

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

REGULAR MEETING AGENDA

December 13, 2012, 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,
November 8, 2012.

CITATIONS

3. Citation By Ald. Connolly, and the Entire Board and the Mayor
Commending Raymond Zonghetti, who was recently
awarded the Chamber of Commerce's 2012 Lifetime
Achievement Award for his many years of civic
engagement.

4. Citation By Ald. Connolly, and the Entire Board and the Mayor
Commending Robert Nissenbaum for his outstanding
service to the children of Somerville in 38 years of
service to the Kiwanis Club.

PUBLIC HEARINGS

ORDERS, ORDINANCES, RESOLUTIONS AND MOTIONS OF MEMBERS

5. Order By Ald. O'Donovan
That the Commissioner of Public Works repair all
sidewalk panels at 27 Josephine Avenue.

6. Order By Ald. O'Donovan
That the Chief of Police enforce the STOP sign between
Highland Road and Boston Avenue.

7. Order By Ald. O'Donovan
That the Director of Traffic and Parking place a NO
TURN 4 – 6 PM sign at Glenwood Road from Medford
Street.

8. Order By Ald. O'Donovan
That the Commissioner of Public Works and the
Director of SPCD construct handicap crosswalks and
ramps at Highland Avenue and Kidder Avenue.

9. Order By Ald. O'Donovan
That the Director of SPCD and the City Arborist analyze the safety of the large tree across from the Kennedy School and report back in writing to the Ward 5 Alderman.
10. Order By Ald. O'Donovan
That the Director of Traffic and Parking place two speed limit signs on Mossland Street.
11. Order By Ald. O'Donovan
That the Director of SPCD report back to the Ward 5 Alderman regarding noise created by the retaining wall along the railroad tracks at the former MaxPak site.
12. Order By Ald. O'Donovan
That the Commissioner of Public Works replace the hot-top patch at 6 Mossland Street.
13. Resolution By Ald. O'Donovan
That this Board requests that the Administration and the City Engineer submit a bond to this Board to rectify the drainage issues on Cedar Street.
14. Order By Ald. O'Donovan
That the Commissioner of Public Works erect a barrier or fence at the bottom of Nashua Street that can withstand the force of snow plows pushing snow into it.
15. Order By Ald. O'Donovan
That the Commissioner of Public Works address the storm drain and runoff issues at the bottom of Nashua Street.
16. Order By Ald. O'Donovan, Gewirtz
That the Commissioner of Public Work and the Director of SPCD report to this Board regarding re-surfacing and drainage measures on the developed community.
17. Order By Ald. O'Donovan
That the Director of SCPD (ISD) inspect the rear of 495 Medford Street daily and cite the owner for violations, and that this Board's Committee on Public Health and Safety follow up.

18. Order By Ald. Desmond, Connolly, Sullivan, White Jr.
That the Chief of Police order directed patrols to the Armory after 8 PM on Thursday, Friday and Saturday evenings and have those patrols ready to record noise levels from homes directly abutting it.
19. Resolution By Ald. Desmond, Roche, and the Entire Board
That this Board requests that the Dedication Committee dedicate the corner of Walnut Street and Broadway in honor of Paul I. McCarthy, a decorated WW II veteran and former Alderman.
20. Resolution By Ald. Heuston
That this Board requests that the Administration provide this Board with an analysis of potential mid-year cuts in state aid on the budget, and contingency plans to maintain current services if the cuts are implemented.
21. Order By Ald. Trane
That the City Solicitor draft an ordinance banning the use of polystyrene containers for take-out food service.
22. Resolution By Ald. Roche
That this Board requests that the Administration, the Director of Traffic and Parking and the Commissioner of Public Works work with the ESCS contractor to coordinate the installation of raised crosswalks around the school.
23. Order By Ald. Roche
That the City Clerk request our state delegation to contact the MA Highway Dept. to increasing pedestrian lighting under I-93, outside the Sullivan Sq. T Station.
24. Order By Ald. Roche
That the Director of SPCD (ISD) inspect all properties on Melvin Street for signs of rodent infestation and issue citations accordingly.
25. Ordinance By Ald. Roche, Connolly
That Zoning Ordinance 6.4.8.D(2)(b) be amended as attached to permit a ground floor supermarket that exceeds the Ground Level Retail Size Cap in the Assembly Square Mixed-Use District, as proposed by Federal Realty Investment Trust.

26. Order By Ald. White Jr., Lafuente
That the City Solicitor's Office, SPCD, the Human Rights Commission, and the Commission for Persons with Disabilities review the conduct of the owner of 100 Fellsway West in denying a unit to the winner of the lottery for an affordable unit, including whether such conduct violates the special permit and whether any legal action and/or fines can be initiated.
27. Order By Ald. Lafuente, White Jr., Sullivan
That the City Solicitor examine the proposed ordinances of Quincy, Boston and Woburn regarding absentee landlords and appear before this Board's Committee on Legislative Matters to discuss the implementation of a similar ordinance.
28. Order By Ald. Lafuente, White Jr., Sullivan
That the Director of Traffic and Parking paint all crosswalks on Shore Drive.
29. Order By Ald. Lafuente, White Jr., Sullivan
That the Commissioner of Public Works repair the lifted crosswalks at 99 and 107 Ten Hills Road.
30. Order By Ald. Connolly, Desmond, Sullivan, White Jr., Gewirtz
That the Chief of Police furnish this Board with the mission statement of the Somerville Police Relief Association and advise the members of the telephone solicitation methods currently utilized for fund-raising.
31. Order By Ald. Connolly, Gewirtz
That the Commissioner of Public Works repair/replace the missing bricks in front of the store entrance at 1 Davis Square.
32. Order By Ald. Connolly
That the Commissioner of Public Works repair/replace the out of service streetlamps on College Avenue, between Powderhouse Rotary and Chapel Street.
33. Communication By Ald. Taylor
In his capacity as a member of the School Committee, conveying a report of the School Committee's activities.

UNFINISHED BUSINESS

REPORTS OF COMMITTEES

34. FLOOD FORUM SPECIAL COMMITTEE

1. Committee Report Report of the Flood Forum Special Committee, meeting on November 26, 2012.

35. LEGISLATIVE MATTERS COMMITTEE

- A. Committee Report Report of the Committee on Legislative Matters, meeting on December 4, 2012.
- B. Order By Ald. Gewirtz
That the Director of SPCD inform this Board how the city can protect our residents when developers with a history of building or other code violations seek permits for new projects.
- C. Order By Ald. Roche
That the City Solicitor research existing domestic violence ordinances in other communities and prepare a report for this Board's Committee on Legislative Matters.
- D. Mayor's Request Requesting the classification of the Mayor's Advisor for Children and Youth as a Special Municipal Employee, and the approval of an exemption under Section 20(d) of G. L. c. 268A for Stephanie Hirsch.
- E. Order By Ald. Sullivan, Roche
That the Director of SPCD contact the appropriate state agency to request that train operators utilize the train's horn only when necessary, especially in the areas of Cobble Hill, Tufts Street, 240 Pearl Street, and Montrose Street at School Street.
- F. Officer's Communication Licensing Commission requesting the amendment of Ordinance 2-219(a) to require that Public Hearings be held not less than 10 days after the first publication of the required legal notice.
- G. Mayor's Request Requesting acceptance of MGL c59 s5N re: veterans' earned tax abatements.
- H. Order By Ald. O'Donovan, Heuston, Gewirtz, Roche, Taylor, Connolly, Trane, and the Entire Board
That this Board finalize the pending ethics conflict of interest measure for non-profits, and that the City Solicitor appear before this Board to advise on this Board's power to force transparency.

- I. Order By Ald. Connolly
That the Chief of Police report to the Committee on Legislative Matters the number of junk dealers and pawn brokers operating in the city.

36. LICENSES AND PERMITS COMMITTEE

- A. Committee Report Report of the Committee on Licenses and Permits, meeting on December 12, 2012.
- B. License/Permit Public Event Permit, Jingle Bell Run Road Race, Davis Square and area streets, Dec 16, 5AM-2PM.
- C. License/Permit Public Event Permit, Race of Ireland Road Race, Davis Square and area streets, Mar 10, 2013, 5AM-2PM.
- D. License/Permit Renewing Used Car Dealers License Class 2, American Auto Gallery, 682 Mystic Ave.
- E. License/Permit New Used Car Dealers License Class 2, City Auto Sales, 463 McGrath Hwy., No cars inside, 30 cars outside, Open Mon-Sat 8-8, Sun 10-6.
- F. License/Permit Renewing Used Car Dealers License Class 2, Tech Auto Body, 9 Union Sq.
- G. License/Permit Renewing Used Car Dealers License Class 2, Mystic Auto Sales and Service, 712 Mystic Ave.

37. PUBLIC UTILITIES AND PUBLIC WORKS COMMITTEE

- A. Committee Report Report of the Committee on Public Utilities and Public Works, meeting on November 28, 2012.
- B. Order By Ald. Heuston
That the Commissioner of Public Works and the City Engineer inspect catch basins and roadway depressions on Adrian Street and take action to restore structural integrity and address problems of overflow.
- C. Order By Ald. Connolly
That the Director of Communications appear at the next scheduled meeting of the Committee on Public Utilities and Public Works.
- D. Order By Ald. Gewirtz
That the Commissioner of Public Works resolve the drainage problems at the foot of Newberne Street, south of Morrison Avenue.

- E. Order By Ald. Connolly, Desmond, Sullivan, White Jr., Heuston
That the Commissioner of Public Works repair non-working street lamps citywide.

38. PUBLIC UTILITIES AND PUBLIC WORKS COMMITTEE

- A. Committee Report Report of the Committee on Public Utilities and Public Works, meeting on December 13, 2012.

39. TRAFFIC AND PARKING COMMITTEE

- A. Committee Report Report of the Committee on Traffic and Parking, meeting on December 6, 2012.
- B. Mayor's Request Requesting approval of a Complete Streets Ordinance to insure equal access for all users of the public ways.
- C. Order By Ald. Roche
That the City Solicitor review the proposed ordinance, referred to as Chapter 12, Article VII, Complete Streets Ordinance, to limit city liability.
- D. Order By Ald. Roche
That the City Solicitor review the proposed ordinance, referred to as Chapter 12, Article VII, Complete Streets Ordinance, to determine what happens in Section (6) when state guidelines change; and to determine if the cost in Section (7) is proportional to the project and how the difference would impact the city.

40. 2013 BOARD OF ALDERMEN CAUCUS

- A. Committee Report Report of the Caucus of the 2013 Board of Aldermen, meeting on December 13, 2012.

COMMUNICATIONS OF THE MAYOR

- 41. Mayor's Request Requesting that this Board meet in Executive Session to discuss strategy with respect to collective bargaining with the Somerville Municipal Employees Association.
- 42. Mayor's Request Requesting an appropriation of \$704,000 and authorization to borrow \$704,000 in a bond for the replacement of City and School Core Network Infrastructure.

- 43. Mayor's Request Requesting an appropriation of \$177,545 from Receipts Reserved for Appropriation - Insurance Losses to the DPW to repair public damage caused by Hurricane Sandy.
- 44. Mayor's Request Requesting the appointment of Brendan Hughes to the position of permanent Fire Fighter.
- 45. Mayor's Request Requesting the appointment of James Piwinski to the position of permanent Fire Fighter.
- 46. Mayor's Request Requesting the appointment of Ross Richmond to the Human Rights Commission.
- 47. Mayor's Request Requesting the appointment of James Pero as Constable.
- 48. Mayor's Request Requesting the appointment of Michael Harvey as Constable.
- 49. Mayor's Request Requesting the re-appointment of Pasquale DeFeo, Jr., as Constable.
- 50. Mayor's Request Requesting the re-appointment of Matthew Derany as Constable.
- 51. Mayor's Request Requesting the re-appointment of Rocco Marciello as Constable.
- 52. Mayor's Request Requesting the re-appointment of Daniel Willinger as Constable.
- 53. Mayor's Request Requesting the re-appointment of Alan Bishop, as Constable.
- 54. Mayor's Request Requesting the re-appointment of Timothy McGonigal as Constable.
- 55. Mayor's Request Requesting the re-appointment of Kenneth Edwards as Constable.
- 56. Mayor's Request Requesting the re-appointment of Robert Sweeney as Constable.
- 57. Mayor's Request Requesting the re-appointment of Adrian Botelho as Constable.
- 58. Mayor's Request Requesting the re-appointment of Joseph Figler as Constable.
- 59. Mayor's Request Requesting the re-appointment of Catello Battinelli, Jr. as Constable.

- 60. Mayor's Request Requesting the re-appointment of Mark Snider as Constable.
- 61. Mayor's Request Requesting the re-appointment of Frederick Mangone as Constable.
- 62. Mayor's Request Requesting the re-appointment of Ronald DiGiorgio as Constable.
- 63. Mayor's Request Requesting the re-appointment of Robert Lomanno as Constable.

COMMUNICATIONS OF CITY OFFICERS

- 64. Officer's Communication Chief Assessor responding to Alderman White's question regarding the total dwelling unit count over the last 5 years.
- 65. Officer's Communication City Solicitor responding to #193845 and #193968 re: medical marijuana.
- 66. Officer's Communication Director of Traffic and Parking responding to various Board Orders.

NEW BUSINESS

- 67. License/Permit Public Event Permit, NBC Universal filming "Fatal Encounters," Gibbens St., Dec 14, 9-3PM.
- 68. License/Permit Public Event Permit, Argenziano School Chorus Caroling, Union Sq., Dec 19, 3-5PM.
- 69. License/Permit Public Event Permit, College Ave United Methodist Church Connexion Christmas, Davis Sq., Dec 24, 3:30-5PM.
- 70. License/Permit Renewing Open Air Vendor License, Agassiz Preschool, 184 Summer St.
- 71. License/Permit Renewing Outdoor Seating License, Au Bon Pain, 40 Holland St.
- 72. License/Permit Renewing Outdoor Seating License, Smart Tan, 258 Elm St.
- 73. License/Permit Renewing Outdoor Seating License, Pizzeria Posto, 187 Elm St.
- 74. License/Permit Renewing Outdoor Seating License, Boston Burger, 37 Davis Sq.
- 75. License/Permit Renewing Outdoor Seating License, Taipei Tokyo, 7 Holland St.

- 76. License/Permit Renewing Outdoor Seating License, El Potro Mexican Grill, 61 Union Sq.
- 77. License/Permit Renewing Outdoor Seating License, Joshua Tree, 256 Elm St.
- 78. License/Permit Renewing Outdoor Seating License, Five Horses Tavern, 400 Highland Ave.
- 79. License/Permit Renewing Outdoor Seating License, Dali Restaurant, 415 Washington St.
- 80. License/Permit Renewing Outdoor Seating License, The Burren, 247 Elm St.
- 81. License/Permit Renewing Garage License, American Auto Gallery, 682 Mystic Ave.
- 82. License/Permit Renewing Garage License, T.C. Auto Exchange, 176-178 Tremont St.
- 83. License/Permit Renewing 2011 Garage License, T.C. Auto Exchange, 176-178 Tremont St.
- 84. License/Permit Renewing Used Car Dealers License Class 1, Mercedes Benz of Boston, 259 McGrath Hwy.
- 85. License/Permit Renewing Used Car Dealers License Class 1, Smart Center Boston, 259 McGrath Hwy.
- 86. License/Permit Renewing Used Car Dealers License Class 2, Broadway Auto Sales, 525 Broadway.
- 87. License/Permit Renewing Used Car Dealers License Class 2, Pat's Towing, 160 McGrath Hwy.
- 88. License/Permit Renewing Used Car Dealers License Class 2, CM Auto Sales, 30 Joy St.
- 89. License/Permit Renewing Used Car Dealers License Class 2, Broadway Brake, 45 Broadway.
- 90. License/Permit Renewing Used Car Dealers License Class 2, Unlimited Auto Body, 471 Somerville Ave.
- 91. License/Permit Renewing Used Car Dealers License Class 2, John's Auto Sales, 181 Somerville Ave.
- 92. License/Permit Renewing Used Car Dealers License Class 2, Webster Auto Sales, 46 Webster Ave.
- 93. License/Permit Renewing Used Car Dealers License Class 2, Barnes and Walsh, 224 Somerville Ave.

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- 94. License/Permit Renewing Used Car Dealers License Class 2, William Doucette Auto Sales, 325 Alewife Brook Pkwy.
 - 95. License/Permit Renewing Used Car Dealers License Class 2, D.M. Auto Body, 48 Joy St.
 - 96. License/Permit Renewing Used Car Dealers License Class 2, Beacon and Park Auto Sales, 75 Park St.
 - 97. License/Permit Renewing Used Car Dealers License Class 2, Teele Square Auto, 1284 Broadway.
 - 98. License/Permit Renewing Used Car Dealers License Class 2, Hillside Service Center, 45 Mystic Ave.
 - 99. License/Permit Renewing Used Car Dealers License Class 2, 429 Corp., 109 Prospect St.
 - 100. License/Permit Renewing Used Car Dealers License Class 3, Nissenbaum Auto Parts, 0 Windsor St.
 - 101. License/Permit Renewing Used Car Dealers License Class 3, Nissenbaum Auto Parts, 480 Columbia St.
 - 102. License/Permit Renewing Used Car Dealers License Class 3, Joseph Talewsky and Son, 512 Columbia St.
 - 103. License/Permit Renewing Used Car Dealers License Class 3, Joseph Talewsky and Son, 517 Columbia St.
 - 104. License/Permit Renewing Used Car Dealers License Class 3, T.C. Auto Exchange, 176-178 Tremont St.
 - 105. License/Permit Renewing 2012 Used Car Dealers License Class 3, T.C. Auto Exchange, 176-178 Tremont St.
 - 106. License/Permit Sign/Awning Permit, Bright Horizons, 99 Dover St., one awning and one sign.
 - 107. License/Permit Sign/Awning Permit, Modelo Butcher Market, 501 Medford St., three awnings and one sign.

SUPPLEMENTAL ITEMS

- 108. Order By Ald. Taylor
That the Director of Traffic and Parking and the Chief Fire Engineer re-install the NO PARKING - FIRE LANE signs on Lowell Terrace.
- 109. Mayor's Request Requesting a Transfer of \$365,529 from Salary Contingency-Salaries to School Department-Salaries to fund salary increases for non-union School Department employees

- 110. License/Permit Renewing Outdoor Seating License, Mr. Crepe, 51 Davis Sq.
- 111. License/Permit Renewing Outdoor Seating License, True Grounds, 717 Broadway.
- 112. License/Permit Renewing Used Car Dealers License Class 2, Motobidia, 561 Windsor St.
- 113. License/Permit Renewing Used Car Dealers License Class 2, Green Automotive, 600 Windsor Pl.
- 114. License/Permit Renewing Used Car Dealers License Class 2, Motorcycles and More, 109 Bailey Rd.
- 115. License/Permit Renewing Used Car Dealers License Class 2, Lien's Auto Repair, 69 Bow St.

LATE ITEMS

ADJOURNMENT

Adjournment

Submitted by John J. Long, City Clerk