

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

REGULAR MEETING AGENDA

January 27, 2011, 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,
December 16, 2010.

CITATIONS

3. Citation By Ald. Roche, and the Entire Board and the Mayor

Commending Phil Ercolini, a lifelong Somervillian,
who is retiring as the city's Director of Housing after 33
years of dedicated public service to this city and state.
4. Citation By Ald. Roche, Desmond, Connolly, Gewirtz, and the
Entire Board and the Mayor

Commending the Boston Burger Company, which has
just won Rachel Ray's nationwide 2011 Battle of the
Best Burger Award.

PUBLIC HEARINGS

ORDERS, ORDINANCES, RESOLUTIONS AND MOTIONS OF MEMBERS

5. Order By Ald. White Jr.

That the Water Superintendent appear before this
Board's Committee on Public Health and Public Safety
to discuss the recent letter to city residents concerning
the water supply.
6. Order By Ald. White Jr.

That the Director of Finance appear before the
Committee on Finance with the meals tax receipts
(adjusted for the increase in the rate) over the past five
years and discuss their impact, especially on the state of
the restaurant business in Somerville.
7. Order By Ald. Gewirtz

That the Commissioner of Public Works repair all
potholes on Irving Street, especially at 52-56 Irving
Street, and re-pave the street in the spring.

8. Resolution By Ald. Gewirtz
- That this Board requests that the Community Action Agency of Somerville present to this Board their anti-poverty services, plans for the upcoming year, and the work they coordinate with other community organizations in the city.
9. Order By Ald. Gewirtz
- That the Commissioner of Public Works and Director of Traffic and Parking arrange a meeting with Comcast and the Ward 6 Alderman to consider closing the driveway onto Wallace Street at Holland Street, raising the curb, and planting trees along the sidewalk, to to slow traffic, improve air quality, and lower the noise created by Orleans customers at night.
10. Resolution By Ald. Gewirtz
- That this Board extends its sincere thanks to the Dept. of Public Works employees for their diligent work during the recent snow storms.
11. Order By Ald. Gewirtz
- That the Commissioner of Public Works consider using pet-friendly ice melt on the community path surface, as harsh salts are an irritant to dog's paws.
12. Resolution By Ald. Gewirtz
- That this Board requests that the Administration, the Police and this Board's Committee on Public Health and Safety coordinate with the National Empowerment Center on training police officers responding to situations involving people with mental illness.
13. Order By Ald. Roche, Heuston
- That the Director of Recreation explain to this Board the parking policy around the Somerville Avenue Skating Rink, specifically why parking is prohibited at the rear of the rink.
14. Order By Ald. Roche
- That the Chief Fire Engineer appear before this Board to report on any actions taken to avoid another situation with the fire hydrants like what happened on Fairfax Street.
15. Resolution By Ald. Roche
- That this Board requests that the Administration allow off street parking in the East Somerville Community School yard after snow emergencies have been lifted.

16. Order By Ald. Roche
That the Commissioner of Public Works coordinate with Mass Highway regarding snow removal from streets that abut McGrath Highway.
17. Order By Ald. Pero
That the Commissioner of Public Works repair the food services fan at the Winter Hill School and/or take measures to muffle the noise it creates, so that it is no longer a disturbance to neighbors.
18. Order By Ald. Desmond, O'Donovan
That the Director of Recreation re-schedule the public skating hours to what they've been in previous years.
19. Order By Ald. Desmond, Taylor, O'Donovan
That the Commissioner of Public Works fill the pothole at the intersection of Summer and Porter Streets.
20. Ordinance By Ald. Desmond, Roche, Sullivan, Gewirtz, O'Donovan, Heuston
That this Board amends Ordinance Section 2-355, aka The Responsible Employer Ordinance, as noted within. (see attachment)
21. Order By Ald. Connolly
That the Chief of Police advise this Board of the overall training goals for all management personnel and patrol officers for the balance of the fiscal year.
22. Order By Ald. Connolly, Trane
That the Commissioner of Public Works repair the potholes on Broadway, between Curtis and Mason Streets.
23. Order By Ald. Connolly, Gewirtz
That the Commissioner of Public Works direct the appropriate utility to repair the streetlamp on Bay State and Kidder Avenues.
24. Order By Ald. Taylor
That the Commissioner of Public Works direct the appropriate utility to remove the double pole at 6 Putnam Street. (2nd notice-see #189702).
25. Order By Ald. Taylor
That the Commissioner of Public Works investigate the use of a brine solution to treat public/private ways during inclement weather in winter.

26. Resolution By Ald. Taylor
That this Board requests that the Dedication Commission provide the Ward 3 Alderman with an update on the June 24, 2010 request (#189303) to name the corner of Summer and Putnam Streets in memory of Gilbert Ribeiro.
27. Order By Ald. Taylor
That the Director of Communications publicize the specifics of the city's snow plowing plan to inform the public of the reasons that snow is plowed toward the even side of streets.
28. Order By Ald. Taylor
That the Director of SPCD provide this Board with an update of the zoning study preserving RA and RB zoned districts.
29. Communication By Ald. Gewirtz
As President, conveying recent activities of the School Committee.

UNFINISHED BUSINESS

REPORTS OF COMMITTEES

30. CONFIRMATION OF APPOINTMENTS COMMITTEE

- A. Committee Report Report of the Committee on Confirmation of Appointments, January 20, 2011.
- B. Mayor's Request Requesting the re-appointment of Jared Falcon as Constable.
- C. Mayor's Request Requesting the re-appointment of Darcy Haynes as Constable.
- D. Mayor's Request Requesting the re-appointment of Robert Lomanno as Constable.
- E. Mayor's Request Requesting the re-appointment of Catello Battinelli as Constable.
- F. Mayor's Request Requesting the re-appointment of Charles Carneglia as Constable.
- G. Mayor's Request Requesting the re-appointment of Pasquale DeFeo as Constable.

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| H. | Mayor's Request | Requesting the re-appointment of Alan Bishop as Constable. |
| I. | Mayor's Request | Requesting the re-appointment of Daniel Willinger as Constable. |
| J. | Mayor's Request | Requesting the re-appointment of Mark Snider as Constable. |
| K. | Mayor's Request | Requesting the re-appointment of Ronald DiGiorgio as Constable. |
| L. | Mayor's Request | Requesting the re-appointment of Rocco Marciello as Constable. |
| M. | Mayor's Request | Requesting the re-appointment of Mark Davis as Constable. |
| N. | Mayor's Request | Requesting the re-appointment of Joseph Figler as Constable. |
| O. | Mayor's Request | Requesting the re-appointment of Frederick Mangone as Constable. |

31. CONFIRMATION OF APPOINTMENTS COMMITTEE

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| A. | Committee Report | Report of the Committee on Confirmation of Appointments, January 27, 2011. |
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32. FINANCE COMMITTEE

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| A. | Committee Report | Report of the Committee on Finance, January 24, 2011. |
| B. | Mayor's Request | Requesting an appropriation of \$127,000 from the Capital Projects Stabilization Fund to study the potential acquisition of certain properties in Union Square for a new Main Library and municipal facility. |
| C. | Mayor's Request | Requesting an appropriation of \$22,400 from the Capital Projects Stabilization Fund to conduct an exterior envelope study of the High School. |
| D. | Mayor's Request | Requesting an appropriation of \$21,800 from the Capital Projects Stabilization Fund to conduct a City Hall facade and interior renovation study. |
| E. | Mayor's Request | Requesting approval to accept a PARC Grant of \$256,000 from the Division of Conservation Services for Dickerman Playground construction costs. |

- F. Mayor's Request Requesting the appropriation of \$400,000 in Capital Funds from the Assembly Square Stabilization Fund for Dickerman Playground renovation.
- G. Mayor's Request Requesting acceptance of a PARC Grant of \$384,000 from the Division of Conservation Services for Morse-Kelley Playground construction costs.
- H. Mayor's Request Requesting approval to appropriate \$600,000 in Capital Funds from the Assembly Square Stabilization Fund for Morse-Kelley Playground renovation.
- I. Mayor's Request Requesting the acceptance of a \$403,200 PARC grant from the Division of Conservation Services for the acquisition of 3 parcels at 15-25 Cross Street East (Map 89, Block K, Parcels 14, 15, and 16).
- J. Mayor's Request Requesting the appropriation of \$630,000 in Capital Funds from the Assembly Square Stabilization Fund for the acquisition of three parcels at 15-25 Cross Street East (Map 89, Block K, Parcels 14, 15, and 16).
- K. Mayor's Request Requesting the acquisition of three East Somerville parcels at 15-25 Cross Street East (Map 89, Block K, Parcels 14, 15, and 16) for a new Harris Park.
- L. Mayor's Request Requesting the appropriation of \$170,047 from the Receipts Reserved for Appropriation-Insurance Losses Acct. to DPW and Police Flood Costs Accts. to pay expenses related to the July 10, 2010 Flood.
- M. Mayor's Request Requesting the transfer of \$6,454 from the Water Enterprise Salary Contingency Acct. to the Water Enterprise Salaries Acct. to establish the position of Director of Administration & Finance, Water/Sewer Enterprise Funds.

33. LAND USE COMMITTEE

- A. Committee Report Report of the Committee on Land Use, January 24, 2011.
- B. Mayor's Request Requesting approval to dedicate Dickerman Playground to open space and recreational use in perpetuity.
- C. Mayor's Request Requesting approval to dedicate the Morse-Kelley Playground to open space and recreational use in perpetuity.
- D. Mayor's Request Requesting approval of a Home Rule Petition authorizing the City to discontinue the existing Harris Park at 0 Cross Street and replace it with a new Harris Park at 15-25 Cross Street East.

- E. Officer's Communication Planning Board, Submitting a Recommendation Re: #188305, a Proposed Amendment to the Zoning Ordinance to Include a Senior Housing Use.
- F. External Communication Elaine Leary Submitting Comments Re: #188305, a Proposed Zoning Amendment to Facilitate Senior Housing, and Comments Re: #188681-188685, Proposed Zoning Ordinances Submitted by Ten Registered Voters.
- G. External Communication Katherine Wheeler Submitting Comments Re: #188681-188685, Proposed Zoning Ordinances Submitted by Ten Registered Voters.
- H. External Communication Molly and David Harris Submitting Comments Re: #188681-188685, Proposed Zoning Ordinances Submitted by Ten Registered Voters.
- I. External Communication Teri Swartzel Submitting Comments Re: #188681-188685, Proposed Zoning Ordinances Submitted by Ten Registered Voters.
- J. Legislative Item Requesting Approval of an Amendment to the Zoning Ordinance to Modify the Parking Requirements in Article 9 for the Large Retail and Service Cluster in Certain Districts.
- K. Legislative Item Ten Registered Voters/Somerville Residents for Sensible Development Requesting Approval of an Amendment to the Zoning Ordinances to Require the Submission of a Pro Forma Financial Analysis to the Special Permit Granting Authority.
- L. Legislative Item Ten Registered Voters/Somerville Residents for Sensible Development Requesting Approval of an Amendment to the Zoning Ordinances to Prohibit Certain Residential Uses Within 150 Feet of an Active Railroad Right-Of-Way Grade Crossing.
- M. Legislative Item Ten Registered Voters/Somerville Residents for Sensible Development Requesting Approval of an Amendment to the Zoning Ordinances to Prohibit the Use of Tandem Parking for Any Off-Street Parking Plan.
- N. External Communication Lynn McWhood Submitting Comments Re: #188685, a Proposed Zoning Amendment to Disclose Everyone Holding an Interest in a Special Permit or Variance Application.

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| O. | External Communication | Jessica Ziegler Submitting Comments Re: #188847, a Proposed Zoning Amendment to Amend Allowable Uses, Requirements for Special Permits, and Purpose Statements in IA and IP Zones. |
| P. | External Communication | Fred Berman, Submitting Comments Re: #'S188681-188685, Five Proposed Zoning Amendments Submitted by Somerville Residents for Sensible Development. |
| Q. | External Communication | Somerville Chamber of Commerce Submitting Comments Re: #188847, a Proposed Zoning Amendment to Amend Allowable Uses, Requirements for Special Permits, and Purpose Statements in IA and IP Zones. |
| R. | External Communication | Charles McKenzie and Devens Hamlen Submitting Comments Re: #188847, a Proposed Zoning Amendment to Amend Allowable Uses, Requirements for Special Permits, and Purpose Statements in IA and IP Zones. |
| S. | External Communication | Triumvirate Environmental Submitting Comments Re: #188847, a Proposed Zoning Amendment to Amend Allowable Uses, Requirements for Special Permits, and Purpose Statements in IA and IP Zones. |
| T. | External Communication | William McLaughlin Submitting Comments Re: #188847, a Proposed Zoning Amendment to Amend Allowable Uses, Requirements for Special Permits, and Purpose Statements in IA and IP Zones. |
| U. | External Communication | Inner Belt Realty Trust Submitting Comments Re: #188847, a Proposed Zoning Amendment to Amend Allowable Uses, Requirements for Special Permits, and Purpose Statements in IA and IP Zones. |
| V. | Officer's Communication | Planning Board Submitting Recommendations Re: #188847, a Proposal to Amend the Zoning Ordinances for Allowable Uses, Requirements for Special Permits, and Purpose Statements in IA and IP Zones. |
| W. | Officer's Communication | Planning Board Submitting Recommendations Re: #'S 188681, 188682, 188683, 188684 and 188685, Proposals to Amend the Zoning Ordinances Submitted by Ten Registered Voters on Jan. 14. |
| X. | Mayor's Communication | Review of Proposed Amendments to the Somerville Zoning Ordinance Submitted by Somerville Residents for Sensible Development on March 7, 2010 |

- Y. Officer's Planning Board Conveying Its Recommendations with
Communication Respect to the Proposed Ordinance Amending the
Floodplain Overlay District in the Somerville Zoning
Ordinance to Comply with 44 Code of Federal
Regulations (CFR) Seciton 60.3(D) of the National
Flood Insurance Program (NFIP) Regulations.

34. LEGISLATIVE MATTERS COMMITTEE

- A. Committee Report Report of the Committee on Legislative Matters,
January 25, 2011.
- B. Order By Ald. Sullivan
- That the City Solicitor provide an opinion on whether
this Board may prevent a convicted felon from holding
elected office and whether this provision should be
included in the city charter.

35. LICENSES AND PERMITS COMMITTEE

- A. Committee Report Report of the Committee on Licenses and Permits,
January 20, 2011.
- B. License/Permit Renewing Used Car Dealers License Class 2, CM Auto
Sales, 30 Joy St., 40 cars.
- C. License/Permit Renewing Used Car Dealers License Class 2, GE & M
Auto Service, 395 Alewife Brook Pkwy., 10 cars
outside.
- D. License/Permit Renewing Used Car Dealers License Class 2, Inman
Motor Sales, 39 Webster Ave., 30 autos outside.
- E. License/Permit Renewing Used Car Dealers License Class 2,
Motorcycles and More LLC, 109 Bailey Rd., No autos.
- F. License/Permit New Drain Layer's License, D. Muzzioli Associates
Inc.
- G. License/Permit Renewing Bus Route, Joseph's Transportation Inc.,
Tufts to Davis Sq. route.
- H. License/Permit Renewing Used Car Dealer's License Class 1,
Riverside, 2 Union Sq., 85 autos.
- I. License/Permit Renewing Used Car Dealer's License Class 2,
Riverside, 2 Union Sq., 2 autos, 15 motorcycles.
- J. License/Permit Renewing Used Car Dealer's License Class 2, Auto
Brokers of Somerville, 182 Washington St., 26 autos.

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| K. | License/Permit | Renewing Used Car Dealer's License Class 2, Automotive Transport Service, 495 Columbia St., 10 autos in. |
| L. | License/Permit | Renewing Used Car Dealer's License Class 2, Green Automotive Inc., 600 Windsor Place, 20 autos in. |
| M. | License/Permit | Renewing Used Car Dealer's License Class 2, Pat's Auto Body Inc., 182 Washington St., 27 autos. |
| N. | License/Permit | Renewing Used Car Dealer's License Class 2, Pat's Auto Body Inc., 161 Linwood St., 15 autos. |
| O. | License/Permit | Renewing Used Car Dealer's License Class 2, Pat's Auto Body Inc., 308 McGrath Hwy., 12 autos. |
| P. | License/Permit | Renewing Used Car Dealer's License Class 2, John's Auto Sales, 181 Somerville Ave., 38 autos. |
| Q. | License/Permit | Renewing Used Car Dealer's License Class 2, All Rite Collision LLC, 38-42 Medford St., 10 autos. |
| R. | License/Permit | Renewing Used Car Dealer's License Class 2, Benny's Auto Sales, 508 Somerville Ave., 2 autos in, 8 out. |
| S. | License/Permit | 2010 Renewing Used Car Dealer's License Class 2, Benny's Auto Sales, 508 Somerville Ave., 2 autos in, 8 out. |

36. PUBLIC HEALTH AND PUBLIC SAFETY COMMITTEE

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| A. | Committee Report | Report of the Committee on Public Health and Public Safety, January 25, 2011. |
| B. | Board Communication | By Ald. Heuston
That the City Solicitor Provide the Committee on Public Health and Public Safety with a Report on the Use and Licensing of Public Address Systems as Well as the Noise Ordinance, was Approved. |
| C. | Officer's Communication | Response to Order #189278 - Use and Licensing of Public Address Systems as Well as the Noise Ordinance |
| D. | Resolution | By Ald. Sullivan, Gewirtz, White Jr.
That This Board Requests that the Administration Update This Board on Any Fire Department Studies. |

- E. Order By Ald. Connolly
- That the Chief of Police Determine the Process of Applying for a One Day Beer and Wine License and Report that Information to the Committee on Public Health and Public Safety.
- F. Order By Ald. White Jr.
- That the Director of SPCD (ISD) Consult with the Law Office to Obtain an Administrative Search Warrant to Examine 22 Forster Street and Then Issue All Appropriate Citations and Pursue Legal Action If Necessary.
- G. Order By Ald. Heuston, Roche
- The Director of Transportation and the Director of Traffic and Parking Provide This Board with Information Regarding Two Mass DOT Bridge Reconstruction Projects and their Potential Negative Impacts: the Craigie Street Drawbridge at Leverett Circle and the O'Brien Highway, and the Longfellow Bridge Project.
- H. Order By Ald. Desmond, O'Donovan, Connolly, Sullivan
- That the Commissioner of Public Works check Albion Park and Albion street each morning for discarded hypodermic needles and syringes as they have recently been found in and around the park.
- I. Order By Ald. O'Donovan
- That the Director of Traffic and Parking appear before this Board's Committee on Traffic and Parking regarding vehicles exiting from Clyde Street onto Cedar Street.
- J. Order By Ald. Roche
- That the Chief of Police inform This Board If the Mayor's public statement of the city's support of all immigrants includes eliminating the SPD's General Order 2009-11, which states in part that notification of the Immigration and Customs Enforcement Agency will only be authorized if a non-resident is arrested for murder, sexual Offenses, narcotics trafficking, or other serious offenses.
- K. Order By Ald. O'Donovan
- That the Director of Traffic and Parking appear before the Committee on Public Health and Public Safety to discuss speeding on the south side of the Lowell Street Bridge.

- L. Order By Ald. Heuston
That the Chief of Police and the Director of SPCD (ISD) create a plan to address noise issues at 26 Mansfield Street and 9 Ward Street.
- M. Order By Ald. Roche, Sullivan
That the Chief of Police inform this Board if the Mayor's public statement of the city's support of all immigrants includes eliminating the SPD's General Order 2009-11, which states in part that notification of the Immigration and Customs Enforcement Agency will only be authorized if a non-resident is arrested for murder, sexual offenses, narcotics trafficking, or other serious offenses. (2nd request)

37. PUBLIC UTILITIES AND PUBLIC WORKS COMMITTEE

- A. Committee Report Report of the Committee on Public Utilities and Public Works, January 20, 2011.
- B. Order By Ald. Desmond
That the City Solicitor determine the city's ability to store snow removal equipment at the Magoun Square CVS parking lot.
- C. Order By Ald. Connolly
That the Director of Traffic and Parking and the City Solicitor review the Basil Tree agreement for parking vans overnight in the Magoun Square CVS parking lot, in light of the Public Utilities and Public Works Committee's recommendation that those vans be removed from the lot during a snow emergency to allow for proper snow removal.
- D. Order By Ald. O'Donovan
That the Director of Traffic and Parking compare the number of metered and business parking spaces in the Magoun Square CVS parking lot with the spaces allocated in the contract with the city.

COMMUNICATIONS OF THE MAYOR

38. Mayor's Request Requesting an amendment to the Zoning Ordinance to establish minimum pervious area requirements on lots in certain zoning districts.
39. Mayor's Request Requesting an amendment to the Code of Ordinances to establish regulations for paving driveways and other impervious surfaces.

40. Mayor's Request Requesting acceptance of a Sustainable Community Challenge Grant of \$1.8 million from the Dept. of Housing & Urban Development for several SPCD initiatives, including the Comprehensive Plan, Green Line planning, a rewrite of the zoning ordinance, streamlining the permitting process, and a land bank for affordable housing.
41. Mayor's Request Requesting that this Board accept this report on the update to the Comprehensive Plan and provide comments on it to SPCD staff.
42. Mayor's Request Requesting the appointment of Scott Breaker as Constable.
43. Mayor's Request Requesting the re-appointment of Michael Browne as Constable.
44. Mayor's Request Requesting the re-appointment of Robert Sweeney as Constable.
45. Mayor's Request Requesting the re-appointment of James DiFraia as Constable.
46. Mayor's Request Requesting the re-appointment of Timothy McGonigal as Constable.
47. Mayor's Request Requesting the re-appointment of Matthew Derany as Constable.

COMMUNICATIONS OF CITY OFFICERS

48. Officer's Request City Solicitor requesting to pay a prior fiscal year invoice of \$4,600 in the Law Office to Lucy Jen.
49. Officer's Request City Solicitor requesting to pay a prior fiscal year invoice of \$125 in the Law Office to the Boston Bar Assn.
50. Officer's Communication Traffic and Parking Director responding to #190690 re: a STOP sign at Bow Street and Somerville Avenue.

NEW BUSINESS

51. License/Permit Renewing Garage License, Frongillo Realty, 0 Spring Hill Terrace, 19 autos inside.
52. License/Permit Renewing 2009 Garage License, Frongillo Realty, 0 Spring Hill Terrace, 19 autos inside.
53. License/Permit Renewing 2008 Garage License, Frongillo Realty, 0 Spring Hill Terrace, 19 autos inside.

- 54. License/Permit Renewing 2007 Garage License, Frongillo Realty, 0 Spring Hill Terrace, 19 autos inside.
- 55. License/Permit Renewing 2006 Garage License, Frongillo Realty, 0 Spring Hill Terrace, 19 autos inside.
- 56. License/Permit Renewing 2005 Garage License, Frongillo Realty, 0 Spring Hill Terrace, 19 autos inside.

SUPPLEMENTAL ITEMS

- 57. Order By Ald. Sullivan, Roche
That the Commissioner of Public Works install a trash barrel near the bus stop on Washington Street, across from Cobble Hill Apartments.
- 58. Mayor's Request Requesting acceptance of a donation of \$10,000 from Spectra Energy Transmission to support community-based projects involving the Dept. of Public Works.
- 59. Mayor's Request Requesting acceptance of a donation of \$5,000 from Powderhouse Productions to support community events, programs and other municipal initiatives.
- 60. Mayor's Request Requesting the Appointment of John E. Hultgren to the Conservation Commission
- 61. License/Permit New Drainlayer's License, Pandolfo Co.
- 62. License/Permit New Flammables License, Cedars Petroleum, 182 Pearl St., 17,000 gallons.
- 63. License/Permit New Garage License, Cedars Petroleum, 182 Pearl St., Mechanical repairs only, 2 autos inside, 4 outside.
- 64. License/Permit New Garage License, A&M Foreign Motors, 400 Mystic Ave., Mechanical repairs, storing registered autos, 4 autos inside, 8 outside.

LATE ITEMS

ADJOURNMENT

Adjournment

Submitted by John J. Long, City Clerk