**City of Somerville, Massachusetts**
**Matters of business of the Board of Aldermen**

# MINUTES OF THE REGULAR MEETING

January 26, 2006, 7:00 PM
Aldermanic Chambers
**********

***NOTICE: This is NOT the official version of the Board of Aldermen's minutes. While reasonable efforts have been made to assure the accuracy of the data provided, do not rely on this information without first checking with the City Clerk.***

**PRESENT for all or part of the meeting**: President Maryann M. Heuston, Vice President Robert C. Trane, Aldermen Bruce M. Desmond, Denise Provost, Dennis M. Sullivan, William A. White Jr., William M. Roche, Thomas F. Taylor, Walter F. Pero, Sean T. O'Donovan, Rebekah L. Gewirtz.

## OPENING OF THE MEETING

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| 1. | | Call of the Roll. | 180331<br>Placed on File |
| 2. | | Reading and approval of the minutes of the Regular Meeting of Dec. 20, 2005. | 180332<br>Approved |

## PUBLIC HEARINGS

None

## ORDERS, ORDINANCES, RESOLUTIONS AND MOTIONS OF MEMBERS

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| 3. | Citation | By the Entire Board and the Mayor, Commending Andy Haydu for his dedicated service and commitment to Teen Empowerment and the Somerville community. | 180333<br>Laid on Table |
| 4. | Citation | By Ald. Heuston and the Entire Board, Commending Heidi Cadete, Jessica Dias, Malessa Dias, Nina Eichner, Josh Glenn-Kayden, Katie Mattos, and Monaz Shaikh, all student mediators, for their recent volunteer efforts at the Grace Baptist Church Homeless Shelter. | 180334<br>Approved |
| 5. | Comm. | By Ald. Roche, Sponsoring Senator Barrios regarding the statewide gang bill and witness protection program. | 180335<br>Placed on File |
| 6. | Resolution | By Ald. Roche, In support of Senate Bill 2242, "An Act to Reduce Gang Violence." | 180336<br>Approved |

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| 7. | Order | By Ald. Roche, That the Commissioner of Public Works repair the wheelchair ramps on Hathorn St. at Broadway (both sides). | 180337 Approved |
| 8. | Order | By Ald. Roche, That the Director of Health bait the catch basins in and around Chester Ave. near Cross St., and in and around Florence St. at Washington St. | 180338 Approved |
| 9. | Order | By Ald. Roche, That the Director of SPCD inspect 4 and 7 Chester Ave. for any and all code violation, including trash not being properly disposed of on trash day. | 180339 Approved |
| 10. | Order | By Ald. Roche, That the Commissioner of Public Works repair the pothole on Bonair St. near Autumn St. | 180340 Approved |
| 11. | Order | By Ald. Roche, That the Director of SPCD determine why the MBTA bus stop bench on Broadway at the McGrath Hwy. Dunkin Donuts has not been repaired, and why the bench at Broadway and MacArthur St. has not been replaced following sidewalk work. (2nd request) | 180341 Approved |
| 12. | Order | By Ald. Roche, That the Commissioner of Public Works clean the debris in the gutter opposite 31-33 Cross St. East. | 180342 Approved |
| 13. | Order | By Ald. Roche, That the Commissioner of Public Works repair or replace the sidewalk panels at 187 Broadway, at Cross St. East at Broadway, at 77 Pearl St., and at Broadway adjacent to Foss Park near the eastern end. | 180343 Approved |
| 14. | Order | By Ald. Taylor, That the Chief of Police enforce the No Turn restriction at the corner of Greenville St. and McGrath Hwy. between 7-9 AM. | 180344 Approved |
| 15. | Order | By Ald. Taylor, That the Chief of Police and the Director of Traffic and Parking enforce the No Parking restriction on Medford St. in front of Brady Towers. | 180345 Approved |
| 16. | Resolution | By Ald. Taylor, That the Dedication Committee consider naming the corner of Columbus Ave. and Washington St. after businessman and veteran James Davidian Sr. | 180346 Approved |
| 17. | Order | By Ald. Pero, That the Director of Communications and the Director of Veterans Services establish a way for veterans to be informed about and apply for the state bonus for service during the conflicts in Iraq and Afghanistan. | 180347 Approved |
| 18. | Order | By Ald. Pero, That the Chief of Police order a directed patrol to monitor the International Club on Marshall St. | 180348 Approved |

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| 19. | Order | By Ald. Pero, That the Director of Traffic and Parking repair the ONE WAY sign on Marshall St. at the intersection of Oakland Ave. | 180349<br>Approved |
| 20. | Order | By Ald. Provost and Sullivan, That the Director of SPCD report to this Board the history of the Magoun Sq. Street Improvement Grant and its progress, including any monies spent, and the source of such funds. | 180350<br>Approved<br>Copy to Housing & Comm. Development |
| 21. | Order | By Ald. Provost, Gewirtz and Sullivan, That the Director of SPCD determine the cause of a severe rodent infestation at Willow and Morrison Aves. over the last few months, and take the necessary steps to abate this nuisance. | 180351<br>Approved |
| 22. | Order | By Ald. Provost and Gewirtz, That the City Solicitor provide this Board with a legal opinion as to whether a building permit can be "grandfathered" under the Zoning Ordinance, whether the city may decline to enforce MGL c.40A s.5 as interpreted by the courts in the Goldhirsch and Watros decisions, and whether the city may treat a dimensionally nonconforming structure as having a nonconforming feature, but otherwise being conforming. | 180352<br>Approved |
| 23. | Order | By Ald. Provost, Roche and Sullivan, That the City Solicitor prepare a memorandum of law on the Americans with Disabilities Act, and provide it to the city's enforcement officers, so that violations can be cited and better enforcement secured. | 180353<br>Approved |
| 24. | Order | By Ald. Heuston, That the Director of Traffic and Parking repair the traffic signal at the intersection of Beacon and Buckingham Sts. so the flashing yellow light ceases and the red light stays constant when pedestrians cross. | 180354<br>Approved |
| 25. | Order | By Ald. Heuston, That the Director of Traffic and Parking and the owners/managers of Ames Envelope appear before the Traffic and Parking Committee to discuss the damage, inconvenience and negative effect on local traffic of truck deliveries, and make recommendations for improvement. | 180355<br>Approved<br>Copy to Traffic & Parking |
| 26. | Order | By Ald. Heuston, That the Director of SPCD contact the owners/managers of Gentle Giant Moving about starting and idling company vehicles prior to 7 AM and advise them that the practice is in violation of city ordinances. | 180356<br>Approved |
| 27. | Order | By Ald. Heuston, That the Commissioner of Public Works inspect and trim the tree at 57 Concord Ave. and report back to the Ward 2 Alderman on its condition. | 180357<br>Approved |

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| 28. | Order | By Ald. Heuston, That the Director of Information Technology create a page on the city website to report the minutes of all committee meetings of this Board after they have been approved. | 180358<br>Approved |
| 29. | Order | By Ald. Sullivan, That the owner or a representative of the Somerville No Touch Car Wash on Washington St. appear before the Committee on Licenses and Permits to show cause why their permit should not be suspended or revoked. | 180359<br>Approved<br>Copy to Licenses & Permits |
| 30. | Order | By Ald. Sullivan, That the Commissioner of Public Works ensure that the city's trash removal contractor remove all debris that is dropped in the course of their duties. | 180360<br>Approved |
| 31. | Order | By Ald. Sullivan and Roche, That the Director of Traffic and Parking install a no parking sign at 19A/21 Otis St. as it is not large enough to be a parking space. | 180361<br>Approved |
| 32. | Order | By Ald. Sullivan and Trane, That the Chief of Police direct the Hackney Officer to compile a comprehensive list of all licensed cabs to include make, model, year of manufacture, condition and mileage. | 180362<br>Approved |
| 33. | Resolution | By Ald. Trane, That this Board extends its thanks to the Neighborhood Impact Team for their response at 190 Boston Ave. The members are to be commended for their compassion and actions, under severe conditions, in dealing with the elderly resident of that home. | 180363<br>Approved |
| 34. | Resolution | By Ald. Trane, That this Board hereby extends its heartfelt thanks to Tom Quintal, Arlington's Animal Control Officer, for his response at 190 Boston Ave. Mr. Quintal went above and beyond the call of duty in assisting our inspectors with a serious situation and all involved were impressed by his dedication and work ethic. | 180364<br>Approved |
| 35. | Order | By Ald. Trane, That the Director of Traffic and Parking review the residential parking around Dilboy Stadium before its completion, and make recommendations to ensure parking for residents on area streets. | 180365<br>Approved |
| 36. | Order | By Ald. Trane, That the Commissioner of Public Works repair the numerous potholes on Westminster St. | 180366<br>Approved |
| 37. | Order | By Ald. Trane, That the Chief of Police increase speed enforcement on Powderhouse Blvd. between North and Curtis Sts. during rush hour and evening hours. | 180367<br>Approved |

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| 38. | Resolution | By Ald. Trane and Gewirtz, That this Board requests that the Administration consider hiring a part time investigator for the Condominium Review Board to ensure that all applications for conversion meet all criteria, and that all efforts are made to protect current tenants' rights. | 180368<br>Approved |
| 39. | Order | By Ald. Gewirtz, That the Commissioner of Public Works remove the two dead trees on the island between the Rosebud Café and Citizens Bank, to prepare for landscaping of the site in the springtime. | 180369<br>Approved |
| 40. | Order | By Ald. Gewirtz, That the Commissioner of Public Works place a sign on the fence adjacent to 46 Josephine Ave. and in the school yard grounds that states, "NO STICK BALL PLAYING AGAINST HOUSE OR FENCE". | 180370<br>Approved |
| 41. | Order | By Ald. Gewirtz, That the Director of Health and the Director of SPCD work with developers of the sites at Willow and Morrison Aves. and at Willow Ave. and Foskett St. to relieve the rodent problems there. | 180371<br>Approved |
| 42. | Order | By Ald. Gewirtz, That the Commissioner of Public Works install a reflective device near the bike path where it intersects Willow Ave. so pedestrians are more visible to oncoming traffic, as it is more difficult to see pedestrians at night now that the garage is no longer standing. | 180372<br>Approved |
| 43. | Order | By Ald. Gewirtz, That the Commissioner of Public Works repair the section of broken and raised sidewalk across from 32 Foskett St. | 180373<br>Approved |
| 44. | Order | By Ald. Desmond, That the City Solicitor and the City Clerk review Ordinance 8-12 and give their opinions on how to bring all self-service gasoline stations up to code. | 180374<br>Approved |
| 45. | Order | By Ald. Desmond and O'Donovan, That the Commissioner of Public Works contact the appropriate utility to remove a tarp entangled in the overhead wires at 32 Bartlett St. | 180375<br>Approved |
| 46. | Resolution | By Ald. Desmond and Trane, That this Board requests that the Mayor establish a Task Force to review and analyze all parking policies for the city, perform a cost/benefit analysis of the increased revenues from meters, ticketing, residential parking stickers and visitor passes, and report back with all findings. | 180376<br>Approved |
| 47. | Order | By Ald. White, That the Chief of Police provide this Board with major crime statistics for the last five years and compare them to other communities of similar size in the State, to Boston, and to national trends. | 180377<br>Approved<br>Copy to Public Health & Safety |

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| 48. | Order | By Ald. White, That the Director of Finance appear before the Finance Committee to update this Board on the new Lincoln Park School and the impact on the budget if the State does not reimburse the city for additional costs. | 180378<br>Approved<br>Copy to Finance |
| 49. | Order | By Ald. White, That the Water Superintendent appear before the Finance Committee to update this Board on unbilled water consumption, the reduction in the number of unread meters and a general update on the department. | 180379<br>Approved<br>Copy to Finance |
| 50. | Order | By Ald. O'Donovan, That the Chief of Police conduct random traffic enforcement on Medford St. between Central and Lowell Sts. at various times. | 180380<br>Approved |
| 51. | Order | By Ald. O'Donovan, That the Commissioner of Public Works clean Ball and Magoun Squares of debris and litter, weather permitting. | 180381<br>Approved |
| 52. | Order | By Ald. O'Donovan, That the Director of Traffic and Parking inspect and replace, as needed, the street cleaning signs on Cedar, Hinckley, Bartlett and Adams Sts. and Pritchard Ave. | 180382<br>Approved |

**UNFINISHED BUSINESS**

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| 53. | Mayor's Request | Requesting approval of a Home Rule Petition to allow the City to impose a fee not to exceed 20 percent for services performed by its employees on an off-duty work detail. | 179815<br>Removed from Table<br>Legislative Matters |

**COMMUNICATIONS FROM THE MAYOR**

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| 54. | Mayor's Request | Requesting review and approval of the City's updated draft HUD One Year Action Plan. | 180383<br>Housing & Comm. Development and Finance |
| 55. | Mayor's Request | Requesting approval to pay various prior fiscal year invoices totaling $175.10 using current FY06 funding in the Recreation Dept. | 180384<br>Rules Suspended<br>Approved |
| 56. | Mayor's Request | Requesting approval to accept a $10,000 grant to the Health Dept. from the State Bureau of Substance Abuse Services for the Mayor's Opiate Prevention Task Force. | 180385<br>Rules Suspended<br>Approved |
| 57. | Mayor's Request | Requesting approval to expend a $750 grant to the Arts Council from Shree Karya Binayak Inc. to be used for new street architecture in Union Sq. | 180386<br>Rules Suspended<br>Approved |
| 58. | Mayor's Request | Requesting that the position of Superintendent of Recreation be designated a "Special Municipal Employee" pursuant to MGL c268A s1(n). | 180387<br>Rules Suspended<br>Approved |

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| 59. | Mayor's Request | Requesting the appointment of Nancy Bacci to the Women's Commission. | 180388 Conf. of Appointment |
| 60. | Mayor's Request | Requesting the appointment of Katelyn Kierstead to the Women's Commission. | 180389 Conf. of Appointment |
| 61. | Mayor's Request | Requesting the appointment of Rachel Szyman to the Women's Commission. | 180390 Conf. of Appointment |
| 62. | Mayor's Request | Requesting the appointment of Maria Ricoy to the Women's Commission. | 180391 Conf. of Appointment |
| 63. | Mayor's Request | Requesting the appointment of Mandy Grigoraitis to the Women's Commission. | 180392 Conf. of Appointment |
| 64. | Mayor's Request | Requesting the re-appointment of Susan Fontana to the Zoning board of Appeals. | 180393 Conf. of Appointment |
| 65. | Mayor's Request | Requesting the re-appointment of T.F. Scott Darling III to the Zoning Board of Appeals as an alternate member. | 180394 Conf. of Appointment |

## REPORTS OF COMMITTEES

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| 66. | Committee Report | Report of the Committee on Confirmation of Appointments, Jan. 17. | 180395 Approved |
| 66A. | Mayor's Request | Requesting approval of the appointment of William Fowler as City Treasurer. | 180235 Approved |
| 66B. | Mayor's Request | Requesting approval of the appointment of Stan Koty as Commissioner of Public Works. | 180236 Approved |
| 66C. | Mayor's Request | Requesting approval of the appointment of John Gannon as City Solicitor. | 180237 Approved |
| 66D. | Mayor's Request | Requesting the appointment of Jon Bernhardt as a member of the Arts Council. | 180287 Approved |
| 66E. | Mayor's Request | Requesting the appointment of Kathryn Ostermier as a member of the Arts Council. | 180288 Approved |
| 66F. | Mayor's Request | Requesting the reappointment of Edward Bean as City Auditor. | 180289 Approved |
| 66G. | Mayor's Request | Requesting the reappointment of Joseph Voutour as Superintendent of Highways, Lights and Lines. | 180290 Approved |
| 66H. | Mayor's Request | Requesting the reappointment of Frank Santangelo as Superintendent of Buildings & Grounds. | 180291 Approved |

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| 66I. | Mayor's Request | Requesting the reappointment of George Landers as Superintendent of Inspectional Services. | 180292 Approved |
| 67. | Committee Report | Report of the Committee on Confirmation of Appointments, Jan. 24. | 180408 Approved |
| 67A. | Mayor's Request | Requesting the appointment of Douglas Brioso, Ismael Rivera, Kenneth Silva, and Christ Theophile as Firefighters. | 180286 Approved |
| 67B. | Mayor's Request | Requesting the reappointment of Carol Antonelli as Water Superintendent. | 180293 Approved |
| 68. | Committee Report | Report of the Committee on Legislative Matters, Jan. 17. | 180396 Approved Ald. Pero Recused |
| 68A. | Ordinance | By Ald. Roche and the Entire Board, Proposing an ordinance regarding the carrying of knives and dangerous weapons. | 179172 Approved as Amended, Enrolled, Ordained |
| 68B. | Mayor's Request | Requesting adoption of an ordinance amending Ordinance 10-36, Avoidable Alarms. | 179436 Approved, Enrolled, Ordained |
| 68C. | Mayor's Request | Requesting adoption of an ordinance creating a fee for the commercial towing of vehicles. | 179437 Approved as Amended: After "assessed" insert "upon the owner of the motor vehicle", Returned to Legislative Matters |
| 68D. | Order | By Ald. Pero, Proposing an ordinance establishing a Commission on Monuments, Memorials and Dedications. | 179950 Approved, Enrolled, Ordained |
| 68E. | City Officer Comm. | Retirement Board requesting that this Board accept Ch. 157, Sec. 1 & 2 of the Acts of 2005. | 180211 Approved |
| 69. | Committee Report | Report of the Committee on Legislative Matters, Jan. 24. | 180397 Approved |
| 69A. | Mayor's Request | Requesting the dedication for recreational use, in perpetuity, of the parcels of land known as Allen St. Park. | 179452 Approved Returned to BOA as Unfinished Business for Roll Call vote |

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| 69B. | Ordinance | By Ald. Provost, Proposing amendments to the Zoning Ordinance to control building density in existing residential neighborhoods. | 179714 Approved as Amended, Enrolled, Ordained |
| 69C. | City Officer Comm. | Planning Board Proposing a Zoning amendment improving the sales price formula for affordable housing units. | 179918 Placed on File |
| 69D. | Ordinance | By Ald. Heuston, Proposing amendments to the Code of Ordinances re: commercial garages. | 179975 Approved as Amended: in 8-167.1 and 8-168.2, replace "$200 or" with "in", Enrolled, Ordained |
| 69E. | City Officer Comm. | Planning Board submitting recommendations on proposed amendments to Zoning Ordinance Articles 2 "Definitions", 3, "Enforcement, Board of Appeals, And Amendments", 4, "Nonconforming Uses And Structures", 7, "Permitted Uses", 8, "Dimensional Requirements" and 13, "Inclusionary Housing". | 180145 Placed on File |
| 70. | Committee Report | Report of the Committee on Information Technology, Jan. 17. | 180398 Approved |
| 70A. | Resolution | By Ald. Provost, That the Administration report to this Board on the feasibility of developing a plan to supply free, wireless Internet access to Somerville's public buildings and in its squares and other commercial areas. | 180190 Placed on File |
| 71. | Committee Report | Report of the Committee on Finance, Jan. 19. | 180399 Approved |
| 71A. | Order | By Ald. Trane, That the Personnel Director appear before the Finance Committee to discuss the long term absence of the temporary Recreation Superintendent, including how much more sick time is available for this employee. | 180400 Approved |
| 71B. | Mayor's Request | Requesting approval to expend a $200,000 grant from the EPA to perform environmental site assessments on known or suspected contaminated sites. | 180116 Approved |
| 71C. | Mayor's Request | Requesting approval to expend a $27,850 grant from the MA Office of Environmental Affairs for a District Improvement Finance program for Union Sq. | 180117 Approved |
| 71D. | Mayor's Request | Requesting an appropriation of $34,125 from Unreserved Fund Balance to the Recreation Salaries Account for the Temporary Recreation Supt., from 1/16/06 to 6/30/06. | 180204 Approved |

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| 71E. | Mayor's Request | Requesting approval to expend a $495,000 grant from the MA Office of Environmental Affairs for construction of the Kemp Nuts Park. | 180205 Approved |
| 71F. | Mayor's Request | Requesting approval to expend a $4,172.48 grant from the Metro Boston Homeland Security Office for a Fire, Fire Alarm & Police Personnel Communications Table Top Exercise on Dec. 14, 2005. | 180208 Approved |
| 71G. | Mayor's Request | Requesting approval of a Declaration of Availability of Real Property for Disposition, regarding amending the current lease agreement for parking spaces for Zipcar. | 180281 Approved |
| 71H. | Mayor's Request | Requesting approval of a transfer of $2,425 in Purchasing from Salaries to Dues & Membership and Tuition, for training purposes. | 180282 Approved |
| 71I. | Mayor's Request | Requesting approval to expend a $23,005.84 grant from the Office of Department of Homeland Security for Fire Dept. training in WMD Radiological/Nuclear Responder Operations. | 180283 Approved |
| 71J. | Mayor's Request | Requesting authorization of the Recycling Containers Revolving Fund under the provisions of MGL Ch 44, Sec. 53E½ for fiscal year 2005. | 180284 Approved |
| 72. | Committee Report | Report of the Committee on Rules, Jan. 19.<br>No papers. | 180401 Approved |

## COMMUNICATIONS FROM CITY OFFICERS

None

## NEW BUSINESS

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| 73. | Public Occ | Public Property Occupancy Permit for a Women's Commission Promotion and Table, Union and Davis Sqs., Jan. 27-Feb. 3, 8AM-1PM. | 180409 Rules Suspended Approved |
| 74. | Used Car Lic | Renewal of Used Car Dealer License Class II, Pat's Auto Body Inc., 161 Linwood St., 15 autos. | 180402 Licenses & Permits |
| 75. | Used Car Lic | Renewal of Used Car Dealer License Class II, Pat's Auto Body Inc., 182 Washington St., 27 autos. | 180403 Licenses & Permits |
| 76. | Used Car Lic | Renewal of Used Car Dealer License Class II, Pat's Auto Body Inc., 308 McGrath, 12 autos. | 180404 Licenses & Permits |
| 77. | Used Car Lic | Renewal of Used Car Dealer License Class II, Isaac's Auto Sales & Service, 486 Columbia St., 6 autos. | 180405 Licenses & Permits |

## ITEMS RECEIVED AFTER 2:00 PM

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| 78. | Auto Amusement | Renewal of Automatic Amusement Device License, Holiday Inn, 30 Washington St., 1 Device. | 180406 Licenses & Permits |
| 79. | Order | By Ald. Taylor, That the Chief of Police order a directed patrol to the Union Sq. business district to address reported vandalism and break-ins. | 180407 Approved |

**Submitted by John J. Long, City Clerk**