

HEARING SCHEDULE
CITY COUNCIL MEETINGS BEGINNING SEPTEMBER 10, 2001

Monday, September 10, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Wednesday, September 12, 2001	4:30 P.M.	The Ordinance Committee will conduct a public hearing on the ECAPS zoning petition. (Sullivan Chamber) This hearing is televised.
Wednesday, September 12, 2001	5:00 P.M.	The Ordinance Committee will conduct a public hearing on the Birk et al., zoning petition to amend the zoning in Eastern Cambridge. (Sullivan Chamber) This hearing is televised.
Monday, September 24, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Tuesday, September 25, 2001	4:30 P.M.	The Ordinance Committee will conduct a public hearing on the refiled Special District 8 and 8A zoning petition to rezone land in Cambridgeport. (Sullivan Chamber) This hearing is televised.
Tuesday, September 25, 2001	5:30 P.M.	The Ordinance Committee will conduct a public hearing on the ECAPS/ Birk et al., zoning petitions. (If necessary) (Sullivan Chamber) This hearing is televised.

City of Cambridge does not discriminate on the basis of disability. The City Council will provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to person with disabilities upon request. Contact the Office of the City Clerk 349-4260, tty/TDD 349-4242.

Tuesday, September 25, 2001	7:00 P.M.	The Health and Environment Committee will conduct a public meeting to discuss the potential impact of the Community Preservation Act. (Sullivan Chamber)
Monday, October 1, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Wednesday, October 3, 2001	4:30 P.M.	The Ordinance Committee will conduct a public hearing on the Qualls Harris zoning petition to amend the zoning in the Western Avenue/Riverside area. (Sullivan Chamber) This hearing is televised.
Wednesday, October 3, 2001	5:30 P.M.	The Ordinance Committee will conduct a public hearing on the Loose Moratorium Extension zoning petition affecting land in the Riverside area. (Sullivan Chamber) This hearing is televised.
Monday, October 15, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, October 22, 2001	5:30 P.M.	Roundtable Meeting Informal meeting with no public comment, at which no votes will be taken. Meeting will not be televised. (Sullivan Chamber)
Monday, October 29, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, November 5, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)

Monday, November 19, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, November 26, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, December 3, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, December 10, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, December 17, 2001	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)

SEPTEMBER 10, 2001

1. Transmitting communication from Robert W. Healy, City Manager, relative to the appointment of the following persons as Constables effective the first day of Janaury, 2001:

Kristen Fernandes With Power
53 Webster Avenue
Cambridge, MA 02141

John J. O'Leary Without Power
648 Salem Street
Lynnfield, MA 01940

2. Transmitting communication from Robert W. Healy, City Manager, relative to the appointment of the following persons as members of the Cambridge Health Alliance Board of Trustee for a term of three years effective June 30, 2001:

Mary Ann Hart, RN, 13 Hollis Street, Cambridge, 02140
Jonathan Stearns, 15 Winthrop Road, Belmont, 02178
Ralph Hergert, 9 Saint James Avenue, Somerville, 02144

3. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-210**, regarding a report on the planned renovations to Russell Field.
4. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-217**, regarding the recently acquired property at Trolley Square.
5. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-215**, regarding the 2000 Census data.
6. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-205**, regarding what policies are currently in place for parking in residential areas for visiting home healthcare workers.

SEPTEMBER 10, 2001

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7. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-212**, regarding report on the disposal of batteries.
8. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 01-209**, regarding a report on issues surrounding Harvard's construction on Oxford and Hammond Streets.
9. Transmitting communication from Robert W. Healy, City Manager, relative to a draft amendment to the municipal code to require all bicycle ridden at Fresh Pond to be equipped with bells.
10. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting a transfer of \$500 from the Grant Fund Historical Commission Other Ordinary Maintenance Account to the Historical Commission Travel & Training Account to provide funds to support staff attendance at a one-day seminar on Historic Preservation Law.
11. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting a transfer of \$6,566 from the Grant Fund Historical Commission Other Ordinary Maintenance Account to the Salaries & Wages Account to supplement the General Fund allocation as well as an existing Grant Fund allotment for the Archival Assistant position who manages the Commission's public archive, organizes and catalogues new and existing materials, and assists members of the public with research.
12. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the appropriation of \$600 in the Grant Fund of DHSP from the sponsorship of life skills staff training & other trainings by the Camb. Prevention Coalition to the Salaries & Wages Account to provide funds to cover a portion of the salaries of the staff of the Camb. Prevention Coalition.

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13. Transmitting communication from Robert W. Healy, City Manager, relative an order requesting the appropriation of grant from the Massachusetts Department of Education for \$2,500 to the Grant Fund Human Service Other Ordinary Maintenance Account to provide funds for the provision of snacks at youth centers throughout the City.
14. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the appropriation of the grant from the Cambridge Public Health Commission for \$8,000 to the Grant Fund Human Service Other Ordinary Maintenance Account to provide funds to assist in the development and technical support for a human service database.
15. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the transfer of \$12,476 from the Grant Fund Human Services Travel & Training Account to the Other Ordinary Maintenance Account to provide funds to purchase additional supplies to administer the fuel assistance program.
16. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the appropriation of a grant from the Mass Department of Education for \$30,240 to the Grant Fund Human Services Salaries & Wages Account (\$29,914) and Other Ordinary Maintenance Account (\$326) to provide funds to enable the Community Learning Center to provide English classes to employees of Cambridge businesses.
17. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the appropriation of a grant from the Department of Transitional Assistance for \$192,500 to the Grant Fund Human Services Salaries & Wages Account (\$189,403), Other Ordinary Maintenance Account (\$2,497), and Travel & Training

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Account (\$600) to provide funds for the Housing Assistance Program.

18. Transmitting communication from Robert W. Healy, City Manager, relative to an order requesting the appropriation of a grant from the Massachusetts Department of Education for \$837,670 to the Grant Fund Human Services Salaries & Wages Account (\$738,160), Other Ordinary Maintenance Account (\$99,164), and Travel & Training Account (\$1,346) to provide funds to enable the Community Learning Center to provide Adult Basic Education, English as a Second Language, and Literacy classes.
19. Transmitting communication from Robert W. Healy, City Manager, relative to the appointment of the following persons as members of the Council on Aging Board as representatives of agencies for a term of two years, effective September 1, 2001:

Elizabeth Aquilo, 114 W. Third Street, So. Boston
Mary Ann Dalton, 69 Winter Street, Arlington
20. Transmitting communication from Robert W. Healy, City Manager, relative to a Planning Board recommendation on the City Council Alewife Petition to create a new Special District 4 and a new Special District 4A in Alewife.

September 10, 2001

To The Honorable, The City Council:

In response to Awaiting Report Item No. 01-217, regarding a report on recently acquired property at Trolley Square, Assistant City Manager for Community Development Beth Rubenstein reports the following:

The City has recently acquired the Trolley Square property from the MBTA, with the condition in the transfer of this property that it be used for a "public benefit purpose." The Community Development Department will work with a committee appointed by the City Manager to develop recommendations for the future use of this property. The City will advertise during the week of September 10, 2001 for potential committee members to work on this project, with replies accepted until September 28. CDD will begin working with the committee on Trolley Square this fall.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

September 10, 2001

To The Honorable, The City Council:

In response to Awaiting Report Item No. 01-212, regarding a report on the disposal of batteries, Public Works Commissioner Lisa Peterson reports the following:

Alkaline batteries, the most common form of household batteries, are no longer manufactured with discernable levels of mercury. Alkaline batteries can be safely disposed of in the trash. Button cell batteries still contain discernable levels of mercury. These batteries, along with rechargeable batteries that contain other dangerous heavy metals, can be recycled at the Recycling Drop-off Center. The Drop-off Center is open to the public during the weekend and in the evenings for thirteen hours each week. The opportunity to recycle batteries at the Drop-off Center is publicized on the web-site and in the annual recycling brochure, which is mailed to all households in the City.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

September 10, 2001

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 01-215, regarding a report on the 2000 Census data, received from Assistant City Manager for Community Development Beth Rubenstein.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

To: Robert W. Healy, City Manager

From: Beth Rubenstein, Assistant City Manager for Community Development

Date: August 27, 2001

Subject: Council Order #32 dated 7/30/01: Report on 2000 Census Data

In response to the above referenced order we report the following:

The United States Census Bureau is releasing Cambridge results from the 2000 United States Census in two components.

The first component, results from the short form questionnaire answered by all respondents, was released in part this past March and in full this past July. The short form data file includes information about topics such as age, sex, race, Hispanic origin, household type, family relationships, and group quarters status and tenure (renter vs. owner).

The results from the Census 2000 long form questionnaire, which was answered by one in six households, will be released during the spring of 2002. The long form questionnaire covers topics such as ancestry, language spoken, education, income, employment and journey to work, disability, and housing characteristics.

To date, we have taken the following steps to analyze Census 2000 information

- Prepared an analysis, dated March 29, 2001, detailing citywide trends regarding race, Hispanic origin, and population under 18 and 18 or older. This memo was previously submitted to Council for review.
- Prepared an analysis, dated April 26, 2001, detailing analogous trends at the neighborhood level. A copy of this memo is attached to this document.
- Prepared a memo, dated June 29, 2001, reviewing citywide trends from 1980 to 2000 for the full range of topics covered by the short form questionnaire. A copy of this memo is attached to this document.
- Posted information from these memos on the City's web site. Links to these pages can be found at: <http://www.ci.cambridge.ma.us/~CDD/data/census2000.html>.

We are currently reviewing and analyzing the full data set from the short form questionnaire. In addition, an intern under joint supervision by Community Development and GIS staff is preparing a series of demographic maps utilizing Census 2000 data.

We would be glad to make a more detailed presentation of Census 2000 results to the City Council late this fall, perhaps at a roundtable.

September 10, 2001

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 01-209, regarding a report on issues surrounding Harvard's construction on Oxford and Hammond Streets, received from Inspectional Services Commissioner Robert Bersani.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

August 13, 2001

To: Robert W. Healy, City Manager

From: Bob Bersani, Inspectional Services

Subject: Council Order #33, dated 7/30/01 RE: Report on Issues Surrounding Harvard's Construction on Oxford and Hammond Street.

This construction project is a four story structure, including a basement approximately 28 ft. below grade, that will contain a data center, computer labs and office space. The building is supported on footings as opposed to piles. As excavation to a depth of 34 ft will be required for the construction of the foundation, work to date has involved primarily the construction of an excavation support system consisting of a slurry wall along one side of the site and soil-cement walls along the other sides. The soil-cement walls are installed using the "Geo-Jetting" process involving the auguring of 40 in. diameter grout columns 50 feet into the ground with cement grout injected by high pressure pumps into the loose soils. Steel beams are then inserted into half of the grout columns with the assistance of a low impact vibratory hammer. The geo-jetting method is considered to be less disruptive to the surrounding structures as compared to the alternative method available of driving sheet piles. The soil cement walls are complete and the slurry wall is scheduled to be completed by August 17th. The excavation for the basement has begun and is expected to continue through the end of October. At the peak of the excavation phase, approximately 40 trucks per day will be required to transport the soil off the site.

This project has been designed in accordance with the requirements of the Massachusetts State Building Code and accepted engineering practice and a building permit has been issued. Also, a Project Review Special Permit was issued for this project by the Planning Board.

The State Building code contains provisions for the protection of adjoining property from any damage caused by the construction of a structure. Related to this requirement, Harvard conducted a detailed survey of the physical condition of the properties in the vicinity of the project site prior to the start of construction activities. The purpose of these surveys was to document the condition of nearby structures prior to construction start such that any potential damage resulting from the construction could be validated and corrective action taken. These surveys consist of technical reports, photographs, and videos for a total of eight buildings surrounding the site. Copies are available for review at the ISD. Additionally, because of concerns expressed by the neighbors, Harvard required Haley and Aldrich, Inc., the geotechnical consultant for the project, to install seismographs adjacent to the construction to monitor vibrations from the construction operations. The readings from these instruments, as contained in Haley and Aldrich report dtd. 7/18/01, showed the maximum vibration encountered was approximately half of the threshold value allowed in the vicinity of historic buildings. The project manager for Harvard for this project has advised me that copies of this report were distributed to each of the abutting neighbors.

As concerns the report that Wynn Management will not allow Harvard access to Wynn managed buildings(64 Oxford Street) to inspect for damage, I spoke to both the Harvard project manager and the Wynn representative responsible for 64 Oxford Street. Both representatives stated that they are working cooperatively with each other and are unaware of the source of this report. The Wynn representative stated to me that he was not aware of any damage to his building at this time. He stated that he would be doing an assessment the week of 13 August and if any problems were uncovered, he would address them with Harvard.

Ms. Denise Ferris, The Harvard senior project manager for this project, has stated that efforts are being made to keep the abutters informed of construction activities. To date, this has consisted of two community meetings(one prior to construction start) and regular updates by mail and e-mail as construction activities change. Ms. Ferris is the point of contact for concerns or problems related to this project. She can be reached at 617-495-1234. Also, ISD can be contacted and we will insure appropriate action is taken.

In summary, it appears that method selected for the construction of the foundation for this structure, as contrasted to other construction methods available, would be expected to minimize the potential for damage to adjacent structures. Further, the precautions taken by Harvard prior to the start of construction appear to be prudent measures that should facilitate resolution of property damage claims that may arise during construction.

Concerning compliance with the Noise Ordinance, Harvard and the contractor are aware of the requirements of this Ordinance and have advised ISD that they have taken steps to insure that future violations will not occur. The Cambridge Police Dept. by attached e-mail dtd. 8/2/01 has advised me that they have requested that the ECC dispatch Cambridge Police Units for any complaints received concerning the 60 Oxford Street address. For incidents involving violations of the Noise Ordinance, ISD will be notified by both the Cambridge Police and the ECC.

Very truly yours,

R. R. Bersani

cc: Commissioner Watson
Don Drisdell

September 10, 2001

To the Honorable, the City Council:

I am hereby requesting the transfer of \$6,566 from the Grant Fund Historical Commission Other Ordinary Maintenance account to the Grant Fund Historical Commission Salaries and Wages account to supplement the General Fund allocation as well as an existing Grant Fund allotment for the Archival Assistant position who manages the Commission's public archive, organizes and catalogues new and existing materials, and assists members of the public with research.

Very truly yours,

Robert W. Healy
City Manager

September 10, 2001

To the Honorable, the City Council:

I am hereby requesting the transfer of \$500 from the Grant Fund Historical Commission Other Ordinary Maintenance account to the Grant Fund Historical Commission Travel and Training account to provide funds to support staff attendance at a one-day seminar on Historic Preservation Law offered by the American Bar Association at the National Trust's National Preservation Conference in October 2001 and a program entitled "Sustaining the Built Heritage" at Roger Williams University's 2001 Summer International Fellows Program.

Very truly yours,

Robert W. Healy
City Manager

September 10, 2001

To The Honorable, The City Council:

Please find attached for your consideration a draft amendment to the municipal code to require all bicycles ridden at Fresh Pond to be equipped with bells, received from City Solicitor Russell Higley.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

September 10, 2001

To The Honorable, The City Council:

I am hereby transmitting notification of the appointment of the following persons as Constables for a term of three years, effective the first day of January, 2001:

Kristen Fernandes
53 Webster Avenue
Cambridge, MA 02141

With Power

John J. O'Leary
648 Salem Street
Lynnfield, MA 01940

Without Power

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

September 10, 2001

To The Honorable, The City Council:

In response to Awaiting Report Item No. 01-210, regarding report on the planned renovations to Russell Field, Assistant City Manager for Community Development Beth Rubenstein, Public Works Commissioner Lisa Peterson and Chief Public Health Officer Harold Cox, report the following:

As you know, we have identified various amounts of asbestos, PAH compounds, and some metals in the subsurface soil in certain areas of Russell Field. An Imminent Hazard evaluation concluded that it is safe to continue to use the field as no contaminants at elevated levels were found in the surface soil. The Massachusetts Contingency Plan (MCP) requires that the property be cleaned up either before or as part of the renovations. For this type of site, the state Department of Environmental Protection (DEP) would typically require that a 3 foot upper layer of clean soil be established across the field.

The City's consultants have assessed the option of removing the top 3 feet of soil across the entire Russell Field and replacing it with clean soil to expedite a solution. This option is extremely expensive. It would include removal and disposal of approximately 85,000 tons of soil. Our consultants estimate that the cost to complete this work, including tenting and venting required under the Asbestos Protection Ordinance, would be in excess of \$10 million and potentially as high as \$35 million. As an alternative, we are working with our consultants to determine whether it would be feasible to add 3 feet of clean soil to the field. However, because we know there are significant obstacles, such as drainage, this solution does not appear promising. The third option, which we are currently pursuing, is to develop a plan for remediation of those areas that have been found to have contaminated soil. The plan must comply with both the requirements of state environmental regulations and the City's Asbestos Protection Ordinance.

Before any remediation/renovation work can begin, several tasks must be completed. The city's Asbestos Protection Ordinance requires that additional testing take place. A risk assessment and a remediation plan have to be developed to document that the proposed clean-up is protective of public health and DEP approval must be obtained. In addition, a soil management plan including tenting and venting is required under the Asbestos Protection Ordinance and is subject to review and approval by the Public Health Department.

City staff are currently working with neighborhood representatives and consultants on refining the testing plan and developing a risk assessment methodology acceptable to the DEP. Unfortunately, the DEP does not have established standards for asbestos with respect to testing/laboratory protocols or risk assessment methodology. Given that the City is breaking new ground here and developing approaches which we hope DEP will endorse, it is not yet possible to establish a definitive time table for completion of the clean-up and renovation of the field. We hope to conduct the additional required testing this fall depending on the resolution of the many technical and regulatory issues.

Our goal is to have minimal, if any, impact on the fall athletic activities on the field. The scoreboard at Russell Field, which was destroyed during a March storm, will be replaced by a temporary scoreboard for the four CRLS varsity football games at Russell Field this season. The City plans to borrow a portable scoreboard from Lexington High School. Replacing the former scoreboard is currently not feasible, since state building code requires footings that are eight feet deep and four feet in diameter. The necessary excavation work to place the footings would trigger the requirements of the Asbestos Protection Ordinance including additional testing and tenting and venting during excavation.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

September 10, 2001

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 01-205, regarding a report on what the policies are currently in place regarding parking in residential areas for visiting home healthcare workers, received from Traffic, Parking & Transportation Director Susan Clippinger.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

September 10, 2001

To The Honorable, The City Council:

I am hereby transmitting notification of the appointment of the following persons as members of the Cambridge Health Alliance Board of Trustees for a term of three years effective June 30, 2001:

Mary Ann Hart, RN, 13 Hollis Street, Cambridge, MA 02140
Jonathan Stearns, 15 Winthrop Road, Belmont, MA 02178
Ralph Hergert, 9 Saint James Avenue, Somerville, MA 02144

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

September 10, 2001

To The Honorable, The City Council:

I am hereby transmitting notification of the appointment of the following persons as members of the Council on Aging Board as representatives of agencies for a term of two years, effective September 1, 2001:

Elizabeth Aquilo, 114 W. Third Street, So. Boston, MA 02127
Mary Ann Dalton, 69 Winter Street, Arlington, MA 02474

Very truly yours,

Robert W. Healy
City Manager

September 10, 2001

To the Honorable, the City Council:

I am hereby requesting the appropriation of a grant from the Massachusetts Department of Education for \$30,240 to the Grant Fund Human Services Salaries and Wages account (\$29,914) and Other Ordinary Maintenance account (\$326) to provide funds to enable the Community Learning Center to provide English classes to employees of Cambridge businesses. These funds will be used to cover a portion of the salaries of the staff of the Community Learning Center.

Very truly yours,

Robert W. Healy
City Manager

September 10, 2001

To the Honorable, the City Council:

I am hereby requesting the appropriation of a grant from the Cambridge Public Health Commission for \$8,000 to the Grant Fund Human Services Other Ordinary Maintenance account to provide funds to assist in the development and technical support for a human service database.

Very truly yours,

Robert W. Healy
City Manager

September 10, 2001

To the Honorable, the City Council:

I am hereby requesting the appropriation of a grant from the Massachusetts Department of Education for \$2,500 to the Grant Fund Human Services Other Ordinary Maintenance account to provide funds for the provision of snacks at youth centers throughout the City.

Very truly yours,

Robert W. Healy
City Manager

September 10, 2001

To the Honorable, the City Council:

I am hereby requesting the appropriation of \$600 in funds received from the sponsorship of life skills staff training and other training related activities by the Cambridge Prevention Coalition to the Grant Fund Human Services Salaries and Wages account to provide funds to cover a portion of the salaries of the staff of the Cambridge Prevention Coalition.

Very truly yours,

Robert W. Healy
City Manager

September 10, 2001

To the Honorable, the City Council:

I am hereby requesting the appropriation of a grant from the Department of Transitional Assistance for \$192,500 to the Grant Fund Human Services Salaries and Wages account (\$189,403), Other Ordinary Maintenance account (\$2,497), and Travel and Training account (\$600) to provide funds for the Housing Assistance Program. These funds will be used to cover the salaries of three caseworkers as well as program costs and training.

Very truly yours,

Robert W. Healy
City Manager

September 10, 2001

To the Honorable, the City Council:

I am hereby requesting the appropriation of a grant from the Massachusetts Department of Education for \$837,670 to the Grant Fund Human Services Salaries and Wages account (\$738,160), Other Ordinary Maintenance account (\$98,164), and Travel and Training account (\$1,346) to provide funds to enable the Community Learning Center to provide Adult Basic Education, English as a Second Language, and Literacy classes. These funds will be used to cover a portion of the salaries of full and part-time teachers, rent, and workshops.

Very truly yours,

Robert W. Healy
City Manager

September 10, 2001

To the Honorable, the City Council:

I am hereby requesting the transfer of \$12,476 from the Grant Fund Human Services Travel and Training account to the Grant Fund Human Services Other Ordinary Maintenance account to provide funds to purchase additional supplies to administer the fuel assistance program.

Very truly yours,

Robert W. Healy
City Manager

September 10, 2001

To The Honorable, The City Council:

Please find attached for your consideration a Planning Board recommendation on the City Council Alewife Petition to create a new special District 4 and a new special District 4A in Alewife.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

September 4, 2001

To the Honorable, the City Council:

SUBJECT: City Council Alewife Petition to Create a New Special District 4 and a New Special District 4A in Alewife

Recommendation

The Planning Board recommends adoption of the Petition with some modifications. Those modifications respond to comments made during the public hearing process and reflect a clearer understanding of property ownership in the affected area that was not available at the time of submittal of the Petition. The changes recommended are highlighted in bold in the attached revised map and text.

The principal changes recommended by the Planning Board are the following:

1. In Special District 4 (applicable to the Bulfinch Companies' property), a series of text changes are made (at the request of the property owners) to clarify how the phased development and restoration of the open space required in the district would be administered.
2. The Planning Board also recommends some changes requested by the Bulfinch Companies that are more substantive in nature:
 - (a) The allocation of Gross Floor Area to parking structures is increased from 300,000 square feet to 400,000 square feet in SD-4. While the number of parking spaces allowed in the district is not increased (the proposal establishes an absolute cap on the number of parking spaces in the district), this change would allow more surface parking to be removed from the site and located within buildings.
 - (b) The required demolition of structures in later phases of development in SD-4 would not be required if their demolition were prohibited for historic or other reasons.
3. The FAR permitted for non-residential development in Special District 4A (affecting the Martignetti Brothers Realty Trust properties) is increased from 1.0 to 1.14 to bring

that district's provisions in line with the equivalent commercial density permitted in SD-4.

4. The boundaries of the Special District 4 have been adjusted to be coterminous with the actual ownership of the Bulfinch Companies. As filed the Special District 4 boundaries included property owned by others. That portion of the Special District 4 not owned by the Bulfinch Companies has been re-designated as Special District 4A.

5. The maximum height permitted in the districts is increased to 90 feet from 85 feet for residential uses only. It is the Board's view that the difference would not be perceived by an observer and might marginally improve the quality of residential living space in any new housing construction.

6. A new Part C is added to the Petition that eliminates the footnote to the Office 2 district that was added as part of the Citywide Rezoning Petition. The footnote exempted the Office 2 district in this Petition's area from the FAR and height changes adopted for the Office 2 district elsewhere in the city. With the adoption of a permanent rezoning, the footnote is no longer relevant.

Findings

1. This corner of Alewife is unique in many respects: it is almost completely within the 100 year flood plain; substantial portions of the area are wetlands; any construction within the area will be closely abutting wetland areas; and vehicular access to the site is constrained by the physical arrangement of abutting roads and by the substantial amount of traffic that now makes use of those roads.

2. These circumstances justify special regulations that are carefully tailored to safeguard the public's interest in protecting the area's natural features.

3. The proposed special districts are well-designed to limit new construction to a scale suitable to the constraints imposed by the abutting access roads and by the sensitivity of the surrounding natural environment. In fact, the districts' provisions facilitate significant improvement to the natural environment through demolition of inappropriately located buildings and restoration of paved areas to green space.

Respectfully submitted for the Planning Board,

Thomas Anninger, Vice Chairman

New Special Districts 4 and 4A Alewife Petition Area

A. Amend the Text of the Zoning Ordinance of the City of Cambridge by creating new Special Districts 4 and 4A to read as follows, and by inserting that text in its appropriate location in Article 17.000 and Article 3.000.

17.40 - Special Districts 4 and 4A

17.41 - Scope and Purpose

This Section 17.40 regulates development in Special Districts 4 and 4A as shown on the Zoning Map of the City of Cambridge, as amended.

It is the intent of these Special Districts 4 and 4A to permit an appropriate level of residential and non residential development in the Districts consistent with the public interest in protecting regulated wetlands where they occur; maintaining flood storage capacity consistent with federal, state and local regulations; restoring areas currently developed to urban uses to their natural state in order to eliminate harmful impacts on sensitive wetlands environments; limiting the extent of land covered by impervious surfaces; and minimizing the amount of additional traffic passing through congested intersections on arterial and neighborhood streets. Further enhancement of the parkway character of Concord Turnpike is also intended.

Except as herein provided, all requirements of and regulations applicable to the Office 2 district shall apply equally to Special Districts 4 and 4A.

Except as noted, the provisions of this Section 17.40 shall apply equally to Special District 4 and Special District 4A.

17.42 - Dimensional Requirements

17.42.1 - Total Development Permitted

17.42.11 – Special District 4. Other than as may be temporarily allowed in Section 17.46.1, the Gross Floor Area (GFA) permitted in Special District 4 shall be 900,000 square feet, exclusive of GFA occupied by structured parking not otherwise exempt as set forth in Section 5.25. An additional 400,000 square feet of Gross Floor Area shall be permitted for the exclusive use of structured parking not otherwise exempt from the calculations as to GFA, as set forth in Section 5.25. The permitted GFA shall be further limited by the requirements of Section 17.45 below. There shall be no maximum FAR limit imposed on any lot within the Special District 4. **The provisions of Section 5.25.42 shall not apply in this Special District 4.**

17.42.12 – Special District 4A. The maximum permitted FAR shall be 1.**14** for all non-residential uses and 1.5 for Residential Uses, Section 4.31 a-h and Dormitory Uses, Section 4.33 b 7.

17.42.2 - Yard Requirements

The minimum yards required in the Districts may be waived by the Planning Board **by** Special Permit. In no case, however, shall the front yard required in the Parkway Overlay District, Section 11.60, be waived.

17.42.3 - Maximum Height

The maximum height in the Districts shall be sixty (60) feet except that it may be increased to eighty-five (85) feet for **non-residential uses and ninety (90) for residential** uses, by special permit from the Planning Board. The special permit shall be granted where the applicant demonstrates to the satisfaction of the Board that the additional height will better serve the objectives of this Section 17.40 to increase the amount of open space in the district and to limit the extent to which building and other hard surfaces cover the ground.

17.43 - Parking and Loading Requirements

The requirements of Article 6.000 shall apply in the Districts except as modified below.

17.43.1 - Maximum Off-Street Accessory Parking Permitted in Special District 4

No more than 1052 parking spaces shall be permitted within Special District 4 **and in no event shall the number of surface parking spaces in the district exceed the amount that existed at the time of enactment of this Section 17.40. Notwithstanding the provision of Article 6.000, 1052 parking spaces shall be the maximum required for any amount of development in Special District 4, up to the 900,000 square feet of GFA (exclusive of GFA occupied by structures parking) permitted in Special District 4, or such temporary exceedance of that GFA limit as may be allowed by Section 17.46.1**

17.44 - Permanent Natural Areas in Special District 4

No building construction, **other than restoration following catastrophe**, whether consisting of GFA or not, or construction associated with the provision of parking or access to parking that is not accessory to a recreational use permitted in an Open Space zoning district, shall be permitted in the Large Wetland Area described in Section 17.44.1 and the Little River Area described in Section 17.44.2. These areas consist substantially of natural wetlands, and their associated uplands, or areas abutting the Little River that were formerly natural wetlands and uplands and which are intended to be preserved or restored as natural areas and open space by the provisions of Special District 4. Where buildings or parking facilities exist in these areas at the time of adoption of this Section 17.40, no expansion of the footprint of the buildings or their GFA and no expansion of the area devoted to parking facilities and access to them shall be permitted.

The MDC Parking Facility Area described below in Section 17.44.3 lies outside Special District 4 in an Open Space zoning district but provides accessory parking for uses located within Special District 4. Provisions in Section 17.45 are designed to facilitate the restoration of this area to its natural state as part of the Alewife Reservation.

17.44.1 – Large Wetland Area

The Large Wetland Area shall be that area bounded on the northwest **and west** by the Belmont-Cambridge municipal boundary line; on the northeast by the northeastern lot line of Lot #157, the northwesterly lot line and the southwesterly lot line of Lot #268, the southwesterly lot line of Lot #269, and the southwesterly lot line of Lot #270 (**all of which lot lines constitute the Special District 4A zoning district boundary line**) to its intersection with a line parallel to and 880 feet southeasterly of the Belmont-Cambridge municipal boundary line; on the southeast by a line parallel to and 880 feet southeasterly of the Belmont-Cambridge municipal boundary line; and on the south by the Special District 4 – Open Space zoning district line **and the Special District 4 – Special District 4A zoning district line**. All lots are located on Assessor's Plat 267 (1).

17.44.2 – Little River Area

The Little River Area shall be that area located generally south of Acorn Park road that is bounded on the north by the centerline of Acorn Park road and on the west, south and east by the Special District 4 – Open Space zoning district line. The area encompasses all of Lots # 260, 197, 258 and 259, located on Assessor's Plat #267 (2).

17.44.3 – MDC Parking Facility Area

This area is located within the Alewife Reservation and is designated as an Open Space zoning district on the City of Cambridge Zoning Map. It currently contains non-conforming accessory parking spaces that serve uses located in Special District 4.

The MDC Parking Facility Area shall be that area bounded on the west by the easterly lot line of Lot #258 and its southerly extension on Assessor's Plat #267 (2), which is the Special district 4 – Open Space zoning district line; on the north by the Arlington – Cambridge municipal boundary line; and on the south by the centerline of the channel of the Little River.

17.45 – Allocation of Permitted Gross Floor Area in Special District 4

No building permit, special permit or Certificate of Occupancy shall be issued for construction in Special District 4 that will result in a total amount of GFA in the Special District 4 district exceeding 416,000 square feet for all uses including structured parking, except as permitted below.

17.45.1 – Phase One: Total Gross Floor Area exceeding 416,000 square feet in the District.

A building or special permit may be issued for construction in Special District 4 that will result in a total amount of GFA in the district greater than 416,000 square feet but in no case more than 916,000 square feet for all uses including structured parking, but no case more than 666,000 square feet for all uses exclusive of structured parking, provided the following requirements are met:

(a) All leases, licenses, rental agreements, **or agreements of any other description, between** the Metropolitan District Commission (or any successor owner of the MDC Parking Facility Area) **and the property owner/applicant, its affiliates, or their tenants** for principal or accessory parking in the MDC Parking Facility Area described in Section 17.44.3 above are permanently terminated prior to **or simultaneously with** the issuance of a Certificate of Occupancy for **new** GFA **whether for** structured parking **or otherwise**, and provided that **such parties shall not thereafter enter into any subsequent** lease, license, rental agreement, **or agreements of any other description** for the same purposes **in the MDC Parking Facility Area**. Any owner of property in Special District 4 seeking a Certificate of Occupancy for **new** GFA that will result in the total amount of GFA in the district exceeding 416,000 square feet shall as a condition of such **certificate** be required to certify, in a form satisfactory to the City of Cambridge, that all leases, licenses, rental agreements, **or agreements of any other description** for principal or accessory parking held by said property owner/**applicant, its affiliates or their** tenants have been so terminated as required by this Paragraph (a).

(b) The owner applying for any building permit or special permit shall prepare a plan for the restoration of the MDC Parking Facility Area and the Little River Area such that at least ninety (90) percent of the area will consist of Green Area Open Space as defined in this Ordinance. Such Plan shall be prepared **by the owner, and approved by the Planning Board**, prior to the issuance of any building permit for any development **authorized under this Section 17.45.1**. The owner **of property** shall actively seek approval for the design and implementation of said Plan from the Cambridge Conservation Commission, **with respect to those areas under the Commission's jurisdiction, and of the Metropolitan District Commission with respect to the MDC Parking Facility Area**.

(c) The owner shall bear the cost of restoration of the MDC Parking Facility area. The owner shall post a bond or other instrument satisfactory to the City of Cambridge with the Cambridge Conservation Commission in an amount equal to the estimated cost of restoration of the **MDC Parking Facility Area** as proposed in the plan required in Condition (b) above prior to the issuance of the first Certificate of Occupancy for any permitted structure or structures authorized by this Section 17.45.1. Said bond shall be in force and effect until the area is restored or the construction authorized in Section 17.45.22 – Phase Three has been granted a final Certificate of Occupancy.

(d) For the purposes of Condition (a) above, Certification by the Office of the City Solicitor that the lease or leases have been terminated shall be determinative in establishing compliance with that requirement. For the purposes of Condition (b) above, approval of the restoration plan by the Cambridge Conservation Commission, the Metropolitan District Commission, or the Cambridge Planning Board, as necessary, shall be determinative in

establishing compliance with that requirement. For the purposes of Condition (c) above, Certification by the Cambridge Conservation Commission that the bond has been properly posted shall be determinative in establishing compliance with that requirement.

17.45.2 – Phases Two and Three: Total Gross Floor Area exceeding 815,000 square feet in the District.

A building or special permit may be issued for construction in Special District 4 that will result in a total amount of GFA in the district greater than 916,000 square but in no case more than 1,300,000 square feet subject to the following provisions:

17.45.21 – Phase Two.

A building or special permit may be issued for construction in Special District 4 that will result in a total amount of GFA in the district greater than 916,000 square feet but in no case more than 1,250,000 square feet for all uses including structured parking, but in no case more than 850,000 square feet for all uses exclusive of structured parking, provided the following requirements are met:

- a. Those existing buildings within the Little River Area identified as Buildings 1-5 on Map 17.41 shall be demolished **provided that the demolition shall not be required for any building for which demolition approval is permanently refused on historic or other statutory grounds by a local, state or federal agency of competent jurisdiction.**

However, in the event that the demolition of one or more buildings is not allowed by the lawful action of a local, state or federal agency, the owner shall be obligated to demolish any other buildings required to be demolished in Section 17.42.2 and shall restore to its natural state all portions of the Little River Area not occupied by buildings required to remain, as required in Section 17.42.2

The owner shall restore, and bear the full cost thereof, at least fifty (50) percent of area within the Little River Area consistent with the plan for the restoration of that area required to be prepared in Condition (b) of Section 17.45.1. The **required** demolitions and restoration shall be complete prior to the issuance of a final Certificate of Occupancy for the non-structured parking portion of the authorized construction.

- b. The MDC Parking Facility Area shall have been restored to the plan identified in Section 17.45.1 (b) above, or the applicant shall demonstrate to the satisfaction of the Conservation Commission that the restoration could not occur prior to the issuance of any final Certificate of Occupancy for any construction authorized by this Section 17.45.21. **If the MDC has not authorized the applicant to restore the MDC Parking Facility Area within six (6) months following applicant's written request for such authorization, the applicant may pay to the City of Cambridge the amount of the bond or other instrument required in Section 17.45.1 (c) in exchange for with the City shall release the bond or other instrument, and the**

applicant shall have no further obligations with respect to the restoration of the MDC Parking Facility Area.

17.45.22 – Phase Three.

Any subsequent new construction for any use beyond that authorized in Section 17.45.21 – Phase Two above shall be permitted provided the total GFA permitted in Special District 4 shall not exceed 900,000 square feet, exclusive of GFA occupied by structured parking plus 400,000 square feet of GFA exclusively for use as structured parking, provided the following conditions are met:

a. The conditions set forth in Section 17.45.21 – Phase Two have been met.

b. All remaining buildings in the Little River Area shall have been demolished and the entire area restored to a natural state by the owner pursuant to the restoration plan required in Condition (b) of Section 17.45.1 above prior to the issuance of the Final Certificate of Occupancy for any construction permitted by this Section 17.45.22.

17.46 – Other Provisions.

17.46.1 – Total Gross Floor Area Temporarily Exceeding 1,300,000 Square feet.

In the event that demolition of structures and restoration of their sites to a natural state as required in Section 17.45.2 above cannot reasonably occur before the issuance of any interim Certificate of Occupancy for any new construction permitted in Section 17.45.2, the total GFA permitted in Special District 4 may temporarily exceed 1,300,000 square feet, or any intermediate threshold established in this Section 17.40, for that period necessary to secure the demolition of the existing structures located in the Little River Area and the required restoration of a portion of or the entire area thereafter. No final Certificate of Occupancy for any construction authorized in 17.45.22 – Phase Two shall be issued until all requirements of Section 17.45.22 have been met.

17.46.2 – Measurement of Compliance.

Nothing in this Section 17.40 shall prevent the Planning Board, when issuing a special permit for any construction within the Special District 4, from establishing as a condition of the permit further monitoring and management provisions that will assure complete compliance within the requirements of this Section 17.40.

B. Amend the Zoning Map of the City of Cambridge by deleting the existing designation O-2 (Office 2) in that area bounded by the Belmont and Arlington municipal boundary lines on the north and west and the Open Space zoning district line on the south and east and substituting therefor the designations SD 4 (Special District 4) and SD 4A (Special District 4A) for the two areas described below.

1. Special District 4A shall be that encompassing all of Lots #**240**, 267, 268, 269, 270, 180, 181, and 182 on Assessor's Plat #267 (1); Lot #253 on Assessor's Plat #267 (2); the entire right of way of Concord Turnpike; **and that portion of Lot 6 located in Cambridge as shown on the subdivision plan entitled "Land Court Subdivision Plan of Land in Cambridge/Belmont, Massachusetts, Middlesex County, October 24,2000, Being a Subdivision of Lot 4 Shown on Land Court Plan 20345F"; Prepared for Cambridge Partners II, LLC.; Prepared by BSC Group.**
 2. Special District 4 shall be the portion of the Office 2 district not otherwise included within the Special District 4A described above.
- C. Amend the Zoning Ordinance of the City of Cambridge in Section 5.32 – Office Districts by deleting: (1) the reference to Footnote (s) in Table 5-2 and (2) the text of Footnote (s).

Special District 4 and Special District 4A
Comparison of Zoning District Uses and Dimensions

	FAR	Height	Principal Uses	Lot Area/Dwelling Unit
Exiting Office 2 District	2.00 housing	85 ft housing	General office, R&D, Housing .	600 sf
	1.50 office	70 ft office		
Special District 4A	1.50 housing 1.14 office	60 ft/85 ft by special permit; 90 ft for housing uses	General office, R&D, Housing.	600 sf

	FAR	Height	Principal Uses	Lot Area/Dwelling Unit
Special District 4	900,000 sf for any use, plus 400,000 sf for structured parking only (FAR equivalent of 1.14)	60 ft/85 ft by special permit; ninety feet for housing uses	General office, R&D, Housing.	600 sf

Special District 4 Phases

	Gross Floor Area Permitted	Required Actions
<i>Phase One</i>	666,000 sf of office use	a. Eliminate parking lease on MDC parking lot. b. Prepare a restoration plan for open space use. c. Post a bond for cost of restoration
<i>Phase Two</i>	850,000 sf of office use	a. Demolish Buildings 1-5 along Little River. b. Restore MDC area if permitted to approved plan. c. Restore at least 50% of Little River area to open space
<i>Phase Three</i>	900,000 sf of office use	a. Meet all previous conditions. b. Demolish Building 6 along the Little River. c. Restore the entire Little River area to open space.

MASSACHUSETTS

**City Council Calendar No. 19
Monday, September 10, 2001**

At 5:30 P.M.

ON THE TABLE

1. Consent Agenda #17, relative to a Preservation Easement for 2 Holyoke Place (Fly Club).
2. Landmark Designation Study Report for Shady Hill Square, 1-11 Shady Hill Square and 36 Holden Street.
3. An order introduced by Councillor Reeves regarding an allocation for a planning study for Riverside.
4. Committee Report #2 of February 5, 2001 from the Government Operations, Rules and Claims Committee for the purpose of evaluating the process used by the City Council to evaluate the City Manager.
5. Consent Communication #7 of March 19, 2001, and Calendar Item #3 of April 2, 2001 regarding notification of a new address for 127 Sixth Street from Owen O’Riordan, City Engineer.
6. Committee Report #1 of April 23, 2001 regarding a meeting held on March 27, 2001 for the purpose of discussing whether a zoning prohibition of lodging houses in Residence C and C-1 zoning districts is consistent with the City’s goal of promoting affordable housing.
7. Landmark Designation Study Report for designating as a protected landmark the Tulip Tree at 1436 and 1446 Cambridge Street.
8. An order introduced by Councillor Decker regarding increasing the Affordable Housing Trust by at least one million dollars.

9. Proposed amendments to the Zoning Ordinance to amend the zoning in Special District 8 in Cambridgeport submitted by the Planning Board. (Tabled on July 30, 2001) **The deadline for this petition is August 27, 2001.**

PLACED ON FILE AUGUST 28, 2001 DUE TO EXPIRATION OF TIME LIMIT.

UNFINISHED BUSINESS

10. Proposed amendment to the Municipal Code in Section 2.84.030 to add the Director of the Library to the membership of the Kids Council. The question comes on passing to be ordained on or after August 13, 2001.
11. Proposed ordinance to the Municipal Code to establish a Community Preservation Act Committee as required by the Community Preservation Act (CPA). The question comes on passing to be ordained on or after August 13, 2001.
12. Proposed amendment to the Zoning Ordinance to amend the zoning in Special District 4 and 4A in the Alewife area. The question comes on passing to be ordained on or after August 13, 2001. **The deadline for this petition is October 16, 2001.**
13. Proposed amendment to the Zoning Ordinance to amend the zoning in East Cambridge with the East Cambridge Planning Study (ECAPS) proposal. The question comes on passing to be ordained on or after August 13, 2001. **The deadline for this petition is October 16, 2001.**
14. Proposed amendment to the Zoning Ordinance to amend the zoning in East Cambridge with the Birk et al. Petition. The question comes on passing to be ordained on or after August 13, 2001. **The deadline for this petition is October 16, 2001.**

**APPLICATIONS AND PETITIONS -
CITY COUNCIL MEETING OF MONDAY, SEPTEMBER 10, 2001**

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| 1. An application was received from Boston Properties, requesting permission for four fabric banners at the premises numbered 3 Cambridge Center. Approval has been received from Inspectional Services, Community Development and abutters. | 1. |
| 2. An application was received from M, requesting permission for a sign at the premises numbered 1784 Massachusetts Avenue. Approval has been received from Inspectional Services, Community Development and abutters. | 2. |
| 3. An application was received from Hollywood Espresso, requesting permission for a sandwich board sign and two tables and four chairs at the premises numbered 1736 Massachusetts Avenue. Approval has been received from Inspectional Services. | 3. |
| 4. An application was received from Joseph Cherubino, requesting a curb cut at the premises numbered Harding Street rear of 22 Hunting Street; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical and Public Works. Response has been received from one neighborhood association, which approved the curb cut. | 4. |
| 5. An application was received from Beantown Companies, Inc., requesting a curb cut at the premises numbered 86 Kirkland Street; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical and Public Works. No response has been received from neighborhood associations. | 5. |
| 6. An application was received from Stan Gedaminsky, requesting a curb cut at the premises numbered 1 Orchard Street; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical and Public Works. Response has been received from one neighborhood association, which approved the curb cut. | 6. |

**CONSENT COMMUNICATIONS -
CITY COUNCIL MEETING OF MONDAY, SEPTEMBER 10, 2001**

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| 1. A communication was received from Julia Child, transmitting thanks for the two resolutions adopted by the City Council on June 25, 2001. | 1. |
| 2. A communication was received from Shirley Quigley, transmitting appreciation and gratitude for the resolution adopted on behalf of her father Eugene Thorp. | 2. |
| 3. A communication was received from the family of Robert A. Ford, Sr. Esq., acknowledging the City Council resolution on his behalf. | 3. |
| 4. A communication was received from Josie Vessello, Marie Slonina and families, transmitting thanks for the resolution adopted on behalf of their mother Emily Salenes. | 4. |
| 5. A communication was received from the Sarno Family, transmitting thanks for the resolution adopted by the City Council. | 5. |
| 6. A communication was received from the family of Ann R. DeLuca, transmitting thanks for the resolution adopted by the City Council on her behalf. | 6. |
| 7. A communication was received from James Giddings, Corresponding Secretary, Boston GMB, Industrial Workers of the World, urging the City Council to divest the bonds issued by the World Bank and International Monetary Fund (IMF). | 7. |
| 8. A communication was received from Boston Properties, owners of 1, 2, 3, 6, 8, 10, 11 and 14 Cambridge Center and 121 Broadway, transmitting written protest to the Birk/ACN zoning petition. | 8. |

**CONSENT COMMUNICATIONS -
CITY COUNCIL MEETING OF MONDAY, SEPTEMBER 10, 2001**

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| 9. A communication was received from Representative Paul C. Demakis, regarding the resolution to oppose any redistricting efforts that would remove Cambridge from the Eighth Congressional District. | 9. |
| 10. A communication was received from Owen O’Riordan, City Engineer, transmitting notification of an established address at 70 Pacific Street. | 10. |
| 11. A communication was received from Owen O’Riordan, City Engineer, transmitting notification of a new address of 149 Fayerweather Street. | 11. |
| 12. A communication was received from Owen O’Riordan, City Engineer, transmitting notification of a new address of 52 Aberdeen Avenue. | 12. |
| 13. A communication was received from Owen O’Riordan, City Engineer, transmitting notification of an address number of 118 Lakeview Avenue. | 13. |
| 14. A communication was received from Owen O’Riordan, City Engineer, transmitting notification of an address of 65 Landsdowne Street. | 14. |
| 15. A communication was received from Owen O’Riordan, City Engineer, transmitting notification of a Firebox Location of 50 Franklin Street. | 15. |
| 16. A communication was received from Owen O’Riordan, City Engineer, transmitting notification of a valid address of 51-53 Upland Road. | 16. |
| 17. A communication was received from Cambridge Redevelopment Authority, transmitting written protest to the Birk zoning petition. | 17. |

**CONSENT COMMUNICATIONS -
CITY COUNCIL MEETING OF MONDAY, SEPTEMBER 10, 2001**

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| 18. A communication was received from Roy Bercaw, regarding funds to the Cambridge Dispute Settlement Center. | 18. |
| 19. A communication was received from John and Valerie Stelling, owners of 85 and 107 First Street transmitting written protest to the Birk zoning petition. | 19. |
| 20. A communication was received from Gordon Gottsche, Just A Start Corporation, regarding impacts, cost savings and needs in two of Just A Start's Homeless Prevention and Housing Stabilization Program. | 20. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 10, 2001**

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| 1. Congratulations to Robert Cataldo and Michelle Donnelly on their recent engagement.
Councillor Toomey | 1. |
| 2. Resolution on the death of Daniel A. Trotto.
Councillor Toomey and entire membership | 2. |
| 3. Resolution on the death of Catherine E. Hart.
Councillor Toomey, Mayor Galluccio and entire membership | 3. |
| 4. Resolution on the death of Patricia Holland.
Mayor Galluccio and entire membership | 4. |
| 5. Resolution on the death of Agnes C. Dumont.
Mayor Galluccio and entire membership | 5. |
| 6. Resolution on the death of Louise M. Cosgrove.
Mayor Galluccio, Councillor Sullivan and entire membership | 6. |
| 7. Resolution on the death of Rosemary A. Fimiani.
Councillor Toomey, Mayor Galluccio, Councillor Sullivan and entire membership | 7. |
| 8. Resolution on the death of Marie Frances Furtak.
Councillor Toomey and entire membership | 8. |
| 9. Resolution on the death of Elmer J. Sabino.
Councillor Sullivan and entire membership | 9. |
| 10. Resolution on the death of John L. Monahan.
Councillor Toomey, Mayor Galluccio and entire membership | 10. |
| 11. Resolution on the death of Joan O'Leary.
Councillor Toomey, Mayor Galluccio and entire membership | 11. |
| 12. Resolution on the death of Sister Thaddeus Matucieski, C.S.J.
Councillor Sullivan and entire membership | 12. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 10, 2001**

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| 13. Resolution on the death of Arnold 'Okie" O'Connor.
Mayor Galluccio, Councillor Sullivan and entire membership | 13. |
| 14. Resolution on the death of Vincent James.
Mayor Galluccio and entire membership | 14. |
| 15. Resolution on the death of Ruth A. Flynn.
Councillor Toomey, Mayor Galluccio and entire membership | 15. |
| 16. Resolution on the death of Bettye J. Montgomery.
Mayor Galluccio and entire membership | 16. |
| 17. Resolution on the death of Peter T. Reale.
Mayor Galluccio and entire membership | 17. |
| 18. Resolution on the death of Matteo Annese.
Councillor Sullivan and entire membership | 18. |
| 19. Resolution on the death of Gurli Barker.
Mayor Galluccio and entire membership | 19. |
| 20. Resolution on the death of Edward J. Conrad.
Mayor Galluccio, Councillor Sullivan and entire membership | 20. |
| 21. Resolution on the death of Donald Sawtell.
Councillor Toomey and entire membership | 21. |
| 22. Resolution on the death of Shirley G. Mercer Greene.
Mayor Galluccio and entire membership | 22. |
| 23. Resolution on the death of Roland Lee.
Councillor Toomey, Mayor Galluccio and entire membership | 23. |
| 24. Resolution on the death of John A. Walsh.
Councillor Toomey and entire membership | 24. |
| 25. Congratulations to Cambridge's Bailey brothers on their US
Swimming long course season.
Mayor Galluccio | 25. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 10, 2001**

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| 26. Congratulations to Brittany Clark on her achievement in winning the Bronze medal as she traveled to Germany and Holland during the summer to compete in the Netherlands Invitational Swim Meet.
Mayor Galluccio | 26. |
| 27. Congratulations to Taavo Smith on being named to the dean's list at Macalester College.
Mayor Galluccio | 27. |
| 28. Congratulations to Mikaela Luttrell-Rowland on her receipt of a Fulbright grant to pursue scholarly activities throughout the world.
Mayor Galluccio | 28. |
| 29. Congratulations to Cambridge residents who have received graduate degrees from Northeastern University.
Mayor Galluccio | 29. |
| 30. Congratulations to Paul Shakespear on his award from the Tanne Foundation.
Mayor Galluccio | 30. |
| 31. Congratulations to Judge Lance Darnell Clarke on being elected chief justice for the village of Hempstead, Long Island, New York.
Mayor Galluccio | 31. |
| 32. Thanks to Genzyme Corporation for their generous grant to the Boston Unit of Recording for the Blind & Dyslexic which will expand its collection of audio textbooks.
Mayor Galluccio | 32. |
| 33. Resolution on the death of Manuel DeChaves.
Councillor Toomey and entire membership | 33. |
| 34. "Great Glass Pumpkin Patch" exhibit which will take place at MIT in front of the Kresge Auditorium located at 48 Massachusetts Avenue on September 15 th and 16 th , 2001 from 9:00 a.m. to 5:00 p.m.
Mayor Galluccio | 34. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 10, 2001**

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| 35. Proclaim October as National Breast Cancer Awareness Month and October 19 th as National Mammography Day.
Mayor Galluccio | 35. |
| 36. Proclaim the week of October 21-27, 2001 as World Population Awareness Week.
Mayor Galluccio | 36. |
| 37. Congratulations to the LaGroceria Restaurant as it celebrates its 30 th anniversary.
Mayor Galluccio | 37. |
| 38. Congratulations to Jonathan and Angel Tynes on the birth of their daughter, Selena Elizabeth.
Mayor Galluccio | 38. |
| 39. Congratulations to Steven and Michele Gaziano on the birth of their daughter, Lindsay Anne.
Mayor Galluccio | 39. |
| 40. Proclaim the week of September 14-23, 2001 as National Ballroom Dance Week.
Mayor Galluccio | 40. |
| 41. Congratulations to the winners of the "Boston's Best 2001."
Mayor Galluccio | 41. |
| 42. Congratulations to Jeffrey S. Daley and Michael F. Vanderheijden who have earned juris doctor degrees from Northeastern University's School of Law.
Mayor Galluccio | 42. |
| 43. Congratulations to the 15 year old All-Star players for their fabulous summer record and competition in the World Series.
Mayor Galluccio, Councillors Toomey, Sullivan and Born | 43. |
| 44. Congratulations to Peter J. McLaughlin on receiving his Bachelor of Science degree.
Mayor Galluccio | 44. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 10, 2001**

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| 45. Thanks to Ben & Jerry's for their support of the Mayor's Summer Youth Employment Program's Ice Cream Social.
Mayor Galluccio | 45. |
| 46. Congratulations to Cambridge residents who have earned their undergraduate degrees from Northeastern University.
Mayor Galluccio | 46. |
| 47. Get well wishes to Lillian Cyr.
Vice Mayor Maher and entire membership | 47. |
| 48. Best wishes and prayers to the Nagle family.
Councillors Sullivan and Toomey | 48. |
| 49. Congratulations to Captain Richard Bongiorno of the Cambridge Police Department and Eileen Keegan on their engagement.
Councillor Sullivan | 49. |
| 50. Congratulations to Transkaryotic Therapies, Inc. for being awarded a broad patent for its novel method of producing proteins for use as drugs.
Councillor Sullivan | 50. |
| 51. Retirement of Rosalie Ameral from the Cambridge Hospital.
Mayor Galluccio and entire membership | 51. |
| 52. Resolution on the death of Clifton E. Adams.
Councillor Sullivan and entire membership | 52. |
| 53. Resolution on the death of James J. Beucler.
Mayor Galluccio and entire membership | 53. |
| 54. Resolution on the death of Hilda Maude Callendar.
Mayor Galluccio and entire membership | 54. |
| 55. Resolution on the death of Barbara Ann Gillis.
Mayor Galluccio and entire membership | 55. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 10, 2001**

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| 56. Resolution on the death of John J. Hurley.
Mayor Galluccio and entire membership | 56. |
| 57. Resolution on the death of Patricia Mento.
Councillor Sullivan and entire membership | 57. |
| 58. Resolution on the death of Richard M. Nicoloro.
Councillor Sullivan, Mayor Galluccio, Vice Mayor Maher,
Councillor Toomey and entire membership | 58. |
| 59. Resolution on the death of Maria dos Anjos Rebelo.
Councillor Toomey and entire membership | 59. |
| 60. Resolution on the death of William O. Reynolds.
Mayor Galluccio and entire membership | 60. |
| 61. Resolution on the death of John C. Rogers.
Mayor Galluccio and entire membership | 61. |
| 62. Resolution on the death of Joseph L. Silva, Jr.
Councillor Toomey, Mayor Galluccio and entire membership | 62. |
| 63. Resolution on the death of Anthony Toscano.
Councillor Toomey and entire membership | 63. |
| 64. Resolution on the death of Pauline Kramer.
Mayor Galluccio and entire membership | 64. |
| 65. Congratulations to Cambridge Community Television as it celebrates
its 13 th anniversary on September 13, 2001 at 675 Massachusetts
Avenue.
Councillor Sullivan | 65. |
| 66. Congratulations to Terry Delancey on the occasion of her receiving
CCTV's "Leading Role Award."
Councillors Sullivan, Davis and Mayor Galluccio | 66. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 10, 2001**

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| 67. Speedy recovery wishes to Firefighter Vinroy Paul who was injured on the job in the line of duty.
Vice Mayor Maher | 67. |
| 68. Speedy recovery wishes to Norm McIver.
Vice Mayor Maher | 68. |
| 69. Commend the Cambridge Center for Adult Education for a successful renovation at 42 Brattle Street harmonizing historical preservation and major improvement of the access to the building by disabled persons.
Councillor Davis | 69. |
| 70. Congratulations to Chenier Durand, II and the entire American team who participated in the "People to People Sports Ambassador" soccer program in the Netherlands.
Mayor Galluccio | 70. |
| 71. Resolution on the death of Anne Norton.
Vice Mayor Maher and entire membership | 71. |
| 72. Resolution on the death of Francis H. Curtin.
Vice Mayor Maher, Mayor Galluccio, Councillor Sullivan and entire membership | 72. |
| 73. Resolution on the death of Michael Todd Codianne.
Mayor Galluccio and entire membership | 73. |
| 74. Happy 90 th Birthday to a special Cantabrigian.
Councillor Toomey | 74. |
| 75. Congratulations to the Youthbuild and Housing Development programs of Just-A-Start for their work at 17 Boardman Street, Phase I of the Squirrel Brand Apartments project.
Councillor Toomey | 75. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 10, 2001**

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| 76. Urge all residents to be cognizant of the Foster Grandparents Annual Macaroni Supper Fundraiser which will take place on September 29, 2001 from 4:00 p.m. to 8:00 p.m. at St. Benedict's Little Flower School Hall, 17 Franklin Street, Somerville.
Councillor Toomey | 76. |
| 77. Resolution on the death of William T. Rose.
Mayor Galluccio, Councillor Sullivan and entire membership | 77. |
| 78. Urge all residents to be cognizant of the 9 th Annual Cambridgeport Artists Open Studios (CAOS) on Saturday and Sunday, September 8 th and 9 th .
Councillor Davis | 78. |
| 79. Best wishes for a fast and complete recovery to Amy Nadel.
Councillor Davis | 79. |
| 80. Resolution on the death of Kathleen E. Pennington.
Mayor Galluccio and entire membership | 80. |
| 81. Resolution on the death of Catherine P. Fitzgerald.
Mayor Galluccio, Councillor Sullivan and entire membership | 81. |
| 82. Resolution on the death of Mary T. Szulewski.
Councillor Toomey, Councillor Sullivan and entire membership | 82. |
| 83. Congratulations to Emer Molloy on becoming an American citizen.
Mayor Galluccio | 83. |
| 84. Proclaim October 11, 2001 as "Lights on After School Day" in Cambridge.
Mayor Galluccio | 84. |
| 85. Congratulations to the Mount Auburn Hospital on the occasion of a ribbon cutting ceremony to celebrate the opening of "The Hoffman Breast Center."
Mayor Galluccio and Councillor Toomey | 85. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 10, 2001**

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| 86. Resolution on the death of Joseph W. Downes.
Vice Mayor Maher, Councillor Sullivan, Mayor Galluccio and entire membership | 86. |
| 87. Resolution on the death of William H. King, Jr.
Councillor Sullivan and entire membership | 87. |
| 88. Retirement of Carol Lee from Harvard University.
Mayor Galluccio | 88. |
| 89. Congratulations to Senator James Jajuga, Senate Chairman of the Joint Committee of Public Safety, on his appointment as Commissioner of Public Safety of the Commonwealth of Massachusetts by Acting Governor Jane Swift.
Councillor Toomey | 89. |
| 90. Resolution on the death of Francis J. Bracken.
Councillor Sullivan and entire membership | 90. |
| 91. Speedy recovery wishes to Timothy Decker, father of City Councillor Marjorie Decker.
Vice Mayor Maher, Councillors Born, Sullivan, Braude, Davis, Mayor Galluccio, Councillors Reeves, and Toomey | 91. |
| 92. "Evening of Hospice Appreciation and Awareness" hosted by HealthCare Dimensions Hospice to be held on Thursday, September 20, 2001 for the purpose of recognizing the valuable support and comfort given during a difficult transition.
Mayor Galluccio | 92. |
| 93. 15 th Annual Tribute to Outstanding Women Luncheon to be held on September 28, 2001 at the Hyatt Regency Cambridge.
Mayor Galluccio and Councillor Sullivan | 93. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 10, 2001**

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| 94. Congratulations and thanks to Jean Entine on the occasion of her receiving the Beryl H. Bunker Award for her outstanding work on behalf of women and women's organizations in and around Cambridge and Boston.
Mayor Galluccio, Councillors Toomey, Sullivan, Decker and Vice Mayor Maher | 94. |
| 95. Congratulations to Biopure Corporation, a Cambridge company, on the development of its new product, Hemopure, a blood substitute.
Councillor Sullivan | 95. |
| 96. Urge Cambridge residents to join the Cambridge School Volunteers, Inc. by serving as a volunteer in some way to assist our students and also reap the rewards of being a volunteer.
Mayor Galluccio | 96. |
| 97. Resolution on the death of Elizabeth M. Anzalone.
Councillor Sullivan and entire membership | 97. |
| 98. Resolution on the death of Henrietta Myrtle Hazlett.
Councillor Sullivan and entire membership | 98. |
| 99. Resolution on the death of Josephine M. Sacca.
Mayor Galluccio and entire membership | 99. |
| 100. Resolution on the death of William F. Wilson.
Councillor Sullivan, Mayor Galluccio and entire membership | 100. |
| 101. Retirement of Claire Albert from the Cambridge School Department.
Mayor Galluccio and entire membership | 101. |
| 102. Retirement of Virginia Cecere from the Emergency Communications Department.
Mayor Galluccio and entire membership | 102. |
| 103. Retirement of Edward C. McGillicuddy from the School Department.
Mayor Galluccio and entire membership | 103. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 10, 2001**

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| 104. | Retirement of Gloria A. Pimentel from the Cambridge Police Department.
Mayor Galluccio and entire membership | 104. |
| 105. | Retirement of Francis Prespolis from the Public Works Department.
Mayor Galluccio and entire membership | 105. |
| 106. | Resolution on the death of Robert A. Mulcahey.
Mayor Galluccio, Councillor Sullivan, Vice Mayor Maher, Councillor Toomey and entire membership | 106. |
| 107. | Resolution on the death of John F. Donlon.
Councillor Sullivan, Vice Mayor Maher, Councillor Toomey and entire membership | 107. |
| 108. | Best wishes to Jane Lindhorst on the occasion of her new position at the Special Start Preschool at the Fitzgerald School.
Councillor Sullivan | 108. |
| 109. | Retirement of Mr. Fred Rogers.
Councillor Sullivan | 109. |
| 110. | Resolution on the death of Russell A. Eng.
Mayor Galluccio and entire membership | 110. |
| 111. | Resolution on the death of Margaret Frassa.
Vice Mayor Maher, Mayor Galluccio and entire membership | 111. |
| 112. | Resolution on the death of Rose M. Garofano.
Mayor Galluccio and entire membership | 112. |
| 113. | Resolution on the death of David E. Hockman.
Vice Mayor Maher, Councillors Sullivan, Toomey and Mayor Galluccio and entire membership | 113. |
| 114. | Resolution on the death of Manuel S. Teixeira.
Councillors Toomey, Sullivan and entire membership | 114. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 10, 2001**

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| 115. | Resolution on the death of Marie Pires.
Councillor Toomey and entire membership | 115. |
| 116. | Resolution on the death of Hilda M. Romanko.
Councillor Toomey and entire membership | 116. |
| 117. | Resolution on the death of Ruth Blake Oliver.
Councillor Sullivan and entire membership | 117. |
| 118. | Resolution on the death of Dr. Joseph C. Kim.
Councillor Sullivan, Mayor Galluccio and entire membership | 118. |
| 119. | Commend Bernie Flannery for past acts of heroism without regard for his own personal safety.
Councillor Toomey | 119. |
| 120. | Resolution on the death of Ambrosina Enos.
Councillor Toomey and entire membership | 120. |
| 121. | Resolution on the death of William George O'Connell, Jr.
Councillor Sullivan and entire membership | 121. |
| 122. | Congratulations and welcome to Barbara Lee and the Barbara Lee Foundation who have relocated to the City of Cambridge.
Councillor Decker | 122. |
| 123. | Thanks to Mayor N'ze and the people of Dimbokro, Ivory Coast, for their warm reception and hospitality for the Cambridge delegation, which visited in August.
Councillor Reeves | 123. |
| 124. | Thanks for the gracious reception that the Cambridge/Africa sister city delegation received in Cotonou, Benin.
Councillor Reeves | 124. |

**POLICY ORDER AND RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 10, 2001**

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| 1. Sponsorship procedure for resolutions.
Mayor Galluccio | 1. |
| 2. Examine tree in front of premises numbered 212 Harvard Street as branches of significant size have fallen recently.
Councillor Reeves | 2. |
| 3. Fix pothole located on Copley Street near Walden Street.
Councillor Reeves | 3. |
| 4. Review the visibility of traffic lights at the corner of Harvard and Lee Streets.
Councillor Reeves | 4. |
| 5. Preparation of ordinance amendment to ban the use of leaf blowers in Cambridge.
Councillor Toomey | 5. |
| 6. Proposal for a pedestrian and/or bike link between Pleasant Street and River Street.
Councillor Davis | 6. |
| 7. Resolve problem of weeds and broken fences at the King School, especially on the Putnam Avenue side.
Councillor Davis | 7. |
| 8. Possibility of converting traffic lights from incandescent to LED in order to save money and energy.
Councillor Davis | 8. |
| 9. Recommendation on steps that the City of Cambridge can take to avoid the "urban heat island effect."
Councillor Davis | 9. |
| 10. Report on teenage violence and prevention efforts in Cambridge.
Councillor Sullivan | 10. |

**POLICY ORDER AND RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 10, 2001**

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| 11. Neighborhood process used to develop the plan for the major traffic project at Sheridan Square and along Rindge Avenue.
Mayor Galluccio | 11. |
| 12. Request that NSTAR establish a claim center in the City of Cambridge for the purpose of assisting Cambridge residents who have suffered losses during the recent and future power outages.
Mayor Galluccio | 12. |
| 13. Develop a plan for the systematic improvement and updating of the electric system in the City of Cambridge.
Mayor Galluccio | 13. |
| 14. Clean catch basins along Cambridge Street and specifically clean the catch basin at Prospect and Cambridge Streets, Cardinal Medeiros Way and Warren and Cambridge Streets.
Councillor Sullivan | 14. |
| 15. Clean the catch basins at the corner of Massachusetts Avenue and Pearl Street.
Councillor Sullivan | 15. |
| 16. Replace the current sign at the Jefferson Street park to change the closing time to dusk.
Vice Mayor Maher | 16. |
| 17. Report from NSTAR regarding the summer blackouts.
Councillor Decker | 17. |
| 18. Report on the City's information and preparation regarding the summer blackouts.
Councillor Decker | 18. |
| 19. Replace the defaced Raymond Bandar Square sign in Porter Square.
Councillor Reeves | 19. |
| 20. Report on the procedure for permitting wireless transmitters/antennas.
Councillor Born | 20. |

**POLICY ORDER AND RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 10, 2001**

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| 21. Report on the issue of using cameras to photograph drivers allegedly running lights at the City's intersections.
Councillor Braude | 21. |
| 22. City Council endorsement of H4262, "An Act Relative to the Taxation of Real Property."
Councillor Born | 22. |
| 23. Amend order from the Government Operations Committee Report (Calendar Item #4 of 9/10/01) recommending a process for evaluation of the City Manager.
Councillor Braude | 23. |
| 24. Feasibility of Cambridge providing support for the proposed Somerville Community Bike Path.
Councillor Davis | 24. |

O-1.

September 10, 2001

MAYOR GALLUCCIO

ORDERED: That the City Clerk is hereby directed to treat sponsorship of each resolution which expresses congratulations, best wishes, condolences, get well wishes, birthdays, etc. as follows:

1. Name of the person who first submits the resolution goes first.
2. Before the 3:00 p.m. order deadline, names are added in order in which members subsequently submit the same resolution.
3. After 3:00 p.m. all other names are added in alphabetical order.
4. If the resolution is submitted as a late resolution at the meeting, all other member's names are added in alphabetical order.
5. Any member who does not desire to be listed as a sponsor of a particular resolution of this type shall so inform the City Clerk and that member's name shall be removed; and be it further

ORDERED: That said procedure shall be in effect as a standing order of the City Council until such time as it is changed by further City Council action.

O-2.

September 10, 2001

COUNCILLOR REEVES

ORDERED: That the City Manager be and hereby is requested to confer with the City Arborist to examine the tree in front of 212 Harvard Street. Branches of significant size have fallen recently and the tree may present a threat to pedestrian safety.

O-3.

September 10, 2001

COUNCILLOR REEVES

ORDERED: That the City Manager be and hereby is requested to confer with the Commissioner of Public Works to fix the large pothole on Copley Street near Walden Street.

O-4.

September 10, 2001

COUNCILLOR REEVES

ORDERED: That the City Manager be and hereby is requested to confer with the Director of the Department of Traffic, Parking and Transportation and the City Arborist to review the visibility of traffic lights at the corner of Harvard and Lee Streets. Tree growth is said to obscure visibility of the traffic signal.

O-5.

September 10, 2001

COUNCILLOR TOOMEY

ORDERED: That the City Manager be and hereby is requested to confer with all appropriate staff to take immediate steps to enforce any and all regulations prohibiting the use of leaf blowers in such a way as to blow leaves onto the private property of others or onto the public way, where they can clog drains and contribute to flooding; and be it further

ORDERED: That the City Manager be and hereby is requested to confer with the City Solicitor to prepare for the City Council's consideration, an ordinance amendment to ban the use of leaf blowers in Cambridge.

O-6.

September 10, 2001

COUNCILLOR DAVIS

ORDERED: That the City Manager be and hereby is requested to initiate a process to negotiate, with all parties involved, including property owners, a proposal for a pedestrian and/or bike link between Pleasant Street and River Street, midblock between Putnam Avenue and Memorial Drive; and be it further

ORDERED: That the process include legal analysis and urban design considerations.

O-7.

September 10, 2001

COUNCILLOR DAVIS

ORDERED: That the City Manager be and hereby is requested to communicate with appropriate parties regarding the weeds and broken fences at the King School, especially on the Putnam Avenue side.

O-8.

September 10, 2001

COUNCILLOR DAVIS

WHEREAS: The city can save money and energy by converting traffic lights from incandescent to LED; now therefore be it

ORDERED: That the City Manager be and hereby is requested to report to the City Council on how and when this might happen.

O-9.

September 10, 2001

COUNCILLOR DAVIS

ORDERED: That the City Manager be and hereby is requested to transmit the attached information on the "urban heat island effect" to the Assistant City Manager for Community Development, the Commissioner of Public Works and any other appropriate staff for a report back to the City Council with recommendations on possible steps Cambridge can take to avoid the syndrome, such as installing light-colored roofs on municipal buildings and school buildings.

O-10.

September 10, 2001

COUNCILLOR SULLIVAN

WHEREAS: A recent study by researchers at the Harvard School of Public Health shows that one in five teenage girls in Massachusetts has suffered sexual or physical abuse from a boyfriend (see attached Boston Globe article); and

WHEREAS: The study also found that girls abused by their boyfriends are much more likely to use drugs or alcohol, have unsafe sex, acquire eating disorders and consider or attempt suicide; and

WHEREAS: The study was designed to be representative of all public high school students in Massachusetts; now therefore be it

ORDERED: That the City Manager be and hereby is requested to confer with the Superintendent of Schools, the Commissioner of Public Health, the Police Commissioner and the Assistant City Manager for Human Services to provide a report on teenage violence and prevention efforts in Cambridge; and be it further

ORDERED: That the report, along with this order, be referred to the Public Safety Committee.

O-11.

September 10, 2001

MAYOR GALLUCCIO

WHEREAS The City is in the process of completing a major traffic project at Sheridan Square and along Rindge Avenue; now therefor be it

ORDERED That the City Manager report back to this City Council on the neighborhood process used to develop the plan that is being implemented, the studies conducted in the development of this plan, and the City's plan to monitor the impact of these changes on the community; and be it further

ORDERED That this report be presented to the City Council by the October 1, 2001 meeting of this City Council.

O-12.

September 10, 2001

MAYOR GALLUCCIO

WHEREAS: Recent power outages have caused many Cambridge residents to suffer losses due to the extended lack of electric service; and

WHEREAS: NSTAR, the electric utility serving the City of Cambridge, has a process by which residential and commercial customers can file claims for losses occurring as a result of loss of electric service; and

WHEREAS: Cambridge residents have expressed a strong interest in a quick and convenient process for making such claims; now therefor be it

ORDERED: That this City Council request that NSTAR establish a claim center in the City of Cambridge for the purpose of assisting Cambridge residents who suffered losses during recent and future power losses; and be it further

ORDERED: That the City Clerk be and hereby is requested to forward a copy of this order to NSTAR on behalf of the entire City Council.

O-13.

September 10, 2001

MAYOR GALLUCCIO

WHEREAS: Recent high demand for electric service coupled with extremely high temperatures resulted in multiple power outages in the City of Cambridge; and

WHEREAS: Power quality has been a major issue in many parts of Cambridge for many years, both under the ownership of Cambridge Electric and now as part of NSTAR; and

WHEREAS: As an older City with a very mature infrastructure it is likely that some of the problems that occurred this Summer were a direct result of problems in the system resulting from the age of Cambridge's electric system; and

WHEREAS: Facing a similar situation several years ago, John Rowe, CEO of ComEd in Chicago entered into a cooperative planning process with the City of Chicago, the State of Illinois, and electric users to review the existing electric system and set forth a plan to repair and replace old and outdated equipment; now therefor be it

ORDERED: That the City Manager work with NSTAR and state regulatory bodies including the Commonwealth of Massachusetts Division of Telecommunications and Energy and the Office of the Attorney General to begin a review of the electric system in the City of Cambridge that will identify the age of all components of the system, problems in the system that lead to power quality problems and service outages, and other information necessary to develop a plan for the systematic improvement and updating of the electric system in the City of Cambridge; and be it further

ORDERED: That the City Manager send a letter to Tom May, Chairman of the Board and Chief Executive Officer of NSTAR, Inc., James Connelly, Esq., Chairman of the Department of Telecommunications and Energy, and Attorney General Thomas Riley inviting these parties to a preliminary meeting with the City of Cambridge to develop a strategy for this survey and for improvements to the electric system in Cambridge.

O-14.

September 10, 2001

COUNCILLOR SULLIVAN

ORDERED: That the City Manager be and hereby is requested to instruct the Commissioner of Public Works to clean the catch basins along Cambridge Street and specifically to clean the catch basin at Prospect and Cambridge Streets, Cardinal Medeiros Way, and Warren and Cambridge Streets.

O-15.

September 10, 2001

COUNCILLOR SULLIVAN

ORDERED: That the City Manager be and hereby is requested to instruct the Commissioner of Public Works to clean the catch basins located at the corner of Massachusetts Avenue and Pearl Street.

O-16.

September 10, 2001

VICE MAYOR MAHER

ORDERED: That the City Manager be and hereby is requested to confer with the Commissioner of Public Works to replace the current sign at the Jefferson Street park to change the closing time to dusk; and be it further

ORDERED: That said new sign with said new closing time be prominently displayed at the park; and be it further

ORDERED: That the City Manager be and hereby is requested to confer with the Police Commissioner to continue increased enforcement efforts targeted to nighttime underage drinking and disturbance of the neighborhood peace.

O-17.

September 10, 2001

COUNCILLOR DECKER

ORDERED: That the City Manager be and hereby is requested to obtain a report from NSTAR for the City Council on the summer blackouts, including answers to the following questions:

- What caused these summer blackouts?
- Did NSTAR anticipate the blackouts, how did they prepare for the blackouts?
- What work is being done to ensure that these blackouts are minimized in the future?

O-18.

September 10, 2001

COUNCILLOR DECKER

ORDERED: That the City Manager be and hereby is requested to provide a report on the City's information and preparation regarding the summer blackouts, including answers to the following questions:

- Did the City anticipate the blackouts?
- What did the City do to prepare our citizens for blackouts?
- What preparations were made for seniors and the disabled who suffered without electricity during the summer blackouts?
- What recommendations have been made to improve this situation in the future - given the serious health crisis the loss of electricity can be, particularly in the middle of a heat wave?

O-19.

September 10, 2001

COUNCILLOR REEVES

ORDERED: That the City Manager be and hereby is requested to replace the Raymond Bandar Square sign in Porter Square, as the sign has been defaced.

O-20.

September 10, 2001

COUNCILLOR BORN

ORDERED: That the City Manger be and hereby is requested to report to the City Council on the procedures for permitting wireless transmitters/antennas; and be it further

ORDERED: That the report specify who receives notice of hearings on the application:

- Do notices go to all residents, owners, etc. within a specific geographic range of the building for which the permit is sought?
- Are tenants in the building on which the antenna will be placed notified of the hearing?

and be it further

ORDERED: That the report discuss whether a nonprofit institution that applies for a permit for a transmitter/antenna for rental to another party, and does so rent, thereby affect its nonprofit status, with reference to the recent New Jersey court decision on this issue.

O-21.

September 10, 2001

COUNCILLOR BRAUDE

ORDERED: That the City Manager be and hereby is requested to report to the City Council on the issue of using cameras to photograph drivers allegedly running lights at the City's intersections, said report to include a full discussion of the pros and cons of this approach.

O-22.

September 10, 2001

COUNCILLOR BORN

WHEREAS: The Fiscal Policy Committee of the Massachusetts Municipal Association recently voted to endorse H4262, entitled "An Act Relative to Taxation of Real Property," filed by Watertown, and to convene a working group to study and make recommendations regarding broad-based legislative solutions for the fiscal plight of municipalities with extensive tax exempt properties; now therefore be it

RESOLVED: That the City Council go on record endorsing H4262, "An Act Relative to the Taxation of Real Property;" and be it further

RESOLVED: That the City Manager be and hereby is requested to meet with the local officials working on this issue, including the Town Manager of Brookline and the Mayor of Newton and to participate in the MMA's efforts to develop broader based legislative solutions to the fiscal problems caused by removal of real property from the tax rolls when it is acquired by nonprofit institutions; and be it further

RESOLVED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to the Cambridge delegation and the Massachusetts Municipal Association on behalf of the entire City Council.

O-23.

September 10, 2001

COUNCILLOR BRAUDE

ORDERED: That the attached order, which is part of the Government Operations Committee Report recommending a process for evaluation of the City Manager (Calendar Item #4 of 9/10/01) be amended as follows:

In the first three bulleted items under paragraph number one, the dates be changed from September 30 to September 15; from October 30 to October 15; and from November 30 to November 15.

O-24.

September 10, 2001

COUNCILLOR DAVIS

ORDERED: That the City Manager be and hereby is requested to report to the City Council regarding the feasibility of Cambridge providing support for the proposed Somerville Community Bike Path from Linear Park to the Lechmere Station and said report to include assessment of:

- Developing plans to continue the path from the Charles River waterfront and East Cambridge neighborhoods
- Technical assistance or design support
- Any other possibilities

COMMITTEE REPORTS
FOR THE CITY COUNCIL MEETING OF MONDAY, SEPTEMBER 10, 2001

1. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Vice Mayor David P. Maher and Councillor Kathleen L. Born, Co-Chairs of the Ordinance Committee, for a meeting held on May 2, 2001 for the purpose of considering proposed amendments to Chapter 6.08 of the Cambridge Municipal Ordinance regarding the regulations of vicious dogs. The proposal is to repeal the existing chapter and to substitute the new draft proposal.

2. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Jim Braude, Chair of the Housing Committee, for a meeting held on May 22, 2001 for the purpose of discussing the progress made on improving the condition of the housing at Fresh Pond Apartments.

3. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Vice Mayor David P. Maher and Councillor Kathleen L. Born, Co-Chairs of the Ordinance Committee, for a meeting held on July 18, 2001 for the purpose of considering the Parking and Transportation Demand Management Ordinance (PTDM), which provides for its expiration in November unless the City Council takes further action.

Committee Report #1

ORDINANCE COMMITTEE MEMBERS

In City Council September 10, 2001

Councillor Kathleen L. Born, Co-Chair

Vice Mayor David P. Maher, Co-Chair

Councillor Jim Braude

Councillor Henrietta Davis

Councillor Marjorie C. Decker

Councillor Kenneth E. Reeves

Councillor Michael A. Sullivan

Councillor Timothy J. Toomey, Jr.

Mayor Anthony D. Galluccio

The Ordinance Committee held a public hearing on May 2, 2001, beginning at 6:00 P.M. in the Sullivan Chamber for the purpose of considering proposed amendments to Chapter 6.08 of the Cambridge Municipal Ordinance regarding the regulation of vicious dogs. The proposal is to repeal the existing chapter and to substitute the new draft proposal (**Attachment A**).

Present at the hearing were Vice Mayor David P. Maher and Councillor Kathleen L. Born, Co-Chairs of the Committee, Councillor Jim Braude, Councillor Henrietta Davis, Councillor Marjorie C. Decker and City Clerk D. Margaret Drury. Also present were Donald Drisdell, Deputy City Solicitor and Mark McCabe, Executive Director of the Animal Control Commission.

Councillor Born convened the hearing and explained the purpose. She invited Attorney Drisdell and Mr. McCabe to describe the proposal.

Mr. Drisdell said that in reviewing the current ordinance as requested in a previous City Council order, Mr. McCabe and attorneys from the Law Department concluded that substantial revision was in order to reflect 1998 amendments to the state statute. During this process they also saw ways to improve the current ordinance. Thus the proposal is for a complete substitution, although many of the current provisions have been incorporated into the new proposal. Mr. Drisdell then summarized the changes. The proposal would eliminate the animal commission and create a department of animal control with all the powers and responsibilities formerly granted to the Animal Commission.

The proposal would repeal the existing Ch. 6.08 and replace it with a new Ch. 6.08. The main focus in the revision was to create consistency with state statute and to include the flexibility to take advantage of the expertise and experience of the animal control officers.

Councillor Born asked why, since there is a state statute, a municipal ordinance is necessary? Attorney Drisdell said that the Cambridge Department of Animal Control has broader responsibilities than just what the state regulates. Mr. Drisdell noted that the definition of viciousness expands upon the provisions of the statute and reflects what the reality of the Animal Control Officers' experience has actually been.

Councillor Davis noted that although there are specific dimensions, no height is specified for the pen, which is one of the remedies that may be ordered where a dog is found to be vicious. Attorney Drisdell said that the Animal Control Officer has some discretion.

Councillor Davis announced that she was leaving to attend the West Nile Virus hearing and stated that she supports the ordinance.

Councillor Born asked if there is still a role for the police. Attorney Drisdell explained that the police have authority to respond to any emergency. The statutory change eliminated police from determination of viciousness or dangerousness.

Councillor Born asked what happens if, at 2:00 a.m., you see a dog that has been determined to be vicious and is not on a leash. If you call the police, will they say “it’s not my problem, call the Department of Animal Control.”

Mr. McCabe said that the Animal Control Officers work closely with the police. If there were an immediate danger, the police would deal with it. Mr. McCabe stated that the police always call him when they are contacted regarding an animal control problem.

Councillor Braude asked whether, if a person disagrees with the animal control officer’s finding of viciousness, there is an administrative appeal. Mr. McCabe responded that the owner’s appeal is to court within ten days. If a dog is not found to be vicious by the animal control officer, there is no provision in the state statute for a citizen who complained to appeal.

Councillor Braude stated that he would like to see a remedy for that.

Councillor Braude asked how far could we go to make breed-specific regulations without violating the law. For example, could the City Council say that a particular breed could not be housed within 100 feet of a school?

Mr. McCabe explained that the problem with such an approach is that the breeds perceived as the vicious breeds change. Many years ago German Shepherds were considered especially dangerous; then for a long time Doberman Pinchers were so labeled; most recently it has been pit bulls and Rottweilers that have the reputation.

Attorney Drisdell said that a 1995 Supreme Judicial Court case found breed specific laws invalid because the evidence has established that there is no scientific means to determine if a dog is a particular breed. Any breed-specific attempt is likely to fail.

Councillor Braude stated that this is unfortunate. He said that he would like to see a requirement that a dog declared as vicious in another jurisdiction must be registered in Cambridge as a vicious dog. Councillor Braude said that he also would like to have owners of vicious dogs who move to Cambridge register if they have ever had a dog cited, like a sex offender registry.

Attorney Drisdell stated that it might be possible to require such a disclosure as part of the dog licensing process.

Councillor Born then invited public testimony.

Deborah McCutcheon, 405 Walden Street, stated that she is an attorney and a dog owner. She has lived in Cambridge for more than twenty years. She said that there are major problems with the proposed ordinance as it is currently drafted. It is vastly overbroad. She pointed out that under the proposed ordinance, dog barking behind the fence can be found to be vicious just on this ground. She provided examples of dogs that she has encountered behind fences, barking loudly. Once the gate is open, they have no more to say.

Attorney McCutcheon said that the revision eliminates several specific and use provisions in the current ordinance. For example, the current ordinance has a definition of the height required for a pen for a vicious dog. This proposal has no height requirement. Attorney McCutcheon said that, in general, the definitions in the current ordinance are much more precise. "Trained for dog fighting" as a factor in determining viciousness has been left out of the proposed ordinance.

Ms McCutcheon stated that her support for the portion of the proposed ordinance that provides an opportunity for a dog that has been declared vicious to get a reprieve after a couple of years without any vicious behavior.

Attorney McCutcheon further stated that the current ordinance makes an important distinction between private places and public places. A dog being walked on a leash that appears barely restrained and ready to attack at any moment should not be allowed to be in a public space. But a dog behind the fence on private property cannot be held to be a vicious dog just on account of barking.

Kathy Podgers, Pearl Street, distributed an article from the New York Times about barking as a means of communication (**Attached**). She said that she has worked with animals all her life. At this hearing there seems to be a lot of confusion about what is a dog. She described an incident in which someone came into her yard to release her dog from its 20 foot leash.

Ms. Podgers stated that she disagrees with the ordinance the way it is written. She agrees that vicious dogs must be dealt with. The ordinance doesn't address a vicious dog. She stated that she also would like to see punishment for false written complaints. She would like to see full due process and protection for owners whose dogs are on the owner's own property.

Ms. Podgers added that she would like there to be a right to go to court to protest even for a warning. She is also concerned about the standard of evidence. She lives near a school. Some kids tease or torment dogs. Then the same kid might not be bothering the dog on another day, but the dog remembers and thinks the child is going to tease and so lunges and barks. "Woof, woof, woof, woof," can mean "please listen to me. You don't know what is going on." She stated that she would like to be included in further meetings on this issue.

Councillor Born moved to keep the ordinance in committee for the purpose of considering the comments made by the public. The motion was passed without objection.

Councillor Born thanked those present for their participation.

The meeting was adjourned at 7:05 p.m.

For the Committee,

Councillor Kathleen L. Born, Co-Chair
Vice Mayor Maher, Co-Chair

Committee Report #2

HOUSING COMMITTEE MEMBERS

In City Council September 10, 2001

Councillor Jim Braude, Chair

Councillor Kathleen L. Born

Councillor Henrietta Davis

Councillor Marjorie C. Decker

Vice Mayor David P. Maher

The Housing Committee held a public hearing on May 22, 2001 beginning at 4:08 P.M. in the Sullivan Chamber for the purpose of discussing the progress made on improving the condition of the housing at Fresh Pond Apartments.

Present at the hearing were Councillor Jim Braude, Chair of the Committee, Councillor Kathleen L. Born, Councillor Henrietta Davis, Councillor Marjorie C. Decker, Councillor Kenneth E. Reeves and City Clerk D. Margaret Drury. Also present were Darcy Jameson, Director of Housing for the Community Development Department (CDD), and Elizabeth Sternberg CDD, Maurice Barry, HUD, Richard Henken, Executive Vice President of Schochet Associates, Inc., Patricia Casola, tenant and president of Fresh Pond Tenants Association, Carol Eades, Expiring Use Tenants Committee, Elaine DeRosa, CEOC, Laura Boothe, CEOC, Susan Hegel, Attorney for Legal Services, Donna Bronk, property manager.

Councillor Braude convened the hearing and explained the purpose. He invited Darcy Jameson to begin.

Ms. Jameson began with a brief history of the City's efforts to preserve affordability at Fresh Pond Apartments. A year ago HUD approved prepayment of the existing mortgage in exchange for a use agreement, tenant protections and housing improvements.

Councillor Braude noted that essentially every member of the City Council has had recent contact with the parties involved in this matter, and that most have visited the building recently.

Maurice Barry, HUD, stated that the use agreement was executed in May 2000. HUD retrieved it in September 2000 and in October 2000, a "re-app" report was issued. In that report, the property received a score of 30% of 100 for compliance. The property was referred to the Enforcement Section for action. The owner appealed the score, and this property was reviewed and rescored as 61% of 100.

Mr. Barry said that to date \$1.4 million repairs have been completed, of which \$1 million were paid for from the replacement reserve fund. The MHFA is now the contract administrator, so MHFA will be doing inspections.

The current Section 8 utilization is approximately 305 units, up from 270 before the use agreement. MHFA performed a project management review - a combination of physical conditions and management practices. Overall, the physical condition was rated as

unsatisfactory on March 13. The owners appealed. In a response after repairs MHFA found that the condition is now satisfactory.

The MHFA report listed two areas that MHFA wants the owner to address:

- repair the laundry rooms
- hallway door issue

It was noted that the MHFA only inspected vacant units. Councillor Braude asked whether occupied units could be included in future inspections and Mr. Henken said it could be done.

Mr. Henken stated that the property is clearly acceptable under law. However, a score of 61 is not acceptable to the owners. With regard to graffiti, toilet paper in trees, etc., these tenants need to have conversations with the tenants who are causing these conditions. The management cannot keep up with the graffiti, and the urine in the hallways.

Elaine DeRosa, Director of CEOC, began by stating that fingerprinting is inappropriate in light of the resources put into these buildings by HUD and the harassment of tenants that has occurred.

Ms. DeRosa said that CEOC has had a contract with the City since 1988 to work with tenants in expiring use buildings.

Susan Hegel, Housing Attorney, Cambridge and Somerville Legal Services (CASLS), stated that HUD has put a huge sum of \$15 million into these apartments. There are over 500 apartments. In addition, the owner was allowed to prepay and refinance. The written use agreement provides the city with rights to monitor in three areas. She noted provisions in use agreements.

1. Repairs and improvements - owner is required to submit monthly reports to MHFA.
2. Posting and distribution of the tenant selection and transfer plan.
3. Full utilization of Section 8 - There are 338 Section 8's. The owner submits a monthly report to MHFA on how many of these apartments are actually being rented to Section 8 tenants.

Mr. Barry said that HUD does not require the monthly reports, but it is perfectly reasonable and acceptable for MHFA to require them.

Mr. Henken said that he will see that these reports are sent to CDD. Mr. Henken said that he has no problem posting the tenant selection plan. It is being distributed to new tenants.

Mr. Henken said that he is happy to supply copies of these reports and information to CDD if the tenants will give copies to management of what information they are distributing to the city as well.

Carol Eade, Expiring Use Tenants Association, requested further inspection of the property. Based on their recent survey, there are still problems with vermin infestation, elevator door sensors and there are concerns about asbestos. She said that she would like to see an inspection of the below market rate interest units (BMIR). She is also concerned with discriminatory treatment of its tenants.

Mr. Barry said that HUD will be doing its own inspection of BMIR units.

Patricia Casola, Fresh Pond Apartments Tenants Association, provided a history of tenant involvement at Fresh Pond Apartment Housing. She said that in the February 8, 2001 project management inspections by MHFA, there was no tenant input, although this was requested. She fully agrees with the unsatisfactory rating. She outlined past discrimination against people with disabilities and longstanding mistreatment of activists by the management. Since Ms. Bronk has been involved with the North Cambridge Crime Task Force, police have been inappropriately involved and unresponsive to tenants. Appliances need replacement, especially stoves. Ceilings were not properly finished after asbestos remediation. She noted that there is asbestos in the hallway on the 27th floor. She suggested a careful look into the inspection process.

Councillor Born reviewed the improvements and renovations required by the use agreement and asked Mr. Barry if Schochet Associates has complied with the agreement. Mr. Barry said that with regard to the Section 8 utilization, all were aware at the time the use agreement was executed that achieving full compliance would take time.

Councillor Born then asked about asbestos testing, and whether the owner intends to do remedial cosmetic work to areas where the walls were damaged by the asbestos remediation. She suggested sampling 10% and based on the statistics repainting all of the bathrooms. Mr. Henken said that he has told these people for two years to call him if he has a problem.

Councillor Born said that one would expect that a reasonable property owner would go and look at units after they were remediated to see whether the work had been done satisfactorily.

Councillor Born reminded all that the goal of this meeting is to solve existing problems and find away to move forward.

Councillor Davis asked if there had been any thought to use of mediation to get to a more constructive relationship.

Kenneth Waldron, tenant at 364 Rindge Avenue said that he has been a tenant there for nine years. Lack of heat has been a consistent problem, so have rodents. In the process of dealing with the stove, he was served with an eviction notice with a claim that he had someone living there with him. The Police Task Force visited him at 9:00 p.m. based on a tip from Ms.

Bronk that there were drugs in his apartment. Ms. Bronk called his mother in Ohio to say that he had an undesirable person living there.

Councillor Braude asked for a response regarding the heat issue. Ms. Bronk stated that she has been a property manager for 18 years, and that she could tell everyone what the problem is with this tenant and the police could too. Councillor Braude asked Ms. Bronk to please limit her comments to the heat. She said that she has never been made aware that Mr. Walker does not have heat.

Councillor Braude said that even if, hypothetically, the tenants are completely wrong and the owners are completely right, the fact that there are so many dissatisfied tenants at this hearing is a problem that must be solved. Councillor Braude said that a major goal of this hearing is to agree upon a mechanism through which landlords and tenants can communicate and address common problems.

Ms. DeRosa stated that the city needs to look at how the tenants assess their housing and their quality of life. She then summarized the recommendation from the Cambridge Expiring Use Tenants Committee for moving forward (Attachment).

Councillor Braude asked for a response to the recommendation from Ms. Jameson. She said that she is just seeing these recommendations for the first time. They appear to address some of the residents concerns and may provide a basis for a way to move forward. Mr. Henken stated that this is also the first time he is seeing the recommendations; they look reasonable, but he needs time to review them.

Councillor Braude offered to host one more meeting of the principals on this issue within a short period of time. He would like the City Council to take a look at police issues before there is any further discussion of it in this committee.

Ms. DeRosa suggested bringing in the MHFA. Ms. Jameson suggested putting the complaints in writing and giving the owner a chance to fix them.

Councillor Braude said that he wants to get to the basic communication issues as soon as possible; otherwise, the underlying problems will keep coming up again and again.

Representative Alice Wolf said that she toured the building yesterday with Councillor Born and Councillors Decker and Braude. She observed several safety issues - stoves with gas leaks, elevator stops that were not functioning, and asbestos ceilings in need of finishing.

Mr. Henken urged tenants to let the management know immediately if there is suspicion of a gas leak. The ceiling issue is important to address but he wants to make it clear that it is not an asbestos issue, there is not a health and safety issue.

Councillor Braude noted a clear breakdown of communication.

Ms. Casola said that there is no asbestos in the bathrooms but it is present in the halls and in the other rooms of the apartment.

Mr. Henken said that if the tenants tell him there is a problem he will have it fixed; they should contact the management. Ms. Casola suggested that new tenants be informed of this. Ms. Bronk said that all staff have been trained on asbestos and what the staff can do and what they cannot do.

Robert Hall, Fresh Pond Apartments, stated that he has watched this process for a long time. He would like to see a monthly meeting of tenants and owners and management staff, where all are talking to each other, not “at” each other, with Mr. Henken present at the first few meetings.

Councillor Braude thanked all those present for coming. He noted the wonderful attendance and that is very rare to see the room filled to this extent.

The meeting was adjourned at 5:45 p.m.

For the Committee,

Councillor Jim Braude, Chair

Committee Report #3

ORDINANCE COMMITTEE MEMBERS

In City Council September 10, 2001

Councillor Kathleen L. Born, Co-Chair

Vice Mayor David P. Maher, Co-Chair

Councillor Jim Braude

Councillor Henrietta Davis

Councillor Marjorie C. Decker

Councillor Kenneth E. Reeves

Councillor Michael A. Sullivan

Councillor Timothy J. Toomey, Jr.

Mayor Anthony D. Galluccio

The Ordinance Committee held a public hearing on July 18, 2001 beginning at 2:10 P.M. in the Ackermann Room for the purpose of considering the Parking and Transportation Demand Management Ordinance (PTDM), which provides for its expiration in November unless the City Council takes further action.

Present at the hearing were Vice Mayor David P. Maher and Councillor Kathleen L. Born, Co-Chairs of the Committee, Councillor Henrietta Davis, Councillor Michael A. Sullivan, and City Clerk D. Margaret Drury. Also present were Beth Rubenstein, Assistant City Manager for Community Development (CDD), Susan Clippinger, Director of the Traffic, Parking and Transportation Department, Joseph Barr, CDD Transportation Planner and Catherine Preston, PTDM Officer.

Councillor Born convened the hearing and explained the purpose. She requested that Ms. Rubenstein begin the presentation. Ms. Rubenstein introduced the staff involved and requested that Ms. Preston start with a review of the PTDM ordinance and its effects. She provided a written summary of the information (**Attachment A**.) Twenty-five plans have been approved. The twenty-five plans will result in 45% of covered employees not driving to work. To date, four businesses with plans have done their monitoring studies. Two plans have done much better than required.

Ms. Preston then described the very few proposed changes (**Attachment B**). Few changes are proposed because the ordinance is working very well.

Ms. Rubenstein informed the Council that the ordinance won an award from the National Planning Association and noted that the benefits will continue to accumulate over time.

Councillor Davis said that she is very impressed with the statistics regarding the effectiveness of the ordinance. It is a good, moderate approach to decrease the increase in traffic.

Councillor Born asked about the proposed change in Sec. b(iv). Could it mean a change of use from one type of business to another?

Councillor then invited public comment.

Tom Lucy, President of the Chamber of Commerce, praised the City Council and the City Manager for their work on traffic and air quality. He noted that the business community has also shown leadership on this issue. He urged retention of the sunset clause. The ordinance is still in its infancy. He also urged the City Council to consider making this ordinance part of the Zoning Ordinance. He also requested that the comment period stay open through part of September.

James W. Gascoyne, Executive Director of the Charles River Transportation Association, stated that the law has been very effective because it builds capacity and because it raises the bar and sets a new standard of practice for business. He urged recertification.

Vice Mayor Maher requested that the staff respond to the issue of another sunset clause. Ms. Rubenstein said that when the ordinance was first enacted, a period of experimentation was appropriate, but now there has been some experience and the law has proved to have the necessary flexibility. In addition, the City Council always has the power to rescind an ordinance. With regard to the proposal to make it part of the Zoning Ordinance, it is not something that has been discussed, although CDD can certainly look at it.

Councillor Davis said that zoning is a different legal structure, with a different vote requirement. With regard to the sunset clause, keeping a sunset clause raises the specter of unfairness down the line to employers who have been subject to the ordinance.

Councillor Sullivan noted that the vast majority of Cambridge traffic is still cut-through traffic and until Cambridge does something about that, then the traffic problem will not be solved. He stated that he likes sunset clauses because they require lawmakers to take a serious look at the effects and the effectiveness of laws on the books.

Vice Mayor Maher moved that the proposed ordinance be referred to a full City Council with a recommendation for enactment and with a request that the City Council look at the issues of a sunset clause and of making this ordinance a part of the zoning ordinance.

Councillor Born stated that she sees an inconsistency between proposing that the ordinance become part of the City's zoning ordinances and proposing that the sunset clause continue.

Councillor Born mad the following motion:

ORDERED: That the City Manager be and hereby is requested to direct the Community Development Department to report to the City Council on the issues of a sunset clause and making the PTDM ordinance part of the Cambridge Zoning Ordinance.

The motion passed without objection on a voice vote.

Councillor Born thanked those present for their attendance. The meeting was adjourned at 2:52 p.m.

For the Committee,

Councillor Kathleen L. Born, Co-Chair
Vice Mayor Maher, Co-Chair

**COMMUNICATIONS AND REPORTS FROM CITY OFFICERS -
FOR THE CITY COUNCIL MEETING OF MONDAY, SEPTEMBER 10, 2001**

1. A communication was received from D. Margaret Drury, City Clerk, transmitting a copy of a letter from Sam Lipson to W.R. Grace & Company regarding the draft decision of mitigation requirements under the Asbestos Protection ordinance from the Cambridge Public Health Department.

2. A communication was received from Councillor Michael A. Sullivan, transmitting a letter from Peter Sturges, thanking the City Council for the resolution regarding his appointment as Executive Director of the State Ethics Commission.