

City of Somerville, Massachusetts
Matters of Business of the Board of Aldermen

REGULAR MEETING AGENDA

April 11, 2013, 7:00 PM
Aldermanic Chambers

OPENING OF THE MEETING

1. Roll Call Call of the Roll.

2. Minutes Approval of the Minutes of the Regular Meeting, March 14, 2013.

CITATIONS

3. Citation By Ald. Connolly, and the Entire Board and the Mayor
Commending Barbara Carney, who is retiring after 40 years of dedicated public service as a School Nurse, including the last 30 years at the Kennedy School.

4. Citation By Ald. Bastardi, and the Entire Board
Commending the Somerville Junior Highlanders Pop Warner F Team for an undefeated season.

PUBLIC HEARINGS

ORDERS, ORDINANCES, RESOLUTIONS AND MOTIONS OF MEMBERS

5. Order By Ald. Bastardi
That the Commissioner of Public Works secure the fencing around the city-owned property at 46 Pearl Street.

6. Order By Ald. Taylor
That the Commissioner of Public Works extend the curb cut at 16 Prescott Street.

7. Order By Ald. Taylor
That the City Engineer evaluate the pending demolition at 57 Pitman Street to ensure that the demolition won't negatively effect the properties on Belmont Terrace.

8. Order By Ald. Taylor
That the Excise Tax Demand Fee be amended and adjusted from \$30.00 to \$5.00.

9. Order By Ald. Gewirtz
That the Director of SPCD provide this Board with an update regarding the timeline for expansion of the community path garden behind Rite-Aid, as gardening season is about to be underway.
10. Order By Ald. Gewirtz
That the Environmental Programs Manager provide this Board with information on whether the City has applied for the Solarize MA grant program.
11. Order By Ald. White Jr., Gewirtz
That the Director of SPCD respond in writing within 30 days with a breakdown of all funds provided through the CDBG program, DIF bonds, "I Cubed Bonds" or the American Recovery and Reinvestment Act of 2009, and spent to fund work or purchase materials in connection with Assembly Square, whether by the City, the State, any agencies thereof, or by Federal Realty Investment Trust or any subsidiaries or related companies.
12. Order By Ald. White Jr.
That the Director of SPCD respond in writing to #193062, to describe funds paid or anticipated to be paid through the Somerville Redevelopment Authority to Federal Realty Investment Trust, including reimbursements of FRIT expenses, in connection with Assembly Square.
13. Resolution By Ald. White Jr., Lafuente, Sullivan
That the Sheriff of Middlesex County consider using the Community Work Program to clean up the DCR park and path area along the Mystic River in Somerville and Medford.
14. Order By Ald. Trane, Sullivan
That the Director of SPCD (ISD) appear before this Board's Committee on Licenses and Permits to explain enforcement of the city's sign ordinance.
15. Order By Ald. Trane
That the Commissioner of Public Works inspect the double pole at Chetwynd Road and Curtis Street and report back to the Ward 7 Alderman as to which utility companies have failed to remove lines after multiple requests and promises to remove the double pole.

UNFINISHED BUSINESS

16. Public Communication Property owners Sunoco Inc. and Krisco Realty LLC submitting a proposed zoning map amendment for Prospect Hill and Somerville Avenue.

REPORTS OF COMMITTEES

17. FINANCE COMMITTEE

- A. Committee Report Report of the Committee on Finance, meeting on April 3, 2013.
- B. Mayor's Request Requesting approval of a \$10,000 grant from the MA Cultural Council to support the Arts Council's ArtsUnion programming.
- C. Mayor's Request Requesting the acceptance of a grant of \$3,920 from the Somerville Health Foundation so the Council on Aging can provide a Fit 4 Life fitness and wellness program for LBT (Lesbian, Bi-Sexual, Trans-gender) women-only clients.
- D. Mayor's Request Requesting an appropriation and authorization to borrow \$394,700 in a bond for Retaining Wall Repairs to the bike path east of Davis Square.
- E. Mayor's Request Requesting acceptance of a mitigation payment of \$11,750 to establish the Linwood Street Sidewalk Improvements Stabilization Fund.
- F. Mayor's Request Requesting an appropriation of \$11,750 from the Linwood Street Sidewalk Improvements Stabilization Fund to carry out the purposes of the fund.
- G. Mayor's Request Requesting acceptance of a mitigation payment of \$8,000 to establish the Davis Square Traffic and Sign Stabilization Fund.
- H. Mayor's Request Requesting an appropriation of \$8,000 from the Davis Square Traffic and Sign Stabilization Fund to carry out the purposes of the Fund.
- I. Mayor's Request Requesting a transfer of \$3,073 from the Salary Contingency Account to the Personnel Salaries Account to fund a salary adjustment in the Personnel Dept.
- J. Mayor's Request Requesting approval to pay 3 prior year invoices in the Traffic and Parking Dept., totalling \$1,855.70.
- K. Mayor's Request Requesting the acceptance of an Assistance to Firefighters Grant of \$201,600 from the Federal Emergency Management Agency for the Fire Dept.

- L. Mayor's Request Requesting a transfer of \$8,500 in the Inspectional Services Department, from its Professional and Technical Services Account to its Salaries Account.

- M. Mayor's Request Requesting an appropriation and authorization to borrow \$304,000 in a bond for Firefighter Protective Bunker Gear.

- N. Mayor's Request Requesting a transfer of \$1,265 from the Salary Contingency Account to the Personnel Dept. Salaries Account to implement a salary adjustment.

- O. Mayor's Request Requesting authorization for the Department of Public Works to pay prior fiscal year invoices totaling \$18,833.37 using FY13 appropriations.

- P. Mayor's Request Requesting the acceptance of a lumber donation totaling \$12,000 from the Eastman Chemical Company, for the Quincy Park Boardwalk.

- Q. Mayor's Request Requesting an appropriation of \$100,000 from Unreserved Fund Balance ("Free Cash") to the Hurricane Sandy Damage-General Fund Account to fund the required deductible under the City's insurance policy.

- R. Mayor's Request Requesting an appropriation of \$10,720 from the Receipts Reserved for Appropriation-Insurance Losses Account to the Hurricane Sandy Damage-School Dept. Account.

- S. Mayor's Request Requesting a transfer of \$10,771.90 from the Traffic and Parking Renovation and Maintenance Buildings and Grounds Account to the Public Works Building Maintenance Account for painting services.

- T. Mayor's Request Requesting a transfer of \$2,558 from the Salary Contingency Account to the Health Salaries Account to correct for an underappropriation.

- U. Mayor's Request Requesting the transfer of \$200 from SPCD's Transportation and Infrastructure In State Travel Account to the Capital Stabilization Fund for Kenney Park to cover additional construction document costs.

- V. Mayor's Request Requesting the acceptance of a grant of \$23,348 from the MA Office of Public Safety, for the Municipal Police Services Staffing program.

- W. Mayor's Request Requesting the acceptance of a donation of computers valued at \$500 from Tufts University, for the Council on Aging.

- X. Mayor's Request Requesting approval to hire the law firm of Kerbey Harrington LLP as outside counsel to finish negotiating the renewal of the City's Comcast Licence.

18. LEGISLATIVE MATTERS COMMITTEE

- A. Committee Report Report of the Committee on Legislative Matters, meeting on April 4, 2013.
- B. Order By Ald. Gewirtz
That the City Solicitor review Ordinance 8-121 - Musicians and street performers and report to this Board its constitutionality and its accordance with the 1st Amendment right to free speech.
- C. Mayor's Request Requesting approval of an ordinance to establish the Community Preservation Committee.
- D. Mayor's Request Requesting that this Board approve the 2013 local election calendar.

19. PUBLIC HEALTH AND PUBLIC SAFETY COMMITTEE

- A. Committee Report Report of the Committee on Public Health and Public Safety, meeting on April 4, 2013.
- B. Order By Ald. White Jr.
That the Chief of Police provide this Board with the 2012 crime statistics and discuss them with the Committee on Public Health and Safety.

COMMUNICATIONS OF THE MAYOR

20. Mayor's Request Requesting approval of a Home Rule Petition to establish a Job Creation and Retention Trust.
21. Mayor's Request Requesting approval of a Home Rule Petition to establish a Project Mitigation Contribution (linkage) program for a Job Creation and Retention Trust.
22. Mayor's Request Requesting an amendment to the Zoning Ordinance with respect to Article 15, Linkage.
23. Mayor's Request Requesting Acceptance of a "Wage Theft" Ordinance.
24. Mayor's Request Requesting the appropriation of \$1,455,100 and the authorization to borrow \$1,455,100 in a bond as part of the MWRA Infiltration/Inflow Local Financial Assistance Program.

- 25. Mayor's Request Requesting the appropriation of \$1,242,340 and the authorization to borrow \$1,242,340 in a bond as part of the MWRA Local Pipeline Assistance Program.
- 26. Mayor's Request Requesting an appropriation and authorization to borrow \$182,200 in a bond for architectural and engineering design and renovation of SHS Room 143 prior to September 2013.
- 27. Mayor's Request Requesting a transfer in the Sewer Enterprise Fund of \$196,000, from the Capital Improvements Account to the Professional and Technical Services Account, to fund two projects.
- 28. Mayor's Request Requesting an appropriation of \$19,931 from Unreserved Fund Balance ("Free Cash") to the Police Colorguard Account to pay for Honor Guard Uniforms.
- 29. Mayor's Request Requesting an appropriation of \$15,000 from Unreserved Fund Balance ("Free Cash") to the Information Technology Computer Equipment Account to purchase barcode printers for MUNIS bill processing across city departments.
- 30. Mayor's Request Requesting acceptance of a grant from the MWRA of \$654,795 for participation in the Infiltration/Inflow Local Financial Assistance program.
- 31. Mayor's Request Requesting the appointment of Brandy Brooks to the Zoning Board of Appeals.

COMMUNICATIONS OF CITY OFFICERS

- 32. Officer's Request City Clerk requesting approval to release certain Executive Session minutes as described within.
- 33. Officer's Communication Assistant City Solicitor submitting a proposed ordinance establishing a Community Preservation Committee.
- 34. Officer's Communication Assistant City Solicitor submitting an amended proposed ordinance regarding Street Performers.
- 35. Officer's Communication DPW Commissioner responding to various Board Orders.

NEW BUSINESS

- 36. License/Permit Public Event Permit, Somerville Open Studios Information Tents, Davis Sq and Union Sq, May 4-5, 11AM-6PM.
- 37. License/Permit Public Event Permit, Taza Chocolate Cinco de Mayo Block Party, 561 Windsor St., May 5, Noon-6PM.

- 38. License/Permit Public Event Permit, Somerville Sports Club Devino Espirito Santo, 203 Somerville Ave., May 19, 8AM-10PM.
- 39. License/Permit Public Event Permit, Somerville Garden Club 2013 Garden Tour Ticket Table, Davis Sq. Statue Park, Jun 9, 10AM-4PM.
- 40. License/Permit New Extended Operating Hours License, Chow N Joy, 626C Somerville Ave., Sun-Thu to 2 AM, Fri-Sat to 3 AM.
- 41. License/Permit New Drainlayer License, Tim Zanelli Excavating LLC.
- 42. License/Permit New Drainlayer License, Robert B Hour Co.
- 43. License/Permit New Drainlayer License, Capitol Services LLC.
- 44. License/Permit Renewing Drainlayer's License, Metro Equipment Corp.
- 45. License/Permit Renewing Drainlayer's License, PT Kelley Inc.
- 46. License/Permit Renewing Drainlayer's License, D Muzzioli Associates Inc.
- 47. License/Permit Renewing Drainlayer's License, CJ Doherty Inc.
- 48. License/Permit Renewing Drainlayer's License, Vanaria Brothers Inc.
- 49. License/Permit Renewing Drainlayer's License, FE French Construction Inc.
- 50. License/Permit Renewing Drainlayer's License, RAP General Contracting Corp.
- 51. License/Permit Renewing Drainlayer's License, J Derenzo Co.
- 52. License/Permit Renewing Drainlayer's License, James W Flett Co.
- 53. License/Permit Renewing Drainlayer's License, CM Conway Construction Inc.
- 54. License/Permit Renewing Drainlayer's License, JNJ Sacca Inc.
- 55. License/Permit Renewing Drainlayer's License, Sean Farrell Excavation Inc.

- 56. License/Permit Renewing Drainlayer's License, CRL Inc.
- 57. License/Permit Renewing Drainlayer's License, MJ Scully and Company.
- 58. License/Permit Renewing Drainlayer's License, LaMountain Brothers Inc.
- 59. License/Permit Renewing Drainlayer's License, Your Space Landscape and Construction Inc.
- 60. License/Permit Renewing Drainlayer's License, AP Flowers and Son LLC.
- 61. License/Permit Renewing Drainlayer's License, Caruso Corp.
- 62. License/Permit Renewing Drainlayer's License, RM Pacella.
- 63. License/Permit Renewing Garage License, Somerville Housing Group Trust III, 481 Columbia St.
- 64. License/Permit Renewing Garage License, Brazil Auto Repair, 621 Somerville Ave.
- 65. License/Permit Renewing Garage License, City Auto Service, 13B Joy St.
- 66. License/Permit Renewing Garage License, Reilly's Garage, 61 Washington St.
- 67. License/Permit Renewing Garage License, DM Auto Body, 48 Joy St.
- 68. License/Permit Renewing Garage License, Executive Auto Body, 30 Medford St.
- 69. License/Permit Renewing Garage License, Gene Automotive Repair, 56 Joy St.
- 70. License/Permit Renewing Garage License, M Korson & Co, 91 Washington St.
- 71. License/Permit Renewing Garage License, Drain Doctor, 612 Broadway.
- 72. License/Permit Renewing Garage License, Tracer Technologies, 20 Assembly Square Dr.
- 73. License/Permit Renewing Garage License, Cataldo Ambulance Service, 4 Joy St.
- 74. License/Permit Renewing Garage License, Arco Tire & Service, 16 Clarendon Ave.

- 75. License/Permit Renewing Garage License, Chicken & Shakes Automotive, 6 Beach Ave.
- 76. License/Permit Renewing Garage License, J&E Auto Body, 9 Hawkins St.
- 77. License/Permit Renewing Garage License, Barnes and Walsh, 224 Somerville Ave.
- 78. License/Permit Renewing Garage License, Century Tire and Auto Service, 263 Beacon St.
- 79. License/Permit Renewing Garage License, Inman Collision Center, 45 Webster Ave.
- 80. License/Permit Renewing Garage License, Master Used Cars, 121 Prospect St.
- 81. License/Permit Renewing Garage License, Pete's Boys (G53), 229R Lowell St.
- 82. License/Permit Renewing Garage License (G54), Pete's Boys, 229R Lowell St.
- 83. License/Permit Renewing Garage License, Lien's Auto Repair, 69 Bow St.
- 84. License/Permit Renewing Garage License, U-Haul of Boston, 151 Linwood St.
- 85. License/Permit Renewing Garage License, All-Rite Auto, 38 Medford St.
- 86. License/Permit Renewing Garage License, Pearl St. Auto, 182 Pearl St.
- 87. License/Permit Renewing Garage License, Pat's Auto Body, 161 Linwood St.
- 88. License/Permit Renewing Garage License, Pat's Auto Body, 19 Joy St.
- 89. License/Permit Renewing Garage License, Gasper Ostuni, 195 Highland Ave.
- 90. License/Permit Renewing Garage License, Hillside Service Center, 45 Mystic Ave.
- 91. License/Permit Renewing Garage License, Ideal Automotive Services, 96 Dover St.
- 92. License/Permit Renewing Garage License, Auto Express, 712 Mystic Ave.

- 93. License/Permit Renewing Garage License, PJs Auto Sales, 161 Broadway.
- 94. License/Permit Renewing Garage License, Unlimited Auto Body, 471 Somerville Ave.
- 95. License/Permit Renewing Garage License, Chris's Auto Service, 371 Highland Ave.
- 96. License/Permit Renewing Garage License, Don's Automotive, 25 Cutter St.
- 97. License/Permit Renewing Garage License, Mercedes Benz of Boston, 259 McGrath Hwy.
- 98. License/Permit Renewing Garage License, Mercedes Benz of Boston, 71 Linwood St.
- 99. License/Permit Renewing Garage License, American Auto Gallery, 682 Mystic Ave.
- 100. License/Permit Renewing Garage License, William Doucette Auto Sales, 325 Alewife Brook Pkwy.
- 101. License/Permit Renewing Garage License, 429 Corp., 109 Prospect St.
- 102. License/Permit Renewing Garage License, BBC Auto Repair, 483 Somerville Ave.
- 103. License/Permit Renewing Garage License, Triumvirate Environmental, 191 Inner Belt Rd.
- 104. License/Permit Renewing Garage License, Hawkins Street Automotive, 9 Hawkins St.
- 105. License/Permit Renewing Garage License, Modern Floors, 22 Marshall St.
- 106. License/Permit Renewing Garage License, Fellsway Auto Repair, 693 McGrath Hwy.
- 107. License/Permit Renewing Garage License, A&M Foreign Motors, 400 Mystic Ave.
- 108. License/Permit Renewing Garage License, GE Auto Repair, 631 Somerville Ave.
- 109. License/Permit Renewing Garage License, Beacon Sales, 50 Webster Ave.
- 110. License/Permit Renewing Garage License, Alewife Automotive, 395 Alewife Brook Pkwy.

- 111. License/Permit Renewing Flammables License, Alewife Automotive, 395 Alewife Brook Pkwy.
- 112. License/Permit Renewing Flammables License, Beacon Sales, 50 Webster Ave.
- 113. License/Permit Renewing Flammables License, AL Prime Energy, 73 Summer St.
- 114. License/Permit Renewing Flammables License, Trum Field Sunoco, 541 Broadway.
- 115. License/Permit Renewing Flammables License, Somerville Mobil, 360 Medford St.
- 116. License/Permit Renewing Flammables License, Broadway Sunoco, 258 Broadway.
- 117. License/Permit Renewing Flammables License, Nissenbaum's Auto Parts, 490 Columbia St.
- 118. License/Permit Renewing Flammables License, Pete's Boys, 229R Lowell St.
- 119. License/Permit Renewing Flammables License, U-Haul of Boston, 151 Linwood St.
- 120. License/Permit Renewing Flammables License, U-Haul of Boston, 600 Mystic Valley Pkwy.
- 121. License/Permit Renewing Flammables License, Pearl St. Auto, 182 Pearl St.
- 122. License/Permit Renewing Flammables License, Coresite Real Estate, 70 Inner Belt Rd.
- 123. License/Permit Renewing Flammables License, Lub-o-Line Industrial Oil (F50), 9 Florence St.
- 124. License/Permit Renewing Flammables License, Lub-o-Line Industrial Oil (F166), 9 Florence St.
- 125. License/Permit Renewing Flammables License, Hillside Auto Repair, 583 Broadway.
- 126. License/Permit Renewing Flammables License, Cubby Oil, 20 Medford St.
- 127. License/Permit Renewing Flammables License, Hess, 709 McGrath Hwy.
- 128. License/Permit Renewing Flammables License, Mercedes Benz of Boston, 259 McGrath Hwy.

- 129. License/Permit Renewing Flammables License, Doucette Auto Service, 325 Alewife Brook Pkwy.
- 130. License/Permit Renewing Outdoor Parking License, Faulkner Brothers, 13 Alpine St.
- 131. License/Permit Renewing Outdoor Parking License, Pat's Towing, 160 McGrath Hwy.
- 132. License/Permit Renewing Outdoor Parking License, Pat's Auto Body, 161 Linwood St.
- 133. License/Permit Renewing Outdoor Parking License, Pat's Auto Body, 24 Joy St.
- 134. License/Permit Renewing Outdoor Parking License, 534 Central LLC, 11 Washington St.
- 135. License/Permit Renewing Outdoor Parking License, Urban Equity Development, 7 Herbert St.
- 136. License/Permit Renewing Outdoor Parking License, Day/Dover Parking LLC, 55 Day St.
- 137. License/Permit Renewing Outdoor Parking License, Nissenbaum Auto Parts, 480 Columbia St.
- 138. License/Permit Renewing Outdoor Parking License, George Dilboy Post 529, 371 Summer St.
- 139. License/Permit Renewing Outdoor Parking License, Martha Lee Trust, 147 Highland Ave.
- 140. License/Permit Renewing Junk Dealer's License, All Checks Cashed, 12 Union Sq.
- 141. License/Permit Renewing Junk Dealer's License, Nissenbaum Auto Parts, 480 Columbia St.
- 142. License/Permit Renewing Junk Dealer's License, Atlas Metals, 475 Columbia St.
- 143. License/Permit Renewing Junk Dealer's License, The Connection, 1204 Broadway.
- 144. License/Permit Renewing Junk Dealer's License, Buffalo Exchange, 238 Elm St.
- 145. License/Permit Renewing Junk Dealer's License, Joseph Talewsky Enterprise, 508 Columbia St.
- 146. License/Permit Renewing Junk Dealer's License, Delta Jewelry and Refining, 90 Highland Ave.

- 147. License/Permit Renewing Junk Dealer's License, Prospect Iron & Steel, 40 Bennett St.
- 148. License/Permit Renewing Extended Operating Hours License, Tufts Tisch Library Cafe, 35 Professors Row.
- 149. License/Permit Renewing Extended Operating Hours License, Tufts Mayer Campus Center, 44 Professors Row.
- 150. License/Permit Renewing Extended Operating Hours License, Gold's Gym, 14 McGrath Hwy.
- 151. License/Permit Renewing Extended Operating Hours License, Domino's Pizza, 201 Elm St.
- 152. License/Permit Renewing Extended Operating Hours License, Cataldo Ambulance, 137 Washington St.
- 153. License/Permit Renewing Extended Operating Hours License, McDonald's, 14 McGrath Hwy.
- 154. License/Permit Renewing Extended Operating Hours License, Hess, 709 McGrath Hwy.
- 155. License/Permit Renewing Extended Operating Hours License, Dunkin Donuts, 282 Somerville Ave.
- 156. License/Permit Renewing Fortune Teller License, Spiritual New Age Boutique, 153 Washington St.
- 157. License/Permit Renewing Outdoor Seating License, Sally O'Brien's, 335 Somerville Ave.

SUPPLEMENTAL ITEMS

- 158. Communication By Ald. O'Donovan
Submitting his resignation from this Board.
- 159. Order By Ald. Desmond
That this Board appoints Courtney O'Keefe as the Alderman from Ward 5 for the remainder of Alderman O'Donovan's term.
- 160. Order By Ald. White Jr., Connolly
That this Board's Committee on Public Health and Safety follow up on the Bicycle Safety Campaign, especially with regard to the use of bicycles on sidewalks in central business districts.
- 161. Mayor's Request Requesting the appointment of Kellyann Binari to the Commission for Persons with Disabilities.

- 162. Officer's Communication SPCD Special Counsel responding to #193060 re: the purchase of real estate by the Redevelopment Authority.
- 163. Officer's Communication Director of Traffic and Parking responding to #194458 re: a crosswalk on Cutter Ave.
- 164. License/Permit Public Event Permit, Day of Portugal Parade, Concord Sq., Jun 23, Noon-4PM.
- 165. Public Communication 131 registered voters requesting a Public Hearing before this Board on Wage Theft, pursuant to Section 8 of the City Charter.
- 166. Public Communication Naomi Slagowski submitting comments re: #194060, a zoning amendment to permit a larger ground-floor supermarket at Assembly Square.
- 167. Public Communication Michele Biscoe submitting comments re: #194410, considering designated off-leash times for dogs in certain parks.

LATE ITEMS

ADJOURNMENT

Adjournment

Submitted by John J. Long, City Clerk