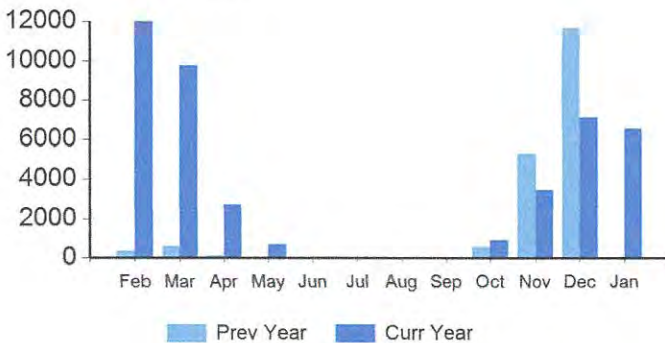
**CUSTOMER INFORMATION**

Company: Commonwealth of Massachusetts  
City of Everett

Attn: City Services Dept  
Billing Address: 484 Broadway Room 24  
EVERETT, MA 02149

**USAGE HISTORY**

Monthly Gas (THERMS)



**INVOICE SUMMARY**

Previous Balance	\$7,657.88
Payment Received (Dec 29, 2023)	(\$1,983.62) ✓
<b>Total Balance Forward</b>	<b>\$5,674.26</b> ✓
Adjustments	\$0.00
Late Payment Charge	\$46.96
Current Usage Charges	\$9,649.11 ✓
<b>Total Current Charges</b>	<b>\$9,696.07</b>

**Amount Due by Feb 07, 2024 \$15,370.33**

**PAYMENT OPTIONS**

- By web: [nrg.com/myaccount](http://nrg.com/myaccount)
- By phone: 1.844.737.6742
- By mail: Remittance slip below

**QUESTIONS?**

- Visit Us: [nrg.com/myaccount](http://nrg.com/myaccount)
- Call Us: 1.844.737.6742

**MESSAGE CENTER**

**GO PAPERLESS TODAY**

Enroll in paperless billing today and help reduce your carbon footprint at [nrg.com/myaccount](http://nrg.com/myaccount).

Detach here and return this portion with check or money order. Do not staple or fold.



Invoice #: HS44049747  
 Account #: 652258 - 36202

**Amount Due by Feb 07, 2024 \$15,370.33**

Amount Enclosed

Please write your account number on your check or money order made payable to NRG Business Marketing.

Check Remittance To:  
 NRG Business Marketing  
 P.O. Box 32179  
 New York, NY 10087-2179

Commonwealth of Massachusetts  
City of Everett

Attn: City Services Dept  
484 Broadway Room 24  
EVERETT, MA 02149

**IF YOU SUSPECT A NATURAL GAS LEAK, SMELL GAS OR HAVE ANY OTHER GAS RELATED EMERGENCIES, PLEASE DIAL 911 OR CONTACT YOUR LOCAL DISTRIBUTION UTILITY COMPANY.**

## GENERAL INFORMATION

If you end your service with NRG prior to the end of your agreement term, you may be charged an early termination fee. Please refer to your agreement for additional information.

In the event that the Term of your Agreement has expired, your account will be invoiced at a Market Based Rate or dropped.

## DEFINITIONS

**Board of Public Utilities** – State agency responsible for regulating local utility companies. (May also be called Public Service Commission).

**Burner Tip** – Point where natural gas is ultimately used by the customer (the meter).

**CCF** – 100 cubic feet. This is a measure of gas usage.

**City Gate** – Physical connection of an interstate pipeline and the pipeline of the local natural gas utility.

**Commodity Charge** – The cost of natural gas provided to you during the billing period.

**GSA (Gas Settlement Adjustment)** – charge or credit for the value of natural gas usage that differs from contracted volume.

**Late Payment Charges** – Charges for payment of a billed amount after the due date specified on the customer's invoice. Late payment charges may apply as specified in your contract with NRG.

## DEFINITIONS CONTINUED

**Line Loss** – The difference between the amount of natural gas brought to the city gate, versus the amount of natural gas usage report at the meter (burner tip). Line loss was previously included in your local pricing. Line loss is a regulated charge based on percentages determined by each utility to compensate for the utility's pipeline system loss.

**Local Distribution Company (LDC) Charges** – The fee assessed by the local utility for delivery of natural gas to the customer's home or business through the utility's distribution lines. In most cases this charge is billed separately by the utility.

**MCF** – 1,000 cubic feet or 10 CCFs. This is a measure of gas usage.

**Meter** – A device for measuring levels and volumes of a customer's natural gas usage. The local utility retains responsibility for reading and maintaining these meters.

**MMBTU** – Million British thermal units, which is a heating equivalent measure for natural gas and is an alternative measure of natural gas reserves.

**Service Period** – The time period associated with when the Utility reads or estimates the customer's natural gas usage for billing purposes. The customer's service period is established by the Utility.

**Therm** – One hundred thousand (100,000 British thermal units (1 Therm=100,000 BTU)).

Item Number 17

Contract Volumes:

January 10,150 MMBTU

December 9,170 MMBTU

Billing Unit: MMBTU

Invoice #: HS44049747

Statement Group #: 36202

Serv Loc ID: 652325

Service Period: 12/21/2023-01/22/2024

Utility Name: Keyspan - Boston

Pool/Point: BOS TGP DCQ

Utility Acct #: 4414633001


PO #:


Address: 548 Broadway,  
EVERETT, MA 02149

Description	Deal ID	Date From - To	Volume	Unit Price	Total
Commodity	2742568	12/21/2023 -01/22/2024	987.02	\$9.776	\$9,649.11
<b>Total :</b>			<b>987.02</b>		<b>\$9,649.11</b>

Billed volumes are inclusive of a utility line loss factor of 0.96300 for December,0.96300 for January



 652258 - 36206

Balance Due  
 \$1,467.52

PAY INVOICES

Payment History

## Natural Gas Payment History for 652258 - 36206

- Only fully paid invoices appear in your payment history. Partial payments on invoices are not shown.



EXPORT EXCEL

Give Feedback

From

1-15-2023



To

2-15-2024



UPDATE VIEW

Account #	Payment Date	Payment Amount	Payment Method
<b>City of Everett</b>			
652258 - 36206	01-24-2024	\$1,110.61	Check
652258 - 36206	12-29-2023	\$688.45	Check
652258 - 36206	11-21-2023	\$224.78	Check
652258 - 36206	10-24-2023	\$277.83	Check
<del>652258 - 36206</del>	07-25-2023 07-25-2023	\$48.37	Check
		\$48.37	Check

Chat With Us 

Chat With Us 

Account #	Payment Date	Payment Amount	Item Number 17 Payment Method
652258 - 36206	06-22-2023	\$294.90	Check
652258 - 36206	05-23-2023	\$466.31	Check
652258 - 36206	04-28-2023	\$1,201.31	Check
652258 - 36206	03-23-2023	\$1,742.55	Check
652258 - 36206	02-27-2023	\$1,879.43	Check

« 1 2 »

Total items: 11

10 25 50 100

Give Feedback  
Go Paperless

About Your Product & Invoice

FAQs

Outages & Emergencies

Privacy Policy

© 2023 NRG Energy, Inc. All rights reserved. NRG and the plus signs are registered service marks of NRG Energy, Inc. Direct Energy is a wholly owned subsidiary of NRG Energy, Inc. and offers an extensive suite of solutions for business. Direct Energy and the lightning bolt design are registered trademarks of Direct Energy.

Retail commodity services provided under Direct Energy Business, LLC dba NRG and NRG Business. (State Licensing) (DC PSC License No. EA-04-4-4; NJ BPU License Nos. ESL-0165, GSL-0145; MD PSC License Nos. IR-437; IR-2697; PUCT Cert. No. 10011; CT PURA License No. 00-05-14RE01; MA DPU License Nos. CS-021; GS-052; CS-108). Products and services vary depending on region or market.

Retail commodity services provided under NRG Business Marketing LLC. (State Licensing) (DC PSC License No. EA-13-12, GA-13-03-1; NJ BPU License Nos. ESL-142, GSL-0128; MD PSC License Nos. IR-3123; IR-3108; CT PURA License No. 12-03; MA DPU License Nos. GS-051). Products and services vary depending on region or market.

Share My Screen

Chat With Us 





Item Number 17

Invoice #: HS44049750
Account #: 652258 - 36206
Invoice Date: 01/23/2024
Payment Due Date: 02/07/2024

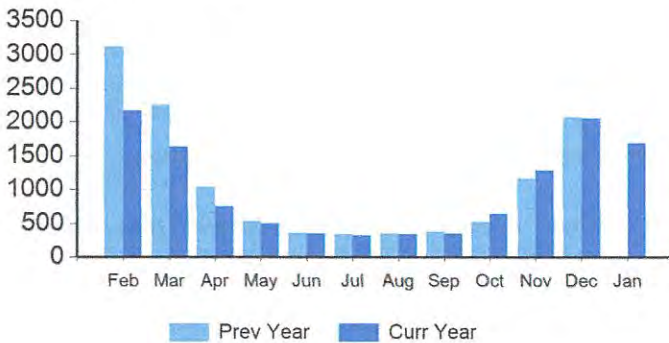
CUSTOMER INFORMATION

Company: Commonwealth of Massachusetts
City of Everett

Attn: City Services Dept
Billing Address: 484 Broadway Room 24
EVERETT, MA 02149

USAGE HISTORY

Monthly Gas (THERMS)



INVOICE SUMMARY

Table with 2 columns: Description and Amount. Rows include Previous Balance (\$1,799.06), Payment Received (Dec 29, 2023) (\$688.45), Total Balance Forward (\$1,110.61), Adjustments (\$0.00), Late Payment Charge (\$9.15), Current Usage Charges (\$1,458.37), and Total Current Charges (\$1,467.52).

Amount Due by Feb 07, 2024 \$2,578.13

PAYMENT OPTIONS

- By web: nrg.com/myaccount
By phone: 1.844.737.6742
By mail: Remittance slip below

QUESTIONS?

- Visit Us: nrg.com/myaccount
Call Us: 1.844.737.6742

MESSAGE CENTER

GO PAPERLESS TODAY

Enroll in paperless billing today and help reduce your carbon footprint at nrg.com/myaccount.

Detach here and return this portion with check or money order. Do not staple or fold.



Invoice #: HS44049750
Account #: 652258 - 36206

Amount Due by Feb 07, 2024 \$2,578.13

Amount Enclosed

Please write your account number on your check or money order made payable to NRG Business Marketing.

Check Remittance To:
NRG Business Marketing
P.O. Box 32179
New York, NY 10087-2179

Commonwealth of Massachusetts
City of Everett

Attn: City Services Dept
484 Broadway Room 24
EVERETT, MA 02149

Invoice #: HS44049750  
 Statement Group #: 36206

Item Number 17

Contract Volumes:  
 January 299 MMBTU  
 December 257 MMBTU  
 Basis:  
 January \$3.019  
 Billing Unit: MMBTU

Serv Loc ID: 652324  
 Service Period: 12/21/2023-01/22/2024  
 Utility Name: Keyspan - Boston  
 Pool/Point: BOS TGP DCQ  
 Utility Acct #: 4414632993  
 PO #:  
 Address: 548 Broadway,  
 EVERETT, MA 02149

Description	Deal ID	Date From - To	Volume	Unit Price	Total
Commodity	2248030	12/21/2023 -12/31/2023	84.46	\$5.991	\$506.00
Commodity	2248030	01/01/2024 -01/22/2024	168.92	\$5.638	\$952.37
<b>Total :</b>			<b>253.38</b>		<b>\$1,458.37</b>

Billed volumes are inclusive of a utility line loss factor of 0.96300 for December,0.96300 for January

Menu

Pay Bill



Switch

548 BROADWAY, NAEVERETT MA 0...  
Acct #4414633001

View Current Bill

GAS

1 to 10 of 24

Bill From	Bill To	Total Charges	
Dec 20, 2023	Jan 22, 2024	\$14,781.15	<a href="#">View Bill</a>
Nov 20, 2023	Dec 20, 2023	\$8,947.27	<a href="#">View Bill</a>
Oct 19, 2023	Nov 20, 2023	\$2,231.33	<a href="#">View Bill</a>
Sep 19, 2023	Oct 19, 2023	\$1,142.07	<a href="#">View Bill</a>
Aug 18, 2023	Sep 19, 2023	\$589.45	<a href="#">View Bill</a>
Jul 20, 2023	Aug 18, 2023	\$163.24	<a href="#">View Bill</a>
Jun 20, 2023	Jul 20, 2023	(\$370.91)	<a href="#">View Bill</a>
May 19, 2023	Jun 20, 2023	\$3,226.52	<a href="#">View Bill</a>
Apr 20, 2023	May 19, 2023	\$4,150.05	<a href="#">View Bill</a>
Mar 20, 2023	Apr 20, 2023	\$6,629.27	<a href="#">View Bill</a>

Prev

1



Next

Menu

Pay Bill



Switch

548 BROADWAY, NAEVERETT MA 0...  
Acct #4414633001

View Current Bill

*Was*  
**GAS**

11 to 20 of 24

Bill From	Bill To	Total Charges	
Feb 16, 2023	Mar 20, 2023	\$8,067.52	<a href="#">View Bill</a>
Jan 19, 2023	Feb 16, 2023	\$7,163.95	<a href="#">View Bill</a>
Dec 20, 2022	Jan 19, 2023	\$7,186.47	<a href="#">View Bill</a>
Nov 17, 2022	Dec 20, 2022	\$4,001.33	<a href="#">View Bill</a>
Oct 19, 2022	Nov 17, 2022	\$1,061.55	<a href="#">View Bill</a>
Sep 17, 2022	Oct 19, 2022	\$968.87	<a href="#">View Bill</a>
Aug 17, 2022	Sep 17, 2022	\$2,915.90	<a href="#">View Bill</a>
Jul 20, 2022	Aug 17, 2022	\$2,980.36	<a href="#">View Bill</a>
Jun 17, 2022	Jul 20, 2022	\$2,069.50	<a href="#">View Bill</a>
May 19, 2022	Jun 17, 2022	\$12,887.68	<a href="#">View Bill</a>

Prev

1



Next



020000709A0000

0154414632993103712036

**CITY OF EVERETT  
BLDG MAINTENANCE  
484 BROADWAY  
EVERETT, MA**

\*\*C 019 124426  
Y  
02149-3694

**Please Pay  
By Feb 05**  
3,712.03 H

44146-32993

Account Number

Please mail this part of bill with your payment  
Make checks payable to National Grid.

Tear here

National Grid address on the back must show in return envelope window

Write your account number on check.

Service To	Account Number	Next Meter Reading	Bill Date
CITY OF EVERETT 548 BROADWAY EVERETT, MA 02149	44146-32993	Feb 15 '24	Jan 22 '24
SA	Rate G-43T Commercial Hea	For Customer Assistance Please call (781) 751-3000	

**CURRENT BILL ITEMIZED**

In 33 days you used 2440 therms:

Jan 22 2024 reading ACTUAL 53696  
Dec 20 2023 reading ACTUAL 51334  
CCF Used for METER# 009907093 2362

Thermal Factor x1.0331  
Total therms used 2440

**Your Cost is determined as follows:**

Minimum Charge \$137.50  
\$4.1666 per day for 33 days  
First 2440.0 therms @ \$.5923 1,445.21  
Distribution Adjustment:  
2440 therms x 0.22460 per therm 548.02

GAS DELIVERY CHARGE \$2,130.73

Paperless Bill Credit -.38

**TOTAL CURRENT CHARGES \$2,130.35**

**SUMMARY OF CHARGES**

Total Current Charges \$2,130.35  
Amount Due Last Bill 2,934.70  
Your Total Payments Since  
Last Bill. Thank You! -1,368.99  
Late Pmt Chg 15.97

**PLEASE PAY BY Feb 05 \$3,712.03**

If payment received after 02/16/2024  
a late payment charge of \$37.86  
(1.14% of outstanding charges) may be added  
to your National Grid balance.

**GAS USE HISTORY**

Days	Therms	Days	Therms
Jan 24 33 Act	2440	Jun 23 32 Act	389
Dec 23 30 Act	1747	May 23 29 Act	513
Nov 23 32 Act	1051	Apr 23 31 Act	860
Oct 23 29 Act	351	Mar 23 32 Act	2049
Sep 23 33 Act	350	Feb 23 28 Act	2315
Aug 23 29 Act	304	Jan 23 30 Act	2200
Jul 23 30 Act	294	Dec 22 33 Act	1977

**IMPORTANT MESSAGES**

You have chosen NRG Business Mktg LLC to be your gas supply provider. National Grid will continue to deliver gas to your premises. If you have any questions about your gas supply charges, please contact NRG Business Mktg LLC at (844) 737-6742. Thank you.

**You May Have Overlooked Your Bill**

We noticed that your account is still past due. Your balance must be paid, or your service could be disconnected without further notice where legally permitted.

If you are having difficulty paying your bill, we can offer you a deferred payment agreement which considers your financial circumstances and brings your past due bills up to date with monthly installment payments. Payment can be made at [www.nationalgridus.com](http://www.nationalgridus.com) or by calling the customer service number at the top of your bill. If you've made payment or have made payment arrangements, thank you.

Go paperless and your bill will be delivered to your email. Visit [ngrid.com/paperless](http://ngrid.com/paperless) to enroll.

**Meter Read, Estimate** - Your meter was not read. Your bill was calculated based on the amount of gas you used during a similar period last year, or weather conditions for heating customers.

**Thermal Factor** - The factor used to convert units of gas into therms. A therm is a measure of heat energy.

PLEASE PAY NATIONAL  
GRID GAS AND ELECTRIC  
BILLS SEPARATELY

National Grid  
P.O. Box 371338  
Pittsburgh, PA 15250-7338

**CCF** - Units of gas used measured in hundreds cubic feet.

**Minimum Charge** - Represents the basic cost of providing service to each customer regardless of gas usage, i.e., meter reading, billing, and account maintenance. Included is the customers' contribution to the Energy Audit Program.

Item Number 17

**Gas Delivery Charge** - The cost of operating and maintaining the National Grid distribution system.

**Gas Supply Charge** - The cost of purchase, storage, and interstate transmission of gas.

← Tear here →

**Distribution Adjustment** - Includes National Grid customer's contribution to local energy conservation and environmental programs.

H

← Tear here →

When moving please give ten days notice and forwarding address. Al mudarse, favor de avisarnos de su nueva direccion diez días antes

### QUESTIONS ABOUT YOUR BILL

Please call the Customer Assistance number on the front of your bill, or write to:

National Grid  
PO Box 1040  
Northborough, MA 01532-4040

Please include your account number in all correspondence

### PAYMENT PLANS

To help pay down overdue charges, call to discuss your eligibility for one of our payment plans. We also offer Budget Billing (also known as Balanced Billing) which averages your annual energy costs to avoid large fluctuations in your monthly bills.

Please call us or visit [www.nationalgridus.com](http://www.nationalgridus.com) to find out more about this and other payment plans.

### RIGHTS TO GAS SERVICE FOR RESIDENTIAL CUSTOMERS DURING FINANCIAL HARDSHIP

If you cannot pay your gas bill because of a **financial hardship** and there exists a **serious illness**, or there is an **infant under the age of 12 months**, or **all adults living in the home are over the age of 65** and there is a **minor child in the residence**, or if it is between November 15 and March 15, if your service is heat related, we will not shut off your gas service. To protect yourself, call us immediately and we will send you a financial statement, which you must complete and return. In addition, you must provide the necessary documentation outlined below within seven (7) days.

#### **Serious Illness and Financial Hardship**

Initially, your registered physician, physician assistant, nurse practitioner or local Board of Health official must call us to let us know of this condition. Within seven days of this phone call, you must return the financial statement and your registered physician, physician assistant, nurse practitioner or local Board of Health official must write to us and confirm the name and address of the seriously ill person and the business address and telephone of the doctor or agency. The statement must be renewed quarterly or semi-annually if certified to be chronic.

#### **Winter Protection and Financial Hardship**

If you heat your home with gas and cannot pay your overdue gas bill between November 15 and March 15 because of financial hardship, we will not shut off your gas. Contact us by phone immediately and send in a financial statement.

#### **Infant Under the Age of 12 Months and Financial Hardship**

To qualify, please contact us by phone immediately. Within seven days of the call, you must return the financial statement and send us the name, address, and birth date of the child and one of the following:

- birth certificate
- official records or letter from a registered physician, physician assistant, nurse practitioner, or local Board of Health, hospital or government official
- letter from the Department of Transitional Assistance
- letter from a clergyman, or religious institution.

### NOTICE ABOUT ELECTRONIC CHECK CONVERSION

By sending your completed, signed check to us, you authorize us to use the account information from your check to make an electronic fund transfer from your account for the same amount as the check. If the electronic fund transfer cannot be processed for technical reasons, you authorize us to process the copy of your check.

### NOTICE TO ELDERLY CUSTOMERS

If all residents in your household are 65 or older, we won't shut off your gas service without the prior consent of the Massachusetts Department of Public Utilities (DPU). If you cannot pay your bill at once, you may be able to work out a payment plan with us. If you have any questions, or want further information, call us at the number printed on the front of your bill. To protect yourself, please call the Company immediately if all residents in your home are 65 years of age or older. **Adults over 65 Plus Minor Child and Financial Hardship**  
To qualify, please contact us by phone immediately. Within seven days of the call you must return the financial hardship form, and send us the name, address and birthdate of the adults over 65 and the name and birthdate of the minor.

### RIGHT TO DISPUTE YOUR GAS BILL

If you believe your gas bill is not correct or wish to dispute it, or if you have a service quality problem or dispute, call us at the number on the front or write us at the address printed above or listed in your local telephone directory. We will investigate the dispute and tell you what we find. If, after our investigation, you still think the bill is not correct, or continue to dispute the time over which your arrearage is to be paid, or the service quality problem has not been addressed, you have the right to appeal by calling the Massachusetts Department of Public Utilities (DPU) at (617)737-2836 or 1-877-886-5066 or TTY (for the hearing impaired only) 1-800-439-2370, by writing to the DPU, Consumer Division, One South Station, Boston MA 02110, or by visiting the DPU's web site [www.mass.gov/dpu](http://www.mass.gov/dpu).

### NON-RESIDENTIAL CUSTOMERS

All unpaid balances more than 30 days in arrears are subject to late payment charges at the rate equal to the rate paid on 2-year United States Treasury notes for the preceding 12 months ending December 31, plus 10%. Non-residential customers will be notified of the late payment charge percentage with their February bill.

Esta información se puede obtener en Español.

### PRIVACY NOTICE

The DPU requires us to cross reference our residential customer database against a database of Transitional Assistance recipients to determine eligibility for our *discounted delivery rate*. If you do not want to be included in the automated matching process, please call us at the Customer Assistance number on the front.

### ARREARAGE MANAGEMENT PROGRAM

The Arrears Management Program (AMP) provides arrears forgiveness to income qualified residential customers. Participants must accept and stay current with monthly Budget Billing payments. For complete details, visit [www.nationalgridus.com](http://www.nationalgridus.com).



020000709A00000

0154414633001214781157

**CITY OF EVERETT  
BLDG MAINTENANCE  
484 BROADWAY  
EVERETT, MA.**

\*\*C 019 124427  
Y  
02149-3694

**Please Pay  
By Feb 05**  
14,781.15 H

44146-33001

Account Number

Please mail this part of bill with your payment  
Make checks payable to National Grid.  
Write your account number on check.

Tear here

National Grid address on the back must show in return envelope window

<b>Service To</b> CITY OF EVERETT 548 BROADWAY EVERETT, MA 02149	<b>Account Number</b> 44146-33001	<b>Next Meter Reading</b> Feb 15 '24	<b>Bill Date</b> Jan 22 '24
	<b>Rate</b> G-44T Demand Heating	<b>For Customer Assistance</b> Please call (781) 751-3000	

**CURRENT BILL ITEMIZED**

**In 33 days you used 9505 therms:**

Jan 22 2024 reading ACTUAL 021817  
Dec 20 2023 reading ACTUAL 021725  
Meter multiplier is 100.0 -CCF used 92  
CCF Used for METER# 111123 9200

Thermal Factor x1.0331  
Total therms used 9505

**Your Cost is determined as follows:**

Minimum Charge \$608.30  
\$18.4333 per day for 33 days  
660.0 MDCQ x 8.4071 per MDCQ 5,548.69  
Distribution Adjustment:  
9505 therms x 0.20080 per therm 1,908.60  
GAS DELIVERY CHARGE \$8,065.59  
Paperless Bill Credit -.38  
**TOTAL CURRENT CHARGES \$8,065.21**

**SUMMARY OF CHARGES**

Total Current Charges \$8,065.21  
Amount Due Last Bill 8,947.27  
Your Total Payments Since  
Last Bill. Thank You! -2,231.33  
**PLEASE PAY BY Feb 05 \$14,781.15**

If payment received after 03/17/2024  
a late payment charge of \$150.77  
(1.14% of outstanding charges) may be added  
to your National Grid balance.

**GAS USE HISTORY**

Days	Therms	Days	Therms
Jan 24 33 Act 9505	Jun 23 32 Act 0		
Dec 23 30 Act 5573	May 23 29 Act 1029		
Nov 23 32 Act 2368	Apr 23 31 Act 3500		
Oct 23 30 Act 0	Mar 23 32 Act 13104		
Sep 23 32 Act 0	Feb 23 28 Act 11700		
Aug 23 29 Act 0	Jan 23 30 Act 12598		
Jul 23 30 Act 0	Dec 22 33 Act 11050		

**IMPORTANT MESSAGES**

You have chosen NRG Business Mktg LLC to be your gas supply provider. National Grid will continue to deliver gas to your premises. If you have any questions about your gas supply charges, please contact NRG Business Mktg LLC at (844) 737-6742. Thank you.

**You May Have Overlooked Your Bill**

We noticed that your account is still past due. Your balance must be paid, or your service could be disconnected without further notice where legally permitted.

If you are having difficulty paying your bill, we can offer you a deferred payment agreement which considers your financial circumstances and brings your past due bills up to date with monthly installment payments. Payment can be made at [www.nationalgridus.com](http://www.nationalgridus.com) or by calling the customer service number at the top of your bill. If you've made payment or have made payment arrangements, thank you.

Go paperless and your bill will be delivered to your email. Visit [ngrid.com/paperless](http://ngrid.com/paperless) to enroll.

**Meter Read, Estimate** - Your meter was not read. Your bill was calculated based on the amount of gas you used during a similar period last year, or weather conditions for heating customers.

**Thermal Factor** - The factor used to convert units of gas into therms. A therm is a measure of heat energy.

**PLEASE PAY NATIONAL  
GRID GAS AND ELECTRIC  
BILLS SEPARATELY**

National Grid  
P.O. Box 371338  
Pittsburgh, PA 15250-7338

**CCF** - Units of gas used measured in hundreds cubic feet.

**Minimum Charge** - Represents the basic cost of providing service to each customer regardless of gas usage, i.e., meter reading, billing, and account maintenance. Included is the customers' contribution to the Energy Audit Program.

Item Number 17

**Gas Delivery Charge** - The cost of operating and maintaining the National Grid distribution system.

**Gas Supply Charge** - The cost of purchase, storage, and interstate transmission of gas.

← Tear here →

**Distribution Adjustment** - Includes National Grid customer's contribution to local energy conservation and environmental programs.

H

← Tear here →

When moving please give ten days notice and forwarding address. Al mudarse, favor de avisarnos de su nueva direccion diez dias antes

### QUESTIONS ABOUT YOUR BILL

Please call the Customer Assistance number on the front of your bill, or write to:

National Grid  
PO Box 1040  
Northborough, MA 01532-4040

Please include your account number in all correspondence

### PAYMENT PLANS

To help pay down overdue charges, call to discuss your eligibility for one of our payment plans. We also offer Budget Billing (also known as Balanced Billing) which averages your annual energy costs to avoid large fluctuations in your monthly bills.

Please call us or visit [www.nationalgridus.com](http://www.nationalgridus.com) to find out more about this and other payment plans.

### RIGHTS TO GAS SERVICE FOR RESIDENTIAL CUSTOMERS DURING FINANCIAL HARDSHIP

If you cannot pay your gas bill because of a **financial hardship** and there exists a **serious illness**, or there is an **infant under the age of 12 months**, or **all adults living in the home are over the age of 65** and there is a **minor child in the residence**, or if it is between November 15 and March 15, if your service is heat related, we will not shut off your gas service. To protect yourself, call us immediately and we will send you a financial statement, which you must complete and return. In addition, you must provide the necessary documentation outlined below within seven (7) days.

#### **Serious Illness and Financial Hardship**

Initially, your registered physician, physician assistant, nurse practitioner or local Board of Health official must call us to let us know of this condition. Within seven days of this phone call, you must return the financial statement and your registered physician, physician assistant, nurse practitioner or local Board of Health official must write to us and confirm the name and address of the seriously ill person and the business address and telephone of the doctor or agency. The statement must be renewed quarterly or semi-annually if certified to be chronic.

#### **Winter Protection and Financial Hardship**

If you heat your home with gas and cannot pay your overdue gas bill between November 15 and March 15 because of financial hardship, we will not shut off your gas. Contact us by phone immediately and send in a financial statement.

#### **Infant Under the Age of 12 Months and Financial Hardship**

To qualify, please contact us by phone immediately. Within seven days of the call, you must return the financial statement and send us the name, address, and birth date of the child and one of the following:

- birth certificate
- official records or letter from a registered physician, physician assistant, nurse practitioner, or local Board of Health, hospital or government official
- letter from the Department of Transitional Assistance
- letter from a clergyman, or religious institution.

### NOTICE ABOUT ELECTRONIC CHECK CONVERSION

By sending your completed, signed check to us, you authorize us to use the account information from your check to make an electronic fund transfer from your account for the same amount as the check. If the electronic fund transfer cannot be processed for technical reasons, you authorize us to process the copy of your check.

### NOTICE TO ELDERLY CUSTOMERS

If all residents in your household are 65 or older, we won't shut off your gas service without the prior consent of the Massachusetts Department of Public Utilities (DPU). If you cannot pay your bill at once, you may be able to work out a payment plan with us. If you have any questions, or want further information, call us at the number printed on the front of your bill. To protect yourself, please call the Company immediately if all residents in your home are 65 years of age or older. **Adults over 65 Plus Minor Child and Financial Hardship** To qualify, please contact us by phone immediately. Within seven days of the call you must return the financial hardship form, and send us the name, address and birthdate of the adults over 65 and the name and birthdate of the minor.

### RIGHT TO DISPUTE YOUR GAS BILL

If you believe your gas bill is not correct or wish to dispute it, or if you have a service quality problem or dispute, call us at the number on the front or write us at the address printed above or listed in your local telephone directory. We will investigate the dispute and tell you what we find. If, after our investigation, you still think the bill is not correct, or continue to dispute the time over which your arrearage is to be paid, or the service quality problem has not been addressed, you have the right to appeal by calling the Massachusetts Department of Public Utilities (DPU) at (617)737-2836 or 1-877-886-5066 or TTY (for the hearing impaired only) 1-800-439-2370, by writing to the DPU, Consumer Division, One South Station, Boston MA 02110, or by visiting the DPU's web site [www.mass.gov/dpu](http://www.mass.gov/dpu).

### NON-RESIDENTIAL CUSTOMERS

All unpaid balances more than 30 days in arrears are subject to late payment charges at the rate equal to the rate paid on 2-year United States Treasury notes for the preceding 12 months ending December 31, plus 10%. Non-residential customers will be notified of the late payment charge percentage with their February bill.

Esta información se puede obtener en Español.

### PRIVACY NOTICE

The DPU requires us to cross reference our residential customer database against a database of Transitional Assistance recipients to determine eligibility for our discounted delivery rate. If you do not want to be included in the automated matching process, please call us at the Customer Assistance number on the front.

### ARREARAGE MANAGEMENT PROGRAM

The Arrears Management Program (AMP) provides arrears forgiveness to income qualified residential customers. Participants must accept and stay current with monthly Budget Billing payments. For complete details, visit [www.nationalgridus.com](http://www.nationalgridus.com).





SERVICE FOR  
CITY OF EVERETT SCHOOL  
548 BROADWAY  
EVERETT MA 02149

BILLING PERIOD  
Dec 18, 2023 to Jan 19, 2024  
Item Number 17

PAGE 1 of 3

ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
50655-45016	No payment due	\$ 0.00

*ELECTRIC CREDIT*

www.nationalgridus.com  
CUSTOMER SERVICE  
1-800-322-3223  
CREDIT DEPARTMENT  
1-888-211-1313  
POWER OUTAGE OR DOWNED LINE  
1-800-465-1212  
CORRESPONDENCE ADDRESS  
PO Box 960  
Northborough, MA 01532-0960  
ELECTRIC PAYMENT ADDRESS  
PO BOX 371396  
PITTSBURGH, PA 15250-7396  
DATE BILL ISSUED  
Jan 22, 2024

**ACCOUNT BALANCE**

Previous Balance	-152,473.59
Payment Received <i>No payments have been received during this billing period</i>	- 0.00
<b>Balance Forward</b>	<b>-152,473.59</b>
Current Charges	-2,160.84
<b>Credit Balance ▶</b>	<b>-\$ 154,634.43</b>

- **Payment concerns?** We are here to help. To learn about solutions to help you take control of your energy use and bills, visit [www.ngrid.com/billhelp](http://www.ngrid.com/billhelp).
- **Go paperless!** Electronic billing and payments make managing your monthly bill easier. Save time, money, and natural resources [www.ngrid.com/paperless](http://www.ngrid.com/paperless).

**DETAIL OF CURRENT CHARGES**

**Delivery Services**

Type of Service	Current Reading	Previous Reading	Difference	Meter Multiplier	Total Usage
Energy	8561 Actual	8504 Estimate	57	1500	85500 kWh
<b>Total Energy</b>					<b>85500 kWh</b>

**Demand-kW** 225.0 kW  
**Demand-kVA** 270.0 kVA

**Billed Demand** 243.0 kW

METER NUMBER 98721095 NEXT SCHEDULED READ DATE ON OR ABOUT Feb 20  
SERVICE PERIOD Dec 18 - Jan 19 NUMBER OF DAYS IN PERIOD 32  
RATE General Service - Demand G-2 VOLTAGE DELIVERY LEVEL 0 - 2.2 kv

**Enrollment Information**

To enroll with a supplier or change to another supplier, you will need the following information about your account:  
Loadzone NEMA/BOST  
Acct No: 50655-45016 Cycle: 15, CITY

**Electric Usage History**

Month	kWh	Month	kWh
Jan 23	142500	Aug 23	63000
Feb 23	109500	Sep 23	102000
Mar 23	79500	Oct 23	88500
Apr 23	103500	Nov 23	67500
May 23	78000	Dec 23	166500
Jun 23	60000	Jan 24	85500
Jul 23	84000		

**Billed Demand Last 12 months**

Minimum	162
Maximum	243
Average	207

KEEP THIS PORTION FOR YOUR RECORDS  
RETURN THIS PORTION WITH YOUR PAYMENT



ACCOUNT NUMBER	PLEASE PAY BY	AMOUNT DUE
50655-45016	No Payment Due	\$ 0.00

PO Box 960  
Northborough MA 01532

CITY OF EVERETT SCHOOL  
484 BROADWAY RM 24  
EVERETT MA 02149-3694

029830

**Please do not mail payment**  
You have a credit balance on your account.

Customer Charge			30.00
Distribution Charge	0.01865	x 85500 kWh	1,594.59
Transition Charge	-0.00067	x 85500 kWh	-57.28
Transmission Charge	0.02763	x 85500 kWh	2,362.36
Distribution Demand Chg	13.36	x 243 kW	3,246.48
Energy Efficiency Chg	0.01379	x 85500 kWh	1,179.05
Renewable Energy Chg	0.0005	x 85500 kWh	42.75
Distributed Solar Charge	0.00572561	x 85500 kWh	489.54
Electric Vehicle Charge	0.00013	x 85500 kWh	11.12
<b>Total Delivery Services</b>			<b>\$ 8,898.61</b>

**Explanation of General Billing Terms**

**KWH:** Kilowatt-hour, a basic unit of electricity used.  
**Off-Peak:** Period of time when the need or demand for electricity on the Company's system is low, such as late evenings, weekends and holidays.  
**Peak:** Period of time when the need or demand for electricity on the Company's system is high, normally during the day, Monday through Friday, excluding holidays.  
**Estimated Bill:** A bill calculated on your typical monthly usage rather than on an actual meter reading, usually rendered because we are unable to read your meter.  
**Meter Multiplier:** A number by which the usage on certain meters must be multiplied by to obtain the total usage.  
**Demand Charge:** The cost of providing electrical distribution equipment to accommodate your largest electrical load.

**Supplier Service Charges consist of:**

**Generation Charge:** The charge(s) to provide electricity to the customer by a supplier.

**Delivery Service Charges are comprised of:**

**Customer Charge:** The cost of providing customer related services such as metering, meter reading and billing. These costs are unaffected by the actual

**Questions:**

If you have questions or complaints regarding this bill or National Grid's service quality, please contact Customer Service at 1-800-322-3223. You may also contact the Massachusetts Department of Public Utilities, Consumer Division at 617-737-2836 or toll free at 1-877-886-5066, TTY (for the hearing impaired only) 1-800-439-2370 or web site [www.mass.gov/dpu](http://www.mass.gov/dpu).

amount of electricity you use.

**Distribution Charge:** The cost of delivering electricity from the beginning of the Company's distribution system to your home or business.

**Transition Charge:** Company payments to its wholesale supplier for terminating its wholesale arrangements.

**Transmission Charge:** The cost of delivering electricity from the generation company to the beginning of the Company's distribution system.

**Energy Efficiency Charge:** The cost of energy efficiency program services offered by the Company.

**Renewable Energy Charge:** A charge to fund initiatives for renewable energy and fostering formation, growth, expansion and retention of renewable energy and related enterprises.

**Distributed Solar Charge:** Recovers the cost of the Massachusetts solar program, including payments to owners of solar systems.

**Electric Vehicle Charge:** Recovers the cost of the Electric Vehicle Program, including rebates for installation of EV charging infrastructure and for off peak charging.



www.nationalgridus.com



**We're here to help you manage your energy bill.**

We offer ways to help you manage your energy use and monthly bills — including budget payment plans, energy efficiency tips and programs, and assistance with community support agencies.

Learn more at [ngrid.com/heretohelp](http://ngrid.com/heretohelp)

**Estamos aquí para ayudarlo a administrar su factura de energía.**

Ofrecemos formas de ayudarlo a gestionar su consumo de energía y sus facturas mensuales, incluidos planes de pago de presupuestos, consejos y programas de eficiencia energética y asistencia con agencias de apoyo comunitario.

Obtenga más información en [ngrid.com/heretohelp](http://ngrid.com/heretohelp)

**Other Charges/Adjustments**

Transfer Credit/Charges	-7,163.95
Transfer Credit/Charges	-3,802.71
Transfer of Remote Net Meter Credit	-92.79
<b>Total Other Charges/Adjustments</b>	<b>-\$ 11,059.45</b>

Menu

Pay Bill



ELECTRIC

Switch

548 BROADWAYEVERETT MA 02149  
Acct #5065545016

View Current Bill

1 to 10 of 24

Bill From	Bill To	Total Charges	
Dec 18, 2023	Jan 19, 2024	\$0.00	<a href="#">View Bill</a>
Nov 17, 2023	Dec 18, 2023	\$0.00	<a href="#">View Bill</a>
Oct 18, 2023	Nov 17, 2023	\$0.00	<a href="#">View Bill</a>
Sep 18, 2023	Oct 18, 2023	\$0.00	<a href="#">View Bill</a>
Aug 18, 2023	Sep 19, 2023	\$0.00	<a href="#">View Bill</a>
Jul 20, 2023	Aug 18, 2023	\$0.00	<a href="#">View Bill</a>
Jun 20, 2023	Jul 20, 2023	\$0.00	<a href="#">View Bill</a>
May 18, 2023	Jun 20, 2023	\$0.00	<a href="#">View Bill</a>
Apr 20, 2023	May 18, 2023	\$0.00	<a href="#">View Bill</a>
Mar 20, 2023	Apr 20, 2023	\$0.00	<a href="#">View Bill</a>

Prev

1



Next

Menu

Pay Bill



Switch

548 BROADWAYEVERETT MA 02149  
Acct #5065545016

View Current Bill

11 to 20 of 24

Bill From	Bill To	Total Charges	
Feb 15, 2023	Mar 20, 2023	\$0.00	<a href="#">View Bill</a>
Jan 18, 2023	Feb 15, 2023	\$0.00	<a href="#">View Bill</a>
Dec 16, 2022	Jan 18, 2023	\$0.00	<a href="#">View Bill</a>
Nov 17, 2022	Dec 16, 2022	\$0.00	<a href="#">View Bill</a>
Oct 19, 2022	Nov 17, 2022	\$0.00	<a href="#">View Bill</a>
Sep 16, 2022	Oct 19, 2022	\$0.00	<a href="#">View Bill</a>
Aug 17, 2022	Sep 16, 2022	\$0.00	<a href="#">View Bill</a>
Jul 19, 2022	Aug 17, 2022	\$0.00	<a href="#">View Bill</a>
Jun 17, 2022	Jul 19, 2022	\$0.00	<a href="#">View Bill</a>
May 19, 2022	Jun 17, 2022	\$0.00	<a href="#">View Bill</a>

Prev

1



Next

Customers  
City of Everett  
Accounts

Item Number 17

*ELECTRIC  
SUPPLIER  
FEES*

⚡ 1589020

Balance Due  
⚡ \$637.19

PAY INVOICES

Payment History

## ⚡ Electricity Payment History for 1589020

- Only fully paid invoices appear in your payment history. Partial payments on invoices are not shown.



EXPORT EXCEL

From

1-15-2023



To

2-15-2024



UPDATE VIEW

Account #	Payment Date	Payment Amount	Payment Method
City of Everett			
1589020	03-22-2023	\$421.42	Check# 608281
1589020	03-09-2023	\$429.80	Check# 607514
1589020	01-26-2023	\$483.07	Check# 606871

« 1 **2** »

Total items: 13

10

Chat With Us

Give Feedback



Account #	Payment Date	Payment Amount	Item Number 17 Payment Method
1589020	07-24-2023	\$516.65	Check# 611382
1589020	06-21-2023	\$397.75	Check# 610482
1589020	05-26-2023	\$421.68	Check# 609605
1589020	05-08-2023	\$489.61	Check# 608870

« 1 2 »

Total items: 13

10 25 50 100

Go Paperless

Give Feedback About Your Product & Invoice

FAQs

Outages & Emergencies

Privacy Policy

© 2023 NRG Energy, Inc. All rights reserved. NRG and the plus signs are registered service marks of NRG Energy, Inc. Direct Energy is a wholly owned subsidiary of NRG Energy, Inc. and offers an extensive suite of solutions for business. Direct Energy and the lightning bolt design are registered trademarks of Direct Energy.

Retail commodity services provided under Direct Energy Business, LLC dba NRG and NRG Business. (State Licensing) (DC PSC License No. EA-04-4-4; NJ BPU License Nos. ESL-0165, GSL-0145; MD PSC License Nos. IR-437; IR-2697; PUCT Cert. No. 10011; CT PURA License No. 00-05-14RE01; MA DPU License Nos. CS-021; GS-052; CS-108). Products and services vary depending on region or market.

Retail commodity services provided under NRG Business Marketing LLC. (State Licensing) (DC PSC License No. EA-13-12, GA-13-03-1; NJ BPU License Nos. ESL-142, GSL-0128; MD PSC License Nos. IR-3123; IR-3108; CT PURA License No. 12-03; MA DPU License Nos. GS-051). Products and services vary depending on region or market.

Share My Screen

Chat With Us 

Customers  
City of Everett  
Accounts

⚡ 1589020

Balance Due  
⚡ \$637.19

PAY INVOICES

Payment History

## ⚡ Electricity Payment History for 1589020

- Only fully paid invoices appear in your payment history. Partial payments on invoices are not shown.



EXPORT EXCEL

From

1-15-2023



To

2-15-2024



Give Feedback

UPDATE VIEW

Account #	Payment Date	Payment Amount	Payment Method
City of Everett			
1589020	01-22-2024	\$790.44	Check# 616371
1589020	01-03-2024	\$529.63	Check# 615621
1589020	11-22-2023	\$509.14	Check# 614637
1589020	10-23-2023	\$722.41	Check# 613681
1589020	09-26-2023	\$640.78	Check# 613075
1589020	08-28-2023	\$643.78	Check# 612272

Chat With Us





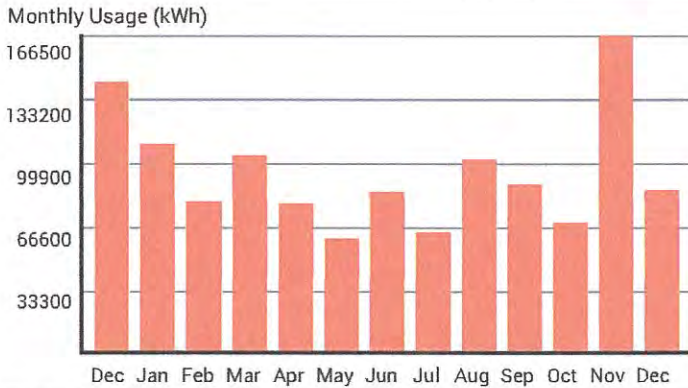
ELECTRIC SUPPLIER

Item Number 17
Invoice # 240240053542790
Account # 1589029
Invoice Date 01/24/24
Due Date 03/11/24
Page 1

CUSTOMER INFORMATION

Company: City of Everett
Billing Address: City of Everett
484 Broadway Rm 24
Everett, MA 021 49-3694

USAGE HISTORY



MESSAGE CENTER

As a result of the New England ISO's Inventoried Energy Program (IEP), which pays certain generators for maintaining energy inventories during the winter, you will begin to see a new line item on your invoice labeled "Fuel Security - IEP" to cover the program costs.\* These charges apply to any billing dates from Dec. 1, 2023 to Feb. 29, 2024. Visit directenergybusiness.com/CIL for more info.

INVOICE SUMMARY

Table with 2 columns: Description and Amount. Includes Previous Balance, Payment Received, Total Balance Forward, Adjustments, and Amount Due By March 11, 2024 (\$8,383.66).

PAYMENT OPTIONS

- By web myaccount.directenergy.com
By phone 888.925.9115
By mail Remittance slip below

QUESTIONS?

- Visit Us myaccount.directenergy.com
Call Us 888.925.9115
Outages 1.800.465.1212

Detach here and return this portion with check or money order. Do not staple or fold.



1001 Liberty Avenue
Pittsburgh, PA 15222

Invoice # 240240053542790
Account # 1589029

Amount Due by March 11, 2024 \$8,383.66

Amount Enclosed

Please write your account number on your check or money order made payable to Direct Energy Business.

Please remit to



Direct Energy Business
P.O. Box 70220
Philadelphia, PA 19176-0220

City of Everett
484 Broadway Rm 24
Everett, MA 02149-3694



Invoice # 240240053542790  
 Account # 1589029  
 Invoice Date 01/24/24  
 Due Date 03/11/24  
 Page 2

Congestion-related charges associated with accounts may be passed-through as per Paragraph 7 ("Price") of the Agreement with Direct Energy Business. Any noted congestion charge on your monthly bill is ESTIMATED and will be subject to an adjustment to reflect actual congestion charges.

**GENERAL INFORMATION**

For questions or concerns relating to this bill, please call Direct Energy Business's Customer Relations Department at:

**8 AM - 6 PM ET, Monday through Friday**  
**myaccount.directenergy.com**  
**Phone: 888.925.9115**

If mailing correspondence, please forward to  
**Direct Energy Business**  
**Attn: Customer Relations**  
**1001 Liberty Avenue**  
**Pittsburgh, PA 15222**

Delivery problems such as power outages are typically due to problems with local distribution facilities. For service problems call the utility's 24-hour service center at: Massachusetts Electric Company - National Grid 1.800.465.1212.

According to the terms contained in your energy service agreement with Direct Energy, if you end your service prior to the end of your agreement term, you may be charged an early termination fee. Please refer to your energy service agreement for details.

In the event that the Term of your Agreement has expired, your account will be invoiced at a Market Variable Rate. This rate is subject to change monthly. Please refer to your agreement for additional information.

**RIGHT TO FILE A PUC COMPLAINT:** If you believe this bill contains any unauthorized charges, please contact Direct Energy Business Customer Relations at the information above. If, after contacting Customer Relations, you are not satisfied with the resolution, you have the right to file a complaint with DTE Department of Telecommunication and Energy 1-800-392-6066, out of state callers dial (617)-605-3531. DTE Mailing address: Department of Telecommunication and Energy, One South Station, Boston, MA 02110.

Direct Energy Business's Competitive Supplier License Number: CS - 021

Generation charges shown on this bill represent the average price you paid for Electric Service this month.

For more information on terms and definitions found within this invoice, please visit us online at [directenergybusiness.com/](http://directenergybusiness.com/) or through MyAccount. If you would prefer to have a copy of invoice terms and definitions sent to you, please submit your request via phone at 1-888-925-9115.

**Change of Address?**

Please contact the Direct Energy Business Customer Relations team at:  
 Direct Energy Business  
 Attn: Customer Relations  
 1001 Liberty Avenue  
 Pittsburgh, PA 15222  
 Phone 1-888-925-9115



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 & others<sup>1</sup> vs. DANIEL L. KOLENDA<sup>2</sup> & another.<sup>3</sup>

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.

---

<sup>1</sup> Jack Barron and Arthur St. Andre.

<sup>2</sup> Individually and as a member of the board of selectmen of Southborough.

<sup>3</sup> 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.<sup>4</sup>

---

<sup>4</sup> 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.<sup>5</sup> In 2018, the Attorney General determined that the board had committed dozens of open meeting law violations and ordered

---

<sup>5</sup> 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.<sup>6</sup> 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

---

<sup>6</sup> 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,<sup>7</sup> 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

---

<sup>7</sup> 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 senti]ments 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.<sup>8</sup> 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.<sup>9</sup> 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

---

<sup>8</sup> 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).

<sup>9</sup> 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."<sup>10</sup> 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.<sup>11</sup>

---

<sup>10</sup> 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").

<sup>11</sup> 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'").<sup>12</sup>

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

---

<sup>12</sup> 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.<sup>13</sup> As the Supreme Court has

---

<sup>13</sup> 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).<sup>14</sup>

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.

<sup>14</sup> 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.<sup>15</sup>

---

<sup>15</sup> 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 COUNCIL .....No. 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.~~





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](mailto: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.



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](mailto: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.



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:**

Tentative, City of Everett Fire Chief Assessment Center Timeline

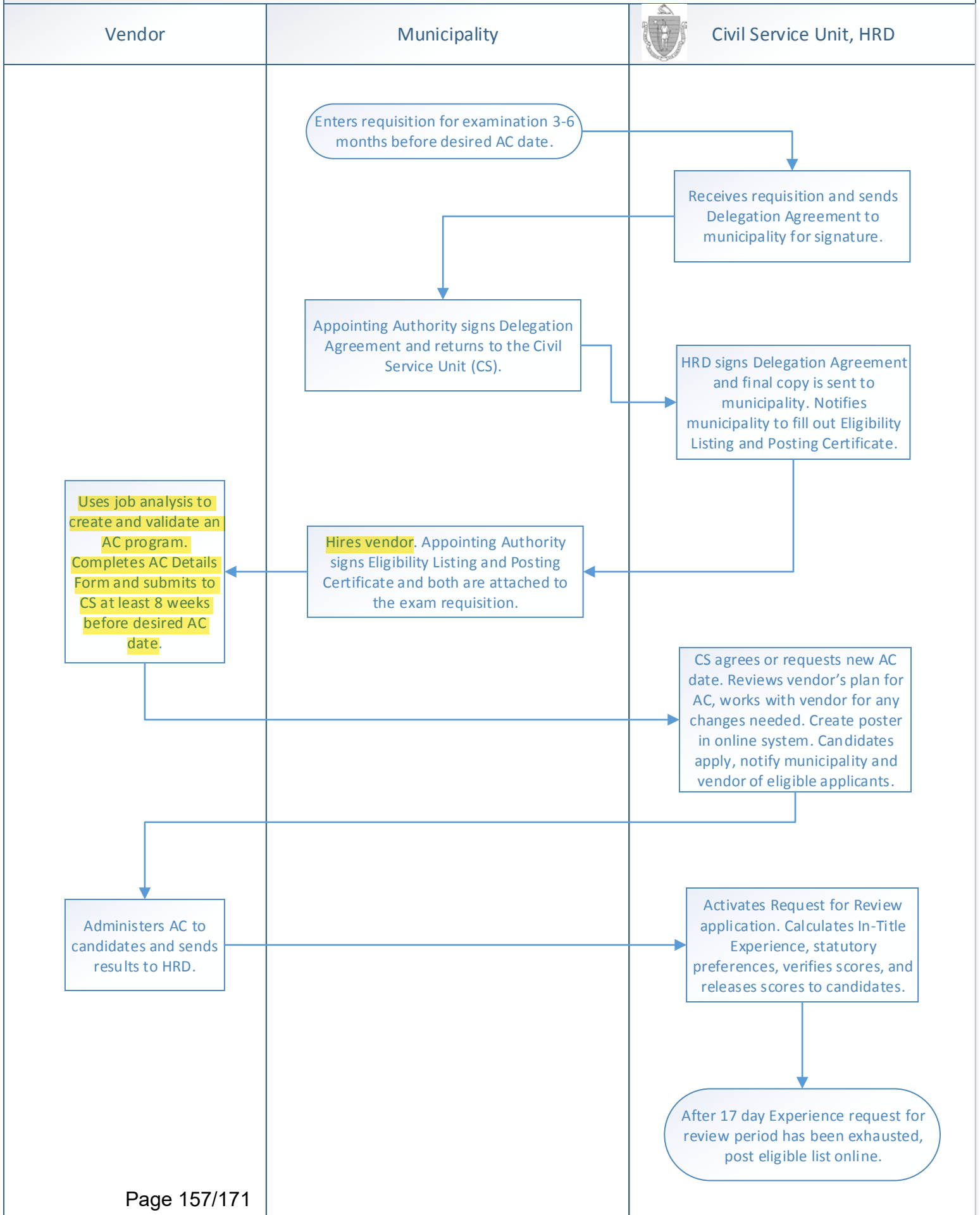
Week of	2/12	2/19	2/26	3/4	3/11	3/18	3/25	4/1	4/8	4/15	4/22	4/29	5/6	5/13
Meeting with City/HR 2/16														
Determine type of exercises														
Set a preferred date for Assessment Center														
Parow - file paperwork to Civil Service														
Eight week sign-up period starts														
Parow - meet with City Officials														
This will enable the Assessment Center to be developed and meet the needs of the City and Fire Department														
Parow - Design the Assessment Center														
Conduct the Assessment Center														
Send Assessment Center scores to Civil Service														
City requests and receives Candidates scores (Date dependent on Civil Service turn-around time, Typically 2 to 6 weeks)														???
														???
														???

2/12/2024



# 2019 Sole Assessment Center (AC) Process with Multiple Experience

Item Number 21





C0041-24

---

**To:** Mayor and City Council

**From:** Councilor Anthony DiPierro

**Date:** January 22, 2024

---

**Agenda Item:**

That The Administration take the necessary steps to ensure construction of the Fuller Street speed tables can commence once weather permits

**Background and Explanation:**

**Attachments:**



C0042-24

---

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

---

**Agenda Item:**

That The Administration provide an update on the long awaited reconstruction of The Arthur Nelson aka Fuller Street Playground

**Background and Explanation:**

**Attachments:**



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 on .....20....., 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:  
.....

..... hereby certify that on .....20....., 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.

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







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:**



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:**



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:**



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:**



C0093-24

---

**To:** Mayor and City Council

**From:** Councilor Katy L. Rogers

**Date:** February 26, 2024

---

**Agenda Item:**

That senior residents, or those with disabilities, be able to call 311 to request free house address numbers from the fire department

**Background and Explanation:**

**SUMMARY:**

The Everett Fire Department has grant money specifically allocated for helping seniors. Many properties in Everett are missing address numbers. This poses a safety hazard, as it makes it difficult for safety officials to identify houses quickly. The State of Massachusetts requires all residencies to be identified by number. In lieu of using resources on enforcement, it would be preferable to collaborate with the existing departments in our city to help insure some of our most vulnerable residents have access to house numbers, which is why senior residents should be able to call 311 to request getting address numbers on their home.

**BACKGROUND:**

I have had discussions with Will Hurley of the Everett Fire Department who shared that they have the opportunity to allocate a small amount of money for providing seniors with house address numbers through. I spoke with Chad Luongo who agreed to set up a portal via 311 which would notify members of the fire department of requests

**Attachments:**