

Medford Transcript

Thursday, September 20, 2012

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SCHOOL COMMITTEE

Officials possibly violating state ethics laws

By Nicholas Iovino
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EDITOR'S NOTE: *The following is the first of two stories investigating possible violations in state ethics laws by Medford city officials.*

In a city where many people in local government are related to each other,

staying within the boundaries of the state's ethics laws can prove a challenging exercise.

In Medford, four elected officials and two department heads have immediate family members working for the city's public school system.

According to the state's conflict of interest law,

municipal employees are not allowed to participate in any matter that affects either their financial interest or that of an immediate family member.

The penalty for violating the conflict of interest law was raised in 2009 from \$2,000 to \$10,000 per infraction.

Only the Massachusetts

State Ethics Commission is authorized to dole out civil penalties for breaking the law. However, offenders could also face up to five years in state prison if the attorney general or district attorney were to seek criminal charges.

Since legislation passed to reform ethics rules in 2009, all public employees

must sign and verify that they received documentation on the law each year. Public employees must also take mandated online training tests on the ethics law every other year.

Despite efforts to ensure a broad awareness of the rules, two Medford School

SEE ETHICS, A10

REAL ESTATE



John Veneziano, broker and owner of RE/MAX Andrew Realty, shows off the signs outside his Medford Square office. WICKED LOCAL PHOTO BY KIRK R. WILLIAMSON

ERA Andrew changes to RE/MAX

By Nicholas Iovino
niovino@wickedlocal.com

After 23 years, Andrew Realty is parting ways with its old franchise, ERA, and joining forces with one of the world's largest real estate networks, RE/MAX.

While the brand name is changing, Andrew Realty agents say the mission and personality of the business will remain the same.

"We've always been

a tight-knit group, and that's why I think the culture of RE/MAX has been a really good fit for the change," said Deb Agliano, who has worked for the company since 1991.

Andrew Realty, with offices at 12 High St. in Medford and 39 Pleasant St. in Stoneham, started in 1992 when owner John Veneziano bought the business from former owner Chuck Andre. At that time, Veneziano, who had worked with Andre since 1986, added a

"w" to the company name, matching it with his son's first name, Andrew.

"In 1992, we were the 12th real estate company out of 12," said Veneziano.

Today, Veneziano said the agency ranks number one in Medford and is an overall top performer in the area. The Andrew Realty owner said the secret behind the company's success is a loyal corps of employees combined with an array of one-stop services offered to customers.

"If you came in to buy

a house, we could provide insurance, engineering services, attorneys and banking information," said Veneziano.

Veneziano said the agency continues the tradition of making one-stop services available to customers today. The business owner cited his refusal to grow complacent with success as the main motive behind making the recent change.

"We weren't complacent

SEE RE/MAX, A9

CITY COUNCIL

Science labs back on city agenda

By Nicholas Iovino
niovino@wickedlocal.com

The summer is over, and it's back to business as usual for the Medford City Council.

On Sept. 18, city councilors expected to hear proposals on three major projects — the Department of Public Works (DPW) yard, police station and Medford High School science lab upgrades.

In August, the council refused to approve loan orders for the science labs initiative or construction of a new DPW yard until more information and options were presented.

Superintendent of Schools Roy Belson said the state has mandated an ambitious schedule for the science labs project, which will require the



Medford High School science labs are back on the agenda, as officials debate the city's financial state.

WICKED LOCAL PHOTO BY NICHOLAS IOVINO

SEE SCIENCE, A9

MIDDLESEX FELS

Board takes issue with DCR decision

By Joshua Stockbridge
stoneham@wickedlocal.com

Department of Conservation and Recreation representatives appeared before Stoneham officials earlier this month to re-address what has been described as the unauthorized movement of two large stone steps in the Middlesex Fells Reservation.

Back in April, the DCR and Stoneham Conservation Commission met on the matter and agreed the area in question was in fact a wetland, which meant the DCR would have to submit an application request for the determent of applicability before any work could be done on site.

An application was never filed, which has created a tremendous amount of upheaval.

At the most recent meeting, held Sept. 5, an environmental specialist representing the DCR told the SCC that the reason the application was never submitted is because, according to GIS maps, there is no wetland in the area in question.

"The DCR worked with the Office of Geographic Information for DCR-GIS ... to confirm the markings of the wetland as well as to develop the 100-foot buffer," he said. "We took a unit and we marked the beginning of the stonework as well as the end of the stonework. The DCR was not required to file any RDA (Request for Determination of Applicability) so this map right here clearly reconfirms our data."

These comments were clearly a surprise to SCC board members, as they were under the assumption all parties involved were finally on the same page in regards to the actual physical location of the wetland and the application process that needed to be followed.

SEE FELS, A11

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ETHICS

From Page A1

Committee members and three city councilors are possibly violating state law by voting on matters that affected their finances or that of close relatives.

Teacher salaries

In 2006, one of Mayor Michael J. McGlynn's daughters was hired as an art teacher by the Medford Public School system, while in 2007, another was hired as an elementary school teacher.

Superintendent of Schools Roy Belson said both went through standard hiring procedures. Records show Belson filed conflict-of-interest disclosures with the city when both women were hired, in accordance with state law.

"We don't automatically exclude anyone just because they're related, especially people who have long standing in the community," said Belson. "They are both highly qualified teachers."

According to Medford School Committee meeting minutes, from 2006 through 2012, McGlynn only once abstained from voting on a budget line item that included his daughters' salaries, in 2010.

"There are so many chapters of laws you have to pay attention to," said McGlynn. "I don't think anyone can cite them verbatim. I don't think anyone intentionally violated the law."

School Committee member George Scarpelli, elected in 2009, also has a sister who was hired as an elementary school teacher in 1996. As of Sept. 17, 2012, Scarpelli had not filed a conflict-of-interest disclosure with the city.

At a school budget meeting in June 2010, McGlynn asked the School Committee to take a separate vote on the teacher salary line item in order to "avoid the appearance of conflict of interest." For the next two years, however, both Scarpelli and McGlynn

approved the full budget without abstaining.

"With the speed of the budget process, perhaps to some degree we haven't been as precise as we needed to be on the vote, but I don't think it was intentional," said Belson of the apparent violation. "It was a procedural snafu."

After the Transcript made inquiries to Medford Public Schools attorney Howard Greenspan and City Solicitor Mark Rumley about the issue, the School Committee rescinded this year's budget vote on Sept. 10, 2012, later separating teacher salaries from the total budget.

Both Scarpelli and McGlynn refrained from voting on the line item in question.

McGlynn said the reason he and Scarpelli abstained in 2010 but not in other years was because Greenspan provided the School Committee with a reminder bulletin on the issue, which he had just received himself at that time. "I asked the superintendent to make sure he issues a copy of that bulletin to every member of the committee, and that all future budgets are divided by salary and non-salary accounts," said McGlynn, "and I can assure you that will be the case."

The pink slip issue

Aside from 2011 and 2012, McGlynn also failed to abstain from the line item in 2007, 2008 and 2009. However, the mayor argues he did not violate the ethics law because his daughters were effectively fired in mid-June of those years and re-hired after the budget was approved.

That's because all Medford teachers without professional status, which requires three years on the job, receive pink slips each June. Belson said that practice gives the school system more flexibility when crafting the budget and ensures equity for all non-professional-status teachers.

While McGlynn's daughters were not technically employed by the schools during

the June 2007-2009 budget meetings, the mayor still endorsed appropriations that paid for both salaries.

"Had we known we were supposed to do it, obviously we would have," said McGlynn. "I believe this is a teachable moment where it has awakened people to the fact that there are bulletins that frequently come out, and it's our responsibility to make sure something like this never happens again."

In order to comply with the law, McGlynn and Scarpelli must also refrain from participating in negotiations that affect their family members' finances.

The School Committee is currently negotiating with the Medford teachers union over a new contract, which is projected to last three years and includes a new state-mandated teacher evaluation system.

Both McGlynn and Scarpelli say they have fully complied with the law by excluding themselves from meetings where the teachers contract is discussed.

Those meetings are held behind closed doors in private executive sessions with the Medford School Committee.

On Aug. 9, 2012, Belson submitted two new conflict-of-interest disclosures with the city. He submitted one when he promoted the daughter of Medford Department of Public Works Commission John J. Buckley from a teaching position to elementary school vice principal.

Belson also filed a disclosure when he hired the granddaughter of Finance Director and Auditor Ann Baker as an elementary school teacher.

In addition to the Medford School Committee, two city councilors also have immediate family members working for the school system. When it comes to voting on school budgets, however, the state Ethics Commission has ruled the law applies differently to city councilors.

BESTSELLERS CAFE

Local author McAdoo to hold reading, signing

Bestsellers Café, 24 High St., Medford Square, will host a reading, question-and-answer session, and book signing by local author and Medford resident William McAdoo on Sunday, Sept. 23. at 2 p.m.

McAdoo is the author of the novel "Filled with Nothing," the coming-of-age story about a teenager who is the victim of bullying and violence and how he survives and overcomes the experience with the help of a group of colorful new friends.

It is a story of unlikely friendships and a future bright with possibility when all hope seems lost. Stretching the emotional range between a near tragedy and the joy and laughter of life it is a timely story of healing



Medford resident and local author William McAdoo will be holding a reading and book signing on Sept. 23 at Bestsellers Café in Medford Square.
COURTESY PHOTO

and understanding.

McAdoo will read select passages from the novel, take audience questions on writing and creativity, and sign copies of the novel for all interested at the newly-renovated, independently-owned bookstore

in the café overlooking the Mystic River.

The novel has garnered numerous five-star reviews from readers for its important lessons, unforgettable characters, and a real story that many teenagers can relate to.

The author can be contacted at william.mcadoo@gmail.com, 781-391-2880, or through the novel's website <http://filledwithnothing.wordpress.com> and is available for interviews,

McAdoo is also well-known as a local food writer and publisher of the website <http://thebostonfoodie.blogspot.com> which covers all things food-related, local restaurant visits, and information on events in and around Boston.

FAMILY FUN

Tufts hosts 10th Community Day with Medford, Somerville

Residents, neighbors and friends are invited to celebrate the 10th annual Community Day at Tufts University on Sunday, Sept. 30, from 11 a.m. to 3 p.m. on the Medford/Somerville campus.

The event is co-sponsored by the two cities.

"Over the past 10 years, Community Day has become a popular tradition for Tufts and our neighbors in Medford and Somerville," said University Relations Senior Vice President Mary Jeka. "The event continues to draw more people each year for a day of entertainment, lunch and learning. We are delighted that Community Day builds on the strong partnerships between Tufts and our neighbors."

All activities are free and open to the public.

Highlights of the day include:

- Complimentary BBQ lunch and refreshments
- Safety and fire prevention tips from local police and fire departments
- Information tables from community groups in Medford and Somerville
- Performance by the popular children's entertainment troupe "Traveling Treasure Trunk"
- Pumpkin painting, crafts, cookie decorating, face painting and other family-friendly activities
- Music and dance by Tufts' student groups, including the Amalgamates, Jackson Jills and B.E.A.T.S.
- African Drumming workshop presented by music department faculty
- Varsity athletes and coaches conducting sport clinics and contests throughout the day
- Educational displays from Tufts' departments

and student organizations including the School of Dental Medicine's Smile Squad, the Art Gallery, biomedical engineering and the Sharewood Project, a free healthcare organization run by Tufts medical students

All events take place on the main academic quad at the top of the hill by Goddard Chapel, Ballou Hall and the statue of Jumbo.

The event is handicapped accessible.

Community Day will be held rain or shine.

Free parking for Community Day is available in the Tufts parking garage at 419 Boston Ave., Medford. A complimentary shuttle will run between Davis Square (across the street from the Somerville Theater) and the Tufts campus.

For directions and maps go to: <http://campus-maps.tufts.edu/medford/>.

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**City of Medford
Board of Health**

FLU CLINICS 2012



DATES AND TIME:

Wednesday, September 12, 2012 1 p.m. – 4 p.m.
Location: Medford Housing Authority Building, 121 Riverside Ave.

Wednesday, October 3, 2012 4 p.m. - 7 p.m.
Location: Medford City Hall, Council Chambers

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ARTS

CACHE

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SPORTS

NICE KICKSTART FOR MUSTANGS

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NEW MINISTER

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BEACON HILL

WOMEN, MINORITIES UNDERREPRESENTED

White men hold office in a disproportionate number of districts

By David Riley | driley@wickedlocal.com

Do your state lawmakers look like you? For white men in Massachusetts, the answer usually is yes. Minorities and women are far less likely to find a familiar face on the floor of the House or Senate, even as the state becomes more diverse. Women comprise just over half the state's population, but men outnumber them 3 to 1 on Beacon Hill. Combined, blacks and Latinos hold only 5 percent of the state's 200 legislative seats, despite making up 6.6 percent and 9.6 percent of the population, respectively, in the 2010 Census. Asian-Americans are more than 5 percent of the state population, but there only are three lawmakers of Asian descent on Beacon Hill. Two are just completing their first terms.

When it comes to reflecting diversity, Massachusetts government falls short of its progressive image, said Paul Watanabe, a political science professor and director of the Institute of Asian American Studies at UMass-Boston.

"The view is held by many people that those who govern should look like those who are governed," Watanabe said. "There's no question that in Massachusetts, if we look at the Legislature, there is a huge disparity between those two groups of people."

That gap is not limited to the Legislature. With an obvious exception in Gov. Deval Patrick, minorities have held few top elected offices in the state. Attorney General Martha Coakley and State Auditor Suzanne Bump are the first women ever elected to their

roles.

Political observers and advocates said minorities and women can offer unique perspectives and a firsthand understanding and passion for issues that affect them directly. With too little representation, these voices sometimes go unheard in public policy debates.

Michael Curry, president of the Boston NAACP, recalled a white lawmaker who said he only learned about and decided to tackle racial disparities in health care after an African-American staffer's mother experienced the problem firsthand.

"We have lacked that access," Curry said.

Rep. Byron Rushing, D-Boston, an African-American and House assistant majority leader, said he sees the

SEE DIVERSITY, A9

THE BREAKDOWN

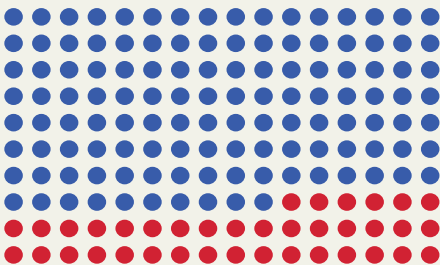
Women

Women make up 51.6 percent of the population in Massachusetts. Yet they hold only 24.5 percent of the seats in the state Legislature. To look at it a different way, women hold 49 of the 200 seats in the Legislature — 38 out of 160 seats in the House, and 11 out of 40 seats in the Senate.

STATE POPULATION

51.6%

HOUSE



LEGISLATURE

24.5%

SENATE



Minorities

African-Americans comprise 6.6 percent of the state's population. Hispanics and Latinos are 9.6 percent of the population. Asian-Americans are at 5.3 percent. Combined, these minorities hold only 6 percent of the seats in the state Legislature, or 12 of 200 seats — 11 in the house and only two in the Senate.

Hispanics/Latinos

STATE POPULATION

9.6%

LEGISLATURE

2%

African-Americans

STATE POPULATION

6.6%

LEGISLATURE

2.5%

Asian-Americans

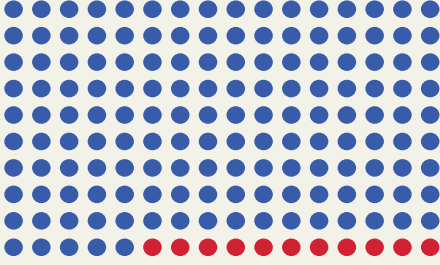
STATE POPULATION

5.3%

LEGISLATURE

1.5%

HOUSE



SENATE



SOURCE: 2010 U.S. Census, mabacklatinolegislativecaucus.com, malegislature.gov, aacommission.org.

CONFLICT OF INTEREST

Council afoul of ethics laws?

EDITOR'S NOTE: The following is the second of two stories investigating possible violations in state ethics laws by Medford city officials.

By Nicholas Iovino
niovino@wickedlocal.com

Negotiating the waters of state ethics laws can prove challenging, leaving some officials unsure what the boundaries are. Last week, the Transcript reported on several instances where Medford officials, including the mayor, may have stepped over the line.

In the same vein, officials on the Medford City Council have also faced their share of ethics questions when it comes to both school and city business.

Medford City Council President Robert Maiocco's wife, for example, has worked for the schools for more than 30 years, currently as an evaluation team leader (ETL) for special education services.

City Councilor Breanna

SEE CONFLICT, A8

SCHOOL COMMITTEE

MCAS results mixed

By Nicholas Iovino
niovino@wickedlocal.com

Recently released MCAS scores show mixed results for Medford's elementary and middle schools, but high school-level students across the district showed strong performances in English, math and science.

At the high school level, 96 percent of students achieved competency in science while 79 percent achieved competency in math. Among 10th-graders, 89 percent achieved competency in English.

The Medford School Committee discussed the MCAS results at its Sept. 24 meeting.

This year, a new goal to reduce proficiency gaps by half by 2017 replaced the old No Child Left Behind (NCLB) Act goal that required districts to achieve 100 percent proficiency by 2014, a goal Superintendent of Schools Roy Belson last year called unrealistic.

"It's important to begin with an understanding that as a

SEE MCAS, A7

AT A GLANCE

Medford statistics

TOTAL POPULATION

56,173

MALE/FEMALE

26,846/29,327

RACIAL MAKEUP Medford's racial makeup is 78.6 percent white, 8.8 percent African American/black, 6.9 percent Asian and 4.4 percent

Hispanic.

STATE DELEGATION

The state delegation is made up of Rep. Paul J. Donato, Rep. Carl Sciortino Jr., Rep. Sean Garballey and Sen. Patricia Jehlen. IS THERE ENOUGH MINORITY REPRESENTATION IN STATE

GOVERNMENT?

DONATO "We have a number of women and minorities in both leadership and chairmanship positions. I'm sure that if we look at the demographics of the state, I would

SEE MEDFORD, A9



Rep. Carl Sciortino Jr. WICKED LOCAL FILE PHOTO

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CITY HALL

Council green-lights science labs project

By Nicholas Iovino
niovino@wickedlocal.com

City officials have given their approval to a \$13.8 million project to upgrade 17 science labs at Medford High School.

More than 100 students and parents packed Medford City Hall on Sept. 18 as architects from DiNisco Design presented the City Council with six options for renovating the labs. Those options ranged in cost from \$7.7 million to \$14.2 million.

City councilors voted to adopt the Medford School Committee's recommendation of Option B.1 at a cost of \$13.8 million.

A grant from the Massachusetts School Building Authority (MSBA) will reimburse Medford 59.1 percent of that cost, leaving the city with about \$5.6 million in debt.

By approving Option B.1, Medford High School will receive eight completely renovated labs, nine upgraded labs, a new third-floor roof, new windows, new furnishings and technology and new mechanical, electrical and plumbing systems in the labs area.

Earlier that evening during a Committee of the Whole meeting, Councilor Robert Penta asked Mayor Michael J. McGlynn if he would take his \$8 million parking garage proposal off the table in exchange for a "yes" vote on the science labs.

The mayor accepted the deal without hesitation.

"We already know the council isn't going to pass the garage," said McGlynn. "We've been going through this since February."

Councilor Paul Camuso said he originally favored Option A, which would include taking down walls to create 17 new, expanded labs for \$14.2 million.

"I've talked to structural engineers who say this should be a complete overhaul," said Camuso. "We could have 17 new science labs."

'I've talked to structural engineers who say this should be a complete overhaul. We could have 17 new science labs.'

Councilor Paul Camuso

However, Superintendent of Schools Roy Belson said knocking down walls would make construction take longer and cause more disruption to student class schedules.

Camuso also criticized Belson for using "robo-calls," or automatic phone calls with recorded messages, to drum up support for the science labs and attract parents to City Hall last Tuesday night.

"I just hope when your evaluation comes up with the Medford School Committee, you put a robo-calls out to parents," said Camuso. "We cannot pick and choose [on issues]."

Speaking in an interview after the meeting, Belson said he has a right and an obligation to inform the public about a major issue affecting the school system.

"I don't think it violates anything because I've consulted the ethics advisory on public employee political activity, and it specifically states the school superintendent is expected to recommend to a School Committee or town voters whether the public high school should be renovated or replaced," Belson said.

Despite the green light, the council must still approve a loan order for the project by January.

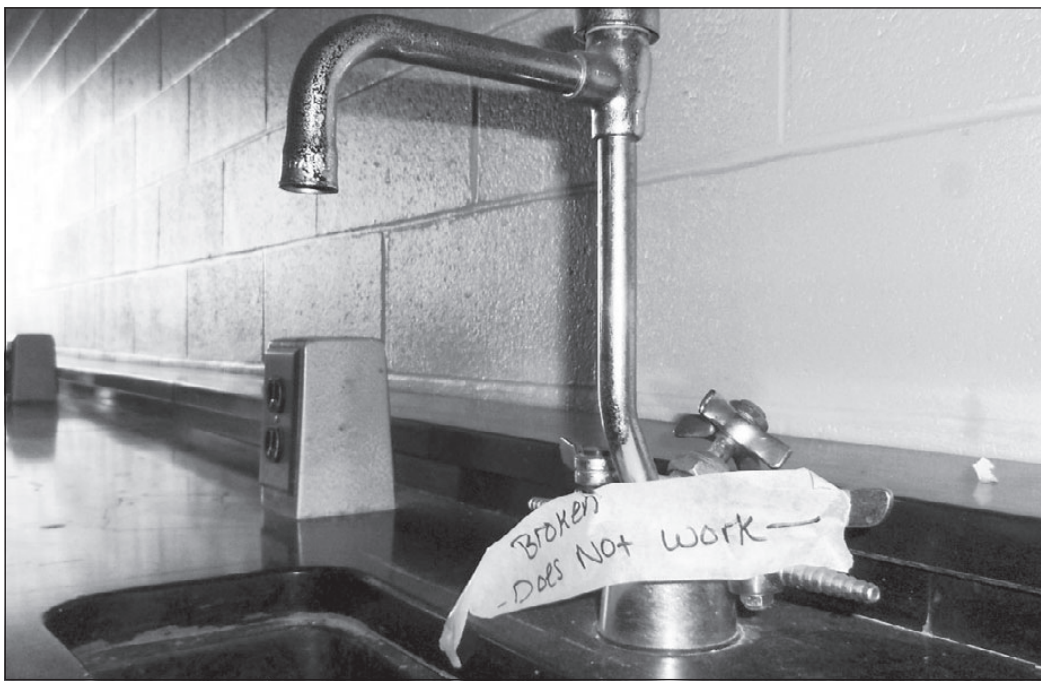
DiNisco Design architects must now submit their design plan to the MSBA by Dec. 13 and receive approval from state agency's board in January to secure state funds for the project.



Above, Medford High School parents and students crowded into the City Council chambers in City Hall on Sept. 18 to discuss the future of the science labs upgrade.



At left, city councilors Paul Camuso, left, Rick Caraviello and Mayor Michael J. McGlynn listen to the ongoing discussion about the Medford High School science labs during a Committee of the Whole meeting.



Bottom left, this sink, located in one of the Medford High School science labs, is just one of the many that are broken. The city just approved a \$13.8 million upgrade to the building.

WICKED LOCAL PHOTOS
BY NICHOLAS IOVINO

CONFLICT

From Page A1

Lungo-Koehn has two close relatives working for the school system as well. Lungo-Koehn was first elected to the council in 2001, the same year her sister was hired as an elementary school teacher. Lungo-Koehn's mother has also worked as an administrative assistant in the special education department since 1997.

Neither Maiocco nor Lungo-Koehn have filed conflict-of-interest disclosures with the city as of Sept. 24, 2012. However, disclosures are not necessarily required unless a conflict presents itself.

Like the Medford School Committee, city councilors are also forbidden from acting on matters that impact their immediate relatives' finances. In 1987, however, the state Ethics Commission issued a legal opinion exempting city councilors from that restriction when voting on school budgets.

Legal opinion EC-COI-87-25 states, "Proposition 2 1/2 provides a limited role for the city council in reviewing the school department budget, prohibiting the city council from taking a separate vote on specific line items, including those which present conflicts."

Because the City Council is one step removed from the school budget process, the state Ethics Commission does not consider it a violation for councilors to vote on consolidated school budgets.

Health insurance

However, three city councilors may have violated the conflict law when they voted to accept a new state statute allowing the city to change its health insurance to the Group Insurance Commission (GIC) on Aug. 16, 2011.

At the time, Mayor Michael J. McGlynn touted a historic deal reached between the city and a coalition of Medford's public employee unions.

The 6 1/2-year deal was projected to save the city \$12.3 million each year and save employees \$1 million per year on premiums. The city also committed contributing \$3.2 million in savings toward employee premiums.

On Aug. 16, 2011, the council unanimously approved adopting the new statute, allowing the mayor to seal the deal. However, three city councilors — Lungo-Koehn, Maiocco and Councilor Robert Penta — were currently subscribing to the city health insurance plan when they voted on the issue.

At that time, both Maiocco and Lungo-Koehn also had immediate family members in public employee unions receiving health insurance through the city.

Maiocco receives health insurance from the city through his wife.

Lungo-Koehn became the last city councilor to receive health benefits as a part-time employee when the city agreed to grandfather in elected officials at the end of 2011. Other part-time employees, however, must now work at least 18.75 hours a week to keep their benefits.

Penta left the city's health insurance plan at the end of 2011 after the city switched to the GIC. Penta declined to say why he made that decision or from where he is currently receiving health benefits.

Maiocco argued he did not violate the ethics law by voting on the health insurance issue because the vote was not on a "particular matter" and there was no "particular interest."

"It's in the aggregate," said Maiocco. "There isn't any direct benefit. That's a benefit that's negotiated by

the city and the unions."

The state's conflict of interest law does allow room for exceptions when a "particular matter" involves general policy and if an employee's financial interest is shared with a substantial segment of the town or city's population.

However, a letter from the Ethics Commission to the governor's Executive Office for Administration and Finance specifically states votes on the new healthcare law would present a conflict for city councilors receiving health insurance through the city.

"Clearly, any current subscriber of a municipal health insurance plan has a reasonable foreseeable financial interest in the acceptance or not of Chapter 69, and is therefore subject to the restrictions of Section 19," wrote State Ethics Commission General Counsel Deirdre Roney in a letter dated Sept. 2, 2011.

Lungo-Koehn said she never anticipated it would be a conflict for her to vote on accepting the health insurance legislation one year ago.

"It didn't even cross my mind that it was a conflict of interest," said Lungo-Koehn. "If I thought I was benefiting, I would have talked to the city solicitor."

City Solicitor Mark Rumley said he did not recall any councilors consulting him for legal advice at the time the vote was taken.

"I have done nothing wrong," said Penta when questioned about the vote. "I stayed within the parameters of the law."

Both Penta and Maiocco said if there was any sense of a violation, they believe Rumley would have informed them. However, Rumley argued it is not his duty to keep tabs on every potential conflict that might affect city councilors.

"If someone feels I should have anticipated some type of conflict

by a city councilor or any other elected official on an issue, then they are saying I should be cognizant of all elected officials, who they are related to and where they work," said Rumley. "You can't advise somebody who doesn't ask you for your advice."

Had one more city councilor subscribed to the city's health insurance plan at the time, the body could have invoked the law of necessity to legally vote on the issue.

The law of necessity states that if the number of city councilors with a conflict leaves the body without a quorum to vote, officials can disclose the conflict and invoke the law of necessity, allowing the full body to vote on the issue.

In the case of the Medford City Council circa August 2011, however, only three councilors had a conflict, meaning those three councilors could have abstained and allowed a quorum of four councilors without conflicts to proceed in voting on the issue.

Conflict for the mayor?

Under a new state law allowing cities to bargain with a coalition of public employee unions to change health insurance providers, the mayor is the only person authorized to officiate the deal under Medford's Plan A form of government.

However, because the mayor himself subscribes to a city health insurance plan and two of his daughters are members of an employee union, the conflict of interest law still applies.

According to the law, McGlynn could have publicly disclosed the conflict, invoked the law of necessity and designated another official to act in his place.

The mayor argues that because of the way the new law was framed, no other person could have acted in his place.

"Basically, it dictates that the mayor has to do it," said McGlynn. "I can't abdicate my mayoral responsibilities."

McGlynn added he publicly admitted he was a subscriber of the city's health insurance plan leading up to the healthcare deal and

in accordance with state law.

"No one's ever going to say that I tried not to disclose the fact that I have health insurance," said McGlynn.

If McGlynn had designated someone to take his place in brokering the deal, all the likely suspects may also have been ruled out due to conflict-of-interest restrictions.

After Rumley, city Budget and Personnel Director Stephanie Muccini Burke and Maiocco, the only official left without a conflict would have been City Council Vice President Frederick Dello Russo Jr. as he does not receive health insurance from the city.

However, Pam Wilmot, who served on Gov. Deval Patrick's task force to reform the ethics laws in 2008 and 2009, said she believes the mayor acted appropriately on this matter. Wilmot serves as executive director of Common Cause Massachusetts, a non-profit organization that promotes government accountability.

"It gives the mayor a statutory duty to approve whether the town or city should participate under the GIC," said Wilmot. "It's a very general matter that affects all employees equally, and doesn't affect him in a particular way."

An advisory issued by the state Ethics Commission in 2005 states the mayor should publicly disclose when he has a conflict on a particular matter and designate someone else to carry out the action.

However, Wilmot said if that advisory were to supersede state legislation, it would mean no mayor in the state could act on this issue or negotiate with unions over the GIC switchover. The specific exemption for the conflict law states the issue must affect 10 percent or more of the municipality's population to exempt an official from conflict-of-interest restrictions.

"In my mind, it should apply to the general population of the plan," said Wilmot.

When it comes to the mayor's potential conflict of interest regarding the health insurance deal, Wilmot added the law appears to be "as clear as mud."