

City of Somerville, Massachusetts
Matters of business of the Board of Aldermen
in hands of the Clerk by 2PM the day of the meeting

REGULAR MEETING AGENDA

June 10, 2004, 7:00 PM
Aldermanic Chambers

OPENING OF THE MEETING

1. Call of the Roll.
2. Reading and approval of the minutes of the Regular Meeting of May 13, 2004.

PUBLIC HEARINGS

3. Petition NStar for a Grant of Location to install 199 ft. of conduit at 165 Beacon St.
4. Petition NStar for a Grant of Location to install 674 ft. of conduit in McGrath Highway at Longwood St. to Washington St. along Washington St. to Tufts St.
5. Petition NStar for a Grant of Location to install 7.5 ft. of conduit at 24 Howard St.
6. Petition Comcast for a Grant of Location to install 33 ft. of 4" conduit at 40-42 Murdock St.
7. Petition Comcast for a Grant of Location to install 38 ft. of 4" conduit at 100 Vernon St.
8. Petition RCN for a Grant of Location to install 35 ft. of 4" conduit at 100 Vernon St.
9. Petition RCN for a Grant of Location to install 6 ft. of 4" conduit at 1 Summer St.
10. Petition Verizon for a Grant of Location to install 35 ft. of 4" conduit at 100 Vernon St.
11. Petition Verizon for a Grant of Location to install 6 ft. of 4" conduit at 1 Summer St.

12. Petition **New Flammables License**
MLM Corp. d/b/a Trum Field Sunoco, 541 Broadway,
20,550 Gallons.

**ORDERS, ORDINANCES, RESOLUTIONS
AND MOTIONS OF MEMBERS**

13. Citation By Ald. Provost, White, Taylor and the Entire Board,
Celebrating the 100th anniversary of Congregation B’Nai
Brith in Somerville.
14. Citation By Ald. Sullivan, Congratulating Francis Ferraro who is
retiring after 35 years of dedicated service to the
schoolchildren of Somerville.
15. Order By Ald. Taylor, That the Chief of Police contact the
Licensing Commission to arrange an investigation of the 1
AM closing regulation at the Irish Eyes Pub in Union Sq.
16. Order By Ald. Taylor, That the Commissioner of Public Works
repair the sidewalk in front of 10 Putnam St.
17. Order By Ald. Taylor, That the Director of Traffic and Parking
replace the downed sign at the intersection of Bow and
Summer Sts.
18. Order By Ald. Taylor, That the Commissioner of Public Works
trim the tree branches that are obscuring the street light in
front of 19 Cambria St.
19. Order By Ald. Pero, That the Commissioner of Public Works cut
the overgrowth around the perimeter of the schoolyard at
the Winter Hill Community School.
20. Order By Ald. Pero, That the Director of Traffic and Parking
ticket vehicles for overnight and weekend commercial
parking on Butler Dr.
21. Order By Ald. Pero, That the Commissioner of Public Works
repair the sidewalks in the vicinity of 69 Shore Dr.,
opposite the Boathouse.
22. Order By Ald. Pero, That the Director of Health monitor the
accumulation of trash in the vicinity of the corner of
Marshall St. and Broadway and report any violations.
23. Order By Ald. Pero, That the Superintendent of Inspectional
Services inspect 44 Dartmouth St. for occupancy and
overcrowding, and that the Community Police Officer
monitor that location for infractions of the noise ordinance.

24. Resolution By Ald. Pero and O'Donovan, That this Board requests that the Mayor proclaim June 14, 2004, as Henry Hansen Day.
25. Order By Ald. Pero and White, That the City Clerk send a communication to the Boston Postmaster requesting that a report on the status of the Winter Hill Post Office be forwarded to this Board and to the Director of Strategic Planning and Community Development.
26. Resolution By Ald. Connolly, That this Board requests that the Licensing Commission, the Mayor and this Board's Committee on Licenses and Permits, acting as a Committee of the Whole, meet ASAP to discuss the implications of possible 2 AM closings in all-forms licensed premises.
27. Order By Ald. Connolly, That the Commissioner of Public Works trim the trees on Willow Ave. from Elm to Summer Sts.
28. Order By Ald. Connolly, That the Director of Traffic and Parking post NO PARKING signs all day opposite 45 Russell St., on June 18, to allow the homeowner to move personal belongings out of the home to a new location.
29. Order By Ald. Trane, That the Chief of Police order a directed patrol of the Tot Lot area at Dilboy to monitor any illegal activity.
30. Order By Ald. Trane, That the Commissioner of Public Works repair the hole in the fence between the North St. Playground and the Veterans Cemetery.
31. Order By Ald. Trane, That the Commissioner of Public Works replace the sidewalk in front of 148 North St.
32. Order By Ald. Trane, That the Superintendent of Inspectional Services keep the Ward 7 Alderman informed of the progress of complaints lodged against the owner of 32 Chetwynd Rd., including any court dates.
33. Order By Ald. Trane, That the Commissioner of Public Works install a wide curb cut for the playground area at the rear of the West Somerville Neighborhood School so that sweeping and plowing equipment can more easily access the yard.
34. Order By Ald. Trane, Sullivan, Desmond, Provost and White, That the Commissioner of Public Works survey all city schoolyards and take appropriate action to ensure that access can be provided for street sweeping equipment.

35. Order By Ald. Trane, Sullivan, Desmond and White, That the Director of Traffic and Parking consider purchasing YIELD TO PEDESTRIAN signs to be placed on stands in various crosswalks across the city.
36. Order By Ald. O'Donovan, That the Commissioner of Public Works schedule a meeting between the Ward 5 Alderman and the City Solicitor regarding 61 Clyde St.
37. Order By Ald. O'Donovan, That the Chief of Police order a directed patrol of Albion Park, as well as above and below the Lowell St. Bridge, from Thursday through Sunday evenings and into the following early morning hours.
38. Resolution By Ald. O'Donovan, That this Board requests that the Traffic Commission designate the area of Lowell St. and Highland Ave. for permit parking.
39. Order By Ald. O'Donovan, That the Commissioner of Public Works place PARK CLOSED AT 10 PM signs at any and all parks lacking such notice.
40. Order By Ald. Trane, That the Commissioner of Public Works inform all utilities and contractors that no street opening permits will be issued July 26-29 to ensure safe passage through the city and minimize traffic delays due to detours and road closings caused by the DNC.
41. Order By Ald. Heuston, That the Director of Traffic and Parking paint the crosswalks in Union Square, along Prospect St., Webster Ave, and on the streets surrounding Lincoln Park.
42. Resolution By Ald. Heuston, That this Board requests that the Dedication Committee review a request from the Friends of Lincoln Park for the dedication of a bench in memory of Ross and Laura Brimer who devoted many years' time and effort to preserving and caring for the Park.
43. Order By Ald. Provost, That the City Solicitor advise this Board forthwith whether the School Custodians can be transferred to the DPW without a Home Rule Petition amending or repealing Sec. 40A.1 of the City Charter.
44. Order By Ald. Provost, That the City Solicitor advise this Board forthwith whether the Condominium Review Board any longer performs any discretionary functions, and whether the remaining lawful duties of the Board under the Condominium Review Ordinance require the services of a deliberative body, or could be handled administratively.

45. Order By Ald. Provost, That the City Solicitor advise this Board forthwith as to the statutory duties of the Board of Health, and whether, consistent with Section 38 of the City Charter, the Board of Health can be eliminated from the city budget and from the Health Department.
46. Order By Ald. Provost, That the Commissioner of Public works report on when the lot on Austin St. will be cleaned.
47. Resolution By Ald. Provost, That this Board supports the State Senate's proposal to end diversion of lottery revenues in FY 06, and hereby requests the city's Representatives to support the Senate plan, rather than the current House plan, which would redirect lottery funds to cities and towns until FY 08.
48. Order By Ald. Provost, Heuston and Taylor, That the Commissioner of Public Works, or other appropriate department head, inform this Board: 1) of the total amount paid to the city for removal of and/or damage to public street trees as a consequence of the MWRA Spot Pond Supply Mains Project (itemized); 2) whether such compensation was paid into general revenues, or into some special account; 3) what amounts were spent on the landscaping of the Bow St. traffic island, and any other plantings of street trees to replace those removed; and 4) what warranties exist on the landscaping, and what the city's plan is for ensuring survival of all such new plantings.
49. Order By Ald. Provost, O'Donovan and White, That the City Solicitor advise this Board on the status of the pending litigation against the owner of 35R Lexington Ave., the status of the May 9, 2003, "Notice of Noncompliance" issued there by DEP, and whether DEP has taken any action to enforce that notice.

UNFINISHED BUSINESS

None

COMMUNICATIONS FROM THE MAYOR

50. Mayor's Comm. Conveying the DPW program/performance budget for FY2005.
51. Mayor's Comm. Conveying the FY 05 operating budgets for the Water and Sewer Enterprise Funds.
52. Mayor's Request Requesting the reauthorization of the Cable Telecommunications Revolving Fund for FY 05 under the provisions of MGL c44 s53E½.

53. Mayor's Request Requesting the authorization of the Historical Celebration Fund for FY 05 under the provisions of MGL c44 s53E½.
54. Mayor's Request Requesting the authorization of the Developer Inclusionary Ads Revolving Fund for FY 05 under the provisions of MGL c44 s53E½.
55. Mayor's Request Requesting the authorization of the First Time Homebuyer Revolving Fund for FY 05 under the provisions of MGL c44 s53E½.
56. Mayor's Request Requesting the authorization of the Conversation Commission Revolving Fund for FY 05 under the provisions of MGL c44 s53E½.
57. Mayor's Request Requesting the authorization of the Planning and Zoning Revolving Fund for FY 05 under the provisions of MGL c44 s53E½.
58. Mayor's Request Requesting the authorization of the Human Rights Commission Revolving Fund for FY 05 under the provisions of MGL c44 s53E½.
59. Mayor's Request Requesting the reauthorization of the Traffic and Parking Sign Revolving Fund for FY 05 under the provisions of MGL c44 s53E½.
60. Mayor's Request Requesting the reauthorization of the Adopt a Spot Revolving Fund for FY 05 under the provisions of MGL c44 s53E½.
61. Mayor's Request Requesting the reauthorization of the Commission for Women Revolving Fund for FY 05 under the provisions of MGL c44 s53E½.
62. Mayor's Request Requesting the reauthorization of the Council on Aging Revolving Fund for FY 05 under the provisions of MGL c44 s53E½.
63. Mayor's Request Requesting the reauthorization of the Environmental Protection Revolving Fund for FY 05 under the provisions of MGL c44 s53E½.
64. Mayor's Request Requesting the reauthorization of the Parks Revolving Fund for FY 05 under the provisions of MGL c44 s53E½.
65. Mayor's Request Requesting a transfer of \$10,015.95 from the Executive Administration Ordinary Maintenance Accts. to the Executive Administration, Personal Services., Salaries Account.

66. Mayor's Request Requesting a transfer of \$30,000.00 from DPW Administration, Motor Gas & Oil Acct to DPW Sanitation Div., Rubbish Removal Acct.
67. Mayor's Request Requesting a transfer of \$35,731.00 from DPW Hwy. Div., Wages to the DPW Sanitation Div., Rubbish Removal Acct.
68. Mayor's Request Requesting a transfer of \$5,000.00 from Debt Service, Lease/Purchase School AT&T Acct. to two DPW Sanitation Accts.
69. Mayor's Request Requesting a transfer of 11,078.66 from DPW Elec. Div., Salaries Acct. to the DPW Hwy. Snow Removal Acct.
70. Mayor's Request Requesting a transfer of \$725.00 from Animal Control, Ordinary Maintenance Accts. to the Animal Control, Personal Services, Overtime Act.
71. Mayor's Request Requesting a transfer of \$4,100.00 from the IT, Ordinary Maintenance, Repairs to Computer Equipment Acct. to two (2) Personnel Department Accts.
72. Mayor's Request Requesting a transfer of \$8,500.00 from 4 Communication Accts. To the Communications Dept., Personal Services, Salary Acct.
73. Mayor's Request Requesting a transfer of 5,676.76 from the IT, Ordinary Maintenance, Computer Supplies Acct. to the Bldg. Insurance Acct.
74. Mayor's Request Requesting a transfer of \$11,108.00 from the Damage to Person and Property, Judgments and Settlements of Claims Acct. to the Law Department, Ordinary Maintenance, Legal Services Acct.
75. Mayor's Request Requesting a transfer of \$360.00 from the Board of Alderman Ordinary Maintenance Office Equipment Acct. to the Board of Alderman Personal Services Salary Monthly Acct.
76. Mayor's Request Requesting a transfer of \$1,340.00 from the Planning Board, Personal Services, Salary Account to the Planning Board, Ordinary Maintenance Acct., Advertising.
77. Mayor's Request Requesting a transfer of \$4,132.00 from the Personnel Dept., Personal Services, Salaries Acct. to the Personnel Dept., Ordinary Maintenance, Legal Services Acct.
78. Mayor's Request Requesting a transfer of \$40,508.00 from two Dept Service Accts. To the DPW, Bldgs. Div., Natural Gas Acct.

79. Mayor's Request Requesting a transfer of \$340,000.00 from the Debt Service, Interest on Long-Term Deb Acct. to the DPW, Bldgs. Div., Electricity Acct.
80. Mayor's Request Requesting a transfer of \$2,780.00 from the Salary Contingent Acct. to the Law Dept., Personal Services, Salary Acct.
81. Mayor's Request Requesting a transfer of \$41,500.00 from the IT, Ordinary Maintenance, PSTN Usage Acct., to the IT, Personal Services, Salary Acct.
82. Mayor's Request Requesting a transfer of \$3,926.82 from the Health Dept., Ordinary Maintenance, Professional Services Acct. to the Health Dept., Personal Services, Salary Acct.
83. Mayor's Request Requesting a transfer of \$1,900.00 from the Health Dept., Ordinary Maintenance, Office Equipment Acct. to the Health Dept., Personal Services, Salary Acct.
84. Mayor's Request Requesting a transfer of \$20,000.00 from the DPW Administration, Police Detail Acct. to the DPW Sanitation Div., Rubbish Removal Acct.
85. Mayor's Request Requesting a transfer of \$24,296.00 from the DPW Sanitation Div., Personal Services, Wages Acct. to the DPW Sanitation Div., Ordinary Maintenance, Rubbish Removal Acct.
86. Mayor's Request Requesting a transfer of \$75,948.28 from the DPW Inspectional Services, Personal Services, Salaries Acct. to the 4 separate DPW Accts.
87. Mayor's Request Requesting a transfer of \$35,000.00 from the Debt Service, Lease/Purchase School AT&T Acct. to the Police Dept., Ordinary Maintenance, Medical and Dental Services Acct.
88. Mayor's Request Requesting an appropriation of \$3,740,636 from Unreserved Fund Balance to General Fund-Fund Balance Reserved for Special Purpose to reduce the FY 05 Tax Rate.
89. Mayor's Request Requesting the approval of changes to the City Clerk's Office license and permit fees.
90. Mayor's Request Requesting approval to expend an additional \$2,693.02 grant from the Mass. Emergency Management Agency, awarded for the Federal All Hazards Emergency Operations Planning.

91. Mayor's Request Requesting approval to expend a \$500 grant from MEMA to assist the administration and advertising of Local Emergency Planning committee meetings.
92. Mayor's Request Requesting the adoption of a grant to restore the Old Cemetery on Somerville Ave.
93. Mayor's Request Requesting the approval of the attached revised order appropriating \$6,500,000 for capital costs related to the renovations of the Powder House Community School Bldg.
94. Mayor's Request Requesting the acceptance of the provisions of Chap. 111, Sec. 26A-26E, and the amendment of City Charter Sec. 21 and 38.
95. Mayor's Request Requesting the approval of a Home Rule petition to amend Sec. 40A.a.1 of the City Charter.
96. Mayor's Request Requesting confirmation of the re-appointment of Kevin O'Malley, Susan Goldstein, Herby Duverne and Yvette Verdieu to the Human Rights Commission.
97. Mayor's Request Requesting confirmation of the re-appointment of Thomas Helen, Marie Santamaria, Richard Libertore, Anthony Alibrandi, Leo Martini and Thomas Joyce to the Recreation Commission.
98. Mayor's Request Requesting confirmation of the appointment of Jim Monagle, Natalie Vieira, Chris Harkins and Karen Goodrich to the Recreation Commission.

COMMITTEE REPORTS

99. Committee Report Report of the Committee on Public Health and Public Safety, June 1.
100. Committee Report Report of the Committee on Legislative Matters, June 1.
101. Committee Report Report of the Committee on Confirmation of Appointments, June 2.
102. Committee Report Report of the Committee on Finance, June 3.
103. Committee Report Report of the Committee on Licenses and Permits, June 3.

COMMUNICATIONS FROM CITY OFFICERS

104. City Officer Comm. Police Chief responding to #176667 re: a directed patrol at Prospect Hill Park and Tower, and re-instituting the “home base” concept with the Ward 3 car.
105. City Officer Comm. Police Chief responding to #176663 re: a directed patrol at the North St. playground for any illegal activity and notifying the SHA Police of same.
106. City Officer Comm. Asst. City Solicitor responding to #174302 and #174854 re: a draft Ordinance requiring businesses to develop and implement a shopping cart retrieval plan.

NEW BUSINESS

107. Public Occ. **Public Property Occupancy Permit**
ArtBeat Festival, Davis Sq., July 16, 6-11PM and July 17, 9AM-7PM.
108. Public Occ. High School Student Appreciation Day softball game & cookout, Conway Park, June 11, 8:30AM-2:30PM.
109. Public Occ. St. Anthony Parish Feast of St. John, St. Anthony’s School Yard, Properzi Way, June 26, 7PM-Midnight.
110. Public Occ. Bay State Avenue Street Party, Bay State Ave. between Mallet and Kidder Sts., Aug. 7, Noon-Midnight.
111. Public Occ. Somerville Youth Hockey Canning Fundraiser, various locations throughout the City, Sept. 18 & Nov. 6.
112. Public Occ. Little League End of Season Cookout, Capuano Park, Glen St., June 12, 4-8PM
113. Public Occ. Council for Children Parents Count Cookout, East Somerville Community School Playground, June 29, 3-8:30PM (raindate June 30).
114. Public Occ. Meacham Road Block Party, June 20, 3-6PM.
115. Outdoor Seating **Renewal of Outdoor Seating License**
Mikes Restaurant, 9 Davis Sq., 8 tables, 16 chairs.
116. Outdoor Seating Boston Rental Exchange Inc., 12 Winter St., sandwich board at the corner of Winter St. and College Ave.
117. Garage and Flamm. Lic. **Renewal of Garage and Flammable License**
Dewire Family Trust, 385-387 Washington St., 80 Vehicles, 3,500 Gallons.

118. Garage Lic. **Renewal of Garage License**
Auto Express, 712 Mystic Ave., 3 vehicles.
119. Garage Lic. Dewire Family Trust, James M. Dewire Trustee, 381-383
Washington St., 13 vehicles inside, 20 vehicles outside.
120. Garage Lic The Shine Corp. d/b/a The Auto Clinic, 308 McGrath Hwy.
12 vehicles.
121. Flamm. Lic **Renewal of Flammable License**
NStar, 77 Linwood St., 22,852 Gallons.
122. Flamm. Lic Hillside Auto Repair Inc., 583 Broadway, 22,600 Gallons.
123. Flamm. Lic Cumberland Farms, 208-212 Broadway, 32,800 Gallons.
124. Flamm. Lic M.S. Walker Inc., 20R Third Ave., 90,000 Gallons.
125. Flamm. Lic Vincent Bros. Inc., 343-345 Medford St., 20,500 Gallons.
126. Flamm. Lic Broadway Petroleum Inc., 1284-1286 Broadway,
23,500 Gallons.
127. Drain Layer **Renewal of Drain Layer License**
C.J. Doherty Inc.
128. Taxi Med. **Taxi Medallion Transfer**
Harry MacWhinnie to Yves Elysse & Joniel Timoleon,
Medallion #48.
129. Taxi Med. **Taxi Medallion Renewal**
County Kerry Taxi Inc., Medallion #59.
130. Taxi Med. J & J Transportation Inc., Medallion #74.
131. Comm. **Communication**
U.S. Attorney re: USA Patriot Act.
132. Comm. Senator Shannon responding to #176454 in support of Rep.
Toomey's budget amendment re: free MBTA shuttle
service during Green Line construction.
133. Claim **Notice of Claim**
Anita Tkaczuk.

ITEMS RECEIVED AFTER 2:00 PM