



EVERETT CITY CLERK'S OFFICE  
REC'D 2026 JUN 17 AM 7:51

**AGENDA PACKET**

**REGULAR MEETING OF THE CITY COUNCIL  
MONDAY, JUNE 22, 2026 7:00 PM**

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

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

on 6/17/2026 at 7:51 AM

Attest:

  
Assistant City Clerk



## AGENDA

### REGULAR MEETING OF THE CITY COUNCIL MONDAY, JUNE 22, 2026 7:00 PM

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

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#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### PUBLIC HEARINGS

1. **C0155-26** Petition/s/ Councilor Stephanie V. Smith, as President

A petition from National Grid requesting permission to install approximately 10' of 2-4" conduit on Irving Street from existing pole #694-0 to provide a permanent overhead to underground service at 41-47 Union Street

The petitioner requested to withdraw the petition without prejudice after a public hearing on the petition was advertised

#### PUBLIC PARTICIPATION

#### APPROVAL OF MINUTES OF THE PREVIOUS MEETING

Minutes of the Regular Meeting of the City Council of 05/26/2026

Minutes of the Special Meeting of the City Council of 06/08/2026

Minutes of the Regular Meeting of the City Council of 06/08/2026

#### COMMUNICATIONS FROM HIS HONOR THE MAYOR

2. **C0170-26** Order/s/ Councilor Stephanie V. Smith, as President

An order requesting approval to accept and expend a grant from the Massachusetts Office of Travel and Tourism in the amount of \$5,000.00 to cover a portion of the public safety expenses incurred in connection with the Everett Fan Fest warch party

3. **C0171-26** Appointment/s/ Councilor Stephanie V. Smith, as President

An order recommending confirmation of the appointments of Kristopher Buck, Nicole Flores, Gustavo Romero, Shawn McCormack, Scott Fitzmeyer and Joseph Granara as Police Officers for the City of Everett .

**4. C0174-26** Order/s/ Councilor Stephanie V. Smith, as President

An order requesting approval of the payment of a FY25 invoice from Ideal Pools totaling \$528.00.

**PETITIONS AND LICENSES**

**5. C0169-26** Petition/s/ Councilor Stephanie V. Smith, as President

A petition requesting the renewal of a class two motor vehicle dealer license for Malden Auto Body of Everett at 49 Robin Street

**COMMITTEE REPORTS**

**6. C0164-26** Order/s/ Councilor Stephanie V. Smith, as President

An order requesting approval to transfer a sum not to exceed \$1,200,000 be from the city's Stabilization Fund to the city's Linkage Fund

**7. C0165-26** Order/s/ Councilor Stephanie V. Smith, as President

An order requesting approval to transfer \$60,000 from the Fire Department Personnel expenses to the 911 Personnel expenses.

**8. C0161-26** Ordinance/s/ Councilor Katy L. Rogers

An ordinance promoting environmental sustainability by reducing single-use plastic service ware and single-use packaged condiments

**9. C0167-26** Ordinance/s/ Councilor Stephanie V. Smith, as President

An ordinance amending Section 4.1 - Building Permit Fees of the Revised Ordinances the City of Everett

**UNFINISHED BUSINESS**

**10. C0007-26** Ordinance/s/ Councilor Katy L. Rogers, Councilor Vivian Nguyen, Councilor Stephanie Martins

An ordinance amending Section 37 (Everett Docklands Innovation District ("EDID")) of the city's Zoning Ordinance to add data center restrictions

**EXECUTIVE SESSION**

**11. C0172-26** Petition/s/ Councilor Stephanie V. Smith, as President

Executive Session to discuss a request for settlement (attached) filed on behalf of James P. Ryan. In accordance with M.G.L. ch 30A, s. 21(a)(3), the purpose of this executive session is to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body.

**12. C0173-26** Resolution/s/ Councilor Stephanie V. Smith, as President

Executive Session to discuss a request for settlement (attached) filed on behalf of Keith Slattery. In accordance with M.G.L. ch 30A, s. 21(a)(3), the purpose of this executive session is to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body.

**ADJOURMENT**

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

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

Respectfully submitted:

***David R. Flood***

Legislative Research/Systems Analyst  
Everett City Council Office



C0155-26

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**To:** Mayor and City Council

**From:** Councilor Stephanie V. Smith

**Date:** June 22, 2026

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**Agenda Item:**

A petition from National Grid requesting permission to install approximately 10' of 2-4" conduit on Irving Street from existing pole #694-0 to provide a permanent overhead to underground service at 41-47 Union Street

**Background and Explanation:**

**Attachments:**

Questions contact – Joseluis Azurdia [joseluis.azurdia@nationalgrid.com](mailto:joseluis.azurdia@nationalgrid.com)

Petition of the Massachusetts Electric Company d/b/a NATIONAL GRID  
Of NORTH ANDOVER, MASSACHUSETTS  
For Electric Conduit Location:

To the 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 ~~highways~~ <sup>EVERETT CITY CLERK'S OFFICE</sup> hereinafter named. REC'D 2026 MAY 27 PML:20

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 - Irving Street - Everett, Massachusetts.

The following are the streets and highways referred to:

**WR# 31307113**

Irving Street - National Grid to install underground facilities on Irving Street. Beginning at a point 20 feet Southeast of the centerline of the intersection of Union Street and Irving Street and continuing approximately 10 feet in a Southerly direction. National Grid to install approximately 10' of 2-4" conduit from existing pole #694-0 to private property to provide a permanent overhead to underground service at 41-47 Union Street. Everett, MA

Location approximately as shown on plan attached.

Massachusetts Electric Company d/b/a  
NATIONAL GRID *Mackelly Norvil*  
BY \_\_\_\_\_  
Engineering Department

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.

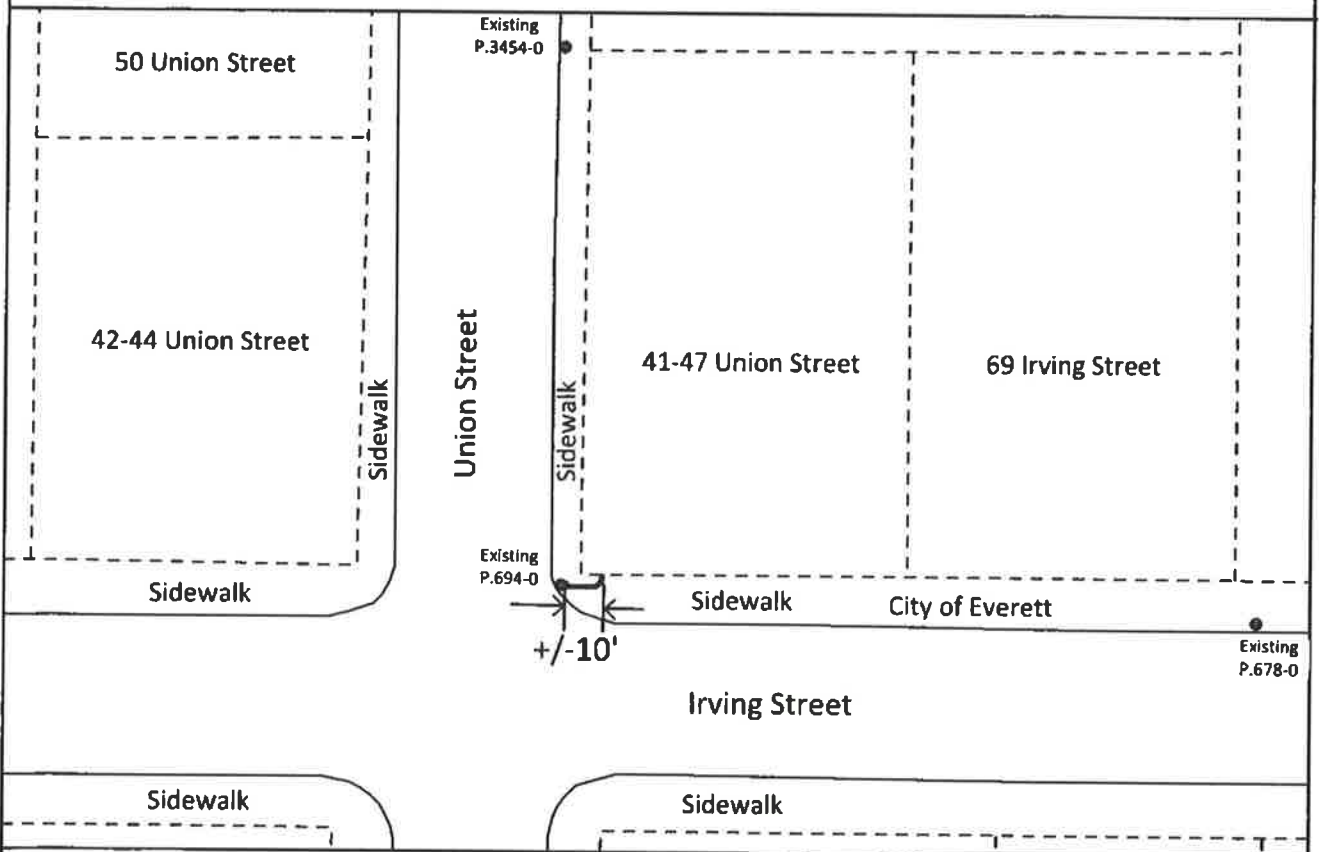
.....  
.....  
.....



**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.

**41-47 Union Street  
Everett, MA**



**NOT TO SCALE**

**LEGEND**

- ⊙ Existing Pole
- Proposed UG Conduit/Cable
- - - Property Line
- Existing

**PETITION**

Date: 05.20.2025

Designer: AZURDJ

W/R: 31307113

41-47 Union Street

Everett, MA

SKETCH TO ACCOMPANY  
PETITION (1 of 1):



## Michael Mangan

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**From:** Alyssa Jones <Alyssa.Jones@nationalgrid.com>  
**Sent:** Monday, June 15, 2026 8:49 AM  
**To:** Michael Mangan  
**Subject:** RE: [EXTERNAL] RE: Hearing request

Good morning,

The designer just reached out to inform me that this petition for wr#31307113 is no longer needed. Please reach out if you have any questions.

Thank you, have a great day!

Alyssa Jones  
**Nationalgrid**  
Work Support- NE North  
1101 Turnpike Street  
North Andover, Ma 01845  
[Alyssa.jones@nationalgrid.com](mailto:Alyssa.jones@nationalgrid.com)

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**From:** Michael Mangan <Michael.Mangan@ci.everett.ma.us>  
**Sent:** Monday, June 15, 2026 8:20 AM  
**To:** Alyssa Jones <Alyssa.Jones@nationalgrid.com>  
**Subject:** [EXTERNAL] RE: Hearing request

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

Good morning Alyssa,

This petition is on the city council agenda for 6/22/2026 at 7PM.

Best, Mike

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**From:** Alyssa Jones <Alyssa.Jones@nationalgrid.com>  
**Sent:** Friday, June 12, 2026 10:46 AM  
**To:** Michael Mangan <Michael.Mangan@ci.everett.ma.us>  
**Subject:** FW: Hearing request

Good morning,

I am following up regarding the email below, please let me know if additional information is needed to schedule a hearing.

Thank you,

Alyssa Jones

**Nationalgrid**

Work Support- NE North

1101 Turnpike Street

North Andover, Ma 01845

[Alyssa.jones@nationalgrid.com](mailto:Alyssa.jones@nationalgrid.com)

**From:** Alyssa Jones

**Sent:** Wednesday, May 27, 2026 1:18 PM

**To:** Michael Mangan <[michael.mangan@ci.everett.ma.us](mailto:michael.mangan@ci.everett.ma.us)>

**Subject:** Hearing request

Good afternoon,

I have attached an underground petition to this email for the following work request

WR#31307113- Underground on Irving Street

Please reach out if you have any questions or concerns. Also, if you could keep me posted on when a hearing date could be scheduled, I would greatly appreciate it!

Thank you so much and have a wonderful day!

Alyssa Jones

**Nationalgrid**

Work Support- NE North

1101 Turnpike Street

North Andover, Ma 01845

[Alyssa.jones@nationalgrid.com](mailto:Alyssa.jones@nationalgrid.com)

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## MEETING MINUTES

### REGULAR MEETING OF THE CITY COUNCIL TUESDAY, MAY 26, 2026 7:00 PM

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

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#### ROLL CALL

##### Members Present

Guerline Alcy Jabouin, Michele Capone, Anthony DiPierro, Holly Garcia, Stephanie Martins, Wayne Matewsky, Vivian Nguyen, Peter Pietrantonio, Katy Rogers, Stephanie Smith

#### PLEDGE OF ALLEGIANCE

#### PUBLIC PARTICIPATION

#### COMMUNICATIONS FROM HIS HONOR THE MAYOR

1. **C0139-26** Appointment/s/ Councilor Stephanie V. Smith, as President

An order requesting confirmation of the promotion of Lieutenant Eric Keller to the rank of Captain for the Everett Fire Department.

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Anthony DiPierro
<b>SECONDER:</b>	Holly Garcia
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky
<b>NAYS:</b>	
<b>AWAY:</b>	

2. **C0140-26** Appointment/s/ Councilor Stephanie V. Smith, as President

An order requesting confirmation of the appointment of Kristin Foote to the position of Director of Elections for the City of Everett for a term not to exceed three (3) years, commencing on June 8, 2026 and ending on June 8, 2029

Items 2 and 3 were taken collectively and referred to the **Legislative Affairs committee.** Item Number: {{item.number}}

<b>MOTION:</b>	Refer
<b>MOVER:</b>	Holly Garcia
<b>SECONDER:</b>	Katy Rogers
<b>RESULT:</b>	<b>Passed [0 TO 0]</b>
<b>AYES:</b>	
<b>NAYS:</b>	
<b>AWAY:</b>	

3. **C0141-26** Appointment/s/ Councilor Stephanie V. Smith, as President

An order requesting confirmation of the appointment of Thomas E. Abruzzese to the City of Everett Zoning Board of Appeals for a term not to exceed five (5) years, commencing on June 8, 2026 and ending on June 8, 2031.

<b>MOTION:</b>	Refer
<b>MOVER:</b>	Holly Garcia
<b>SECONDER:</b>	Katy Rogers
<b>RESULT:</b>	<b>Passed [0 TO 0]</b>
<b>AYES:</b>	
<b>NAYS:</b>	
<b>AWAY:</b>	

4. **C0142-26** Appointment/s/ Councilor Stephanie V. Smith, as President

An order requesting confirmation of the reappointment of Ophny Jean- Francois to the City of Everett Elections Commission for a term not to exceed four (4) years, commencing on June 8, 2026 and ending June 8, 2030.

Items 4 and 5 were taken collectively and passed unanimously after the Council rules were suspended.

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Anthony DiPierro
<b>SECONDER:</b>	Holly Garcia
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky
<b>NAYS:</b>	
<b>AWAY:</b>	

5. **C0143-26** Appointment/s/ Councilor Stephanie V. Smith, as President

An order requesting confirmation of the reappointment of Brian A. McCarthy to the City

of Everett Elections Commission for a term not to exceed four (4) years, commencing on June 8, 2026 and ending June 8, 2030. Item Number {{item.number}}

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Anthony DiPierro
<b>SECONDER:</b>	Holly Garcia
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky
<b>NAYS:</b>	
<b>AWAY:</b>	

6. **C0144-26** Appointment/s/ Councilor Stephanie V. Smith, as President

An order requesting confirmation of the reappointment of Jay Holt to the Everett Public Works Commission / Glenwood Cemetery Commission for a term not to exceed three (3) years, commencing on June 8, 2026 and ending on June 8, 2029

Items 6 through 10 were taken collectively. Councilor Garcia acknowledged that some members were present in the audience and thanked them for attending. All five reappointments were confirmed.

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Holly Garcia
<b>SECONDER:</b>	Stephanie Martins
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky
<b>NAYS:</b>	
<b>AWAY:</b>	

7. **C0145-26** Appointment/s/ Councilor Stephanie V. Smith, as President

An order requesting confirmation of the reappointment of Ednard Micelin to the City of Everett Library Board of Trustees for a term not to exceed three (3) years, commencing on June 8, 2026 and ending on June 8, 2029.

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Holly Garcia
<b>SECONDER:</b>	Stephanie Martins
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky
<b>NAYS:</b>	
<b>AWAY:</b>	

8. **C0146-26** Appointment/s/ Councilor Stephanie V. Smith, as President

An order requesting confirmation of the reappointment of Eleanor Gayhart to the City of Everett Library Board of Trustees for a term not to exceed three (3) years, commencing on June 8, 2026 and ending on June 8, 2029. Eleanor Gayhart to the City  
Item Number {{item.number}}

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Holly Garcia
<b>SECONDER:</b>	Stephanie Martins
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Matewsky, Nguyen, Pietrantonio, Rogers, Smith
<b>NAYS:</b>	
<b>AWAY:</b>	

9. **C0147-26** Appointment/s/ Councilor Stephanie V. Smith, as President

An order requesting confirmation of the reappointment of Carol Dello Russo to the Council on Aging for a term not to exceed three (3) years, commencing on June 8, 2026 and ending on June 8, 2029.

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Holly Garcia
<b>SECONDER:</b>	Stephanie Martins
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky
<b>NAYS:</b>	
<b>AWAY:</b>	

10. **C0148-26** Appointment/s/ Councilor Stephanie V. Smith, as President

An order requesting confirmation of the reappointment of Josephine Navarra to the Council on Aging for a term not to exceed three (3) years, commencing on June 8, 2026 and ending on June 8, 2029.

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Holly Garcia
<b>SECONDER:</b>	Stephanie Martins
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky
<b>NAYS:</b>	
<b>AWAY:</b>	

11. **C0149-26** Order/s/ Councilor Stephanie V. Smith, as President

An order requesting approval to accept and expend a grant of \$13,000.00 from SAFE grant.

Items 11 through 14 were taken collectively and all grants were approved.  
Item Number {{item.number}}

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Anthony DiPierro
<b>SECONDER:</b>	Katy Rogers
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky
<b>NAYS:</b>	
<b>AWAY:</b>	

**12. C0150-26** Order/s/ Councilor Stephanie V. Smith, as President

An order requesting approval to accept and expend a grant of \$200,000.00 from the Commonwealth of Massachusetts for the Commercial Triangle Design Project.

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Anthony DiPierro
<b>SECONDER:</b>	Katy Rogers
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky
<b>NAYS:</b>	
<b>AWAY:</b>	

**13. C0151-26** Order/s/ Councilor Stephanie V. Smith, as President

An order requesting approval to accept and expend a grant of \$10,000.00 from the Massachusetts Office of Travel and Tourism for the FIFA Watch Party.

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Anthony DiPierro
<b>SECONDER:</b>	Katy Rogers
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky
<b>NAYS:</b>	
<b>AWAY:</b>	

**14. C0152-26** Order/s/ Councilor Stephanie V. Smith, as President

An order requesting approval to accept and expend a grant of \$120,600.00 from the Commonwealth of Massachusetts Community Compact Cabinet (CCC) Information Technology grant program for the utilization of GIS-based infrastructure asset management.

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Anthony DiPierro

<b>SECONDER:</b>	Katy Rogers	Item Number {{item.number}}
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>	
<b>AYES:</b>	Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky	
<b>NAYS:</b>		
<b>AWAY:</b>		

**15. C0153-26** Order/s/ Councilor Stephanie V. Smith, as President

An order requesting approval to accept and expend a donation of \$1,000.00 donation from the Carmen A. Schiavo Association to support Veteran Affairs.

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Anthony DiPierro
<b>SECONDER:</b>	Katy Rogers
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky
<b>NAYS:</b>	
<b>AWAY:</b>	

**16. C0154-26** Order/s/ Councilor Stephanie V. Smith, as President

A resolution requesting that the City Council receive/review an informational presentation regarding the design for the renovation of Everett Square Park.

Ms. Lamboy explained the background, noting the redesign was previously designed in 2024 and a community meeting was held this spring with valuable feedback from council members, residents, and businesses. The plan involves turning School Street into a 90-degree intersection to slow traffic and claim more space for park use.

Key changes proposed include: moving the bus stop closer to the intersection to allow more trees in front of the library and preserve parking; creating a right turn pocket onto School Street; options for a contemporary bus shelter design with internal lights and glass; fixed seating in the Grove at Norwood Street area with concrete triangles with internal lighting; ensuring adequate space for outdoor dining abutting buildings with 8 feet for seating and 4 feet for walking.

Regarding the 2024 water feature design, community feedback questioned winter maintenance. The new option replaces the water feature with five additional trees and a wood platform that could serve as a stage for small events.

Councilor Garcia asked if the money could be allocated toward helping businesses update their storefronts. Ms. Lamboy noted the funding is already allocated with the majority from outside grants and approximately \$1 million in city money. If the project doesn't move forward, approximately \$1.5 million in grant money could be lost.

Councilor DiPierro expressed support for redeveloping the square, noting he

supported the prior administration's plan and is glad to see it continued with minor changes. Item Number {{item.number}}

Councilor Jabouin asked if the bus shelters would be heated; Ms. Lamboy said not planned but would check on options.

Councilor Nguyen asked about public restroom infrastructure, noting the Everett Square proposal is uniquely suited due to foot traffic, lighting, and visibility. Ms. Lamboy thanked her for the thought.

Councilor Pietrantonio asked about deadlines for grant money; Council President Smith stated December 31st this year.

Motion to accept the communication for the record.

**MOTION:** Favorable Action  
**MOVER:** Anthony DiPierro  
**SECONDER:** Katy Rogers  
**RESULT:** **Passed [0 TO 0]**  
**AYES:**  
**NAYS:**  
**AWAY:**

**PETITIONS AND LICENSES**

**17. C0136-26** Petition/s/ Councilor Stephanie V. Smith, as President

A petition requesting approval to issue a special one-day alcoholic beverage license to the Everett Public Schools to serve beer and wine at a post graduation reception occurring on June 3, 2026 from 6:00 PM – 10:00 PM at Everett Stadium

Items 17 and 18 were taken out of order and collectively. Councilor Garcia moved for favorable action contingent on the approval of the license commission at their June 1st meeting, seconded by Councilor Martins.

**MOTION:** Favorable Action  
**MOVER:** Holly Garcia  
**SECONDER:** Katy Rogers  
**RESULT:** **Passed [10 TO 0]**  
**AYES:** Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky  
**NAYS:**

**18. C0137-26** Petition/s/ Councilor Stephanie V. Smith, as President

A petition requesting approval to issue a special one-day alcoholic beverage license to Saint Anthony's Parish to serve beer and wine at a fundraiser occurring on June 6, 2026 from 3:00 PM – 11:00 PM at The Meadows park

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Holly Garcia
<b>SECONDER:</b>	Stephanie Martins
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky
<b>NAYS:</b>	
<b>AWAY:</b>	

**COMMITTEE REPORTS**

**19. C0120-26** Order/s/ Councilor Stephanie V. Smith, as President

An order requesting approval to appropriate by borrowing the amount of \$4,000,000.00 for the modernization of the Everett Public Schools Network Infrastructure

Items 19 and 21 were taken out of order and collectively. The clerk noted both items had been in committee and referred out with favorable action.

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Anthony DiPierro
<b>SECONDER:</b>	Katy Rogers
<b>RESULT:</b>	<b>Passed [9 TO 1]</b>
<b>AYES:</b>	Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky
<b>NAYS:</b>	Alcy Jabouin
<b>AWAY:</b>	

**20. C0007-26** Ordinance/s/ Councilor Katy L. Rogers, Councilor Vivian Nguyen, Councilor Stephanie Martins

An ordinance amending Section 37 (Everett Docklands Innovation District ("EDID")) of the city's Zoning Ordinance to add data center restrictions

Councilor Rogers reminded the council that the item as originally written was to prohibit data centers entirely, which was put on the agenda in February. Since then, it was sent to the planning board which unanimously voted on a favorable recommendation with tighter recommendations and guidelines.

Council President Smith stated she had done research and the definition of data center versus server room is not clear. She noted the small to medium size allowed is still very large, citing research that actual companies in Boston have data centers 1/12th the size being proposed. She stated there need to be more restrictions.

Councilor Martins clarified for the public that this is not a vote on a specific data center project but rather changing zoning to limit uses.

Councilor Pietrantonio commended Councilor Rogers for her hard work but suggested putting it back in committee to give the new administration a chance to sit down and look at it again to potentially make it tighter.

Item referred to Legislative Committee.

<b>MOTION:</b>	Refer
<b>MOVER:</b>	Stephanie Smith
<b>SECONDER:</b>	Holly Garcia
<b>RESULT:</b>	<b>Passed [6 TO 4]</b>
<b>AYES:</b>	Alcy Jabouin, Capone, Garcia, Pietrantonio, Smith, Matewsky
<b>NAYS:</b>	DiPierro, Martins, Nguyen, Rogers
<b>AWAY:</b>	

**21. C0135-26** Order/s/ Councilor Stephanie V. Smith, as President

An order requesting approval to appropriate by borrowing the amount of \$2,000,000.00 for the purpose of funding the MSBA High School Feasibility Study Project

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Anthony DiPierro
<b>SECONDER:</b>	Katy Rogers
<b>RESULT:</b>	<b>Passed [9 TO 1]</b>
<b>AYES:</b>	Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky
<b>NAYS:</b>	Alcy Jabouin
<b>AWAY:</b>	

**22. C0132-26** Petition/s/ Councilor Stephanie V. Smith, as President

A petition requesting a new class 1 motor vehicle dealer license for Boston Freightliner at 2 Rivergreen Drive (New license holder)

The clerk noted the petitioner met that evening at the community and business development meeting.

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Holly Garcia

<b>SECONDER:</b>	Katy Rogers	Item Number {{item.number}}
<b>RESULT:</b>	<b>Passed [10 TO 0]</b>	
<b>AYES:</b>	Alcy Jabouin, Capone, DiPierro, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith, Matewsky	
<b>NAYS:</b>		
<b>AWAY:</b>		

## UNFINISHED BUSINESS

### 23. C0124-26 Petition/s/ Councilor Stephanie V. Smith, as President

A petition requesting the renewal of an innholder's license for Encore Boston Harbor at 1 Broadway

Councilor Rogers asked about the transportation situation and the status of shuttles that previously went around the city. Ms. McAnneny explained the shuttles were stopped due to low ridership, and when the MBTA updated bus routes, the 109 bus now comes by with more frequency. Instead, Encore is the biggest contributor to the Lower Mystic TMA, paying \$54,000 annually for a shuttle servicing Charlestown and Everett.

Council President Smith noted that another 30% (\$3.7 million) is spent on Encore businesses registered to Encore's address. Ms. McAnneny clarified these businesses lease space and are Everett businesses. Council President Smith also asked about the \$50,000 in gift card giveaways to local Everett businesses required by the agreement. Ms. McAnneny confirmed that spending is separate from the local vendor spending and offered to provide a list of vendors receiving gift cards.

Councilor Matewsky expressed concern about lack of entertainment value at the casino, noting there hasn't been entertainment like Wayne Newton or KC and the Sunshine Band since opening. He mentioned the lack of boxing, sports events, or even piano players. Ms. McAnneny explained that Encore was required to sign the impacted live entertainment venue agreement, which limits their ability to host events due to concerns from local entertainment facilities. Councilor Matewsky noted there seems to be a missing link between the council and the casino and hoped for improvement.

Councilor Martins requested that Encore become more part of Everett and noted the website is all about Boston Harbor, symbolically turning its back on Everett.

Councilor Pietrantonio asked for a list of Everett resident employees.

Ms. McAnneny stated that in the last fiscal year, Encore paid the city of Everett \$22,911,016 for the PILOT, plus an annual community impact fee of \$5,692,397, and when including motor vehicle excise and other taxes, they contribute almost \$35 million annually, which is 9% of the Mayor's proposed FY2027 budget.

Councilor Jabouin stated that when the casino came in, the community was promised the world but never got it. Item Number {{item.number}}

Councilor Capone asked about the building ownership, and Ms. McAnney confirmed the building was sold to a California real estate conglomerate with Wynn as a long-term tenant.

Motioned to renew the Innholder's license.

<b>MOTION:</b>	Favorable Action
<b>MOVER:</b>	Stephanie Martins
<b>SECONDER:</b>	Anthony DiPierro
<b>RESULT:</b>	<b>Passed [7 TO 3]</b>
<b>AYES:</b>	DiPierro, Garcia, Martins, Nguyen, Rogers, Smith, Matewsky
<b>NAYS:</b>	Alcy Jabouin, Capone, Pietrantonio
<b>AWAY:</b>	

## EXECUTIVE SESSION

### 24. C0138-26 Resolution/s/ Councilor Stephanie V. Smith, as President

Executive Session to discuss lawsuit filed against the City (Colameta v. City of Everett et al). In accordance with M.G.L. ch 30A, s. 21(a)(3), the purpose of this executive session is to discuss litigation strategy in executive session because discussing said strategy in an open meeting may have a detrimental effect on the litigation positions of the City, Mayor and Council.

Councilor DiPierro stated that due to his relationship with Mr. Colameta, he would not be participating in the executive session.

The clerk read the eight portions of the executive session procedure. Council President Smith announced the purpose of the executive session in accordance with Mass General Law Chapter 30A, Section 21(a)(3), stating the city council is entering into executive session to discuss a federal civil rights lawsuit filed against the city, including the city council and the Mayor, with the caption Phil Colameta versus the City of Everett et al. Mr. Colameta filed a federal lawsuit challenging the mayor and council's actions in removing him as a member from the Everett Housing Authority Board and alleging constitutional and civil rights violations. The executive session will be attended by the city solicitor to discuss the lawsuit with the city council.

Council President Smith also announced that in accordance with Mass General Law Chapter 30A Section 21(b)(4), the city council will adjourn after the executive session and will not reconvene in public. Item Number {{item.number}}

Motion to enter executive session and invite the Mayor, city solicitor, and clerk, with adjournment from executive session.

<b>MOTION:</b>	Roll Call Vote
<b>MOVER:</b>	Stephanie Martins
<b>SECONDER:</b>	Katy Rogers
<b>RESULT:</b>	<b>Passed [8 TO 0]</b>
<b>AYES:</b>	Alcy Jabouin, Capone, Garcia, Martins, Nguyen, Pietrantonio, Rogers, Smith
<b>NAYS:</b>	
<b>AWAY:</b>	DiPierro, Matewsky

### ADJOURNMENT

The meeting will adjourn from Executive Sessuin  
Adjourned at 10:24PM





**MEETING MINUTES**

**SPECIAL MEETING OF THE CITY COUNCIL  
MONDAY, JUNE 08, 2026 6:00 PM**

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

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**ROLL CALL**

**Members Present**

Guerline Alcy Jabouin, Michele Capone, Anthony DiPierro, Holly Garcia, Michael Marchese, Stephanie Martins, Peter Pietrantonio, Katy Rogers

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARINGS**

- C0127-26** Public Hearing/s/ Councilor Stephanie V. Smith, as President

A public hearing to allow the public to provide input on the city’s proposed Fiscal Year 2027 operating budgets including the General Fund, Water & Sewer Enterprise Fund and the ECTV Enterprise Fund budgets

The public hearing was held and Peggy Serino and Paula Sterite both spoke against the budget, requesting the Council and mayor make substantial cuts to the budget to decrease taxes. The item was placed on file.

<b>MOTION:</b>	Roll Call Vote
<b>MOVER:</b>	Stephanie Martins
<b>SECONDER:</b>	Holly Garcia
<b>RESULT:</b>	<b>Passed [0 TO 0]</b>
<b>AYES:</b>	
<b>NAYS:</b>	
<b>AWAY:</b>	

**ADJOURNMENT**

Meeting adjourned at 6:15 PM

Item Number {{item.number}}

<b>MOTION:</b>	Adjourn
<b>MOVER:</b>	Stephanie Martins
<b>SECONDER:</b>	Holly Garcia
<b>RESULT:</b>	<b>Passed [0 TO 0]</b>
<b>AYES:</b>	
<b>NAYS:</b>	
<b>AWAY:</b>	





## MEETING MINUTES

### SPECIAL MEETING OF THE CITY COUNCIL MONDAY, JUNE 08, 2026 6:00 PM

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

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#### ROLL CALL

##### **Members Present**

Guerline Alcy Jabouin, Michele Capone, Anthony DiPierro, Holly Garcia, Michael Marchese, Stephanie Martins, Peter Pietrantonio, Katy Rogers

#### PLEDGE OF ALLEGIANCE

#### PUBLIC HEARINGS

1. **C0127-26** Public Hearing/s/ Councilor Stephanie V. Smith, as President

A public hearing to allow the public to provide input on the city's proposed Fiscal Year 2027 operating budgets including the General Fund, Water & Sewer Enterprise Fund and the ECTV Enterprise Fund budgets

The public hearing was held and Peggy Serino and Paula Sterite both spoke against the budget, requesting the Council and mayor make substantial cuts to the budget to decrease taxes. The item was placed on file.

<b>MOTION:</b>	Roll Call Vote
<b>MOVER:</b>	Stephanie Martins
<b>SECONDER:</b>	Holly Garcia
<b>RESULT:</b>	<b>Passed [0 TO 0]</b>
<b>AYES:</b>	
<b>NAYS:</b>	
<b>AWAY:</b>	

#### ADJOURNMENT

Meeting adjourned at 6:15 PM

Item Number {{item.number}}

<b>MOTION:</b>	Adjourn
<b>MOVER:</b>	Stephanie Martins
<b>SECONDER:</b>	Holly Garcia
<b>RESULT:</b>	<b>Passed [0 TO 0]</b>
<b>AYES:</b>	
<b>NAYS:</b>	
<b>AWAY:</b>	





C0170-26

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**To:** Mayor and City Council

**From:** Councilor Stephanie V. Smith

**Date:** June 22, 2026

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**Agenda Item:**

An order to accept and expend a grant from the Massachusetts Office of Travel and Tourism for the Everett Fan Fest watch party public safety in the amount of \$5,000.00.

**Background and Explanation:**

**Attachments:**



Office of Mayor  
**Robert J. Van Campen**

Item Number 2

June 10, 2026

The Honorable Stephanie Smith  
President, Everett City Council  
484 Broadway  
Everett, MA 02149

RE: World Cup / Everett Fan Fest Watch Party Public Safety Order

Dear Madame President:

I hereby submit for your consideration an order to accept and expend a grant from the Massachusetts Office of Travel and Tourism in the amount of \$5,000.00 to cover a portion of public safety expenses incurred in connection with the Everett Fan Fest watch party.

I recommend favorable passage of this order.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "R. J. Van Campen".

**Robert J. Van Campen**  
Mayor of the City of Everett



**City of Everett**



June 10, 2026  
*City of Everett, Massachusetts*  
**CITY COUNCIL**

Offered By: \_\_\_\_\_  
**Councilor Stephanie Smith, as President**

<p>Bill Number: Bill Type: Order</p>	<p>Be It Ordered: By City Council OF THE CITY OF EVERETT, as follows:</p> <p>That the City Council hereby accept and expend a grant from the Massachusetts Office of Travel and Tourism in the amount of \$5,000.00 to cover a portion of public safety expenses incurred in connection with the Everett Fan Fest watch party.</p>
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**City of Everett**



C0171-26

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**To:** Mayor and City Council

**From:** Councilor Stephanie V. Smith

**Date:** June 22, 2026

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**Agenda Item:**

An order recommending confirmation of the appointment of the following individuals to the Everett Police Department: Kristopher Buck, Nicole Flores, Gustavo Romero, Shawn McCormack, Scott Fitzmeyer and Joseph Granara.

**Background and Explanation:**

**Attachments:**



Office of Mayor  
**Robert J. Van Campen**

June 15, 2026

The Honorable Stephanie Smith  
President, Everett City Council  
484 Broadway  
Everett, MA 02149

RE: Everett Police Department Appointments

Dear Madame President:

I respectfully request that your honorable Council vote to confirm the appointments of Kristopher Buck, Nicole Flores, Gustavo Romero, Shawn McCormack, Scott Fitzmeyer, and Joseph Granara as Police Officers for the City of Everett.

Thank you for your attention to this matter.

Respectfully submitted,

**Robert J. Van Campen**  
Mayor of the City of Everett



**City of Everett**



June 15, 2026  
*City of Everett, Massachusetts*  
**CITY COUNCIL**

Offered By: \_\_\_\_\_  
Councilor Stephanie Smith, as President

<p>Bill Number: Bill Type: Order</p>	<p>Be It Ordered: By City Council OF THE CITY OF EVERETT, as follows:</p> <hr/> <p>That the City Council hereby confirm the appointments of Kristopher Buck, Nicole Flores, Gustavo Romero, Shawn McCormack, Scott Fitzmeyer, and Joseph Granara as Police Officers for the City of Everett.</p>
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**City of Everett**



C0174-26

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**To:** Mayor and City Council

**From:** Councilor Stephanie V. Smith

**Date:** June 22, 2026

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**Agenda Item:**

An order requesting approval of the payment of a FY25 invoice from Ideal Pools totaling \$528.00.

**Background and Explanation:**

**Attachments:**



Office of Mayor  
**Robert J. Van Campen**

Item Number 4

June 16, 2026

The Honorable Stephanie Smith  
President, Everett City Council  
484 Broadway  
Everett, MA 02149

RE: Payment of FY25 Invoice from IDEAL POOLS

Dear Madame President:

I respectfully request that your honorable council vote to approve the payment of a FY25 invoice from IDEAL POOLS totaling \$528.00.

Please find attached the invoice from IDEAL POOLS.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "R. J. Van Campen".

**Robert J. Van Campen**  
Mayor of the City of Everett



**City of Everett**



June 16, 2026  
*City of Everett, Massachusetts*  
**CITY COUNCIL**

Offered By: \_\_\_\_\_  
Councilor Stephanie Smith, as President

<p>Bill Number: Bill Type: Order</p>	<p>Be It Ordered: By City Council OF THE CITY OF EVERETT, as follows:</p>
	<p>That the City Council hereby approve the payment of a FY25 invoice from IDEAL POOLS totaling \$528.00.</p>



**City of Everett**

**IDEAL POOLS**  
119 Vale St  
Tewksbury, MA 01876  
+19786401159  
idealpools119@gmail.com  
www.idealpools.net



# INVOICE

**BILL TO**  
Glenwood Cemetery  
277 Washington Ave  
Everett, MA 01249

**INVOICE #** 4577  
**DATE** 08/20/2024  
**DUE DATE** 09/19/2024  
**TERMS** Net 30

DATE	QTY	DESCRIPTION	RATE	AMOUNT
	5	Weekly Service: July	95.00	475.00
	15	Tablet	3.00	45.00
	2	Lb of Shock	4.00	8.00

**BALANCE DUE** **\$528.00**

Pay invoice



C0169-26

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**To:** Mayor and City Council

**From:** Councilor Stephanie V. Smith

**Date:** June 22, 2026

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**Agenda Item:**

A petition requesting the renewal of a class two motor vehicle dealer license for Malden Auto Body of Everett at 49 Robin street

**Background and Explanation:**

**Attachments:**



City of  
**Everett**  
Massachusetts

C0164-26

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**To:** Mayor and City Council

**From:** Councilor Stephanie V. Smith

**Date:** June 8, 2026

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**Agenda Item:**

An order requesting approval to transfer a sum not to exceed \$1,200,000 be from the city's Stabilization Fund to the city's Linkage Fund

**Background and Explanation:**

**Attachments:**



Office of Mayor  
**Robert J. Van Campen**

June 3, 2026

The Honorable Stephanie Smith  
President, Everett City Council  
484 Broadway  
Everett, MA 02149

Dear Madame President:

I respectfully request your honorable council's approval to transfer a sum not to exceed \$1,200,000 from the city's stabilization fund, account # 84-121-8130-5963, to the city's Linkage Fund, account # 27-521-0826-4230.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "R. J. Van Campen".

**Robert J. Van Campen**  
Mayor of the City of Everett



**City of Everett**



June 8, 2026

# City of Everett, Massachusetts CITY COUNCIL

Offered By: \_\_\_\_\_  
Councilor Stephanie Smith, as President

<p>Bill Number: Bill Type: Order</p>	<p>Be It Ordered: By City Council OF THE CITY OF EVERETT, as follows:</p> <p>That a sum not to exceed \$1,200,000 be transferred from the Cit's stabilization fund, account # 84-121-8130-5963 to the City's Linkage fund, account #27-521-0826-4230.</p>
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**City of Everett**



C0165-26

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**To:** Mayor and City Council  
**From:** Councilor Stephanie V. Smith  
**Date:** June 8, 2026

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**Agenda Item:**  
An order requesting approval to transfer \$60,000 from the Fire Department Personnel expenses to the 911 Personnel expenses.

**Background and Explanation:**

**Attachments:**



Office of Mayor  
**Robert J. Van Campen**

June 3, 2026

The Honorable Stephanie Smith  
President, Everett City Council  
484 Broadway  
Everett, MA 02149

Dear Madame President:

I respectfully request that the City Council approve the transfer of \$60,000 from the Fire Department Personnel expenses to the 911 Personnel expenses.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "R. J. Van Campen".

**Robert J. Van Campen**  
Mayor of the City of Everett



**City of Everett**



June 8, 2026

# City of Everett, Massachusetts CITY COUNCIL

Offered By: \_\_\_\_\_  
Councilor Stephanie Smith, as President

<p>Bill Number: Bill Type: Order</p>	<p>Be It Ordered: By City Council OF THE CITY OF EVERETT, as follows:</p>
	<p>That the City Council hereby approve the transfer of \$60,000 from the Fire Department Personnel expenses to the 911 Personnel expenses.</p>



**City of Everett**



C0161-26

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**To:** Mayor and City Council

**From:** Councilor Katy L. Rogers

**Date:** June 22, 2026

---

**Agenda Item:**

An ordinance promoting environmental sustainability by reducing single-use plastic service ware and single-use packaged condiments

**Background and Explanation:**

An ordinance promoting environmental sustainability by reducing single-use plastic service ware and single-use packaged condiments

**Attachments:**

**AN ORDINANCE PROMOTING ENVIRONMENTAL SUSTAINABILITY BY  
REDUCING SINGLE-USE PLASTIC SERVICE WARE AND SINGLE-USE PACKAGED  
CONDIMENTS**

/s/ Katy Rogers

**WHEREAS**, the City of Everett is committed to environmental stewardship and the reduction of plastic pollution that impacts our local waterways, parks, and waste management systems; and

**WHEREAS**, billions of single-use plastic utensils, straws, and condiment packets are discarded annually in the United States, many of which are provided to customers automatically and thrown away unused; and

**WHEREAS**, the production and disposal of single-use plastics and condiments contribute significantly to greenhouse gas emissions and environmental degradation; and

**WHEREAS**, local food service establishments face rising operational costs, and the automatic distribution of unwanted accessories represents an unnecessary financial burden on Everett's small business community; and

**WHEREAS**, "Skip the Stuff" initiatives have been successfully implemented in various municipalities across the Commonwealth, proving that an "as-requested" model effectively reduces environmental waste while providing immediate cost savings to businesses; and

**WHEREAS**, Earth Day 2026 serves as a vital reminder of our collective responsibility to implement common-sense policies that balance convenience with conservation.

**NOW, THEREFORE**, be it ordained by the Everett City Council as follows:

**Section 1. Purpose.** The purpose of this ordinance is to reduce the distribution of single-use service ware and single-serving packaged condiments to promote environmental sustainability and minimize cost reduction on the City's small businesses. This ordinance advances the City's health and environmental goals by reducing plastic waste and mitigating the City's carbon footprint associated with single-use materials.

**Section 2. Definitions.**

- a. "**Condiment**" means a single-use packet containing relishes, spices, sauces, confections, or seasonings, that requires no additional preparation by the Consumer, and that is used with food or beverages, including, but not limited to, creamer, ketchup, mustard, mayonnaise, soy sauce, wasabi, sauerkraut, salsa, syrup, jam, jelly, salad dressings, salt, sugar, sugar substitutes, pepper, and chili pepper.
- b. "**Consumer**" and "**Customer**" means the individual purchasing Prepared Food for consumption by themselves or others, or where the Prepared Food is provided for free, the individual who will be collecting the Prepared Food for consumption by themselves or others.

- c. “ISD” means the Department of Inspectional Services for the City of Everett.
- d. “ISD Director” means the Director of the Department of Inspectional Services for the City of Everett.
- e. “Food Service Establishment” means a retail establishment that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including, but not limited to, any establishment required by state law to be licensed by the Board of Health in accordance with the provisions of the State Sanitary Code (105 CMR 590.000), Chapter X “Minimum Sanitation Standards for Food Service Establishments,” in order to prepare and serve food to the general public.
- f. “Online Food Ordering Platform” means a website or mobile application through which a Consumer can place an order for pick-up or delivery of Prepared Food. Such platforms include those operated directly by a Food Service Establishment, by companies that provide delivery of Prepared Food to Consumers from Food Service Establishments, and by online food ordering systems that connect Consumers to a Food Service Establishment directly.
- g. “Prepared Food” means food or beverages that are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, poured, or otherwise prepared (collectively “prepared”) in a Food Service Establishment for individual Customers or Consumers. Prepared Food does not include raw eggs or raw, butchered meats, fish, and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance.
- h. “Single-Use” means designed to be used once and then discarded and not designed for repeated use and sanitizing.
- i. “Single-Use Articles” means all types of items provided alongside Prepared Food that are intended for a Single-Use, including, but not limited to, utensils, Condiments, napkins, straws, stirrers, splash sticks, cocktail sticks, toothpicks, cup sleeves, cup trays, and food trays
- j. “Utensil” means a food contact implement including but not limited to forks, spoons, knives, sporks, chopsticks, tongs, or other instruments used to serve food or to eat food.

**Section 3. Regulated Conduct.**

- a. Selection of Single-Use Articles:
  - i. A Food Service Establishment shall require Customers to specify which Single-Use Articles they want included with their Prepared Food when selecting or ordering Prepared Food in person or on the telephone. Food Service Establishments using an Online Food Ordering Platform shall provide the option to Customers to request Single-Use Articles with a Prepared Food order, when the Online Food Ordering Platform includes selection of Single-Use Articles as a feature.
  - ii. As an alternative to Section 3(a)(i), Food Service Establishments may have Single-Use Articles available at self-service stations or on dining tables for the Customer to select and use.

- b. Providing of Single-Use Articles: Food Service Establishments shall not automatically provide Single-Use Articles with Prepared Food. Such items may only be provided upon request of the Customer. If the Online Food Ordering Platform used by the Food Service Establishment does not include a feature allowing Customers to request Single-Use Articles, the Food Service Establishment shall not include such items with the order.
- c. No Bundling Single-Use Articles: Single-Use Articles provided by Food Service Establishments for use by Customers shall not be bundled or packaged in a manner that prohibits a Customer from taking only the type of Single-Use Article desired without also having to take additional Single-Use Articles. For purposes of this ordinance, each type of Condiment and each type of Utensil shall be considered a separate Single-Use Article, meaning that a Consumer requesting a fork shall not be provided a package containing a fork, knife and spoon.

**Section 4. Enforcement.** ISD and the ISD Director shall have the authority to administer and enforce this ordinance. The ISD Director or their designee, including but not limited to code enforcement employees of the City, may issue citations under the non-criminal disposition procedure set forth in M.G.L. c. 40, §21D and as specified herein. Each day on which a violation occurs shall constitute a separate offense. Violations issued pursuant to this section may be appealed in accordance with the non-criminal disposition procedures set forth in M.G.L. c. 40, §21D.

Notwithstanding Section 1-8 of the City of Everett Revised Ordinances, the following penalty schedule shall apply:

- a. First (1<sup>st</sup>) through third (3<sup>rd</sup>) offense: written warning
- b. Fourth (4<sup>th</sup>) offense: \$25.00
- c. Fifth (5<sup>th</sup>) and each subsequent offense: \$50.00

**Section 5. Exemptions.** Any Food Service Establishment may seek an exemption from the requirements of this ordinance by filing a request in writing to the ISD Director on the basis of undue hardship. The request must explain why compliance would cause undue hardship to the Food Service Establishment. The ISD Director has the sole authority to waive any or all requirements of this ordinance for an individual Food Service Establishment on the basis of undue hardship for one (1) year from the date of the request. A Food Service Establishment granted a waiver on the basis of undue hardship must re-apply at least 60 (sixty) days prior to the end of the one (1) year exemption period and demonstrate continued undue hardship if the Food Service Establishment wishes to have the exemption extended. The ISD Director's decision to grant or deny an exemption or to grant or deny an extension of a previously issued exemption shall be in writing and shall be final.

**Section 6. Exceptions.** This ordinance does not apply to items required for food safety, such as single-use beverage lids or single-use heat sleeves for hot beverages.

**Section 7. Regulations.** ISD may adopt and amend rules and regulations to effectuate the purposes of this ordinance.

**Section 8. Severability.** If any provision of this ordinance is declared invalid or unenforceable the other provisions shall not be affected thereby.



C0167-26

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**To:** Mayor and City Council  
**From:** Councilor Stephanie V. Smith  
**Date:** June 8, 2026

---

**Agenda Item:**

An ordinance amending Section 4.1 - Building Permit Fees of the Revised Ordinances the City of Everett

**Background and Explanation:**

**Attachments:**



Office of Mayor  
**Robert J. Van Campen**

Item Number 9

June 3, 2026

The Honorable Stephanie Smith  
President, Everett City Council  
484 Broadway  
Everett, MA 02149

Dear Madame President:

I respectfully submit for your consideration a proposed amendment to the City of Everett Municipal Code, Section 4-1, "**Building Permit Fee Schedules**," to update the City's building permit fee schedule for Fiscal Year 2027.

The proposed amendment is intended to ensure that the City's building permit fees remain current and appropriately aligned with the costs associated with administering, reviewing, and inspecting building permit applications. Updating the fee schedule will support the continued effective operation of the City's permitting and inspectional services while providing clear and consistent guidance to residents, property owners, contractors, and developers.

Although the City has previously accepted a statute (M.G.L Chapter 40, Section 22F) that delegates the Council's authority to set reasonable fees and charges for permits, licenses or certificates to the Board or Department head that oversees the issuance of the same, I am submitting the proposed fees to the City Council for your review and approval. Please note that based on the information presently available to us, the current fees may not have been updated in over 5 years and, therefore, do not reflect the true cost to provide the service. This proposed amendment to update the fees seeks to correct this issue.

Accordingly, I respectfully request that the City Council consider the proposed amendment and refer the matter to the appropriate committee for review and recommendation.

Thank you for your attention to this matter.

Respectfully Submitted,

**Robert J. Van Campen**  
Mayor of the City of Everett



**City of Everett**

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

ENROLLED:  
 DATE OF PROPOSED ORDAINMENT:



**CITY COUNCIL** .....**No. C0--- - 26**

IN THE YEAR TWO THOUSAND AND TWENTY-SIX

**AN ORDINANCE TO AMEND SECTION 4.1 BUILDING PERMIT FEES – WITHIN  
 THE CITY OF EVERETT REVISED ORDINANCES**

Councilor /s/ Stephanie Smith, as President

**Whereas:** Pursuant to Massachusetts General Law municipalities are authorized to set reasonable fees and charges for permits, licenses, or certificates for any work or services performed; and,

Whereas, the Building Permit Fee Schedule has not been updated in multiple years even as the cost of services as continued to increase;

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

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

1. Amend Municipal Code, Section 4-1, Building Permit Fee Schedules as follows (additions are identified as *red/italics* and deletions are identified as ~~strike-throughs~~):

<b>Building Department Fee Schedule</b>		
<b>Application</b>	<b>Fee</b>	<b>Minimum Fee</b>
1. <i>Residential (1-3 units)</i> <del>C</del> construction, alteration, repairs, demolition and reconstruction of a building or structure	\$15.00 per \$1,000 of estimated cost	\$50.00
2. <i>Commercial (4+ units and non-residential) construction, alteration, repairs, demolition and</i>	<i>\$17.00 per \$1,000 of estimated cost</i>	<i>\$50.00</i>

<b>Building Department Fee Schedule</b>		
<b>Application</b>	<b>Fee</b>	<b>Minimum Fee</b>
<i>reconstruction of a building or structure</i>		
23. Wood <i>or pellet</i> stoves	\$4050.00	N/A
34. Demolition of buildings and 2 motor vehicle garages	\$15.00 per \$1,000 of estimated cost	\$50.00
All other structures	\$15.00 per \$1,000 of estimated cost	\$40.00
45. Moved buildings	\$15.00 per \$1,000 of estimated cost	\$40250.00
56. Amendments to plans	\$15.00 per \$1,000 of estimated cost	\$4050.00
67. Wall signs and projection signs	\$15.00 per \$1,000 of estimated cost	\$4050.00
78. Freestanding ground signs	\$15.00 per \$1,000 of estimated cost	\$100.00
89. Roof signs	\$15.00 per \$1,000 of estimated cost	\$100.00
910. Certificate of Occupancy		N/A
Single <i>One- to Three</i> family	\$50.00 / per unit	
Two family	\$75.00	
Three family	\$100.00	
All others	\$4050.00 per 1,000 square feet	
1011. Swimming Pools	\$15.00 per \$1,000 of estimated cost	\$40100.00
1112. Sheds and Similar Structures	\$15.00 per \$1,000 of estimated cost	\$4050.00
1213. Certificate of Inspections	As prescribed by the Commonwealth of Massachusetts State Building Code. Table 106 Exception: Three-family homes to be inspected every five (5) years, \$75.00, as modified and amended by Section 106.5 of the Massachusetts State Building Code	N/A
1314. Work started without permit	Double the permit fee as a fine, plus the permit fee	N/A
1415. Re-inspection fee per inspection	\$4050.00	N/A

**Plumbing Division Fees**

<b>Application</b>	<b>Current Fee</b>	<b>Minimum Fee</b>
1. Plumbing and gas fitting in new and existing residential and commercial buildings, additions or alterations	\$4050.00 for up to 3 fixtures or appliances plus \$10.00 per fixture or appliance thereafter	\$4050.00

**Plumbing Division Fees**

<b>Application</b>	<b>Current Fee</b>	<b>Minimum Fee</b>
	for each unit or separate use	
2. Gas-fired boiler and/or gas-fired furnace/heater permit fee	\$2530.00 per appliance, exclusive of all other plumbing and gas permit fees	N/A
3. Plumbing and gas inspection fee Any additional inspections required for deficient work by failure to meet the requirements of the Massachusetts Plumbing and Gas Fitting Code or any other applicable codes and regulations or transfer of plumbing and gas permit(s) to another license holder shall require reinspection permit		N/A
Reinspection permit fee	\$4050.00 per fixture, per visit	
Transfer of permit fee	The cost of the original permit	
4. Rooftop HVAC equipment, commercial air conditioning equipment, split system HVAC equipment and the like Note: A permit is not required for air conditioning units for single rooms 200 square feet in area or less	\$4050.00 per unit or each condenser and compressor pair	N/A
5. Capping water and sewer prior to demolition (inside or within 10 feet of building)	\$4050.00	N/A
6. Work started prior to the issuance of a permit	Double the permit fee as a fine, plus the permit fee	N/A

**Wire Department Fees**

<b>Application</b>	<b>Current Fee</b>	<b>Minimum Fee</b>
<b>1. Services</b>		
100 AMP Capacity	\$25.00	
Above 100 AMP Capacity – each additional 100 AMP capacity	\$6.00	
Service Alterations	\$30.00	
<b>2. Receptacles, Switches and Fixtures</b>		
1-5	\$10.00	
6-20	\$20.00	

<b>Wire Department Fees</b>		
<b>Application</b>	<b>Current Fee</b>	<b>Minimum Fee</b>
<i>Above twenty (20)</i>	<i>\$.50 each</i>	
<b>3. New Work</b>		
<i>Apartment Units</i>	<i>\$60.00 / unit</i>	
<i>Condominium Units</i>	<i>\$60.00 / unit</i>	
<b>4. Motors</b>		
<i>1 hp – 5 hp</i>	<i>\$3.00</i>	
<i>6 hp – 10 hp</i>	<i>\$5.00</i>	
<i>15 hp and above</i>	<i>\$15.00</i>	
<i>Over 25 hp additional</i>	<i>\$1.00</i>	
<b>5. KVA Transformers &amp; Generators</b>		
<i>1 – 5 KVA</i>	<i>\$10.00</i>	
<i>6 – 25 KVA</i>	<i>\$15.00</i>	
<i>Above 25 KVA – each additional unit</i>	<i>\$1.00</i>	
<b>6. Heating Units</b>		
<i>Gas or Oil</i>	<i>\$40.00</i>	
<i>Water Heater</i>	<i>\$40.00</i>	
<b>7. Appliances</b>		
<i>Dishwasher</i>	<i>\$20.00</i>	
<i>Disposal</i>	<i>\$20.00</i>	
<i>Dryer</i>	<i>\$20.00</i>	
<i>Air conditioner – up to one (1) ton</i>	<i>\$20.00</i>	
<i>Over one (1) ton</i>	<i>\$20.00</i>	
<i>Split Systems</i>	<i>\$40.00</i>	
<i>Ranges</i>	<i>\$40.00</i>	
<i>Water Heater</i>	<i>\$40.00</i>	
<i>Ovens</i>	<i>\$40.00</i>	
<i>Sub Panel</i>	<i>\$50.00</i>	
<i>House Panel</i>	<i>\$25.00</i>	
<i>Solar</i>	<i>\$100.00</i>	
<i>Signs</i>	<i>\$50.00</i>	
<i>Hydro Massage Tubs</i>	<i>\$40.00</i>	
<i>Telecomm Devices</i>	<i>\$2.00</i>	
<i>No. of Fans:</i>		

**Wire Department Fees**

<i>Application</i>	<i>Current Fee</i>	<i>Minimum Fee</i>
<i>1 – 5</i>	<i>\$10.00</i>	
<i>6 – 20</i>	<i>\$20.00</i>	
<i>Each additional</i>	<i>\$.50</i>	
<b>8. Swimming Pools</b>		
<i>All Types</i>	<i>\$50.00</i>	
<i>Hot Tubs</i>	<i>\$50.00</i>	
<b>9. Electric Heat</b>		
<i>First one thousand (1000) Watts</i>	<i>\$3.00</i>	
<i>Each additional 100 Watts or part of</i>	<i>\$1.50</i>	
<b>10. Siding</b>		
<i>Metal and Vinyl</i>	<i>\$50.00</i>	
<b>11. Annual Permits: January 1 - December</b>		
<i>A fee of</i>	<i>\$100.00</i>	
<i>Shall be paid for a continuous permit issued to licensed representatives or licensed maintenance personnel in INDUSTRIAL AND COMMERCIAL enterprises. Such permit to cover ordinary maintenance, experimental set-ups or relocations of minor devices and equipment.</i>		
<b>12. Temporary Emergency Repairs</b>	<i>\$50.00</i>	
<b>13. Carnivals</b>	<i>\$100.00</i>	
<b>14. Re-Inspections</b>	<i>\$50.00</i>	
<b>15. Duplicate Permits or Certificates</b>	<i>\$30.00</i>	
<b>16. Security Systems (Home and Commercial)</b>	<i>\$50.00</i>	
<b>17. Alarms (All Types)</b>	<i>\$5.00 per device</i>	
<i>Detection, Alerting, and Self-contained devices</i>		
<b>18. Temporary Service &amp; Installation of Trailer to Property</b>	<i>\$40.00</i>	
<b>19. Public Meter</b>	<i>\$15.00</i>	
<b>20. Telephone &amp; Computer Lines</b>	<i>\$25.00</i>	

**Master Fire Alarm Service**

*1. Every person utilizing the municipal alarm system of the City of Everett, Massachusetts be reason of a connection of the master fire alarm box, to the municipal fire alarm system, shall pay an annual fee of two hundred dollars (\$200.00) per master box.*

*2. All non- municipal fire alarm receiving equipment, installed in the Everett Fire Alarm headquarters, shall be subject to the annual fees as described in paragraph one (1).*

**Wire Department Fees**

<b>Application</b>	<b>Current Fee</b>	<b>Minimum Fee</b>
<p>3. The City of Everett reserves the right, without notice, to disconnect the master fire alarm box(s) upon failure of payment of annual services charges. If the master fire alarm box is disconnected – a fee of four hundred dollars (\$400.00) will be charged to reconnect the master fire alarm system.</p> <p>Churches and schools below college grade level will be exempt from payment of the fee provided for under this section.</p>		



C0007-26

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**To:** Mayor and City Council

**From:** Councilor Katy L. Rogers

**Date:** January 12, 2026

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**Agenda Item:**

An ordinance recommending the amendment of Section 37 (Everett Docklands Innovation District ("EDID")) of the city's Zoning Ordinance to add data centers to the prohibited uses portion of the section's use category table

**Background and Explanation:**

**Attachments:**

**ENROLLED ORDINANCE**

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

ENROLLED: MM/DD/2026

DATE OF PROPOSED ORDAINMENT: MM/DD/2026



**CITY COUNCIL..... No. C0007-26**

IN THE YEAR TWO THOUSAND AND TWENTY-SIX

Councilors Katy P. Rogers, Stephanie Martins & Vivian Nguyen

**AN ORDINANCE AMENDING SECTION 37 (EVERETT DOCKLANDS INNOVATION  
DISTRICT (“EDID”)) OF THE CITY’S ZONING ORDINANCE TO ADD DATA  
CENTERS TO THE PROHIBITED USES PORTION OF THE SECTION’S USE  
CATEGORY TABLE**

**WHEREAS:** The City of Everett has established the Docklands Innovation District to foster a vibrant, mixed-use environment characterized by high-density employment, creative industries, and active waterfront engagement; and

**WHEREAS:** The City Council finds that the long-term economic health of the Docklands depends on "active" land uses that generate significant job density, foot traffic, and synergy between neighboring businesses; and

**WHEREAS:** Data centers, while essential to the modern digital economy, are characterized by exceptionally low employee-to-square-foot ratios and minimal contribution to street-level vitality or the local "innovation ecosystem"; and

**WHEREAS:** The high energy and cooling demands of data centers may place an undue burden on the local power grid and municipal infrastructure without providing a proportional benefit in terms of workforce development or public use; and

**WHEREAS:** The City Council seeks to preserve the limited acreage within the Docklands Innovation District for research and development, advanced manufacturing, and commercial uses that better align with the district’s vision.

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

**Be it Ordained** by the City Council of the City of Everett, Massachusetts that the Zoning Ordinance (Appendix A, Section 37 - Everett Docklands Innovation District (“EDID”)) is hereby amended as follows:

**SECTION I: AMENDMENT TO USE TABLE**

Subsection (d)(4)e. (“The Docklands Innovation District Use Category Table”) is hereby amended as follows:

1. Modify the table entry for “Data Centers” in the Innovation portion of the Use Category Table, to set the use value for each of the sub-districts to blank to indicate the usage is not allowed; and
2. Add an entry for "Data Centers / Data Processing Facilities" in the Prohibitions portion of the Used Category Table. This new entry shall be inserted in a manner to maintain the alphabetical order of the entries in this portion of table. As with the other entries in this portion of the table, the use value for each of the sub-districts will be set to blank to indicate the usage is not allowed.

**SECTION II: DEFINITIONS**

Subsection (e)(4) is hereby amended by deleting the current definition of “Data Center” and replacing it with the following new definition:

- (4) Data Center / Data Processing Facility: A facility or specialized space primarily used for the centralized housing and operation of computer servers, data storage systems, and associated telecommunications equipment. Such facilities are characterized by high-density power requirements and specialized climate control systems. This definition shall not include small-scale server rooms or IT closets that are clearly incidental and accessory to a primary permitted office, research, or industrial use.

(C0007-26)

**SECTION III: SEVERABILITY**

If any part of this ordinance is deemed invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

**SECTION IV: EFFECTIVE DATE**

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

A true copy attest



A handwritten signature in black ink that reads "Sergio Cornelio".

Sergio Cornelio, City Clerk

**From:** [Stephanie McColaugh](#)  
**To:** [Michael Mangan](#)  
**Subject:** Re: Data Center Research - Everett  
**Date:** Tuesday, January 13, 2026 1:36:48 PM

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Thank you!

On Tue, Jan 13, 2026 at 12:40 PM Michael Mangan <[Michael.Mangan@ci.everett.ma.us](mailto:Michael.Mangan@ci.everett.ma.us)> wrote:

Good morning Stephanie,

I will attach this document to the agenda item

Sincerely, Mike  
Sent from my iPhone

> On Jan 13, 2026, at 12:04 PM, Stephanie McColaugh <[smccolaugh@gmail.com](mailto:smccolaugh@gmail.com)> wrote:

>

> Hello,

>

> Following up on last night's City Council meeting, here is an electronic version of the document I distributed. As you know, there is a push to construct a data center in the innovation district. I have put together some resources for you to better understand the impacts a data center may have on Everett (attached- "Data Center Research"). Note that due to a lack of reporting requirements and various facility sizes, data varies. Please take the time to review, do your own additional research, and consider your position. I have also attached the Davis Company "uses table" (Attachment A), which shows a potential data center at the bottom of page two.

>

> I ask that the City Councilors of Everett, in collaboration with the Administration, and the Planning Board, work expeditiously to revise current zoning to ban the construction of data centers in Everett.

>

> As a blue collar, environmental justice community, subjecting residents to increased electric rates, future water insecurity, diminished air quality, and increased noise is a step in the wrong direction. While this may appear to be a quick economic win (despite minimal jobs after construction), the strain on our electric grid and water systems may very well hamstring more fruitful future development. Particularly should multiple data centers be constructed.

>

> The Davis Company has been in communication with National Grid and Jupiter, indicating that they are pushing this through with no community input, engagement, or transparency on the impact this would have on our utilities or future growth.

>

> Many communities have been blindsided by the construction of data centers in their cities and their negative impacts. I ask that you act now before it is too late. Please allow state and federal regulations time to develop AI regulations, required impact assessments, utility forecasts, and reporting so should Everett in the future choose to allow a data center, it can be constructed and operated in a responsible, sustainable way to ensure that it benefits the long-term growth of our community.



Department of  
**Planning &  
Development**

April 27, 2026

City Council President Stephanie Smith and Honorable Members of the Everett City Council  
Everett City Hall, 484 Broadway, Room 38  
Everett, MA 02149

RE: Everett Docklands Innovation District – Proposed Ordinance related to Data Centers

Dear Madam President and Honorable Members of the Everett City Council:

On January 12, 2026, the City Council voted to refer a proposed Zoning Amendment aimed at prohibiting the construction of Data Centers within the Everett Docklands Innovation District (“EDID”) to the Planning Board for review and recommendation. The matter was introduced to the Planning Board on February 2, 2026 and discussed again on March 2, 2026. During the March 2, 2026 meeting, the Planning Board requested that Planning staff conduct additional research and put together a draft Ordinance addressing the concerns raised by Planning Board members, City Councilors, and residents.

Stemming from this request, staff conducted research, including reading public reports and reaching out to relevant government and public entities around the country, to better understand the impacts of the construction and operation of Data Centers, and compiled mitigation strategies to address these impacts. Performed in conjunction with the two Sponsors of the original Ordinance, the updated Ordinance includes both new and revised definitions of Computer Rooms and Data Centers, proposes changes to the existing Use Table for the EDID, codifies required Findings of Fact that the Planning Board – as the Special Permit Granting Authority – must consider in their review of a Data Center proposal, and outlines submission requirements that a Proponent of a Data Center must provide to the Planning Board in connection with their proposal. Separate from the Ordinance, a list of potential conditions of approval for the construction of a Data Center has also been provided to the Board that can be utilized during the review of a Data Center proposal. The draft ordinance proposed by the Planning Board is intended to replace in full the original draft sent by the City Council to the Planning Board, i.e., the draft ordinance, as proposed, does not contemplate making all data centers of all sizes as a prohibited use within the district.

The Planning Board voted unanimously on Monday, April 6<sup>th</sup> to provide a **FAVORABLE RECOMMENDATION** of the draft Ordinance to the City Council for their consideration with the following proposed amendments made on the floor:

1. Amend Section 37(f)(3)(a)(iii)(A) as follows (additions are identified as ***bold/italics*** and deletions are identified as ~~strike-throughs~~):
  - A. Backup-Electricity: Any generators that are to be used as a backup energy source to support the Data Center may only be used when the electrical grid goes down.



**City of Everett**

484 Broadway, Everett, MA 02149 • 617-394-2270 • [www.cityofeverett.com](http://www.cityofeverett.com)

These generators shall be supported by the least-intrusive energy source possible, including ~~natural gas~~ or sustainable energy. Under no circumstance can diesel be the source of energy for these generators.

2. Amend Section 37(f)(3)(a)(iv) as follows (additions are identified as *bold/italics* and deletions are identified as ~~strike throughs~~):
  - iv. Local Job Creation: The proposed Data Center will substantially add to local permanent jobs, with a livable wage, by directly supporting high-employment industries within ~~1,000'~~ of the proposed Data Center *the city of Everett.*

Please note that this proposed Ordinance pertains solely to the EDID; a separate Citywide Ordinance will be introduced to the City Council shortly for their consideration.

Thank you.

A handwritten signature in blue ink, appearing to read "Matt Lattanzi", is written over a horizontal line.

**Matt Lattanzi, Esq.**  
Director, Department of Planning & Development

**ENROLLED ORDINANCE**

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

ENROLLED:

DATE OF PROPOSED ORDAINMENT:



**CITY COUNCIL** .....**No. C0--- - 26**

IN THE YEAR TWO THOUSAND AND TWENTY-SIX

**AN ORDINANCE TO AMEND SECTION 37 – “EVERETT DOCKLANDS INNOVATION DISTRICT (EDID)” – OF THE CITY OF EVERETT ZONING ORDINANCE**

Councilor /s/ Stephanie Smith, as President

**Whereas:** This ordinance is to amend Section 37, “Everett Docklands Innovation District (EDID)”, of the City of Everett Zoning Ordinance;

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

**Whereas:** Data Centers are a new and emerging industry which, until now, has not been defined nor regulated in our Ordinances;

**Whereas:** Concerns have been raised over the environmental impacts, including, but not limited to, air pollution and noise pollution, that Data Centers may bring to the community;

**Whereas:** Data Centers may increase air pollution, including the release of fine particulate matter, which have been linked to respiratory-health consequences including asthma, lung cancer, and heart issues (see Ren., S. & Wierman, A. (2025, November 5). “Mitigating the Public Health Impacts of AI Data Centers”. Harvard Business Review.)

**Whereas:** Data Centers that utilize diesel generators and HVAC systems may generate significant noise pollution, reaching levels that are harmful to both humans and local wildlife (see Tao, Y. & Gao, P. (2025, September). *Global data center expansion and human health: A call for empirical research*. Science Direct. Global data center expansion and human health: A call for empirical research – ScienceDirect)

**Whereas:** Everett has been identified as an Environmental Justice Community, having met specific income, minority, and/or English-proficiency criteria, and bears the burden of

significant environmental pollution risks;

**Whereas:** The City of Everett has higher mortality rates than the State average (178.6/100,000 in Everett vs. 156.0/100,000 in Massachusetts), including lung cancer, as well as higher respiratory disease hospitalizations than the State average (92.9/100,000 in Everett vs. 66.5/100,000 in Massachusetts for Asthma Emergency Department Visits and 34.7/100,000 in Everett vs. 26.3 in Massachusetts for COPD Hospitalizations) (see “Massachusetts Department of Public Health, Registry of Vital Records and Statistics. Grouped for 2012-2016” | “Massachusetts Department of Public Health, MA Division of Health Care Finance and Policy Uniform Hospital Discharge Dataset System, 2015”).

**Whereas:** The large amount of electricity consumed by Data Centers could have a negative impact on the electric utility rates paid by our local residents (see Kimball, S. & Cortes, G. (2025, November 14). “Data centers are concentrated in these states. Here’s what’s happening to electricity prices”. CNBC);

**Whereas:** Water usage to operate Data Centers can far exceed that of similarly-sized industry, potentially placing a strain on local water supply (see Offutt, M.C. & Zhu, L. (2025, August 26). “Data Centers and Their Energy Consumption: Frequently Asked Questions”. Congress.gov.);

**Whereas:** The originally-referred Zoning Amendment from the City Council to the Planning Board on January 12, 2026 sought an outright prohibition on the construction of Data Centers within the Everett Docklands Innovation District; and

**Whereas:** Properly regulated and properly situated Data Centers could spur local economic development through the redevelopment of the Everett Docklands Innovation District by way of job creation and revenue generation;

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

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

1. Amend the Use Table codified in Section 37 Everett Docklands Innovation District (“EDID”), (d) Master Planned Development Standards (4) Use Provisions (c) as follows (additions are identified as *bold/italics* and deletions are identified as ~~strike throughs~~):

USE CATEGORY	Master Planned Uses		Non-Master Planned Uses Less Than 5,000 sq ft of Gross Floor Area		Non-Master Planned Uses Greater Than 5,000 sq ft of Gross Floor Area	
	Sub A	Sub B	Sub A	Sub B	Sub A	Sub B
INNOVATION Data Center <i>Small &lt;20,000</i>	<i>SP</i>	<i>SP</i>	SP	SP	SP	SP

USE CATEGORY	Master Planned Uses		Non-Master Planned Uses Less Than 5,000 sq ft of Gross Floor Area		Non-Master Planned Uses Greater Than 5,000 sq ft of Gross Floor Area	
	Sub A	Sub B	Sub A	Sub B	Sub A	Sub B
INNOVATION <i>sf</i> <sup>3</sup>						

<sup>3</sup> "Data Center Small" shall be limited up to 20,000 sq. ft. and/or up to 5 MW capacity, whichever is less, and shall not be the primary use of the structure.

- Amend the Use Table codified in Section 37 Everett Docklands Innovation District ("EDID"), (d) Master Planned Development Standards (4) Use Provisions (c) as follows (additions are identified as ***bold/italics*** and deletions are identified as ~~strike-throughs~~):

USE CATEGORY	Master Planned Uses		Non-Master Planned Uses Less Than 5,000 sq ft of Gross Floor Area		Non-Master Planned Uses Greater Than 5,000 sq ft of Gross Floor Area	
	Sub A	Sub B	Sub A	Sub B	Sub A	Sub B
PROHIBITED USES <i>Data Center Large ≥20,000 sf</i> <sup>4</sup>	-	-	-	-	-	-

<sup>4</sup> "Data Center Large" shall be defined as any Data Center occupying over 20,000 sq. ft. and/or having a capacity over 5 MW, whichever is less.

- Amend Section 37 Everett Docklands Innovation District ("EDID"), (e) Definitions applicable to EDID to add new definition (3) as follows, and renumber the succeeding, existing definitions (additions are identified as ***bold/italics*** and deletions are identified as ~~strike-throughs~~):

***(3) Computer room: A room within a building whose primary function is to house electronic equipment for an entity located on site and that has a design information technology equipment (ITE) power density exceeding 20 watts/ft<sup>2</sup> (215 watts/m<sup>2</sup>) of conditioned floor area. A computer room is ancillary to the onsite use and shall constitute no more than 10% of square footage without a special permit.<sup>1</sup>***

- Amend Section 37 Everett Docklands Innovation District ("EDID"), (e) Definitions applicable to EDID, (4) Data Center as follows (additions are identified as ***bold/italics*** and deletions are identified as ~~strike-throughs~~):

~~(4) Data Center: Data Center shall mean a use involving a building/premise in which the primary use is occupied by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, transferred and/or stored.~~  
***Building(s) or portions of buildings used to house information technology or telecommunications equipment with which digital information is processed, transferred, and/or stored on behalf of or owned by off-site enterprises. A data center may include***

<sup>1</sup> American Society of Heating, Refrigerating, and Air-Conditioning Engineers ("ASHRAE") 90.1

*associated ancillary structures, including but not limited to, offices, security buildings, cooling water tanks, and backup power systems. This definition does not include on-site computer rooms associated directly with allowable uses.*

5. Amend Section 37 Everett Docklands Innovation District (“EDID”), (f) Administration to add new subsection (3), entitled “Data Center Special Permit Requirements” as follows (additions are identified as ***bold/italics*** and deletions are identified as ~~strike-throughs~~):

***(3) Data Center Special Permit Requirements.***

- a. *For any proposed Data Center (Small), as defined in Section 37(d)(4), the Special Permit Granting Authority shall make the following findings of fact prior to issuance of a Special Permit for such use:*
- i. *Water: Data Centers shall implement a closed-loop or similar cooling system, which utilizes only non-potable water for the cooling of a Data Center. This may be achieved through purple pipe systems, grey-water systems, or other adequate technology evidenced to the SPGA.*
  - ii. *Noise: A minimum of a 200’ setback shall be provided between a Data Center and residential and/or noise-sensitive uses, unless the Proponent provides a noise study that satisfactorily shows that, as determined by the SPGA, the proposed design is sufficient to mitigate any potential noise impacts such that the project will not adversely impact residential and/or noise sensitive uses.*
  - iii. *Electricity: Sufficient renewable on-site power generation or off-site power generation with a dedicated transmission line to their site (which shall be paid for entirely by the Proponent of the Data Center so as not to impact local rate payers) to operate and maintain the proposed Data Center shall be provided. This may be achieved in a variety of ways, including power purchase agreements, solar energy, wind energy, etc. Proponent shall make publicly available their utility usage on a monthly basis.*
    - A. *Backup-Electricity: Any generators that are to be used as a backup energy source to support the Data Center may only be used when the electrical grid goes down. These generators shall be supported by the least-intrusive energy source possible, including natural gas or sustainable energy. Under no circumstance can diesel be the source of energy for these generators*
  - iv. *Local Job Creation: The proposed Data Center will substantially add to local permanent jobs, with a livable wage, by directly supporting high-employment industries within 1,000’ of the proposed Data Center.*

6. Amend Section 37 Everett Docklands Innovation District (“EDID”), (f) Administration to add new subsection (4), entitled “Data Center Submittal Requirements” as follows (additions are identified as ***bold/italics*** and deletions are identified as ~~strike-throughs~~):

***(4) Data Center Submittal Requirements.***

- i. *Water: Proponent must provide a maintenance plan to the SPGA any proposed cooling system, specifying the expected daily water use, the maintenance of the*

- water system, the frequency of “flushing” the used-water, and an explanation on how the water is treated prior to discharge.*
- ii. Noise: Proponent shall show on a plan the location(s) of any noise monitors that will be installed on/around the site.*
  - iii. Electricity: Proponent must submit a generator report if any generators will be utilized on the site. This report must contain: (1) the location of the generator(s); (2) the capacity of the generators; (3) the estimated cycling frequency of the generators; (4) the source of energy utilized for these generators; and (5) a Noise Study submitted specifically in relation to the generators.*

#1- C0007-26

Legislative Affairs & Election Committee  
May 11, 2026

The Committee on Legislative Affairs & Elections met on Monday, May 11, 2026 at 6:30pm 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 Michael Marchese, presiding, Councilors Stephanie Martins, Anthony DiPierro and Katy Rogers.

The Committee considered an Ordinance offered by Councilors Katy Rogers, Vivian Nguyen and Stephanie Martins: An Ordinance amending Section 37 ( Everett Docklands Innovation District (“EDID”)) of the City’s Zoning Ordinance to add data centers to the prohibited uses portion of the section’s use category table.

Chief Development Officer Monica Lamboy and Representatives of the Davis Company were also present.

Councilor Rogers noted that the Ordinance was proposed this past February and sent to the Planning Board to hold the required hearings. She mentioned that she also had a number of conversations with the Mayor’s Administration on the proposed Ordinance and that the Planning Board presented some proposed amendments to the City Council on the Ordinance. She recommended that the matter be referred out of Committee with a favorable recommendation to the full City Council to allow all members the opportunity to discuss the proposed amendments offered by the Planning Board.

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

Respectfully Submitted,

John W. Burley  
Clerk of Committees

## POTENTIAL ORDINANCE REVISIONS

### FINDINGS OF FACT

5. Amend Section 37 Everett Docklands Innovation District (“EDID”), (f) Administration to add new subsection (3), entitled “Data Center Special Permit Requirements” as follows:

#### ***(3) Data Center Special Permit Requirements.***

- i. Water: Data Centers shall implement a closed-loop or similar cooling system, which utilizes only ~~non-potable water~~ or non-chemical coolant for the cooling of a Data Center. If potable water is to be used, Data Center shall pay current City of Everett water rates or provide water from another source. Further, water use required for annual topping off of the system shall not exceed more than 1 gallon per square foot of the facility. This may be achieved through purple pipe systems, grey-water systems, or other adequate technology may be used as evidenced to the SPGA.
- iii. Electricity: Sufficient renewable on-site power generation or off-site power generation with a dedicated transmission line to their site (which shall be paid for entirely by the Proponent of the Data Center so as not to impact local rate payers) to operate and maintain the proposed Data Center shall be provided. This may be achieved in a variety of ways, including power purchase agreements, solar energy, wind energy, etc. Proponent shall make publicly available their utility usage on a monthly basis.
  - A. Backup-Electricity: Any generator(s) that are to be used as a backup energy source to support the Data Center may only be used when the electrical grid goes down. These generators shall be supported by the least-intrusive energy source possible as follows: 1) on site battery backup (or other sustainable energy source) to be used unless power outage is for an extended period of time; 2) including natural gas or sustainable energy to be used after battery / sustainable energy backup has been used to the fullest extent possible. Under no circumstance can diesel be the source of energy for these generators.
- iv. Local Job Creation: The proposed Data Center will ~~substantially~~ add to local permanent jobs, with a livable wage, by directly supporting high-employment industries within ~~4,000’ of the proposed Data Center~~ Everett at a rate of at least 1 job for every 500 sf of data center.

### SUBMITTAL REQUIREMENTS

6. Amend Section 37 Everett Docklands Innovation District (“EDID”), (f) Administration to add new subsection (4), entitled “Data Center Submittal Requirements” as follows:

#### ***(4) Data Center Submittal Requirements.***

- i. Water: Proponent must provide: a) estimated number of gallons of water (if potable water is to be used) required to initially fill the cooling system; b) estimated number of gallons needed annually to top off the system; and c) a maintenance plan to the

**SPG** relative to any proposed cooling system, specifying the expected daily water use, the maintenance of the water system, the frequency of “flushing” the used-water, and an explanation on how the water is treated prior to discharge.

#3- C0007-26

Legislative Affairs & Election Committee  
June 8, 2026

The Committee on Legislative Affairs & Elections met on Monday, June 8, 2026 at 5:30pm 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 Michael Marchese, presiding, Councilors Stephanie Martins, and Katy Rogers. Member absent was Councilor Anthony DiPierro due to a previous work commitment.

The Committee considered an Ordinance offered by Councilors Katy Rogers, Vivian Nguyen and Stephanie Martins: An Ordinance amending Section 37 ( Everett Docklands Innovation District (“EDID”) of the City’s Zoning Ordinance to add data centers to the prohibited uses portion of the section’s use category table.

Chief Development Officer Monica Lamboy, Director of Planning Matt Lattanzi and City Solicitor Jacyn Munson were also present.

Councilor Rogers mentioned that trying to regulate data centers has been an ongoing matter since December when it was introduced before the Council then sent to the Planning Board and then referred to the Committee on Legislative Affairs then back to the City Council which then sent it back to the Committee on Legislative Affairs. She asked the invited guests to explain the proposed amendments that were discussed with City Council President Stephanie Smith last week. Mr. Lattanzi provided an overview of the process that included recommendations made by the Planning Board in order to create regulations on this type of use that would result in special permit requirements as it related to water, electricity, backup-electricity and local job creation. Ms. Lamboy noted that there meeting with Council President Smith was to enhance the Ordinance although she indicated that there were a few other edits needed. Councilor Rogers remarked that there were many residents that don’t want data centers and questioned how could they express their opposition. Mr. Lattanzi stated that they could express there sentiment at a required public hearing before the Board. Ms. Lamboy also noted that this type of use would also require a second special permit which would allow residents to express their opinions. Councilor Rogers asked if passage of this proposed Ordinance would help protect the residents and Ms. Munson responded that the Ordinance provides the City with the appropriate regulations needed. Councilor Martins stated that the City wants a beautiful commercial project not a noisy 24/7 data center that that eats up water and electricity and creates pollution. Chairman Marchese asked what would be considered a second water source and Ms. Lamboy explained that it could be water trucked onto the site. Ms. Lamboy agreed to provide an updated Ordinance that includes all the appropriate amendments prior to a vote of the City Council.

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

Respectfully Submitted,

John W. Burley  
Clerk of Committees

**ENROLLED ORDINANCE**

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

ENROLLED:

DATE OF PROPOSED ORDAINMENT:



**CITY COUNCIL** .....No. **C0--- - 26**

IN THE YEAR TWO THOUSAND AND TWENTY-SIX

**AN ORDINANCE TO AMEND SECTION 37 – “EVERETT DOCKLANDS INNOVATION DISTRICT (EDID)” – OF THE CITY OF EVERETT ZONING ORDINANCE**

Councilor /s/ Stephanie Smith, as President

**Whereas:** This ordinance is to amend Section 37, “Everett Docklands Innovation District (EDID)”, of the City of Everett Zoning Ordinance;

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

**Whereas:** Data Centers are a new and emerging industry which, until now, has not been defined nor regulated in our Ordinances;

**Whereas:** Concerns have been raised over the environmental impacts, including, but not limited to, air pollution and noise pollution, that Data Centers may bring to the community;

**Whereas:** Data Centers may increase air pollution, including the release of fine particulate matter, which have been linked to respiratory-health consequences including asthma, lung cancer, and heart issues (see Ren., S. & Wierman, A. (2025, November 5). “Mitigating the Public Health Impacts of AI Data Centers”. Harvard Business Review.)

**Whereas:** Data Centers that utilize diesel generators and HVAC systems may generate significant noise pollution, reaching levels that are harmful to both humans and local wildlife (see Tao, Y. & Gao, P. (2025, September). *Global data center expansion and human health: A call for empirical research*. Science Direct. Global data center expansion and human health: A call for empirical research – ScienceDirect)

**Whereas:** Everett has been identified as an Environmental Justice Community, having met specific income, minority, and/or English-proficiency criteria, and bears the burden of

significant environmental pollution risks;

**Whereas:** The City of Everett has higher mortality rates than the State average (178.6/100,000 in Everett vs. 156.0/100,000 in Massachusetts), including lung cancer, as well as higher respiratory disease hospitalizations than the State average (92.9/100,000 in Everett vs. 66.5/100,000 in Massachusetts for Asthma Emergency Department Visits and 34.7/100,000 in Everett vs. 26.3 in Massachusetts for COPD Hospitalizations) (see “Massachusetts Department of Public Health, Registry of Vital Records and Statistics. Grouped for 2012-2016” | “Massachusetts Department of Public Health, MA Division of Health Care Finance and Policy Uniform Hospital Discharge Dataset System, 2015”).

**Whereas:** The large amount of electricity consumed by Data Centers could have a negative impact on the electric utility rates paid by our local residents (see Kimball, S. & Cortes, G. (2025, November 14). “Data centers are concentrated in these states. Here’s what’s happening to electricity prices”. CNBC);

**Whereas:** Water usage to operate Data Centers can far exceed that of similarly-sized industry, potentially placing a strain on local water supply (see Offutt, M.C. & Zhu, L. (2025, August 26). “Data Centers and Their Energy Consumption: Frequently Asked Questions”. Congress.gov.);

**Whereas:** The originally-referred Zoning Amendment from the City Council to the Planning Board on January 12, 2026 sought an outright prohibition on the construction of Data Centers within the Everett Docklands Innovation District; and

**Whereas:** Properly regulated and properly situated Data Centers could spur local economic development through the redevelopment of the Everett Docklands Innovation District by way of job creation and revenue generation;

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

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

1. Amend the Use Table codified in Section 37 Everett Docklands Innovation District (“EDID”), (d) Master Planned Development Standards (4) Use Provisions (c) as follows (additions are identified as ***bold/italics*** and deletions are identified as ~~strike-throughs~~):

USE CATEGORY	Master Planned Uses		Non-Master Planned Uses Less Than 5,000 sq ft of Gross Floor Area		Non-Master Planned Uses Greater Than 5,000 sq ft of Gross Floor Area	
	Sub A	Sub B	Sub A	Sub B	Sub A	Sub B
INNOVATION Data Center <b><i>Small &lt;20,000</i></b>	<b><i>SP</i></b>	<b><i>SP</i></b>	SP	SP	SP	SP

USE CATEGORY	Master Planned Uses		Non-Master Planned Uses Less Than 5,000 sq ft of Gross Floor Area		Non-Master Planned Uses Greater Than 5,000 sq ft of Gross Floor Area	
	Sub A	Sub B	Sub A	Sub B	Sub A	Sub B

*sf<sup>g</sup>*

*<sup>3</sup>“Data Center Small” shall be limited up to 20,000 sq. ft. and/or up to 5 MW capacity, whichever is less, and shall not be the primary use of the structure.*

- Amend the Use Table codified in Section 37 Everett Docklands Innovation District (“EDID”), (d) Master Planned Development Standards (4) Use Provisions (c) as follows (additions are identified as ***bold/italics*** and deletions are identified as ~~strike throughs~~):

USE CATEGORY	Master Planned Uses		Non-Master Planned Uses Less Than 5,000 sq ft of Gross Floor Area		Non-Master Planned Uses Greater Than 5,000 sq ft of Gross Floor Area	
	Sub A	Sub B	Sub A	Sub B	Sub A	Sub B

***PROHIBITED USES***  
***Data Center Large ≥20,000 sf<sup>f</sup>***

*<sup>4</sup> “Data Center Large” shall be defined as any Data Center occupying over 20,000 sq. ft. and/or having a capacity over 5 MW, whichever is less.*

- Amend Section 37 Everett Docklands Innovation District (“EDID”), (e) Definitions applicable to EDID to add new definition (3) as follows, and renumber the succeeding, existing definitions (additions are identified as ***bold/italics*** and deletions are identified as ~~strike throughs~~):

***(3) Computer room: A room within a building whose primary function is to house electronic equipment for an entity located on site and that has a design information technology equipment (ITE) power density exceeding 20 watts/ft<sup>2</sup> (215 watts/m<sup>2</sup>) of conditioned floor area. A computer room is ancillary to the onsite use and shall constitute no more than 10% of square footage without a special permit.<sup>1</sup>***

- Amend Section 37 Everett Docklands Innovation District (“EDID”), (e) Definitions applicable to EDID, (4) Data Center as follows (additions are identified as ***bold/italics*** and deletions are identified as ~~strike throughs~~):

~~(4) Data Center: Data Center shall mean a use involving a building/premise in which the primary use is occupied by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, transferred and/or stored.~~  
***Building(s) or portions of buildings used to house information technology or telecommunications equipment with which digital information is processed, transferred, and/or stored on behalf of or owned by off-site enterprises. A data center may include***

<sup>1</sup> American Society of Heating, Refrigerating, and Air-Conditioning Engineers (“ASHRAE”) 90.1

*associated ancillary structures, including but not limited to, offices, security buildings, cooling water tanks, and backup power systems. This definition does not include on-site computer rooms associated directly with allowable uses.*

5. Amend Section 37 Everett Docklands Innovation District (“EDID”), (f) Administration to add new subsection (3), entitled “Data Center Special Permit Requirements” as follows (additions are identified as *bold/italics* and deletions are identified as ~~strike throughs~~):

***(3) Data Center Special Permit Requirements.***

***a. For any proposed Data Center (Small), as defined in Section 37(d)(4), the Special Permit Granting Authority shall make the following findings of fact prior to issuance of a Special Permit for such use:***

- i. Water: Data Centers shall implement a closed-loop or similar cooling system, which utilizes only non-potable water for the cooling of a Data Center. This may be achieved through purple pipe systems, grey-water systems, or other adequate technology evidenced to the SPGA.***
- ii. Noise: A minimum of a 200’ setback shall be provided between a Data Center and residential and/or noise-sensitive uses, unless the Proponent provides a noise study that satisfactorily shows that, as determined by the SPGA, the proposed design is sufficient to mitigate any potential noise impacts such that the project will not adversely impact residential and/or noise sensitive uses.***
- iii. Electricity: Sufficient renewable on-site power generation or off-site power generation with a dedicated transmission line to their site (which shall be paid for entirely by the Proponent of the Data Center so as not to impact local rate payers) to operate and maintain the proposed Data Center shall be provided. This may be achieved in a variety of ways, including power purchase agreements, solar energy, wind energy, etc. Proponent shall make publicly available their utility usage on a monthly basis.***
  - A. Backup-Electricity: Any generators that are to be used as a backup energy source to support the Data Center may only be used when the electrical grid goes down. These generators shall be supported by the least-intrusive energy source possible, including natural gas or sustainable energy. Under no circumstance can diesel be the source of energy for these generators***
- iv. Local Job Creation: The proposed Data Center will substantially add to local permanent jobs, with a livable wage, by directly supporting high-employment industries within 1,000’ of the proposed Data Center.***

6. Amend Section 37 Everett Docklands Innovation District (“EDID”), (f) Administration to add new subsection (4), entitled “Data Center Submittal Requirements” as follows (additions are identified as *bold/italics* and deletions are identified as ~~strike throughs~~):

***(4) Data Center Submittal Requirements.***

- i. Water: Proponent must provide a maintenance plan to the SPGA any proposed***

*cooling system, specifying the expected daily water use, the maintenance of the water system, the frequency of “flushing” the used-water, and an explanation on how the water is treated prior to discharge.*

- ii. Noise: Proponent shall show on a plan the location(s) of any noise monitors that will be installed on/around the site.*
- iii. Electricity: Proponent must submit a generator report if any generators will be utilized on the site. This report must contain: (1) the location of the generator(s); (2) the capacity of the generators; (3) the estimated cycling frequency of the generators; (4) the source of energy utilized for these generators; and (5) a Noise Study submitted specifically in relation to the generators.*

DRAFT

**[NOT PART OF THE ORDINANCE]**

**Potential Conditions of Approval**

For future consideration by the SPGA during their review of a Data Center application, the following conditions could be adopted by the SPGA:

1. Provide to the SPGA the precise location within the Proponent's website that a resident can find the Data Center's monthly energy usage data.
2. Report back to us prior to issuance of a certificate of occupancy any associated jobs that were created as a direct result of the implementation of a Data Center. Within this report, Proponent shall include the wage range for the jobs created as well as the number of local (Everett) hires.
3. Report to us quarterly the results of the noise monitoring performed within/around the site.
4. Per the plan, no more than [X] gallons discharged into the water system, X times per year.

*Memo to P.B. – Per last meeting, document paragraph of research, who I reached out to, ULI Study, etc. We'll include new and revised definitions, changes to use table, findings of fact, and potential conditions of approval outside of the ordinance that we can utilize during the review*

**ENROLLED ORDINANCE**

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

ENROLLED: 06/08/2026

DATE OF PROPOSED ORDAINMENT: 06/22/2026



**CITY COUNCIL..... No. C0007-26**

IN THE YEAR TWO THOUSAND AND TWENTY-SIX

**AN ORDINANCE AMENDING SECTION 37 (EVERETT DOCKLANDS INNOVATION DISTRICT (“EDID”)) OF THE CITY’S ZONING ORDINANCE TO ADD DATA CENTER RESTRICTIONS**

/Councilors Katy L. Rogers, Stephanie Martins & Vivian Nguyen

**WHEREAS:** Data centers are a new and emerging industry which, until now, has not been defined nor regulated in our ordinances; and

**WHEREAS,** Concerns have been raised over the environmental impacts, including, but not limited to, air pollution and noise pollution, that data centers may bring to the community; and

**WHEREAS,** Properly regulated and properly situated data centers could spur local economic development through the redevelopment of the Everett Docklands Innovation District by way of job creation and revenue generation.

**NOW, THEREFORE,** be it ordained by the Everett City Council as follows:

A full copy of the proposed Ordinance shall be located at the City Clerk’s Office for public inspection.

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

A true copy attest



*Sergio Cornelio*

Sergio Cornelio, City Clerk

**LEGAL NOTICES** - submit notices to  
[legals@everettindependent.com](mailto:legals@everettindependent.com)

**LEGAL NOTICE**  
**ENROLLED ORDINANCE**  
**PUBLISHED PURSUANT TO**  
**ARTICLE 1 SECTION 4.5 OF**  
**THE REVISIONS OF THE**  
**CITY OF EVERETT AND**  
**COMPLIANCE WITH MASS-**  
**ACHUSETTS GENERAL LAWS**  
**CHAPTER 43, SECTION 23.**  
**ENROLLED: 06/08/2026**  
**DATE OF PROPOSED ORDAIN-**  
**MENT: 06/22/2026**



**CITY COUNCIL**  
**No. 00007-26**  
**THE YEAR TWO THOUSAND**  
**AND TWENTY-SIX**  
**ORDINANCE AMENDING**

**SECTION 37 (EVERETT DOCK-**  
**LANDS INNOVATION DISTRICT**  
**("EDID")) OF THE CITY'S**  
**ZONING ORDINANCE TO ADD**  
**DATA CENTER RESTRICTIONS**  
 Councilors Katy L. Rogers,  
 Stephanie Martins & Vivian  
 Nguyen

**WHEREAS:** Data centers are a  
 new and emerging industry  
 which, until now, has not been  
 defined nor regulated in our  
 ordinances; and  
**WHEREAS,** Concerns have  
 been raised over the environ-  
 mental impacts, including, but  
 not limited to, air pollution  
 and noise pollution, that  
 data centers may bring to the  
 community; and  
**WHEREAS,** Properly regulated  
 and properly situated data

centers could spur local eco-  
 nomic development through  
 the redevelopment of the  
 Everett Docklands Innovation  
 District by way of job creation  
 and revenue generation.  
**NOW, THEREFORE,** be it  
 ordained by the Everett City  
 Council as follows:  
 A full copy of the proposed  
 Ordinance shall be located  
 at the City Clerk's Office for  
 public inspection.  
 This ordinance shall take  
 effect upon passage by the  
 City Council and subsequent  
 approval by His Honor the  
 Mayor  
 A true copy attest  
 Sergio Cornelio, City Clerk  
 6/10/26  
 EV



C0172-26

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**To:** Mayor and City Council

**From:** Councilor Stephanie V. Smith

**Date:** June 22, 2026

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**Agenda Item:**

Executive Session to discuss a request for settlement (attached) filed on behalf of James P. Ryan. In accordance with M.G.L. ch 30A, s. 21(a)(3), the purpose of this executive session is to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body.

**Background and Explanation:**

**Attachments:**

June 08, 2026



*Attorney at Law*  
179 Highland Avenue (#1049)  
Seekonk, MA 02771

**JACLYN MUNSON**  
*City Solicitor*  
*Legal Department*  
484 Broadway  
Everett, MA 02149

**RE:            SETTLEMENT PROPOSAL OF JAMES P. RYAN**  
**Issue: Due Process Violations by City of Everett**

Dear sir/madam:

You are hereby notified that our firm represents the interests of Mr. James P. Ryan ("Mr. Ryan") in connection with the legal claims set out herein.

This letter serves as a formal proposal of settlement for the damages sustained by Mr. James P. Ryan as a result of the City of Everett's unlawful deprivation of his civil rights. Thank you for your most professional handling of this matter – we look forward to speaking with you.

Respectfully submitted,

Tory A. Gonsalves, Esq.  
*Attorney at Law*

June 08, 2026

**T. Gonsalves Law, PLLC**  
179 Highland Avenue (#1049)  
Seekonk, MA 02771  
(P): (857) 220-7674  
(E): T.GonsalvesLaw@outlook.com  
[www.TGonsalvesLaw.com](http://www.TGonsalvesLaw.com)

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*Appendix*  
*Schedule 1 – Calculation of Rental Loss (2009 – Present)*

## **I. SETTLEMENT PROPOSAL**

This memorandum is submitted in a good-faith effort to resolve, without further litigation, the claims arising from the deprivation of Mr. Ryan's property rights, the loss of rental income, the loss of the property itself, and the related federal and state causes of action set forth below.

Mr. Ryan contends that the factual and legal circumstances presented herein support substantial exposure, including compensatory damages, equitable relief, attorney's fees, prejudgment interest, and, if applicable, enhanced damages under federal law. In light of that exposure, Mr. Ryan extends the following settlement proposal for the purpose of achieving a prompt, fair, and comprehensive resolution.

To resolve this matter in its entirety, Mr. Ryan hereby proposes settlement payment in the amount of TEN MILLION DOLLARS and 0/100 (\$10,000,000.00).

In exchange for timely payment and the completion of mutually acceptable settlement documentation, Mr. Ryan, by and through Counsel, would be prepared to discuss a full and final resolution of all claims that are asserted, or that could be asserted, arising from the facts and occurrences described in this memorandum. Any final resolution would also be expected to address the form of release, the parties to be bound, and such other customary terms as may be necessary to conclude the matter in a complete and orderly manner.

Mr. Ryan respectfully requests a written response to this proposal within a reasonable period so that the parties may determine whether meaningful settlement discussions can proceed. This proposal is made for settlement purposes only, in an effort to avoid the expense, burden, and uncertainty of continued litigation, and it is without waiver of any rights, claims, remedies, or procedural options that may otherwise be available.

In the absence of a satisfactory response, Mr. Ryan reserves the right to pursue all available judicial and equitable relief.

## II. STATEMENT OF FACTS

### A. Mr. Ryan Owned 50 Liberty Street, Everett, Massachusetts, in 2009.

On April 22, 2009, James P. Ryan (hereinafter "Mr. Ryan") was the owner of 50 Liberty Street, Everett, Massachusetts (hereinafter "Property"). Mr. Ryan's family acquired the Property in 1959. Mr. Ryan had purchased the property from his father on or about June 1, 1998.

At the time of the unlawful taking, the Property was comprised of an eight-unit studio-style rental complex. The subdivision of the Property and use as an eight-unit rental complex was openly known to and approved by the City of Everett – whose departments conducted regular inspections of the Property.

### B. False Fire Alarm, Fraudulent Citations, Coerced Removal of Tenants.

On April 22, 2009, a false fire alarm prompted Ryan to go to the property. Upon arrival, Ryan found City Building Inspector Michael Desmond (hereinafter "City Inspector" or "Mr. Desmond") and Fire Lieutenant Paul Calderwood (hereinafter "Fire Lieutenant" or "Mr. Calderwood") inside the doorway of the Property.

Mr. Ryan states that Mr. Desmond turned to him and said, "Remember me? Tell everyone to move out. This is a three-family and you have five illegal apartments." Mr. Desmond then ordered the property to be immediately vacated, threatened arrest for noncompliance, and directed all tenants to gather their belongings, and caused them to be permanently removed from the premises. Furthermore, Mr. Desmond threatened both Mr. Ryan and the tenants with arrest if they returned to the Property.

Shortly thereafter, Mr. Desmond issued citations alleging various violations of city ordinances, including the existence of five "illegal" apartments, the absence of second means of egress, insufficient smoke and carbon monoxide detectors, operation of an illegal rooming house, and the lack of a sprinkler system. Mr. Ryan states that the Property was then boarded up and that all tenants were forced

to leave, notwithstanding the City's failure to provide notice and an opportunity to cure under Massachusetts law before taking action against the property.

**C. Malden District Court Hearing (October 15, 2009).**

Mr. Ryan contested the alleged violations, and a hearing was scheduled for May 28, 2009, in the Malden District Court, but was postponed until October 15, 2009. Mr. Ryan remained barred from accessing the Property, by threat of arrest, during this intervening period.

At the October 15, 2009, hearing, the City requested dismissal of all citations on the stated ground that there was "not enough evidence to go forward," as conveyed by Assistant Solicitor Melissa Murphy. Notwithstanding the City seeking dismissal of all citations, the City demanded that Mr. Ryan tender payment of \$10,000.00 in fines. After negotiation, on-going stress, and fear caused by City officials, Mr. Ryan ultimately agreed to a \$5,000.00 lien against the Property – collectable upon sale thereof.

However, even though access to 50 Liberty Street was restored at the time the City moved to dismiss the citations, Mr. Ryan was still restricted from accessing the Property because the keys to the Property were not provided at the time of the dismissal hearing. Moreover, the City's threat of arrest was not dissolved.

**D. But-For Foreclosure of Property and Sale to Gregory T. Antonelli.**

On April 12, 2010, Mr. Ryan appeared in the Malden District Court for the continued hearing, but no representative of the City appeared. Mr. Ryan alleges in his federal complaint that, notwithstanding the parties' agreement, he was denied access to the property to make repairs necessary to restore rental income and maintain the mortgage. He further alleges that, as a direct result of that denial of access, the property was foreclosed upon in June 2010 by U.S. Bank National Association.

On November 4, 2020, U.S. Bank National Association sold the property for \$150,000 to Gregory T. Antonelli, whom Mr. Ryan identifies as a friend, associate, and political supporter of Everett Mayor Carlo DeMaria Jr.

**E. Municipal Conduct and Related Individuals.**

Since the loss of his Property in 2009, Mr. Ryan has never had an opportunity to stand before a judge on the merits of his claims. Mr. Ryan reports that Mayor DeMaria and others used Gennaro Angiulo's company to board up the Property without charge after city officials allegedly threatened the residents with arrest before removing them from the property.

Mr. Ryan further states that 50 Liberty Street had been regularly inspected as eight studio units since 1959 without zoning issues and had been taxed as commercial property during that time. Notwithstanding that history, City officials asserted on April 22, 2009, that the property was only a three-family dwelling and then threatened residents with arrest before making them homeless.

Court documents reveal that Mr. Ryan alleges that Alderman Carlo DeMaria's self-described campaign financier, Jamie Russo, had a purchase and sale agreement prepared by Attorney Denise DiCarlo in August 2007 for the purchase of 50 Liberty Street for \$500,000.00. Mr. Ryan further states his understanding that Russo had a criminal background and alleges that Russo stated in August 2007 that, if DeMaria became mayor, the two of them would be buying Property throughout the City – these facts have remained uncontested. Mr. Ryan also alleges that he was advised to withdraw from the proposed sale to Russo.

According to Mr. Ryan, after DeMaria became Mayor, Russo became the City of Everett's Director of Constituent Services. Mr. Ryan further alleges that, after DeMaria's election, the Property experienced a mysterious flood, and that Mr. Antonelli, identified as a longtime friend of both Mayor DeMaria and Mr. Russo, was recommended by the Everett Department of Public Works to change the water main and meter. The Everett DPW has no records showing that Mr. Antonelli changed the water meter or main, that no plumbing permit or Dig Safe

permit was issued for the excavation, that Mr. Ryan never signed a work order for the excavation or related work, and that Mr. Ryan was never invoiced for the job.

City officials rendered the residents homeless on April 22, 2009, because City officials demanded the Tenants evacuate the premises through coercive and unconscionable measures (e.g., threats of arrest) – thereby forcing them to the side of the street.

On June 16, 2020, Mayor DeMaria made an appearance on the radio program “Nightside with Dan Rea” and fraudulently claimed that he had housed the displaced residents and made them whole. Coincidentally, portions of that broadcast were scrubbed and later deleted. Mr. Ryan’s request for the recordings was denied, and Mr. Ryan was told he would need to secure a subpoena if he wanted the recording. Mr. Ryan subsequently sought public assistance with securing any records demonstrating that the City of Everett had indeed paid for the lodging of his Tenants after making them homeless – no records corroborating former Mayor DeMaria’s statement that the City of Everett paid to lodge Mr. Ryan’s Tenants after making them homeless have ever been produced.

#### F. Everett Building Inspector and City Solicitor Fraud.

Within weeks of the April 22, 2009, unlawful eviction and condemnation of Mr. Ryan’s Property, City officials contacted the Massachusetts Attorney General’s Abandoned Property Division and fraudulently represented that they have not made contact with the owner of Mr. Ryan’s Property for many years.

In July 2009, City officials toured 50 Liberty Street with officials from that division. Mr. Ryan submitted a FOIA request and discovered that Frank Amato was positioned to become the receiver of Mr. Ryan’s Property.

Mr. Ryan similarly contends that, in January 2010, Everett Building Inspector Fields and City Solicitor Mejia falsely stated in writing to the Attorney General’s Abandoned Property Division that the City had had no contact with the owner of

50 Liberty Street for many years, despite the parties' appearance in Malden District Court on October 15, 2009, when the City dismissed the five citations.

Mr. Ryan further states that, in 2016, Massachusetts Inspector General investigator Jack Myers advised him to "get your case out of Middlesex, because they all work on each other's campaigns and are never going to help you."

Finally, Mr. Ryan reports that, although the district judge adopted the Report and Recommendation and dismissed the case on March 4, 2022, he was unaware of that decision and continued filing motions in support of relief. Mr. Ryan states that he did not learn of the dismissal until June 2022, after which he promptly filed a notice of appeal and paid the filing fee. The District Court unsurprisingly denied Mr. Ryan's motion – even though he never received proper notice of the March 4, 2022, dismissal.

### **III. CAUSES OF ACTION**

Mr. Ryan possesses cognizable causes of action under both federal law and the laws of the Commonwealth of Massachusetts arising from the alleged deprivation of his civil rights. Under federal law, 42 U.S.C. § 1983 provides a statutory vehicle through which an individual may seek relief in federal court for injuries caused by persons acting under color of state law who interfere with rights secured by the Constitution and laws of the United States. In addition, Massachusetts law recognizes a private right of action for civil rights violations pursuant to M.G.L. c. 12, §§ 11H–11J.

Specifically, Mr. Ryan's federal claims may be asserted under 42 U.S.C. § 1983 to the extent he alleges that municipal officials or other persons acting under color of state law deprived him of protected rights through unlawful governmental action.

Separately, his state-law civil rights claims may be pursued under M.G.L. c. 12, §§ 11H–11J, which authorizes recovery for interference, or attempted interference, with secured rights by threats, intimidation, or coercion. Based on the foregoing factual allegations, Mr. Ryan has viable claims under each of these statutory frameworks, which are set forth below.

#### IV. CLAIMS

##### FEDERAL

- COUNT I — DEPRIVATION OF REAL PROPERTY WITHOUT PROCEDURAL DUE PROCESS (42 U.S.C. § 1983; FOURTEENTH AMENDMENT).

Mr. Ryan asserts that he possessed a protected property interest in 50 Liberty Street, which he owned on April 22, 2009, having acquired it in 1998, and which had long operated as an eight-unit rental complex openly known to and inspected by the City. He further alleges that City officials, acting under color of state law, deprived him of that interest by ordering the immediate vacatur of the premises, threatening arrest for noncompliance, expelling tenants, boarding up the property, and barring his return. According to Mr. Ryan, these actions were taken without constitutionally adequate notice or a meaningful opportunity to be heard before the deprivation occurred. Although citations were later issued and contested, the scheduled hearings were delayed for months while he remained excluded from the property. Mr. Ryan further alleges that, at the October 15, 2009, hearing, the City moved to dismiss the citations for lack of sufficient evidence, yet access was not restored because the keys were not provided and the threat of arrest remained in place. He contends that the continued denial of access prevented him from making repairs, restoring rental operations, and maintaining the mortgage, ultimately resulting in foreclosure in June 2010.

- COUNT II — UNCONSTITUTIONAL REGULATORY TAKING OF REAL PROPERTY WITHOUT JUST COMPENSATION (42 U.S.C. § 1983; FIFTH AND FOURTEENTH AMENDMENTS).

Mr. Ryan further asserts that the City's actions effected an unconstitutional taking by depriving him of the use, occupancy, and economic value of 50 Liberty Street without just compensation. He contends that the property had long been operated as an eight-unit rental complex and taxed as commercial property, yet City officials

abruptly declared it to be a three-family dwelling with five illegal apartments, ordered immediate vacatur, expelled the tenants, boarded the premises, and barred his reentry under threat of arrest. Mr. Ryan alleges that these actions destroyed the property's economically beneficial use by eliminating rental operations and preventing repairs necessary to restore income. He further contends that, notwithstanding the City's later dismissal of the citations for insufficient evidence, he remained excluded from the property and received no compensation for the loss of possession, use, rental income, or the eventual foreclosure. He also alleges that, despite dismissal of the citations, the City demanded fines and obtained agreement to a \$5,000 lien collectible upon sale of the property. According to Mr. Ryan, the property was foreclosed in June 2010 and was later sold by U.S. Bank in November 2020 to Gregory T. Antonelli.

• **COUNT III — ARBITRARY AND CAPRICIOUS DEPRIVATION OF REAL PROPERTY RIGHTS IN VIOLATION OF SUBSTANTIVE DUE PROCESS (42 U.S.C. § 1983; FOURTEENTH AMENDMENT).**

Mr. Ryan additionally alleges that municipal officials engaged in arbitrary, capricious, and conscience-shocking conduct that deprived him of his protected property rights in violation of substantive due process. He contends that 50 Liberty Street had been recognized and inspected as an eight-unit rental property since 1959, yet City officials abruptly asserted that it was only a three-family dwelling, ordered immediate vacatur, threatened arrest, removed the tenants, boarded the property, and excluded him from reentry. Mr. Ryan further alleges that the City acted without affording notice or an opportunity to cure and later sought dismissal of all citations because there was insufficient evidence to proceed, thereby supporting his contention that the original enforcement action lacked a lawful basis. He also alleges that, even after the citations were dismissed, the City failed to restore access, did not return the keys, and did not withdraw the threat of arrest. In addition, Mr. Ryan contends that false written statements were later submitted to the Attorney General's Abandoned Property Division representing that the City had not been in contact with the owner for many years, despite court proceedings involving the parties in October 2009. He further alleges that officials treated the property as abandoned within weeks of the

eviction and that individuals with political and personal ties to former municipal leadership ultimately benefited from the property's loss. According to Mr. Ryan, these actions prevented reentry, prevented repairs, caused the loss of rental income, and led directly to foreclosure.

• **COUNT IV — CIVIL RICO CLAIM FOR FRAUDULENT DEPRIVATION OF REAL PROPERTY (18 U.S.C. § 1962(C)).**

Mr. Ryan further asserts that the deprivation of 50 Liberty Street was the product of a coordinated scheme involving multiple actors, including municipal officials and private individuals, undertaken for the purpose of obtaining control over the property through fraudulent means. In support of this theory, he identifies, among others, Building Inspector Michael Desmond, Fire Lieutenant Paul Calderwood, Assistant Solicitor Melissa Murphy, Mayor Carlo DeMaria Jr., Building Inspector Fields, City Solicitor Mejia, Jamie Russo, Gregory T. Antonelli, and the alleged involvement of the Attorney General's Abandoned Property Division. Mr. Ryan alleges that Mr. Russo had previously sought to acquire the property pursuant to a proposed purchase and sale agreement in August 2007 for \$500,000 and allegedly stated that, if Mr. DeMaria became mayor, they would be "buying up property all over the City." He further contends that, after the mayoral transition, City officials treated the property as an unlawful three-family dwelling, forced the tenants to vacate, and then represented to the Attorney General's office that they had not been in contact with the owner for many years, notwithstanding court appearances involving the City and Mr. Ryan in October 2009. Mr. Ryan alleges that these representations were repeated in writing in January 2010, that the property was thereafter treated as abandoned, and that Mr. Antonelli ultimately acquired the property following foreclosure. According to Mr. Ryan, the alleged conduct spans from 2010 through at least 2020 and resulted in the loss of possession and use of the property, the loss of tenants and rental income, foreclosure in 2010, and the eventual permanent loss of the property through later sale.

STATE

- COUNT I — INTERFERENCE WITH SECURED PROPERTY RIGHTS BY THREATS, INTIMIDATION, AND COERCION (MASSACHUSETTS CIVIL RIGHTS ACT, M.G.L. C. 12, §§ 11H–11I).

Mr. Ryan alleges that municipal actors interfered, and attempted to interfere, with his secured property rights through threats, intimidation, and coercion, in violation of the Massachusetts Civil Rights Act. He contends that he owned 50 Liberty Street on April 22, 2009, and possessed both a present right of possession and an economic interest in the property's continued use as an income-producing rental complex. According to Mr. Ryan, City officials ordered the immediate vacatur of the premises under threat of arrest, directed tenants to gather their belongings and permanently leave the property, threatened both Mr. Ryan and the tenants with arrest if they returned, boarded up the premises, and continued to deny him access for months even after the City later sought dismissal of the underlying citations for lack of sufficient evidence. Mr. Ryan alleges that this coercive conduct caused the loss of tenants, the loss of possession and use, the inability to repair or restore rental operations, and, ultimately, foreclosure and permanent loss of the property.

- COUNT II — INVERSE CONDEMNATION / UNLAWFUL TAKING WITHOUT JUST COMPENSATION (ARTICLE 10 OF THE MASSACHUSETTS DECLARATION OF RIGHTS).

In the alternative, Mr. Ryan alleges that the City's actions constituted an unlawful taking of his real property without the payment of just compensation in contravention of Article 10 of the Massachusetts Declaration of Rights. Article 10 protects the right to property, reflects that government exists to preserve and protect such rights through impartial laws, and requires reasonable compensation where property is taken for public use. Mr. Ryan contends that he owned 50 Liberty Street on April 22, 2009, and that governmental action substantially deprived him of the property's possession, use,

and value by means of an immediate vacate order, the permanent expulsion of tenants, threats of arrest upon return, the boarding up of the premises, and the continued denial of access even after the City acknowledged it lacked sufficient evidence to proceed on the cited violations. He further alleges that these actions prevented him from accessing, repairing, renting, and preserving the property, caused foreclosure in June 2010, and ultimately resulted in the property's later sale to Gregory T. Antonelli in 2010. According to Mr. Ryan, he received no compensation for these alleged deprivations; rather, the City imposed a \$5,000 lien against the property, which he contends underscores the absence of any constitutionally required payment for the loss of his property rights.

#### **V. MOTION TO REOPEN BASED ON FRAUD ON COURT**

Mr. Ryan further contends that the prior proceedings warrant reopening on the ground of fraud upon the court. In substance, he asserts that municipal officials and related actors presented, relied upon, or caused to be transmitted materially false representations concerning the status of 50 Liberty Street, his ownership and availability, and the City's prior contact with him, and that such representations materially affected the course of the related judicial and administrative proceedings. According to Mr. Ryan, these misrepresentations were not limited to the initial code-enforcement actions, but extended to later communications with public authorities and to litigation positions that obscured the factual history of the property and the City's dealings with him.

Mr. Ryan specifically asserts that City representatives sought dismissal of the underlying citations for lack of sufficient evidence, yet access to the property was not meaningfully restored and the threat of arrest remained in place. He further asserts that, notwithstanding the October 15, 2009 proceedings in Malden District Court, municipal representatives later advised the Massachusetts Attorney General's Abandoned Property Division that the City had not been in contact with the owner for many years. In Mr. Ryan's view, the use of false factual assertions in connected proceedings undermined the integrity of the adjudicative process itself and prevented a fair consideration of the merits of his claims.

On that basis, Mr. Ryan contends that equitable relief in the form of reopening, vacatur, or other appropriate post-judgment review may be warranted so that the relevant courts may consider his claims on a full and accurate factual record. He further maintains that he did not receive timely notice of the March 4, 2022 dismissal of his federal action and that, upon learning of that disposition in June 2022, he promptly pursued appellate relief. Accordingly, Mr. Ryan asserts that the combination of alleged fraud, inaccurate representations to governmental authorities, and asserted lack of timely notice provides a substantial basis for renewed judicial review.

In summary, Mr. Ryan is not barred from seeking a motion to reopen any and all previously filed court matters pursuant to Federal Rule of Civil Procedure 60(b)(6) in light of new evidence that tends to support an argument of fraud upon the court through “. . . extraordinary, compelling circumstances entirely separate from a standard evidentiary omission.” Here, Mr. Ryan is in possession of evidence sufficient to establish a timeless fraud on the court argument because the evidence tends to show an “. . . unconscionable scheme designed to corrupt the judicial machinery itself.” As such, the statute of limitations on any claim or cause of action is subject to equitable tolling pursuant to Fed. Civ. P. R. 60(b)(6).

## **VI. LEGAL REMEDIES**

**Federal Legal Remedies.** To the extent Mr. Ryan prevails on his federal claims, he may seek the full range of relief ordinarily available for constitutional and statutory violations, including compensatory damages, prejudgment interest where permitted, consequential damages, damages for emotional distress where supported by the evidence, treble damages to the extent authorized by the governing cause of action, and a reasonable award of attorney’s fees and costs.

**State Legal Remedies.** With respect to Mr. Ryan’s state-law claims, Massachusetts law authorizes remedies relevant to this matter in the form of just or reasonable compensation for an unlawful taking, compensatory damages for civil-rights violations, prejudgment interest where recoverable, and a reasonable

award of attorney's fees. *See* Mass. Const. art. 10; *see also* M.G.L. c. 12, §§ 11H-11J.

## VII. CALCULATION OF DAMAGES

Mr. Ryan contends that, as a direct and proximate result of the violation of his civil rights and the unlawful taking of his property, he has sustained calculable compensatory damages in the amount of **\$4,630,180.48**. As set forth below, that total is comprised of lost rental income and loss in real-property value.

**Loss of Rental Income.** Mr. Ryan asserts that the property consisted of eight studio units, six of the eight units were occupied, with perspective individuals ready to move in for the remaining two units, at the time of the forced closure and tenant removal in 2009. Figures were calculated by utilizing public records of 2009 Massachusetts studio-rent information published through the U.S. Department of Housing and Urban Development and related housing data sources, to support an estimated 2009 market rental range of approximately \$950.00 to \$1,100.00 per unit per month. Likewise, studio rental-data is derived from the same source of publicly published governmental statistics related to the average market value of a studio rental unit located in Everett, Massachusetts. These figures reflect a value of \$2,400.00 to \$2,500.00 per unit per month, to support an estimated historical rate of increase in market rents. Based on those figures, Mr. Ryan applies an average compounded annual growth rate of 5.27% from 2009 through 2026 and claims total lost rental income in the amount of **\$2,836,180.48**. *See* ("Schedule 1").

**Loss of Sale of Real Estate.** Mr. Ryan further claims damages arising from the loss of the property itself. In support of that claim, Mr. Ryan relies on assessment data published by the City of Everett reflecting an assessed value of approximately \$2,167,200.00 for 50 Liberty Street in 2025, while also noting that certain historical assessment records for intervening years are unavailable. Mr.

Ryan further notes that municipal records reflect a 2006 assessed valuation of approximately \$373,200.00.<sup>1</sup> Using those figures as a conservative benchmark, Mr. Ryan claims real-estate loss damages in the amount of **\$1,794,000.00**, while maintaining that the figure may understate the property's actual value at the time of the deprivation because later historical assessment records were not available.

Accordingly, Mr. Ryan claims total compensatory damages of **\$4,630,180.48**, consisting of **\$2,836,180.48** in lost rental income and **\$1,794,000.00** in loss of real-estate value.

### VIII. ASSESSMENT OF MUNICIPALITY RISK

**CIVIL RICO EXPOSURE.** Mr. Ryan contends that, if liability were established on his civil RICO claim under 18 U.S.C. § 1962(c), the municipality's potential financial exposure could increase substantially because civil RICO permits treble damages in appropriate circumstances. Applying that multiplier to the claimed total financial loss of **\$4,630,180.48**, Mr. Ryan estimates potential exposure in the amount of **\$13,890,541.44**, exclusive of any award of attorney's fees and costs.

**Additional Federal Remedies.** Apart from the treble-damages remedy potentially available under the civil RICO theory, Mr. Ryan contends that his federal constitutional claims may support recovery of compensatory damages, prejudgment interest where authorized, consequential damages, emotional-distress damages where supported by the evidence, and a reasonable award of attorney's fees and costs. He further notes that any fee award would be determined separately based on counsel's reasonable hourly rate and the total compensable time expended.

**STATE-LAW EXPOSURE.** Mr. Ryan further contends that, if liability were established under Massachusetts law, potential exposure would include reasonable compensation for an unlawful taking under Article 10 of the Massachusetts Declaration of Rights, compensatory damages under the Massachusetts Civil

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<sup>1</sup> Mr. Ryan recalls the 2009 Assessment Value of the Property at \$505,000.00 An actual 2009 value can be compelled from the Everett Assessor's Office.

Rights Act, prejudgment interest to the extent recoverable, and a reasonable award of attorney’s fees. Using the 2006 assessed value of **\$373,200.00** and the 26.52% weighted interest figure referenced in the draft, he estimates prejudgment-interest exposure of approximately **\$98,984.91**, while also maintaining that the actual amount could be higher if a later or higher valuation were used. He further contends that reasonable compensation may be informed by the total claimed financial loss of **\$4,630,180.48**, exclusive of any future attorney costs and fee application.

**CONCLUSION**

For the reasons set forth above, Mr. Ryan contends that the City’s actions and the conduct of related actors resulted in the unlawful deprivation of his property rights, the destruction of a long-standing income-producing rental property, and the eventual foreclosure and permanent loss of 50 Liberty Street. He further contends that the factual record supports substantial federal and state causes of action, including claims for procedural and substantive due process violations, unconstitutional taking without just compensation, civil-rights violations under Massachusetts law, and related equitable relief arising from the alleged fraud upon the court.

Mr. Ryan maintains that his presently calculated compensatory damages total **\$4,630,180.48**, exclusive of any additional prejudgment interest, attorney’s fees, costs, emotional-distress damages, or other relief that may be recoverable under the governing federal and state authorities. He further contends that, if liability were established on the asserted civil RICO claim, the financial exposure could be materially greater by reason of treble damages. In Mr. Ryan’s view, the scope of the alleged misconduct, the claimed economic losses, and the prospect of further fee and interest exposure all support serious consideration of prompt and meaningful resolution.

<b><u>FINAL BREAKDOWN:</u></b>	
Total Loss of “Rental Income” .....	<b>\$2,836,180.48</b>
Total Loss of Proceeds from Sale of Property .....	<b>\$1,794,000.00</b>

**TOTAL VALUE OF CLAIM:**

**\$4,630,180.48**

Accordingly, Mr. Ryan respectfully requests that the City and all appropriate parties evaluate this matter in light of the foregoing factual allegations, legal claims, and asserted damages, and engage in good-faith efforts to achieve a fair and comprehensive resolution. Failing such resolution, Mr. Ryan contends that he is prepared to continue pursuing all available judicial and equitable remedies, including renewed proceedings to obtain review on a full and accurate factual record.

We appreciate your professional handling of this matter and look forward to your response.

Respectfully submitted,



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Tory A. Gonsalves, Esq.  
*Attorney at Law*

June 8, 2026

**T. Gonsalves Law, PLLC**  
179 Highland Avenue (#1049)  
Seekonk, MA 02771  
(P): (857) 220-7674  
(E): T.GonsalvesLaw@outlook.com  
*www.TGonsalvesLaw.com*

# APPENDIX

**SCHEDULE 1**  
**Calculation of Total Loss of Rental Income**  
**(2009-Present)**  
**Adjusted by a 5.27% Compounded Annual Growth Rate**

Year	Average Studio Rent (Monthly)  <i>Adjusted by 5.27% CAGR.</i>	Actual Studios Rented by James in 2009	Actual Total Monthly Rental Income ("Rental Income")	Actual Total Yearly Rental Income
2009	\$1,025.00/mo.	8	\$8,200.00/mo.	\$98,400.00/ Annual Loss
2010	\$1,078.91/mo.	8	\$8,631.28/mo.	\$103,575.36/ Annual Loss
2011	\$1,135.66/mo.	8	\$9,085.28/mo.	\$109,023.36/ Annual Loss
2012	\$1,195.38/mo.	8	\$9,563.04/mo.	\$114,756.48/ Annual Loss
2013	\$1,258.26/mo.	8	\$10,066.08/mo.	\$120,792.96/ Annual Loss
2014	\$1,324.09/mo.	8	\$10,592.72/mo.	\$127,122.64/ Annual Loss
2015	\$1,394.09/mo.	8	\$11,152.72/mo.	\$133,832.65/ Annual Loss
2016	\$1,467.42/mo.	8	\$11,739.36/mo.	\$140,872.32/ Annual Loss
2017	\$1,544.59/mo.	8	\$12,356.72/mo.	\$148,280.64/ Annual Loss
2018	\$1,625.83/mo.	8	\$13,006.64/mo.	\$156,079.68/ Annual Loss
2019	\$1,711.34/mo.	8	\$13,690.72/mo.	\$164,288.64/ Annual Loss
2020	\$1,801.35/mo.	8	\$14,410.80/mo.	\$172,929.60/ Annual Loss
2021	\$1,896.09/mo.	8	\$15,168.72/mo.	\$182,024.64/

				<b>Annual Loss</b>
2022	\$1,995.82/mo.	8	\$15,966.56/mo.	\$191,598.72/ Annual Loss
2023	\$2,100.79/mo.	8	\$16,806.32/mo.	\$201,675.84/ Annual Loss
2024	\$2,211.28/mo.	8	\$17,690.24/mo.	\$212,282.88/ Annual Loss
2025	\$2,327.58/mo.	8	\$18,620.34/mo.	\$223,444.08/ Annual Loss
2026	\$2,450.00	8	\$19,600.00/mo.	\$235,200.00/ Annual Loss



C0173-26

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**To:** Mayor and City Council

**From:** Councilor Stephanie V. Smith

**Date:** June 22, 2026

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**Agenda Item:**

Executive Session to discuss a request for settlement (attached) filed on behalf of Keith Slattery. In accordance with M.G.L. ch 30A, s. 21(a)(3), the purpose of this executive session is to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body.

**Background and Explanation:**

**Attachments:**

**MITCHELL J. NOTIS**

ATTORNEY AT LAW  
27 HARVARD STREET  
BROOKLINE, MASSACHUSETTS 02445  
TEL. 617-487-8677\*FAX. 617-505-6663  
mitchnotis@aol.com

June 8, 2026

Via Email: mayor@ci.everett.ma.us  
Via Federal Express

Mayor Robert J. Van Campen  
City of Everett  
484 Broadway  
Everett, MA 02149

**Re: Wrongful Termination of Assistant City Solicitor Keith Slattery**  
Disability Discrimination, Perceived Disability Discrimination, First Amendment Retaliation  
**SETTLEMENT DISCUSSIONS—NOT ADMISSIBLE FOR ANY PURPOSES**

Dear Mayor Van Campen:

I am writing to you in my capacity as Counsel to Mr. Keith Slattery. As you are aware, on January 15, 2026, two weeks after you took office as Mayor, and at a time when the City of Everett knew that Mr. Slattery was imminently entering a substance rehabilitation program, his more than 8 year tenure as an Assistant City Solicitor for Everett was terminated.

**These actions were taken solely due to bias against Mr. Slattery due to his disability (his previous substance abuse), as well as to punish Mr. Slattery for his constitutionally protected political speech and association, one of a series of actions you have taken to punish voters you perceive as your political opponents.**

Not only do your actions against Mr. Slattery violate the disability discrimination laws (MGL Chapter 151B and 42 U.S. Code section 12111) and the Paid family Medical Leave Act (MGL Chapter 175 section 9), they also violate Mr. Slattery's protected rights under both the United States and Massachusetts constitutions (First Amendment, Article 16 of the Massachusetts Declaration of Rights, 42 U.S. Code section 1983, MGL Chapter 12 sections 11H and I).

This letter discusses the facts of this matter and the legal claims Mr. Slattery has against both you individually as well as the City of Everett. We would like to avoid having to exhaust administrative remedies on the discrimination claims and then have to litigate a federal court lawsuit regarding both the discrimination claims as well as the constitutional torts. However, Mr. Slattery insists upon being made whole for the financial and emotional harms your actions and the actions of Everett have caused him to suffer and will continue to cause him to suffer into the future.

Mayor Robert J. Van Campen  
June 8, 2026

Page 2      **SETTLEMENT DISCUSSIONS—NOT ADMISSIBLE FOR ANY PURPOSES**

Mr. Slattery insists upon vindicating his rights under the discrimination laws, and enforcing his rights to Free Speech and Freedom of Association, both as a Citizen of the United States and as a Citizen of Massachusetts.

As is discussed in detail below, the removal of Mr. Slattery as an employee of the City of Everett violates the following laws:

1. MGL Chapter 151B, prohibiting discrimination against employees with disabilities, or who have a record of having disabilities, or who are perceived as having disabilities.
2. 29 U.S. Code section 12111 et seq., prohibiting discrimination against employees with disabilities, or who have a record of having disabilities, or who are perceived as having disabilities.
3. The First Amendment to the United States Constitution (as enforced through 42 U.S. Code section 1983).
4. Article 16 of the Massachusetts Declaration of Rights.
5. MGL chapter 12 sections 11H and 11I.
6. MGL Chapter 175M section 9, the Paid Family Medical Leave Act, prohibiting retaliation against employees exercising their reights under that law.

Both the Massachusetts Commission Against Discrimination, the Equal Employment Opportunity Commission, and a jury would find that the City of Everett's alleged reasons for terminating Mr. Slattery's employment to be merely a pretext for illegal motives. We realize that you and Everett will claim that Mr. Slattery's off-duty misconduct somehow cast the City in a bad light and rendered him unfit to be a City employee.

Even leaving aside the fact that other City employees with alcohol abuse problems, substance related arrests and felony convictions have not been terminated (a matter we will prove through discovery in any litigation), the timing of this matter lays bare the false nature of this excuse.

#### FACTUAL BACKGROUND

Mr. Slattery is an individual with a disability, substance abuse. In his case, the abused substance is alcohol. It is well documented through medical records in the City's possession that **his diagnosis of alcohol use disorder was a direct result of extreme harassment related to his employment, and other circumstances exacerbated by the conduct of elected officials in the City Council.**

In August 2024, Mr. Slattery was arrested for operating under the influence of alcohol. That charge was continued without a finding on October 15, 2024.

Mayor Robert J. Van Campen  
June 8, 2026

Page 3      **SETTLEMENT DISCUSSIONS—NOT ADMISSIBLE FOR ANY PURPOSES**

On July 22, 2025, Mr. Slattery was arrested on a number of charges related to his operating a vehicle under the influence of alcohol and related matters. Mr. Slattery promptly reported his arrest to Everett Human Resources.

As a result of the arrest, on August 11, 2025 an “administrative investigation” of the July 22, 2025 incident was commenced by the Everett Human Resources Department. Shortly thereafter, Mr. Slattery went on medical leave under the Massachusetts Paid Family Leave Act, MGL Chapter 175M. Mr. Slattery’s Chapter 175M leave expired in October 2025, and he was then placed on paid administrative leave “pending the outcome of the investigation.” As of November 17, 2025, the “investigation” was “still ongoing.” Exactly what was being done to investigate this matter, or why the investigation took so long, has never been explained.

On January 15, 2026, **two weeks after you took office**, Mr. Slattery was terminated from his employment. He was informed that there was “just cause for separation based upon behavior that is unbecoming of an employee of the city.”

The termination for “conduct unbecoming” was both excessively harsh given the allegations against Mr. Slattery, and a pretext for disability discrimination and retaliation for the exercise of First Amendment rights. But for Mr. Slattery’s disability, and but for his exercise of his First Amendment rights, his employment would not have been terminated.

At the time that he was terminated just prior to his imminent entry into a rehabilitation program (which he did indeed enter and successfully completed), he had 12 sick and 5 personal days available for him to use. These should have been made available to Mr. Slattery to use to deal with his documented disability, caused by the circumstances surrounding his employment.

We also will be able to prove that you said on several occasions that “some of my supporters don’t want certain people here.”

There was clearly a rush to terminate Mr. Slattery.

## **DISCUSSION**

**Mr. Slattery was arrested in July 2025 for driving under the influence of alcohol and related matters. The city became aware of this arrest and began an administrative investigation on August 11, 2025. Despite knowing of these matters for six months, and despite “investigating” these matters for six months, no action was taken to terminate Mr. Slattery's employment until January 15, 2026, shortly after your inauguration.**

Mayor Robert J. Van Campen

June 8, 2026

Page 4

**SETTLEMENT DISCUSSIONS—NOT ADMISSIBLE FOR ANY PURPOSES**

**Everett had all of the information needed to make a determination as to whether Mr. Slattery should be disciplined for these actions, for six months. The actions were not deemed to merit termination or even discipline, for 5 1/2 months. They were not deemed to merit discipline or termination until you took office.**

**Any claim of termination for off duty misconduct is clearly pretextual.**

Furthermore, at the time the termination decision was made, Everett was aware that Mr. Slattery had been on leave under the Massachusetts Family Medical Leave Act, and that he was going to enter a substance abuse rehabilitation program in a matter of days. Even without considering the pretextual nature of the claim of off duty misconduct, it is clear that Mr. Slattery was being discriminated against due to his disability (having a record of a substance abuse disorder), that no reasonable accommodation was going to be made or considered, and that no interactive dialog was going to occur.

Mr. Slattery was also being retaliated against for having taken leave under the Family Medical Leave Act.

As I am sure you are aware, Mr. Slattery served for over 8 years as Assistant City Solicitor with Everett. In that position, his job performance was exemplary. Although Mr. Slattery made sure that the laws of the Commonwealth and City rules, regulations and ordinances were complied with, he was not in any way involved in formulating City policies.

Both during his eight years of employment and during the recent election campaign, Mr. Slattery was closely associated with former mayor Mr. Carlo DeMaria. You were aware that Mr. Slattery was a political ally of Mr. DeMaria and supported Mr. DeMaria's reelection, rather than your election as mayor.

Attached to this letter you will find a draft charge of discrimination, as well as a draft court complaint. Our plan is to exhaust Mr. Slattery's administrative remedies regarding the disability discrimination claim before the MCAD and the EEOC, and once those remedies are exhausted, to file suit on all of the above claims in either Superior Court or Federal District Court.

**However, we are willing to wait a period of 14 days before commencing litigation, to determine if you and the City of Everett are willing to engage in good faith negotiations to resolve this dispute.**

RELEVANT LAW

**A. The First Amendment to the United States Constitution.**

The First Amendment guarantees to all Americans the rights of free speech and free association, and protects them against interference with those rights by any government. The actions you and

Mayor Robert J. Van Campen  
June 8, 2026

Page 5      **SETTLEMENT DISCUSSIONS—NOT ADMISSIBLE FOR ANY PURPOSES**

the City engaged in which resulted in the removal of Mr. Slattery from his position as Assistant City Solicitor, were taken against him as punishment for his support of the prior mayor in the November 2025 election. By punishing Mr. Slattery for these activities, his freedom of speech rights and freedom of association rights were severely interfered with. Those rights are enforced by federal law, namely 42 U.S. Code section 1983.

As is established in various federal and state case law, an individual asserting a First Amendment retaliation claim must allege that he engaged in constitutionally protected conduct, that he was then subjected to an adverse action, that the protected conduct was a substantial or motivating factor in the adverse action, and that the adverse action was based on retaliatory intent.

All of those elements are present in the removal of Mr. Slattery.

**B. Article 16 of the Massachusetts Declaration of Rights.**

Similar to the First Amendment, Article 16 of the Massachusetts Declaration of Rights protects citizens' right of free speech, and thereby political affiliation and association. The enforcement of Article 16 is through MGL Chapter 12 sections H and I.

**C. MGL chapter 12 sections 11H and 11I.**

These statutes provide a right of legal action to individuals whose rights under the constitution or laws of the United States, or the constitution or laws of the Commonwealth, have been interfered with or attempted to be interfered with, by "threats, intimidation or coercion." The political vendetta against Mr. Slattery and the termination of his employment, consists of just such interference through "threats, intimidation or coercion." Chapter 11I provides that a prevailing party may be entitled to both compensatory damages as well as attorney's fees.

**D. MGL Chapter 151B and 42 U.S. Code section 12111**

Discrimination against employees with disabilities due to bias against them is a violation of both MGL chapter 151B as well as 42 US code section 12111. Termination of an employee due to employer disability bias, or due to the the desire not to have to make further reasonable accommodations to a qualified employee, is also a violation of the laws preventing disability discrimination.

For your information, the Guidelines of the Massachusetts Commission Against Discrimination as well as federal guidelines issued by the U.S. Equal Employment Opportunity Commission, and federal and state case law, make clear that substance abuse such as alcoholism is a handicap which must be dealt with and accommodated the same way that other handicaps are dealt with and accommodated.

Mayor Robert J. Van Campen

June 8, 2026

Page 6      **SETTLEMENT DISCUSSIONS—NOT ADMISSIBLE FOR ANY PURPOSES**

In it's "Guidelines, Employment Discrimination on the Basis of Handicap," at section X(C)(2), The Massachusetts Commission against discrimination states as follows:

"Alcoholism is a handicap. Likewise, individuals regarded as alcoholics, and those with a record of alcoholism, may be considered handicapped."

**E. MGL Chapter 175M section 9**

At the time his employment was terminated, only slightly more than two months had expired since Mr. Slattery had last been on PFMLA leave. His PFMLA leave was within six months prior to the termination of his employment.

Section 9A makes it illegal to terminate an employee for exercising their PFMLA rights or interfering with the exercise of any such rights.

Pursuant to section 9C, the termination of an individual's employment "during the six month period following an employee's leave" under PFMLA, "shall be presumed to be retaliation under this section. Such presumption shall be rebutted only by **clear and convincing evidence** that such employers action was not retaliation against the employee, and that the employer had sufficient independent justification for taking such action and would have in fact taken such action in the same manner and at the same time the action was taken..."

The usual evidentiary burdens of proof are thus reversed in a case where PFMLA a retaliation is alleged, and the evidentiary standard which must be met by an employer is higher than the usual "preponderance of evidence" standard. The burden is on the employer.

In addition to this change in the standard and burden of proof, a prevailing employee in a PFMLA action may receive reinstatement to employment, reinstatement of full benefits and seniority rights, compensation for three times the lost wages, benefits or other remuneration plus interest, as well as attorneys fees. This relief is substantially more significant than any relief available under the federal FMLA, and due to the treble damages provision, may frequently provide greater relief to an employee than damages in a discrimination suit.

You should also be aware that the constitutional violations discussed above, as well as the discrimination laws discussed above, provide a successful litigant with the possibility of punitive damages, in addition to damages for lost wages and benefits, and emotional distress. Punitive damages can be as much as 10 times any award for compensatory damages (lost wages and benefits and emotional distress).

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Page 7 **SETTLEMENT DISCUSSIONS—NOT ADMISSIBLE FOR ANY PURPOSES**

Mr. Slattery was exercising his basic constitutional rights in supporting Carlo DeMaria for mayor, rather than yourself. It is a basic American value that individuals must not be punished for their political views, their votes, or their political associations. The laws protect the exercise of these rights.

Mr. Slattery also had the courage and strength of will to seek treatment for his disability, and was proceeding to obtain such treatment at the time his employment was wrongfully terminated. Any jury hearing this story of a man being “punished while he is down” without legal justification, will be angered, and will exercise this right to award compensatory and punitive damages.

### **CONCLUSION**

For all of the foregoing reasons, the illegal termination of Mr. Slattery’s employment with the City of Everett must be corrected immediately, and Mr. Slattery properly compensated for the harms these actions have caused him to suffer and which he will continue to suffer into the future.

Very truly yours,

/s/ Mitchell J. Notis

Mitchell J. Notis

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):  
Item Number 12

- FEPA  
 EEOC

**DRAFT** and EEOC

**MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION**

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

MR. KEITH SLATTERY

Home Phone (Incl. Area Code)

Date of Birth

Street Address

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two are named, list under PARTICULARS below.)

Name

CITY OF EVERETT

No. Employees, Members

Phone No. (Incl. Area Code)

Street Address

City, State and ZIP Code

Name

ROBERT VAN CAMPEN

No. Employees, Members

Phone No. (Incl. Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate boxes.)

- RACE     COLOR     SEX     RELIGION     NATIONAL ORIGIN  
 RETALIATION     AGE     DISABILITY     GENETIC INFORMATION  
 OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

PLEASE SEE ATTACHED SHEETS

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State or Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF CHARGING PARTY

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Date

Charging Party Signature

CONTINUATION PAGE TO CHARGE OF DISCRIMINATION

My name is Keith Slattery. I am a 54 year old male. Until January 15, 2026, I was employed by the City of Everett as Assistant Solicitor. My employment was terminated on January 15, 2026. I was fired days before I was to start substance abuse rehabilitation, shortly after the new Mayor of Everett took office. I was terminated both due to my disability, and in order to retaliate against me for exercising my constitutionally protected rights to support a candidate for Mayor of Everett other than the person who took office in January 2026, Mr. Robert Van Campen. The refusal to make a reasonable accommodation to my disability, and the disability discrimination to which I was subjected by being terminated, were in violation of MGL Chapter 151B and 42 U.S. Code section 12111.

I always performed my job in a satisfactory manner.

FACTUAL BACKGROUND

I am an individual with a disability, substance abuse. In my case, the abused substance is alcohol. It is well documented through medical records in the City's possession that my **diagnosis of alcohol use disorder was a direct result of extreme harassment related to my employment, and other circumstances exacerbated by the conduct of elected officials in the City Council.**

In August 2024, I was arrested for operating under the influence of alcohol. That charge was Continued Without A Finding on October 15, 2024.

On July 22, 2025, I was arrested on a number of charges related to my operating a vehicle under the influence of alcohol and related matters. I promptly reported my arrest to Everett Human Resources.

As a result of the arrest, on August 11, 2025 an "administrative investigation" of the July 22, 2025 incident was commenced by the Everett Human Resources Department. Shortly thereafter, I went on medical leave under the Massachusetts Paid Family Leave Act, MGL Chapter 175M. My Chapter 175M leave expired in October 2025, and I was then placed on paid administrative leave "pending the outcome of the investigation." As of November 17, 2025, the "investigation" was "still ongoing." Exactly what was being done to investigate this matter, or why the investigation took so long, has never been explained.

On January 15, 2026, **two weeks after the new mayor took office**, I was terminated from my employment. I was informed that there was "just cause for separation based upon behavior that is unbecoming of an employee of the city."

The termination for "conduct unbecoming" was both excessively harsh given the allegations against me, and a pretext for disability discrimination as well as retaliation for the exercise of First Amendment rights. But for my disability, and but for my exercise of my First Amendment rights, my employment would not have been terminated.

CONTINUATION PAGE TO CHARGE OF DISCRIMINATION

At the time that I was terminated just prior to my imminent entry into a rehabilitation program (which I did enter and successfully completed), I had 12 sick and 5 personal days available for me to use. These should have been made available to me to use to deal with my documented disability, caused by the circumstances surrounding my employment.

The Mayor of Everett, Mr. Van Campen, said on several occasions that "some of my supporters don't want certain people here."

There was clearly a rush to terminate me.

In terms of what I anticipate Everett will claim was the reason for my termination, "conduct unbecoming," that is pretextual.

I was arrested in July 2025 for driving under the influence of alcohol and related matters. The City became aware of this arrest and began an administrative investigation on August 11, 2025. Despite knowing of these matters for six months, and despite "investigating" these matters for six months, no action was taken to terminate my employment until January 15, 2026, shortly after the new mayor's inauguration.

Everett had all of the information needed to make a determination as to whether I should be disciplined for these actions, for six months. The actions were not deemed to merit termination or even discipline, for 5 1/2 months. They were not deemed to merit discipline or termination until the new mayor took office. Any claim of termination for off duty misconduct is clearly pretextual.

Furthermore, at the time the termination decision was made, Everett was aware that I had been on leave under the Massachusetts Family Medical Leave Act, and that I was going to enter a substance abuse rehabilitation program in a matter of days.

Even without considering the pretextual nature of the claim of off duty misconduct, it is clear that I was being discriminated against due to my disability (having a record of a substance abuse disorder), and that there was a refusal to either make a reasonable accommodation to my disability or to engage in an interactive dialog to determine what reasonable accommodation was required.

I was also being retaliated against for having taken leave under the Family Medical Leave Act.

I served for over 8 years as Assistant City Solicitor with Everett. In that position, my job performance was exemplary.

Other City employees with alcohol abuse problems, substance related arrests and felony convictions have not been terminated. The timing of this matter lays bare the false nature of this excuse.



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS.

CIVIL ACTION NO: \_\_\_\_\_

**DRAFT**

**KEITH SLATTERY**  
*Plaintiff*

v.

**CITY OF EVERETT**  
**And**  
**ROBERT VAN CAMPEN,**  
**Individually**

*Defendants*

**COMPLAINT AND DEMAND FOR JURY TRIAL**

**INTRODUCTION**

1. This is an action under 42 U.S.C. section 1983, MGL Chapter 12 sections 11H and 11I, MGL Chapter 151B, and 42 U.S. Code section 12111, and MGL Chapter 175M, against the City of Everett and the Mayor of the City of Everett in his individual capacity. The action is based upon the illegal removal of Plaintiff Keith Slattery from his position as Assistant Solicitor with the City of Everett. Mr. Slattery was illegally removed from the position he held for 8 years, in violation of his Constitutional and statutory rights, because he vocally opposed the election of Defendant Van Campen to be Mayor of Everett, and openly and frequently campaigned for Mayor Van Campen's opponent, the former Mayor, and also due to Mr. Slattery's disability. Mr. Slattery has been retaliated against for exercising his First Amendment Rights.

2. The actions of the City of Everett and Mayor Van Campen in removing Plaintiff from his position, were taken solely to punish Plaintiff for his constitutionally protected political speech and association, and due to his disability.

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this action pursuant to 28 USC section 1331 and 1343(a)(3), as this civil action seeks to redress the violation of constitutional equal rights

and civil rights violations, and presents federal questions arising under the Constitution of the United States.

4. Any and all state law claims contained in this complaint form part of the same case or controversy and therefore fall within the Court's supplemental jurisdiction pursuant to 28 USC section 1367.

5. Venue is proper in this district under 28 USC section 1391(b) because all parties are citizens of this district, the events or omissions giving rise to the claims occurred in this district, and the Defendants perform their duties, reside in and do business in this district and are subject to personal jurisdiction in this district.

#### THE PARTIES

6. Keith Slattery is a male citizen of the United States. At all times relevant to this complaint up to and including the present date, he has been and is, a resident of Essex County, Massachusetts.

7. The City of Everett is a city located in Middlesex County, Massachusetts, which is subject to suit in its own name. It has a principal place of business in Everett, Middlesex County, Massachusetts.

8. Robert Van Campen is the current Mayor of the City of Everett. He was elected in November 2025 in a heavily contested election, and took office in January 2026. He is a resident of Everett, Middlesex County, Massachusetts.

9. At all times relevant to this Complaint, the City of Everett was Plaintiff's employer. At all times relevant to this Complaint, Defendant City of Everett was an "employer" within the meaning of MGL Chapter 151B§5, and a person within the meaning of MGL Chapter 151B§4. For the purposes of this complaint, the City of Everett meets all requirements for coverage under MGL Chapter 151B. At all times relevant to this Complaint, the City of Everett was Plaintiff's employer within the meaning of 42 USC §2000e, was engaged in an industry effecting commerce within the meaning of 42 USC §2000e, and in all other respects met all of the requirements for coverage under 42 §2000e. At all times relevant to this Complaint, Defendant City of Everett was an "employer" within the meaning of MGL Chapter 175M.

10. At all times relevant to this Complaint, Plaintiff performed his job in at least a satisfactory manner. As Assistant Solicitor, Mr. Slattery was not employed as a policymaker. He did not formulate policy, or advance City of Everett policies. Mr. Slattery was not employed as a policymaker whose function required that he have political loyalty to the Mayor of Everett. Mr. Slattery was not involved in policy making as Assistant Solicitor.

11. On \_\_\_\_\_, Plaintiff filed a timely Charge of Discrimination on the basis of disability and retaliation with the Massachusetts Commission Against Discrimination, and the U.S. Equal Employment Opportunity Commission. Plaintiff requested that his Charge of

Discrimination pending at the Massachusetts Commission Against Discrimination and the Equal Employment Opportunity Commission be withdrawn to allow him to file suit in Court. Those requests have been granted. A Right to Sue letter was issued by the Equal Employment Opportunity Commission to Plaintiff in relation to his claims on \_\_\_\_\_, and emailed to Plaintiff's counsel on \_\_\_\_\_. Plaintiff has therefore exhausted his administrative remedies and has timely invoked the jurisdiction of this Court.

#### FACTUAL BACKGROUND

12. The First Amendment to the United States Constitution guarantees to all Americans the rights of free speech and free association, and protects them against interference with those rights by any government action. The actions the Mayor engaged in which resulted in the removal of Mr. Slattery from his position as Assistant Solicitor, were taken against him as punishment for his support of the prior mayor in the November 2025 election. By punishing Mr. Slattery for these activities, his freedom of speech rights and freedom of association rights were being seriously interfered with. Those rights are enforced by federal law, namely 42 U.S. Code section 1983. Mr. Slattery engaged in constitutionally protected conduct, he was then subjected to an adverse action (removal as Assistant Solicitor), his protected conduct was a substantial or motivating factor in the adverse action, and the adverse action was based on retaliatory intent. These actions caused harm to Mr. Slattery.
13. Similarly to the First Amendment, Article 16 of the Massachusetts Declaration of Rights protects citizens' right of free speech, and thereby political affiliation and association. The enforcement of Article 16 is through MGL Chapter 12 sections H and I. MGL chapter 12 sections 11H and 11I provide a right of legal action to individuals whose rights under the constitution or laws of the United States, or the constitution or laws of the Commonwealth, have been interfered with or attempted to be interfered with, by "threats, intimidation or coercion." The termination of Mr. Slattery's employment consists of just such interference through "threats, intimidation or coercion."
14. For the purposes of this litigation, Defendants City of Everett and Mayor Van Campen in his individual capacity, are "persons" under 42 U.S. Code section 1983.
15. The Defendants engaged in intentional or deliberate conduct under color of state law, which proximately caused Plaintiff to suffer the deprivation of federally protected rights under the First Amendments.

#### FIRST AMENDMENT CLAIMS

16. Plaintiff engaged in First Amendment protected conduct in his campaigning and support for and vote for the opponent of Mayor Van Campen, he suffered an adverse action as a direct result of exercising these rights to speech and association, his protected conduct played a substantial and motivating part in the adverse action taken against him by Defendants. In relation to his speech, he spoke as a citizen on matters of public concern. But for protected conduct, his employment as Assistant Solicitor would not have been terminated. The termination was

substantially related to and motivated by his political affiliation. The personnel action occurred and was based upon politically based discriminatory animus. The First Amendment right to association includes a right to be free of discharge in public employment nearly because of political affiliation and political speech. Plaintiff was discharged based upon political affiliation and political speech. Plaintiff was denied his constitutional rights to freedom of speech and freedom of association.

#### MGL CHAPTER 12 SECTIONS 11H AND 11I

17. Plaintiff exercised and enjoyed clearly established constitutional rights (under the First Amendment) which have been interfered with, and such interference was by threats, intimidation or coercion. Retaliatory behavior such as terminating the Plaintiff for exercising his rights, constitutes the requisite intimidation, threats, or coercion to state a claim under the Massachusetts Civil Rights Act. A scheme of harassment arising from the exercise of secured rights such as that to which Mr. Slattery was subjected, also violates the Massachusetts Civil Rights act.

#### SECTION 1983

18. Everett is sued directly under section 1983 as the action of Everett that is alleged to be unconstitutional implements or executes a policy, or decision which was officially adopted and promulgated by Everett's officer, the Mayor. These actions set forth in this complaint represent that official policy. Unconstitutional governmental policy can be inferred from a single decision taken by the highest officials responsible for setting policy in that area of a government's business. The Mayor has final policy making authority and the challenged action was taken pursuant to a policy adopted by the officials responsible under state law for making policy in those areas of the city's business. The actions alleged establish the existence of an unconstitutional municipal policy. A municipality such as Everett is liable under section 1983 for a single decision by its properly constituted highest official (such as the decision against Mr. Slattery at issue in this case) whether or not that official has taken similar actions in the past.

19. The unlawfulness of the actions of Everett and Mayor Van Campen was clearly established and any reasonable official would understand that the conduct at issue was unlawful. The facts alleged making out a violation of constitutional rights, and the rights at issue, were clearly established, and a reasonable person would have known of them. A reasonable official would have understood that what was being done violated the law.

#### DISABILITY DISCRIMINATION CLAIMS

20. Plaintiff is an individual with a disability, substance abuse. In his case, the abused substance is alcohol. It is well documented through medical records in the City's possession that his diagnosis of alcohol use disorder was a direct result of extreme harassment related to his employment, and other circumstances exacerbated by the conduct of elected officials in the City Council.

21. In August 2024, Plaintiff was arrested for operating under the influence of alcohol. That charge was continued without a finding on October 15, 2024.

22. On July 22, 2025, Plaintiff was arrested on a number of charges related to his operating a vehicle under the influence of alcohol and related matters. Plaintiff promptly reported his arrest to Everett Human Resources.
23. As a result of the arrest, on August 11, 2025 an "administrative investigation" of the July 22, 2025 incident was commenced by the Everett Human Resources Department. Shortly thereafter, Plaintiff went on medical leave under the Massachusetts Paid Family Leave Act, MGL Chapter 175M. Plaintiff's Chapter 175M leave expired in October 2025, and he was then placed on paid administrative leave "pending the outcome of the investigation." As of November 17, 2025, the "investigation" was "still ongoing." Exactly what was being done to investigate this matter, or why the investigation took so long, has never been explained.
24. On January 15, 2026, two weeks after Mayor Van Campen took office, Plaintiff was terminated from his employment. He was informed that there was "just cause for separation based upon behavior that is unbecoming of an employee of the city."
25. The termination for "conduct unbecoming" was both excessively harsh given the allegations against Plaintiff, and a pretext for disability discrimination, and retaliation for the exercise of First Amendment rights. Other individuals employed by the City of Everett with alcohol abuse problems, substance related arrests and felony convictions have not been terminated. But for Plaintiff's disability, and but for his exercise of his First Amendment rights, his employment would not have been terminated.
26. At the time that Plaintiff was terminated just prior to his imminent entry into a rehabilitation program (which he did indeed enter and successfully completed), he had 12 sick and 5 personal days available for him to use. These should have been made available to Plaintiff to use to deal with his documented disability, caused by the circumstances surrounding his employment.
27. Mayor Van Campen said on several occasions that "some of my supporters don't want certain people here." There was clearly a rush to terminate Plaintiff.
28. Plaintiff was arrested in July 2025 for driving under the influence of alcohol and related matters. The City became aware of this arrest and began an administrative investigation on August 11, 2025. Despite knowing of these matters for six months, and despite "investigating" these matters for six months, no action was taken to terminate Plaintiff's employment until January 15, 2026, shortly after Mayor Van Campen's inauguration.
29. Everett had all of the information needed to make a determination as to whether Plaintiff should be disciplined for these actions, for six months. The actions were not deemed to merit termination or even discipline, for 5 1/2 months. They were not deemed to merit discipline or termination until Mayor Van Campen took office. Any claim of termination for off duty misconduct is clearly pretextual.

30. At the time the termination decision was made, Everett was aware that Plaintiff had been on leave under the Massachusetts Family Medical Leave Act, and that he was going to enter a substance abuse rehabilitation program in a matter of days. Even without considering the pretextual nature of the claim of off duty misconduct, it is clear that Plaintiff was being discriminated against due to his disability (having a record of a substance abuse disorder), that no reasonable accommodation was going to be made or considered, and that no interactive dialog was going to occur. Plaintiff was also being retaliated against for having taken leave under the Massachusetts Family Medical Leave Act.

31. The termination of Plaintiff's employment was in violation of MGL Chapter 151B and 42 U.S. Code section 12111.

32. As a result of the actions for which the City of Everett is liable, Plaintiff has suffered much financial and emotional harm.

**COUNT I**  
**AGAINST THE CITY OF EVERETT FOR DISCRIMINATION ON THE BASIS OF  
DISABILITY  
IN VIOLATION OF MGL CHAPTER 151B AND 42 U.S. CODE SECTION 12111**

33. Plaintiff realleges and incorporates by reference as if fully set forth herein paragraphs 1-32 above.

34. By its actions set forth above in relation to the termination of Plaintiff's employment due to bias against him because he suffered a disability, and because of failure to accommodate Plaintiff's disability, the City of Everett discriminated against Plaintiff on the basis of his disability, in violation of MGL Chapter 151B and 42 U.S. Code section 12111.

**WHEREFORE**, Plaintiff demands that this Court enter judgment in his favor and against Defendant in an amount to be determined by this Court, including monies to compensate him for lost pay, lost benefits, punitive damages, emotional pain and suffering, attorney's fees, interest, costs, lost future benefits, lost pension benefits, and such other and further relief that this Court deems just and proper.

**COUNT II:**  
**AGAINST THE CITY OF EVERETT FOR RETALIATION, IN VIOLATION OF  
MGL CHAPTER 151B AND 42 U.S. CODE SECTION 12111**

35. Plaintiff realleges and incorporates by reference as if fully set forth herein, ¶1-34 above.

36. By its actions set forth above, Defendants have engaged in illegal retaliation against Plaintiff for exercising his rights under MGL Chapter 151B and 42 U.S. Code section 12111, in violation of MGL Chapter 151B and 42 U.S. Code Section 12111.

**WHEREFORE**, Plaintiff demands that this Court enter judgment in his favor and against Defendant, in an amount to be determined by this Court, including monies to compensate him for lost pay, lost benefits, punitive damages, emotional pain and suffering, attorney's fees, interest, costs, lost future benefits, lost pension benefits, and such other and further relief that this Court deems just and proper.

**COUNT III:**  
**AGAINST ROBERT VAN CAMPEN, INDIVIDUALLY, FOR AIDING AND ABETTING  
DISCRIMINATION ON THE BASIS OF DISABILITY  
IN VIOLATION OF MGL CHAPTER 151B**

37. Plaintiff realleges and incorporates by reference as if fully set forth herein, ¶1-36 above.

38. Robert Van Campen, Individually, through his actions as Mayor set forth above, has aided and abetted the disability discrimination to which Plaintiff was subjected, in violation of MGL Chapter 151B section 4(4A).

**WHEREFORE**, Plaintiff demands that this Court enter judgment in his favor and against Defendant Van Campen, Individually, in an amount to be determined by this Court, including monies to compensate him for lost pay, lost benefits, punitive damages, emotional pain and suffering, attorney's fees, interest, costs, lost future benefits, lost pension benefits, and such other and further relief that this Court deems just and proper.

**COUNT IV**  
**42 USC SECTION 1983-FIRST AMENDMENT RETALIATION-AGAINST CITY OF  
EVERETT AND ROBERT VAN CAMPEN IN HIS INDIVIDUAL CAPACITY**

39. Plaintiff realleges and incorporates by reference as if fully stated herein paragraphs 1-38 above.

40. By their actions set forth herein, both the City of Everett and Robert Van Campen have engaged in First Amendment retaliation against Plaintiff, causing Plaintiff damages.

41. The actions of the City of Everett and Robert Van Campen were taken under color of state law, and were undertaken intentionally or with reckless disregard for Mr. Slattery's constitutional rights to freedom of speech and freedom of association.

42. A reasonable public official would have known that the actions of the City of Everett and Robert Van Campen were in violation of Mr. Slattery's constitutionally protected rights.

43. As a direct and proximate result of the actions of the City of Everett and Robert Van Campen, Mr. Slattery suffered serious harm including lost salary and benefits, a reduction in the anticipated amount of his pension upon retirement, mental anguish and emotional distress.

WHEREFORE, Plaintiff demands that this Court enter Judgment in his favor and against Defendants City of Everett and Robert Van Campen, jointly and severally, in an amount to be determined by this Court, including monies to compensate him for lost back pay and benefits, punitive damages, interest, costs, attorney's fees, and such other and further relief that this Court deems just and proper.

**COUNT V**

**MGL CHAPTER 12 SECTIONS 11H AND 11I-RETALIATION FOR EXERCISING RIGHTS TO FREEDOM OF EXPRESSION AND ASSOCIATION, AGAINST CITY OF EVERETT AND ROBERT VAN CAMPEN IN HIS INDIVIDUAL CAPACITY**

44. Plaintiff realleges and incorporates by reference as if fully stated herein paragraphs 1-43 above.

45. By their actions set forth herein, the City of Everett and Robert Van Campen have engaged in First Amendment retaliation against Plaintiff.

50. The actions of the City of Everett and Robert Van Campen were taken under color of state law, and were undertaken intentionally or with reckless disregard for Mr. Slattery's constitutional rights to freedom of speech and freedom of association.

51. A reasonable public official would have known that the actions of the City of Everett and Robert Van Campen were in violation of Mr. Slattery's constitutionally protected rights.

52. As a direct and proximate result of the actions of the City of Everett and Robert Van Campen, Mr. Slattery suffered serious harm including lost salary and benefits, a reduction in the anticipated amount of his pension upon retirement, mental anguish and emotional distress.

WHEREFORE, Plaintiff demands that this Court enter Judgment in his favor and against Defendants City of Everett and Robert Van Campen, jointly and severally, in an amount to be determined by this Court, including monies to compensate him for lost back pay and benefits, punitive damages, interest, costs, attorney's fees, and such other and further relief that this Court deems just and proper.

**COUNT VI**

**AGAINST DEFENDANT CITY OF EVERETT FOR RETALIATION IN VIOLATION OF MGL CHAPTER 175M**

53. Plaintiff restates and incorporates by reference as if fully set forth herein paragraphs 1-52 above.

51. By its actions set forth above, and by the actions of its supervisors and managers for which it is responsible, Defendant City of Everett has retaliated against Mr. Slattery in violation of MGL Chapter 175M, the Massachusetts Paid Family Medical Leave Act. Mr. Slattery suffered an adverse action within 6 months of when he was on leave under the Massachusetts Paid Family Medical Leave Act.

WHEREFORE, Plaintiff demands that this Court enter Judgment in his favor and against Defendant City of Everett, in an amount to be determined by this Court, including monies to compensate him for lost back pay and benefits, triple lost wages and benefits pursuant to Chapter 175M section 9(d), lost future pay and benefits, injury to his career, punitive damages, emotional pain and suffering, interest, costs, attorney's fees, and such other and further relief that this Court deems just and proper.

**PLAINTIFF DEMANDS A TRIAL BY JURY AS TO ALL COUNTS AND ISSUES SO TRIABLE**

KEITH SLATTERY  
By his Attorney,

/s/ Mitchell J. Notis

**DRAFT**  
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Mitchell J. Notis, BBO#374160  
Law Office of Mitchell J. Notis  
27 Harvard Street  
Brookline, MA 02445  
617-487-8677  
mitchnotis@aol.com