

HEARING SCHEDULE
CITY COUNCIL MEETINGS BEGINNING SEPTEMBER 23, 2002

Monday, September 23, 2002	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber) MEETING HELD.
Monday, September 23, 2002	6:30 P.M.	The City Council will conduct a public hearing to discuss the property tax rate classification. (Sullivan Chamber) HEARING HELD.
Wednesday, September 25, 2002	4:30 P.M.	The Ordinance Committee will conduct a working meeting to consider proposed amendments to the Smoking Ordinance, Chapter 8.28 of the Municipal Code. No public comment (Sullivan Chamber)
Thursday, September 26, 2002	6:30 P.M.	Special City Council Meeting To receive a progress report on incidences of violence in the city. (Area IV Youth Center, Second Floor, Gymnasium, 243 Harvard Street)
Monday, September 30, 2002	5:30 P.M.	Roundtable Meeting Discussion concerning graffiti. Informal meeting with no public comment, at which time no votes will be taken. Meeting will not be televised. (Sullivan Chamber)

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.

Wednesday, October 2, 2002	4:00 P.M.	The Ordinance Committee will conduct a public hearing to discuss a proposed amendment to Chapter 2.118 of the Municipal Code, Statements of Financial Interests by Certain Officials and Persons Conducting Business with the City, which would make available on the City of Cambridge website the list of municipal officials and statements of financial interests filed with the Election Commission pursuant to this chapter. (Sullivan Chamber)
Wednesday, October 2, 2002	4:30 P.M.	The Ordinance Committee will conduct a public hearing on a proposed amendment relative to linkage payments required by the Incentive Zoning Ordinance. This hearing is televised. (Sullivan Chamber)
Wednesday, October 2, 2002	6:00 P.M.	The Health and Environment Committee will conduct a public meeting to continue discussion on public toilets. (Ackermann Room)
Wednesday, October 2, 2002	7:00 P.M.	The Health and Environment Committee will conduct a public meeting to continue discussion on proposed tree protection ordinance. (Ackermann Room)
Monday, October 7, 2002	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)

Tuesday, October 8, 2002	4:30 P.M.	The Public Facilities, Art and Celebrations Committee will conduct a public meeting to discuss curb cuts, an update on the impact of state budget cuts on city arts programs, and the status of the report on developing a Cambridge Art survey and an artist space initiative. (Ackermann Room)
Wednesday, October 9, 2002	4:00 P.M.	The Government Operations and Rules Committee will conduct a public meeting to discuss performance of the Hansen System, the possibility of a web-based public complaint system, information kiosk and public information on Cable TV. (Sullivan Chamber)
Wednesday, October 9, 2002	5:30 P.M.	The Finance Committee will conduct a public meeting to receive an update on the state budget and its expected effect on city finances next year and a report on hotel/motel revenues. (Ackermann Room)
Monday, October 21, 2002	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Tuesday, October 22, 2002	6:00 P.M.	Joint meeting of City Council and School Committee (Location to be announced)
Wednesday, October 23, 2002	5:30 P.M.	Government Operations and Rules Committee (Sullivan Chamber)

Monday, October 28, 2002	5:30 P.M.	Roundtable Meeting Discussion on Section 8 Housing Informal meeting with no public comment, at which time no votes will be taken. Meeting will not be televised. (Sullivan Chamber)
Wednesday, October 30, 2002	4:30 P.M.	Government Operations and Rules Committee (Sullivan Chamber)
Wednesday, October 30, 2002	6:00 P.M.	Government Operations and Rules Committee (Sullivan Chamber)
Monday, November 4, 2002	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Thursday, November 7, 2002	All Day	Government Operations and Rules Committee (Off Site)
Wednesday, November 13, 2002	9:00 A.M.	Government Operations and Rules Committee (Sullivan Chamber)
Monday, November 18, 2002	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, November 25, 2002	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, December 9, 2002	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, December 16, 2002	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)
Monday, December 23, 2002	5:30 P.M.	Regular City Council Meeting (Sullivan Chamber)

Monday, December 30, 2002

5:30 P.M.

Regular City Council Meeting
(Sullivan Chamber)

SEPTEMBER 23, 2002

1. Transmitting communication from Robert W. Healy, City Manager, relative to the votes necessary to seek the Mass. Department of Revenue approval for the tax rate for FY2003:
 - A. Authorize the use of \$4,900,000 in Free Cash to offset the 2003 tax rate as follows: Operating Budget \$1,800,000 (as adopted in the FY01 Budget); and Public Investment \$3,100,000 (as adopted in the FY01 Budget);
 - B. Classify property into five classes;
 - C. Adopt a minimum residential factor of 56.7019%
 - D. Approve the maximum residential exemption factor of 20% for owner occupied homes;
 - E. Double the normal value of the statutory exemptions for FY2003;
 - F. Increase the FY2003 exemption allowed under MGL Chapter 59, Section 5, Clause 17D from \$210.72 to \$219.78 and
 - G. Increase the income limit for deferral of real estate taxes by elderly persons from \$20,000 to \$40,000.
2. Transmitting communication from Robert W. Healy, City Manager, relative the appropriation and authorization to borrow an additional \$1,950,000 for the 57 Inman project to supplement the original appropriation of \$8,200,000.

1. REFERRED TO HEARING THE SCHEDULED FOR 6:30P.M. HEARING HELD.

**A. ORDER ADOPTED.
8-0-1.**

**B. ORDER ADOPTED.
8-0-1.**

**C. ORDER ADOPTED.
8-0-1.**

**D. ORDER ADOPTED.
8-0-1.**

**E. ORDER ADOPTED.
8-0-1.**

**F. ORDER ADOPTED.
8-0-1.**

**G. ORDER ADOPTED.
8-0-1.**

2. PASSED TO A SECOND READING.

SEPTEMBER 23, 2002

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3. Transmitting communication from Robert W. Healy, City Manager, relative to the appointment of the following persons as Constables Without Power for a term of three years, effective the first day of January, 2002:

Joshua Wilson, 17 Edison Street, Quincy, MA 02169
Hector Rasario, 3 Willoughby, #2, Lawrence, MA 01841

4. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 02-81**, regarding a report on the feasibility of potential changes to the Deferred Compensation Fund.
5. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 02-80**, regarding a report on the process which community alerts are issued following major crimes.
6. Transmitting communication from Robert W. Healy, City Manager, relative to Council Order No. 2, dated 7/29/02, regarding a proposed order and a proposed amendment to the Night-time Curfew on City Streets by Through Trucks, Ordinance 1224 and codified as Section 6.96 of the Zoning Ordinance.

3. PLACED ON FILE.

4. PLACED ON FILE.

5. PLACED ON FILE.

**6. ROLL CALL TO GO TO
EXECUTIVE SESSION.
8-0-1.**

**NO VOTES WERE
TAKEN IN EXECUTIVE
SESSION.**

**REFERRED TO
ORDINANCE
COMMITTEE AND
PLANNING BOARD
FOR HEARING AND
REPORT ON MOTION
OF MAYOR SULLIVAN.**

September 23, 2002

To The Honorable, The City Council:

RECOMMENDATIONS

1. That the City Council authorize the further use of Free Cash of \$4,900,000 to offset the 2003 tax rate as follows:
 - a. Operating Budget: \$1,800,000 as adopted in the FY2003 Budget
 - b. Public Investment: \$3,100,000 as adopted in the FY2003 Budget
2. That the City Council classify property within the City of Cambridge into the five classes allowed for the purpose of allocating the property tax. It is further recommended that the City Council adopt a minimum residential factor of 56.7019%.
3. That the City Council approve the maximum residential exemption factor of 20% for owner occupied homes, which should result in a residential tax rate of \$7.26 and commercial tax rate of \$18.67 upon final approval by the Massachusetts Department of Revenue.
4. That the City Council vote to double the normal value of the statutory exemptions.
5. That the City Council vote to increase the exemption allowed under Massachusetts General Laws (MGL) Chapter 59, Section 5, Clause 17D from \$210.72 to \$219.78, as allowed by state statute.
6. That the City Council vote to increase the income limit for deferral of real estate taxes by elderly persons from \$20,000 to \$40,000, as allowed under MGL chapter 59, Section 5, Clause 41A.

SUMMARY

The establishment of the property tax rate by the Board of Assessors with the approval of the Massachusetts Department of Revenue is the final step in the annual fiscal process that begins in the Spring of each year with the submission of the annual budget to the City Council. The FY2003 budget adopted by the City Council in May called for a tax levy of \$194,071,448, a 3.5% increase over FY2002. After a series of adjustments, the final levy for FY2003 is \$197,720,545.

Adjustment	Amount
State Aid Loss	+ 2,847,693
Revenue Increases	(362,150)
03 Appropriations	+ 1,295,950
Overlay Savings/Adjustment	<u>(132,396)</u>
Net Increase	3,649,097

While the gross levy is increasing by \$10,275,994 (5.5%), it is important to note that this levy increase will be covered from taxes being paid for the first time by newly constructed property (\$10,345,339) pending approval of the Department of Revenue Bureau of Local Assessment.

For FY2003, the total assessed value of taxable property in the City of Cambridge totals \$17,750,735,596 a 5% increase over 2002 values. Tables I and II below break out new tax and value growth by property types.

TABLE I
New Construction Breakdown in FY2003

Property Class	New Value	FY2003 Taxes Paid By New Value
Commercial Property	\$343,774,048	\$ 6,418,262
Personal Property	\$ 88,455,140	\$ 1,651,457
Residential Property	\$313,446,334	\$ 2,275,620
Total New Growth	\$745,675,522	\$10,345,339

TABLE II
Assessed Values
(in millions)

	FY99	FY00	FY01	FY02	FY03
Commercial Property	\$ 3,561	\$ 3,990	\$ 4,701	\$ 6,215	\$ 6,563
Personal Property	\$ 256	\$ 275	\$ 293	\$ 305	\$ 368
Residential Property	\$ 5,725	\$ 6,773	\$ 7,709	\$10,317	\$10,820
Total Assessed Value	\$ 9,542	\$11,038	\$12,703	\$16,837	\$17,751

For FY2003 the City was able to increase its levy limit by approximately \$17 million, to \$235 million. Approximately \$10 million of this increase was due to new construction. State law allows the City to increase its tax levy limit by an amount equal to the total FY2003 value of newly constructed or renovated property multiplied by the FY2002 tax rate. The remaining \$7 million is the 2.5 percent increase over the FY2002 levy allowed by Proposition 2 ½ plus a revised new value calculation from FY2002. The City's excess levy capacity increased by 22% to \$37 million.

TABLE III
Tax Levy/Tax Levy Limit/Excess Levy Capacity
(in thousands)

	Actual FY99	Actual FY00	Actual FY01	Actual FY02	Estimated FY03
Levy Limit	\$177,754	\$189,475	\$202,213	\$217,907	\$234,709
Actual Levy	\$159,000	\$164,000	\$178,485	\$187,445	\$197,720
% Actual Levy Increase over Prior Year	3.0%	3.1%	8.8%	5.0%	5.5%
Excess Levy Capacity	\$ 18,754	\$ 25,475	\$ 23,728	\$ 30,462	\$ 36,989

In addition to providing greater flexibility under Proposition 2 1/2, tax payments from newly constructed properties also work to mitigate increases on existing properties. For FY2003, the levy increase of \$10.3 million is offset by the \$10.3 million in taxes paid by new construction (see table I).

TABLE IV
Changes in Average Tax Bills *

	FY02 Tax Bill	FY03 Tax Bill	Dollar Change	Percent Change
1-Family	\$4,471	\$4,748	\$277	6.2%
2-Family	\$3,298	\$3,476	\$178	5.4%
3-Family	\$3,326	\$3,355	\$ 29	0.9%
Condominium	\$1,651	\$1,718	\$ 67	4.1%

* Does not include CPA surcharge

TABLE V
Changes in Average Tax Bills Without New Construction *

	FY02 Average Tax Bill	With No New Construction	Dollar Change	Percent Change
1-Family	\$4,471	\$4,912	\$441	9.9%
2-Family	\$3,298	\$3,596	\$298	9.0%
3-Family	\$3,326	\$3,471	\$145	4.4%
Condominium	\$1,651	\$1,777	\$126	7.6%

* Does not include CPA surcharge

For a detailed listing of tax bill changes by district please see Attachment I.

COMMUNITY PRESERVATION ACT SURCHARGE

In November of FY2001, voters approved a 3% surcharge on tax bills to fund the Community Preservation Fund, which is used to support affordable housing, open space acquisition and historic preservation initiatives. As a result of this vote, the City is able to reduce the tax levy by \$5 million, an amount equal to the estimated CPA surcharge. Because of the reduced levy, the impact of the CPA surcharge on the average tax bill was essentially neutral. For FY2003, the surcharge will raise approximately \$5 million. Without the CPA surcharge, another \$5 million would have been added to the FY2003 general tax levy to fund the City's housing, open space and historic preservation programs requiring higher residential and commercial tax rates. In FY2002, the City collected approximately 4.9 million through CPA surcharge, which makes the City eligible for a matching distribution from the State in FY2003.

TABLE VI
Community Preservation Act Surcharge

	FY02 Average CPA	FY03 Average CPA	FY03 Average Tax	FY03 Average Tax & CPA
1-Family	\$112	\$121	\$4,748	\$4,869
2-Family	\$ 77	\$ 82	\$3,476	\$3,558
3-Family	\$ 78	\$ 79	\$3,355	\$3,434
Condominium	\$ 28	\$ 30	\$1,718	\$1,748

FY2003 PROPERTY VALUATION

For FY2003 the City continued its policy of maintaining property valuations reflective of fair market value based on sales.

Sales of 289 houses and 815 condominium units were analyzed to develop factors to adjust values by property type (one-family, two-family, three-family, condo) and residential assessing district. A 5% value increase was seen most frequently among single-family houses. The greatest single-family increases were found in District 10 (Brattle Street area). Two-family houses moderately increased in value by an average of 4%. The highest two-family increase was seen in District 1 (East Cambridge) and 7 (North Cambridge/West Cambridge), at 7% and 8% respectively. After major increases in FY2002, the three-families did not show any significant change based on the most recent market data. Attachment 1 shows a detailed breakdown of the results. The attached map, entitled "Residential Tax Districts", shows the Assessing Department's delineation of neighborhoods for the purpose of market analysis.

Apartment building values continued to increase as a result of being sold for condominium conversion. Income and expense reports from apartment buildings were studied and market rent and expense tables were developed for application of the income approach. Capitalization rates were developed from analysis of sales and interest rate levels as of January 1, 2002.

For commercial and industrial properties, income and expense returns for the 2001 calendar year were compared to the 2000 calendar year returns. From this analysis, factors were developed to adjust commercial values by use (retail, office, hotel, manufacturing, etc.) and by commercial assessing districts.

One hundred sixty-seven (167) new business personal property accounts were added to the tax rolls for FY2003, bringing the total number of personal property tax bills to 2,730. The new accounts and the new personal property acquired by existing accounts contributed \$88.4 million to tax value growth for FY2003.

ISSUES/REQUIRED VOTES

?? **Authorize \$4,900,000 in Free Cash** For the fiscal year that ended June 30, 2002, the City of Cambridge has a certified Free Cash balance of \$28,706,934, an increase of approximately \$3,700,000 from FY2001. The significant increase in Free Cash is attributable to actual General Fund revenues exceeding estimates by a large margin and the use of Free Cash decreasing substantially in FY2002. While the Free Cash authorizations requested at this time were included in the FY2003 budget, the Department of Revenue (DOR) does not allow formal authorizations for Free Cash by the City Council until the DOR has certified a Free Cash balance at the conclusion of the fiscal year.

?? **Classify Property and Establish Minimum Residential Factor.** Since 1984, the City Council has voted annually to follow state law allowing the classification of property according to use (residential or commercial) and to allocate the legal maximum portion of the tax levy to the commercial class. State law allows the residential portion of the tax levy to be as low as 50% of what it would be if there were single tax rates. However, there are two exceptions to the 50% minimum:

1. The residential percent of the levy cannot drop to less than its lowest level since classification was initially voted by the City Council (34.5615% in 1985 in Cambridge); and
2. The 50% level does not cause the commercial class to bear a portion of the levy greater than 175% of what it would be if both classes were taxed equally.

The City Council sets the levy distribution each year by voting for a Minimum Residential Factor. The result of voting for the Minimum Residential Factor of 56.7019% this year will be a residential property share of the total tax levy of 34.5615%. Commercial property will pay 65.4385% of the levy, which brings the commercial portion of the levy to 167% of what it would be with a single tax rate.

?? **Establish Residential Exemptions.** State law enables cities and towns to grant owner occupants of residential properties a deduction of up to 20% of the average residential parcel value before the tax rate is applied. I am once again recommending that the City Council adopt the Maximum Residential Exemption of 20%, as it has done in the past. This will result in a deduction of \$115,072 from the assessed value of each owner occupied property. The residential exemption serves to reduce the effective tax rate on lower valued properties while raising it on higher valued properties. Since the same amount is deducted from every

value, its impact is greatest on the lower valued properties. The residential exemption is paid for by raising the residential tax rate sufficiently to cover the number of taxpayers claiming the residential exemption. For FY2002 there are approximately 12,250 resident exemptions on the Assessing Department files. If Cambridge did not adopt a residential exemption, the residential tax rate would be \$6.31 instead of \$7.26. The higher tax rate results in a "break-even" value over which the higher valued residential properties are assessed for higher taxes than would be the case if there were no residential exemption. In FY2003, the break-even value is \$883,234.

?? **Double Statutory Exemptions.** State legislation requires cities and towns to grant a variety of tax exemptions to elderly taxpayers, blind taxpayers, veterans, and surviving spouses who qualify by virtue of residency, income and assets. There are also two pieces of legislation, which authorize cities and towns to increase the amounts of these exemptions. The first allows cities and towns to double the statutory amounts for taxpayers whose tax bills have increased over the prior year's bill. The City Council must vote annually for this increase. I am recommending that the Council do this for FY2003, as it has since FY1987. The second, enacted in 1995, allows cities and towns to increase the amount of the exemption for a senior citizen 70 or older, surviving spouse, or minor with a deceased parent by the increase in the cost-of-living as measured by the Consumer Price Index (CPI). The CPI increase for FY2003, which was published by the DOR for exemption purpose, is 4.3%. Applying this percentage increase to the FY2002 exemption of \$210.72 raises the exemption to \$219.78.

?? **Increase Income Limit for Tax Deferral.** Another form of tax relief available to property owners under state law is Clause 41A of Section 3, Chapter 59. This statute allows taxpayers over 65 years old to defer tax payment until they are deceased or the property is transferred. The statutory income limit for this deferral is \$20,000, which may be increased to \$40,000 by local legislative action. I am recommending that the City Council take this action.

CONCLUSION

As the City Council is aware, by the time the classification vote is taken in the fall of each year, the options for the City are fairly limited. Failure to approve maximum classification, residential exemption and the doubling of statutory exemptions would result in significantly higher taxes for residential property owners. After the classification vote is taken, the establishment of the tax rate is a fairly simple mathematical calculation: the tax levy required to support the City budget divided by the total assessed valuation equals the tax rate for FY2003.

For FY2003 the tax levy is increasing by 5.5%. From FY1997 through FY2002 the tax levy grew by an annual average of 5.3%. During the five year period of FY1998 to FY2003 single and three family house have had an annual average tax increase of approximately 4% while 2 family house have increased by just under 3% annually and condominium by just less than 2%.

TABLE VII
Changes in Average Residential Tax Bills *
FY1998 to FY2003

	FY98 Tax Bill	FY03 Tax Bill	Dollar Change	Percent Change	Average Annual Increase
1-Family	\$4,117	\$4,869	\$752	18.3%	3.7%
2-Family	\$3,114	\$3,558	\$444	14.3%	2.9%
3-Family	\$2,833	\$3,434	\$601	21.2%	4.2%
Condominium	\$1,600	\$1,748	\$148	9.3%	1.9%

* FY03 includes CPA

Continued sound financial management has enabled the City to limit the growth of the residential property taxes. FY02 was a extremely strong year for the finances of the City: its Free Cash position increased, and its excess levy capacity increased for the second straight year. These strong financial indicators combined with a Aaa credit rating provides the City with enormous flexibility to respond to many of the needs facing this community without sacrificing the fiscal stability that the great majority of our residents expect from the City. By adhering to the proven fiscal policies that have served us so well in the past, we can continue to ensure a stable fiscal future for Cambridge.

Very truly yours,

Robert W. Healy
City Manager

RWH/ceg
Attachments

September 23, 2002

To The Honorable, The City Council:

I would like to request the appropriation and authorization to borrow an additional \$1,950,000 for the 57 Inman Renovation project to supplement the original appropriation of \$8,200,000.

The \$1,950,000 is necessary to offset the additional costs for the structural decontamination and environmental remediation of the building; interior furnishings and equipment; construction contingency and project management.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

September 23, 2002

To The Honorable, The City Council:

In response to Awaiting Report Item No. 02-81, regarding a report on the feasibility of potential changes to the Deferred Compensation fund, Personnel Director Michael P. Gardner reports the following:

The federal Omnibus Budget Reconciliation Act of 1990 (OBRA) requires that all individuals employed by the City in positions that are not eligible for participation in the City-State Retirement System (e.g. seasonal, casual, intermittent employees) be enrolled in Social Security, with a provision that public employers are allowed to set up Section 457 deferred compensation accounts for those employees, in lieu of Social Security contributions. The City of Cambridge has opted to have those employees contribute to Section 457 deferred compensation accounts, allowing them to reduce their taxable income and preserve these funds for their own use upon leaving City employment. Unless an employee is receiving a pension from the City of Cambridge Retirement system or another Commonwealth of Massachusetts Public Employee Retirement System member, they must make the mandatory OBRA contributions of 7.5%.

These mandatory OBRA accounts are subject to the provisions of Social Security and the Internal Revenue Code Section 457. Under the provisions of Social Security, a person's age or Social Security benefits status does not affect the mandatory contribution regulation, thus age is not an allowed reason to cease the OBRA contribution. IRC Section 457 states that withdrawal of funds from accounts can only take place upon severance from employment, death, and unforeseeable emergency.

In general, participation in OBRA is thought of as more advantageous to the individual employee because of the flexibility allowed. The employee can leave contributions in the deferred compensation account to grow with other investments for use at retirement or, unlike Social Security, withdraw the funds from the deferred compensation account at the time employment with the City ends.

Recently a question has arisen as to whether an individual employed by the City under such circumstances who also draws Social Security benefits could be considered exempt from this mandatory deferred compensation requirement.

We have reviewed the matter with legal counsel to our plan administrators who confirmed that under existing IRS law and regulation such mandatory contributions are required and can not be waived, even for social security recipients.

We have also reviewed the matter with representatives from the Massachusetts Municipal Association who indicate that the likelihood of near term legislative or regulatory relief is unlikely, based upon the difficulty of mounting such a federal tax law change affecting a relatively small number of people and the other complicated issues intertwined with it.

The continued exemption of all city and state employees in Massachusetts (and a few other) states remains a controversial issue within the federal Congress, with considerable sentiment to end the exemption (at great cost to cities and towns and potential disadvantage to many employees). The federal legislation requiring participation of intermittent, seasonal and casual Massachusetts city and town employees in Social Security or a mandatory deferred compensation (OBRA) plan was a compromise achieved in 1989-90 that helped preserve the continuing exemption of regular employees in Massachusetts cities and towns from required participation in Social Security. Given the enormity of stakes involved, it is unlikely that this modest adjustment could be easily achieved.

Perhaps most important, from a legislative viewpoint, under existing federal law, persons receiving social security benefits, no matter what their age, are still required to pay both Social Security and Medicare taxes on all additional earnings (up to the \$85,000 limit). Thus the legislation being sought would treat Social Security beneficiaries employed by the City even more favorably than those employed in private industry. This is not likely to be well received.

Currently Social Security beneficiaries employed by the City already receive a substantial benefit. Unlike individuals employed in private industry, any monies paid into the OBRA deferred compensation fund (plus interest) are available to the individual upon leaving city employment, rather than remaining in the Social Security or Medicare Trust Fund.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

September 23, 2002

To The Honorable, The City Council:

I am hereby transmitting notification of the appointment of the following persons as Constables Without Power for a term of three years, effective the first day of January, 2002:

Joshua Wilson, 17 Edison Street, Quincy, MA 02169
Hector Rosario, 3 Willoughby, #2, Lawrence, MA 01841

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

September 23, 2002

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 02-80, regarding a report on the process which community alerts are issued following major crimes, received from Police Commissioner Ronnie Watson.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

September 23, 2002

To the Honorable, the City Council:

In response to City Council Order No. O-2, dated July 29, 2002, I am submitting, for consideration by the City Council, a proposed Order and a proposed amendment to the Night-time Curfew on Use of City Streets by Through Trucks, known as Ordinance 1224 and which is codified as Section 6.96 of the Zoning Ordinance.

The referenced City Council Order provides, among other things, that if a satisfactory agreement is not reached with the Massachusetts Highway Department by September 25, 2002 regarding the recommendations of the MAPC Committee on Regional Truck Issues, I am directed to immediately implement the provisions of Ordinance 1224. To date there has been no satisfactory agreement.

Prior to implementing the provisions of the current ordinance, however, I recommend that the City Council consider the proposed amendment to that ordinance which has been prepared by the Law Department in consultation with the Traffic Department. In view of the continuing threat of litigation regarding the current version of the ordinance, I recommend that the City Council vote in the appropriate manner to move into Executive Session to discuss this matter.

Very truly yours,

Robert W. Healy
City Manager

WHEREAS, truck traffic has been an ongoing problem throughout Cambridge, adversely affecting the safety, health and well-being of many Cambridge residents, especially at night, due to the noise and vibration of through trucks; and

WHEREAS, the City Council had a hearing on October 23, 1995 to hear concerns from city residents about the adverse impact of truck traffic in the city, and

WHEREAS, the City Manager convened the Truck Traffic Advisory Committee who met between January 1996 and January 1998 and produced two Truck Reports that were presented to the City Council on February 23, 1998, and

WHEREAS, the City collected truck volume and vehicle size information at 82 locations during May 1998 and May 1999, as well as hazardous material carrier information at 42 of the count locations, and

WHEREAS, on June 24, 1999 the City Council unanimously passed the adoption of a zoning provision excluding certain truck traffic from residential streets within the City during certain nighttime hours (the “Zoning Ordinance”), and

WHEREAS, the Massachusetts Highway Department (“MHD”) asked the Massachusetts Attorney General to challenge the validity of the Zoning Ordinance, and

WHEREAS, the Attorney General’s office proposed a Memorandum of Understanding (“MOU”) among the affected parties which include MHD, the Massachusetts Turnpike Authority, the Metropolitan District Commission, Arlington, Belmont, Boston, Cambridge, Somerville, Watertown, the Massachusetts Motor Truck Association and the Massachusetts Petroleum Council, which included suspension of enforcement of the Zoning Ordinance by the City of Cambridge, while a Regional Truck Study was performed to seek alternative ways to address truck issues, and

WHEREAS, in February, 2000 the City Manager, with the understanding of the City Council, executed a MOU relating to a Regional Truck Study undertaken by the Metropolitan Area Planning Council (“MAPC”) with the support and participation of surrounding cities and towns as well as state and local agencies, and

WHEREAS, that MOU provided that, among other things, the City of Cambridge would refrain from enforcement of the Zoning Ordinance, and

WHEREAS, the MOU called for the creation of a Technical Subcommittee to accomplish a Regional Truck Study and a Policy Committee comprised of signatories to the MOU, which would approve the Technical Subcommittee’s recommendations, and

WHEREAS, three public meetings were held on June 21, 2000, October 3, 2000, and April 26, 2001 to present the progress of the Technical Subcommittee’s work, and

WHEREAS, that subcommittee prepared “Final Recommendations” that were presented at a fourth public meeting on June 26, 2001 at the Somerville High School, and

WHEREAS, the Policy Committee approved the Final Recommendations on June 27, 2001, which were published in the September 2001 “Regional Truck Study” report, and

WHEREAS, the City Council subcommittee on Transportation held a public hearing on July 25, 2001 to present and discuss the recommendations included in the “Regional Truck Study”, and

WHEREAS, the Final Recommendations provided, among other things, that the Massachusetts Highway Department (“MHD”) should consider permits for certain daytime and nighttime truck exclusions in the City of Cambridge, and that the City should, upon certain conditions, repeal the Zoning Ordinance, and

WHEREAS, on August 10, 2001 and August 14, 2001 the City submitted to MHD requests for certain truck exclusions pursuant to the Final Recommendations, and

WHEREAS, in the more than one year subsequent to the release of the Policy Committee’s final recommendations, the MHD has failed to grant the truck exclusions requested by the City of Cambridge in accordance with that committee’s recommendations, and

WHEREAS, the City Manager met with MHD Commissioner Cogliano on May 10, 2002 and June 26, 2002 to request MHD approval of certain truck exclusions requested in August 2001, and

WHEREAS, the City Manager followed up the meetings with Commissioner Cogliano with a letter written July 10, 2002 seeking action on the requested truck exclusions, and

WHEREAS, the Zoning Ordinance has been stayed for more than three years while the many Cambridge residents adversely affected by truck traffic have waited for a regional solution;

NOW THEREFORE, be it

ORDERED, that the Zoning Ordinance be modified to directly reflect those recommendations of the Policy Committee that can be implemented by the City of Cambridge within the boundaries of Cambridge, and be it further

ORDERED, that the revised Ordinance be submitted to the Ordinance Committee as soon as possible; and be it further

ORDERED, that this revised Ordinance be enforced immediately upon final ordination, unless the requested truck exclusion permits have been granted by the MHD in that time; and be it further

ORDERED, that a copy of this resolution is to be sent to Her Excellency, Acting Governor Jane Swift, the Commissioner of the Massachusetts Highway Department, the Metropolitan Area Planning Council, the Cambridge Legislative Delegation, and the Executives of the municipalities of Somerville, Medford, Belmont, Arlington, Everett, Watertown, and Boston.

Consent Agenda Item #1A

September 23, 2002

ORDERED: That the City Manager be and hereby is authorized to use \$4,900,000 in Free Cash as an offset to the Fiscal Year 2003 tax rate.

In City Council September 23, 2002.

Adopted by a ye and nay vote.

Yeas 8; Nays 0; Absent 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

Consent Agenda Item #1B

September 23, 2002

ORDERED: That the City Council classifies property within the City of Cambridge into five property classes allowed for the purpose of allocating the property tax levy.

In City Council September 23, 2002.

Adopted by a ye and nay vote.

Yeas 8; Nays 0; Absent 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

Consent Agenda Item #1C

September 23, 2002

ORDERED: That the City Council hereby adopts a minimum residential factor of 56.7019%, the legal minimum permitted for Cambridge.

In City Council September 23, 2002.

Adopted by a ye and nay vote.

Yeas 8; Nays 0; Absent 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

Consent Agenda Item #1D

September 23, 2002

ORDERED: That the City Council approves a twenty (20) percent residential exemption for owner occupied homes.

In City Council September 23, 2002.

Adopted by a ye and nay vote.

Yeas 8; Nays 0; Absent 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

Consent Agenda Item #1E

September 23, 2002

ORDERED: That the City Council in accordance with the General Laws, Section 4 of Chapter 73 of the Acts of 1986, hereby increase by 100% the normal value of the statutory exemptions for fiscal year 2003.

In City Council September 23, 2002.
Adopted by a ye and nay vote.
Yeas 8; Nays 0; Absent 1.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

Consent Agenda Item #1F

September 23, 2002

ORDERED: That the City Council vote to increase the Fiscal Year 2002 exemption allowed under General Laws Chapter 59, Section 5, Clause 17D by 4.3% from \$210.72 to \$219.78 (\$9.06).

In City Council September 23, 2002.
Adopted by a ye and nay vote.
Yeas 8; Nays 0; Absent 1.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

Consent Agenda Item #1G

September 23, 2002

ORDERED: That this City Council go on record approving to double the income limit for deferral of taxes by elderly homeowners.

In City Council September 23, 2002.

Adopted by a ye and nay vote.

Yeas 8; Nays 0; Absent 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

Consent Agenda Item #2

September 23, 2002

ORDERED: That \$1,950,000 is appropriated, in addition to the \$8,200,000 previously appropriated, making extraordinary repairs to the City Hall Annex, located at 57 Inman Street, including the replacement of windows; and that to meet this appropriation the Treasurer with the approval of the City Manager is authorized to borrow \$1,950,000 and issue bonds or notes therefore under G.L. c.44; and that the City Manager is authorized to take all other action necessary to carry out the project.

Passed to a second reading at the City Council meeting held on September 23, 2002 and on or after October 7, 2002 the question comes on adoption.

ATTEST:-

D. Margaret Drury
City Clerk

MASSACHUSETTS

**City Council Calendar No. 17
Monday, September 23, 2002**

At 5:30 P.M.

CHARTER RIGHT

1. Charter Right exercised by Vice Mayor Davis on Order #19 of September 9, 2002 requesting the City Manager to direct the Community Development Department to make maximum use of CPA funds to develop affordable housing that is permanently affordable, such as limited equity cooperatives and condos.

PLACED ON THE TABLE ON MOTION OF COUNCILLOR SIMMONS.

ON THE TABLE

2. Landmark Designation Study Report for Shady Hill Square, 1-11 Shady Hill Square and 36 Holden Street.

NO ACTION TAKEN.

3. Landmark Designation Study Report for designating as a protected landmark the Tulip Tree at 1436 and 1446 Cambridge Street.

NO ACTION TAKEN.

UNFINISHED BUSINESS

4. Petition from Harvard University requesting a sub-surface easement located between 1720 and 1737 Cambridge Street for the purpose of constructing an underground pedestrian and service tunnel beneath Cambridge Street.

NO ACTION TAKEN.

5. Appropriation of \$2,255,000 to the Public Investment Fund Fire Extraordinary Expenditures Account to provide additional funding needed to complete the full restoration of the Taylor Square Fire Station. The question comes on adoption on or after September 23, 2002.

LOAN ORDER ADOPTED.

8-0-1.

~~0-19.~~
Calendar Item #1

~~September 9, 2002~~
September 23, 2002

COUNCILLOR DECKER
COUNCILLOR SIMMONS
COUNCILLOR DAVIS
COUNCILLOR GALLUCCIO
COUNCILLOR MAHER
COUNCILLOR MURPHY
COUNCILLOR REEVES
MAYOR SULLIVAN
COUNCILLOR TOOMEY

WHEREAS: On February 1, 1999 the City Council adopted Resolution No. 44 declaring a housing emergency in the acute shortage of affordable housing in the City of Cambridge; and

WHEREAS: The availability of affordable rental housing is becoming increasingly scarce due to skyrocketing rents and condominium conversions, driving working class families from Cambridge; and

WHEREAS: Cambridge voters voted overwhelmingly in favor of the Community Preservation Act as a way to augment the Affordable Housing Trust Fund; now therefore be it

RESOLVED: That the City Council and City Manager continue funding the Affordable Housing Trust Fund from the city budget at a level not less than the current level of \$4.5 million; and be it further

RESOLVED: That the City Council request the City Manger to direct the Community Development Department to make maximum use of CPA funds to develop affordable housing that is permanently affordable, such as limited equity cooperatives and condos.

PLACED ON THE TABLE ON MOTION OF COUNCILLOR SIMMONS.

~~Consent Agenda #21~~
Calendar Item #5

~~September 9, 2002~~
September 23, 2002

ORDERED: That \$2,255,000 is appropriated, in addition to the \$2,875,000 previously appropriated, for remodeling, reconstructing and making extraordinary repairs, including original equipment and site improvements incidental thereto, to the Taylor Square Fire Station and to meet this appropriation the Treasurer with the approval of the City Manager is authorized to borrow \$2,255,000 under Chapter 44 of the General Laws or any other enabling authority.

In City Council September 23, 2002.
Adopted by a ye and nay vote.
Yeas 8; Nays 0; Absent 1.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

**APPLICATIONS AND PETITIONS -
CITY COUNCIL MEETING OF MONDAY, SEPTEMBER 23, 2002**

- | | |
|---|--|
| 1. An application was received from Jeremiah Reagan, requesting a curb cut at the premises numbered 4 Kenway Street; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical and Public Works. Neighborhood association declined comment. | 1. ORDER ADOPTED. |
| 2. An application was received from Nail Box, requesting permission for an awning at the premises numbered 41 Belmont Street. Approval has been received from Inspectional Services, Community Development Departments and abutters. | 2. ORDER ADOPTED. |
| 3. An application was received from Cambridge Arts Council, requesting permission for a temporary banner across Massachusetts Avenue at Brookline Street announcing the 10 th annual Open Studios on October 5 and 6, 2002. | 3. ORDER ADOPTED. |
| 4. A petition was received from Robert S. Carlson, et al., requesting to amend the Zoning Ordinance in the Riverside area. | 4. REFERRED TO
ORDINANCE
COMMITTEE AND
PLANNING BOARD
FOR HEARING
AND REPORT. |
| 5. An application was received from Midwest Grill, requesting permission for a sandwich board sign at the premises numbered 1124 Cambridge Street. | 5. REFERRED TO
CITY MANAGER
WITH POWER. |

**CONSENT COMMUNICATIONS -
CITY COUNCIL MEETING OF MONDAY, SEPTEMBER 23, 2002**

- | | |
|--|---|
| 1. A communication was received from Eugene J. Saletan, Recording for the Blind and Dyslexic (RFB&D), regarding the parking meters in the vicinity of 58 Charles Street. | 1. PLACED ON FILE. |
| 2. A communication was received from Jane Rich, regarding security at the Boston University Bridge area and the goose meadow area. | 2. PLACED ON FILE. |
| 3. Sundry communications received from the following Riverside residents, regarding how they feel about preserving the character of life in their neighborhood.

Eleanor D. Beram 126 Kinnaird Street
William Dixon 9 Putnam Gardens
Patrician Dixon 9 Putnam Gardens
SM Thibaut 534 Franklin Street
(Illegible signature) 126 Kinnaird Street
Peter Desnoyes 162 Pleasant Street
Elizabeth Glaser 162 Pleasant Street
Stash Horowitz 12 Florence Street
Barbara Cashman 136 Banks Street
Linda L. Barnes 534 Franklin Street
Stephanie Steoberl 22 Soden Street
Sherrie Cox Hingham Street
Rosalie Post 7 Athens Street
Thomas O'Leary 7 Athens Street | 3. PLACED ON FILE. |
| 4. A communication was received from Sheila G. Cook, transmitting support for the Riverside Study Committee Petition. | 4. REFERRED TO
THE PETITION. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 23, 2002**

- | | |
|--|---------------------------|
| 1. Resolution on the death of Thomas J. Robbio.
Councillor Galluccio and entire membership | 1. ORDER ADOPTED. |
| 2. Resolution on the death of Doris J. Callender.
Councillor Galluccio and entire membership | 2. ORDER ADOPTED. |
| 3. Congratulating Ellen Condcliffe Lagemann in becoming the Charles Warren Professor of the History of American Education and the new Dean of the Harvard Graduate School of Education, and wish her continued success.
Mayor Sullivan and entire membership | 3. ORDER ADOPTED. |
| 4. Extending the heartiest congratulations to Jason and Vidya Forrester on the birth of their son William Sanjay Warren Forrester.
Mayor Sullivan and entire membership | 4. ORDER ADOPTED. |
| 5. Declaring the week of November 24, 2002 – December 1, 2002, to be Bible Week in the City of Cambridge, and encourage all Cambridge residents to participate in this observance.
Mayor Sullivan and entire membership | 5. ORDER ADOPTED. |
| 6. Congratulations to Daniel and Brenda Synan on the birth of their son, Conor Daniel.
Mayor Sullivan and entire membership | 6. ORDER ADOPTED. |
| 7. Resolution on the death of John H. Avery.
Councillor Toomey and entire membership | 7. ORDER ADOPTED. |
| 8. Resolution on the death of Thomas V. Walsh.
Councillor Toomey and entire membership | 8. ORDER ADOPTED. |
| 9. Resolution on the death of Jose M. Airoso.
Councillor Toomey and entire membership | 9. ORDER ADOPTED. |
| 10. Resolution on the death of Gago Heleno Cruz.
Councillor Toomey and entire membership | 10. ORDER ADOPTED. |
| 11. Resolution on the death of Francis C. Perry, Sr.
Councillor Toomey and entire membership | 11. ORDER ADOPTED. |
| 12. Resolution on the death of Cecilia A. O'Shea.
Councillor Galluccio and entire membership | 12. ORDER ADOPTED. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 23, 2002**

- | | |
|--|---------------------------|
| 13. Resolution on the death of Thomas H. Ford.
Mayor Sullivan and entire membership | 13. ORDER ADOPTED. |
| 14. Resolution on the death of Joseph F. Sullivan, Jr.
Mayor Sullivan and entire membership | 14. ORDER ADOPTED. |
| 15. Resolution on the death of Ellenmarie Daly.
Mayor Sullivan and entire membership | 15. ORDER ADOPTED. |
| 16. Resolution on the death of Timothy J. Hehir.
Mayor Sullivan and entire membership | 16. ORDER ADOPTED. |
| 17. Resolution on the death of Eleanor L. Haverty.
Councillor Galluccio, Mayor Sullivan, Councillor Toomey and entire membership | 17. ORDER ADOPTED. |
| 18. Resolution on the death of Timothy M. Murphy.
Councillors Maher, Galluccio, Mayor Sullivan and entire membership | 18. ORDER ADOPTED. |
| 19. Resolution on the death of Kenneth F. Hayes.
Councillor Toomey and entire membership | 19. ORDER ADOPTED. |
| 20. Resolution on the death of Grace E. Warren.
Councillor Galluccio and entire membership | 20. ORDER ADOPTED. |
| 21. Thanking Cambridge Walks for its efforts to promote walking not only as a way to get around the city, but as a healthful activity for Cambridge youth and families.
Vice Mayor Davis and entire membership | 21. ORDER ADOPTED. |
| 22. Congratulating Patrick Ewing on his retirement from the National Basketball Association.
Councillor Toomey, Mayor Sullivan and entire membership | 22. ORDER ADOPTED. |
| 23. Resolution on the death of Anthony Cannata.
Councillor Toomey and entire membership | 23. ORDER ADOPTED. |
| 24. Expressing appreciation to Jean L. Sweetland for her twenty-five years of dedicated service to the citizens and to the City of Cambridge and wish her much happiness in her retirement.
Mayor Sullivan and entire membership | 24. ORDER ADOPTED. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 23, 2002**

- | | |
|--|---------------------------|
| 25. Expressing appreciation to Judith A. Smith for her many years of dedicated service and wishing her much happiness in her retirement.
Mayor Sullivan and entire membership | 25. ORDER ADOPTED. |
| 26. Expressing appreciation to Elvira Q. Johnson for her many years of dedicated service and wishing her much happiness in her retirement.
Mayor Sullivan and entire membership | 26. ORDER ADOPTED. |
| 27. Expressing appreciation to Annette M. Coleman for her twenty-two years of dedicated service and wishing her much happiness in her retirement.
Mayor Sullivan and entire membership | 27. ORDER ADOPTED. |
| 28. Expressing appreciation to Marie L. Moalli or her many years of dedicated service and wishing her well in her retirement.
Mayor Sullivan and entire membership | 28. ORDER ADOPTED. |
| 29. Expressing appreciation to Louise Kennedy for her thirty years of dedicated service and wishing her well in her retirement.
Mayor Sullivan and entire membership | 29. ORDER ADOPTED. |
| 30. Resolution on the death of Stanley J. Lukaszewicz.
Mayor Sullivan, Councillor Toomey and entire membership | 30. ORDER ADOPTED. |
| 31. Expressing appreciation to Liane Corcione for her nineteen years of dedicated service and wishing her much happiness in her retirement.
Mayor Sullivan and entire membership | 31. ORDER ADOPTED. |
| 32. Resolution on the death of Alexander M. Cahaly.
Mayor Sullivan and entire membership | 32. ORDER ADOPTED. |
| 33. Expressing appreciation to Alan E. Siegel for his many years of dedicated service and wishing him much happiness in his retirement.
Mayor Sullivan and entire membership | 33. ORDER ADOPTED. |
| 34. Resolution on the death of Eileen C. Cavanaugh.
Councillor Galluccio and entire membership | 34. ORDER ADOPTED. |
| 35. Resolution on the death of Paul C. Victoria.
Councillor Toomey and entire membership | 35. ORDER ADOPTED. |
| 36. Extending congratulations to Reverend Roland Clinton McCall on the occasion of his 20 th Anniversary Celebration.
Councillor Reeves and entire membership | 36. ORDER ADOPTED. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 23, 2002**

- | | |
|--|---------------------------|
| 37. Congratulating Richard Losick and Graham Walker on receiving the prestigious 1 million dollar “genius” prize and to thank them for their commitment to science and education.
Mayor Sullivan and entire membership | 37. ORDER ADOPTED. |
| 38. Extending congratulations to Shannon O’Brien and Chris Gabrielli on winning the Democratic Primary Election for Governor and Lieutenant Governor.
Councillor Reeves and entire membership | 38. ORDER ADOPTED. |
| 39. Congratulating City Councillors Anthony Galluccio and Marjorie Decker on their well run and hard-fought electoral campaigns.
Councillor Reeves and entire membership | 39. ORDER ADOPTED. |
| 40. Welcoming the members of Harvard Class of 1972 to Cambridge as they celebrate their 30 th College reunion.
Councillor Reeves and entire membership | 40. ORDER ADOPTED. |
| 41. Resolution on the death of Philippe Wamba.
Councillor Reeves and entire membership | 41. ORDER ADOPTED. |
| 42. Resolution on the death of Mildred Canada.
Councillor Galluccio and entire membership | 42. ORDER ADOPTED. |
| 43. Resolution on the death of James E. “Jay” Galgay, Jr.
Mayor Sullivan, Councillor Galluccio and entire membership | 43. ORDER ADOPTED. |
| 44. Resolution on the death of Paul A. Tierney.
Councillor Galluccio, Mayor Sullivan, Councillor Maher and entire membership | 44. ORDER ADOPTED. |
| 45. Congratulating the recipients of the Cambridge/Somerville Elder Services at the awards ceremony on October 2, 2002.
Councillor Toomey and entire membership | 45. ORDER ADOPTED. |
| 46. Congratulating Deanne “DD” Deurell on being named the Region IV ALS Provider of the Year and thanking her for her commitment to public safety.
Mayor Sullivan and entire membership | 46. ORDER ADOPTED. |
| 47. Congratulating the French-American International School of Boston on its fortieth anniversary.
Mayor Sullivan and entire membership | 47. ORDER ADOPTED. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 23, 2002**

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|--|---------------------------|
| 48. Extending its warmest best wishes to CASCAP as it celebrates a Groundbreaking Ceremony for 196 Auburn Street.
Mayor Sullivan and entire membership | 48. ORDER ADOPTED. |
| 49. Congratulating the recipients of the Henry L. Shattuck Public Service Awards.
Mayor Sullivan and entire membership | 49. ORDER ADOPTED. |
| 50. Congratulations to Daniel R. Glickman upon his appointment as the New Director of the Institute of Politics at the John F. Kennedy School of Government, Harvard University.
Mayor Sullivan and entire membership | 50. ORDER ADOPTED. |
| 51. Congratulations to the Rindge School of Technical Arts at Cambridge Rindge and Latin High School as it celebrates the addition of five new programs to offer to the students.
Mayor Sullivan and entire membership | 51. ORDER ADOPTED. |
| 52. Thanking the Healthy Children Task Force for over a decade of collaborative work to promote children's health.
Vice Mayor Davis, Councillor Murphy and entire membership | 52. ORDER ADOPTED. |
| 53. Thanking CASCAP Realty, Inc. for their continued commitment to creating housing opportunities for low income individuals and families.
Mayor Sullivan and entire membership | 53. ORDER ADOPTED. |
| 54. Congratulations to Carlo DiMaria, President of the Board of Alderman in Everett on his well fought campaign for the State Senate.
Councillor Galluccio and entire membership | 54. ORDER ADOPTED. |
| 55. Congratulations to Jarrett Barrios on his primary victory in the Middlesex, Suffolk and Essex State Senate Primary.
Councillor Galluccio and entire membership | 55. ORDER ADOPTED. |
| 56. Extending a Happy 50 th Birthday to Dukey Albano.
Mayor Sullivan and entire membership | 56. ORDER ADOPTED. |
| 57. Resolution on the death of Emelia Cabral.
Councillor Toomey and entire membership | 57. ORDER ADOPTED. |
| 58. Resolution on the death of Maria Costa.
Councillor Toomey and entire membership | 58. ORDER ADOPTED. |

**RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 23, 2002**

59. Resolution on the death of Fernando Vargus.
Councillor Toomey and entire membership

59. ORDER ADOPTED.

60. Extending a Happy 35th Anniversary to Jacqueline and Robert W. Healy.
Councillor Murphy, Mayor Sullivan and entire membership

60. ORDER ADOPTED.

**POLICY ORDER AND RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 23, 2002**

- | | |
|--|--------------------------|
| 1. Requesting the City Manager to report back to the City Council regarding the complaints contained in the attached communication regarding cable audit protocols, audit representatives and customer service.
Councillor Toomey | 1. ORDER ADOPTED. |
| 2. Requesting the City Council's Public Facilities, Art, and Celebrations Committee hold a hearing on the public library expansion and construction plan, to review the progress, prior to October 22, 2002.
Vice Mayor Davis | 2. ORDER ADOPTED. |
| 3. Requesting the City Manager work with the appropriate departments to develop a page on the city's web site based upon the information contained within the attached report so that the public may utilize this information when experiencing problems with nuisance noise.
Vice Mayor Davis | 3. ORDER ADOPTED. |
| 4. That proposed language to amend Chapter two of the Municipal Code to include the establishment of a new position entitled Assistant City Manager for Public Safety be replaced to the Ordinance Committee for hearing and report.
Mayor Sullivan | 4. ORDER ADOPTED. |
| 5. Requesting the City Manager to report back to the City Council on the status of a skateboard park.
Councillor Murphy | 5. ORDER ADOPTED. |
| 6. Requesting the City Manager to confer with the Assistant City Manager for Community Development to convene and facilitate a process with the neighborhood four community to rename the community.
Councillor Simmons | 6. ORDER ADOPTED. |
| 7. Requesting the City Manager to confer with the Director of the Library with the view in mind of investigating the feasibility of reinstating bookmobile service to Area Four.
Councillors Simmons and Murphy | 7. ORDER ADOPTED. |
| 8. Requesting the City Manager to inform the City Council, generally if necessary, of the number of daily police patrols taking place in Area Four particularly in the Washington Street, Columbia Street, Pine Street area.
Councillor Reeves | 8. ORDER ADOPTED. |

**POLICY ORDER AND RESOLUTION LIST FOR CITY COUNCIL MEETING
OF MONDAY, SEPTEMBER 23, 2002**

- | | |
|---|---------------------------|
| 9. City Manager to instruct the City Solicitor to draft a home rule petition to increase the residential exemption to 30%.
Councillor Murphy | 9. ORDER ADOPTED. |
| 10. Requesting the City Manager to look into the regulation of truck traffic at the corner of Pleasant Street and Putnam Avenue during the times that children are going or coming from school.
Councillor Simmons, Mayor Sullivan and entire membership | 10. ORDER ADOPTED. |
| 11. Requesting the Cambridge Police Department increase enforcement of aggressive panhandling, public drinking, and drug activity in and around the Porter Square, Central Square and Harvard Square neighborhoods and report back to the City Council on this matter.
Mayor Sullivan and entire membership | 11. ORDER ADOPTED. |
| 12. Requesting the Mayor to schedule a round table meeting to discuss capital projects, including a skateboard park and Russell Field.
Councillor Galluccio and entire membership | 12. ORDER ADOPTED. |

O-1.

September 23, 2002

COUNCILLOR TOOMEY
VICE MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR GALLUCCIO
COUNCILLOR MAHER
COUNCILLOR MURPHY
COUNCILLOR REEVES
COUNCILLOR SIMMONS
MAYOR SULLIVAN

ORDERED: That the City Manager be and hereby is requested to report back to the City Council regarding the complaints contained in the attached communication regarding cable audit protocols, audit representatives and customer service.

In City Council September 23, 2002.
Adopted by the affirmative vote of eight members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

O-2.

September 23, 2002

VICE MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR GALLUCCIO
COUNCILLOR MAHER
COUNCILLOR MURPHY
COUNCILLOR REEVES
COUNCILLOR SIMMONS
MAYOR SULLIVAN
COUNCILLOR TOOMEY

ORDERED: That the City Council's Public Facilities, Art, and Celebrations Committee hold a hearing on the public library expansion and construction plan, to review the progress, prior to October 22, 2002.

In City Council September 23, 2002.
Adopted by the affirmative vote of eight members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

O-3.

September 23, 2002

VICE MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR GALLUCCIO
COUNCILLOR MAHER
COUNCILLOR MURPHY
COUNCILLOR REEVES
COUNCILLOR SIMMONS
MAYOR SULLIVAN
COUNCILLOR TOOMEY

WHEREAS: A recent report was submitted to the City Council by the City Manager on types of noise complaints and the protocol and criteria used to refer the complaints to the appropriate responding authority; and

WHEREAS: This report provides important information about the enforcement of nuisance noise, including how and to whom the public should report such incidents; now therefore be it

ORDERED: That the City Manager be and hereby is requested to work with the appropriate departments to develop a page on the city's web site based upon the information contained within the attached report so that the public may utilize this information when experiencing problems with nuisance noise.

In City Council September 23, 2002.

Adopted by the affirmative vote of eight members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

O-4.

September 23, 2002

MAYOR SULLIVAN
COUNCILLOR DECKER
COUNCILLOR GALLUCCIO
COUNCILLOR MAHER
COUNCILLOR MURPHY
COUNCILLOR REEVES
COUNCILLOR SIMMONS

ORDERED: That the attached proposed amendment to Chapter Two of the Municipal Code entitled "Administration" be amended to include the establishment of a new position entitled Assistant City Manager for Public Safety whose mission will be to protect the citizens of Cambridge by overseeing the various public safety entities at all levels; and be it further

ORDERED: That said amendment be referred to the Ordinance Committee for a hearing.

In City Council September 23, 2002.
Adopted by the affirmative vote of eight members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

O-5.

September 23, 2002

COUNCILLOR MURPHY
VICE MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR GALLUCCIO
COUNCILLOR MAHER
COUNCILLOR REEVES
COUNCILLOR SIMMONS
MAYOR SULLIVAN
COUNCILLOR TOOMEY

ORDERED: That the City Manager be and hereby is requested to report back to the City Council on the status of construction of a skateboard park.

In City Council September 23, 2002.
Adopted by the affirmative vote of eight members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

O-6.

September 23, 2002

COUNCILLOR SIMMONS
VICE MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR GALLUCCIO
COUNCILLOR MAHER
COUNCILLOR MURPHY
COUNCILLOR REEVES
MAYOR SULLIVAN
COUNCILLOR TOOMEY

ORDERED: That the City Manager be and hereby is requested to confer with the Assistant City Manager for Community Development to convene and facilitate a process with the neighborhood four community to rename the community.

In City Council September 23, 2002.
Adopted by the affirmative vote of eight members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

O-7.

September 23, 2002

COUNCILLOR SIMMONS
COUNCILLOR MURPHY
VICE MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR GALLUCCIO
COUNCILLOR MAHER
COUNCILLOR REEVES
MAYOR SULLIVAN
COUNCILLOR TOOMEY

ORDERED: That the City Manager be and hereby is requested to confer with the Director of the Library with the view in mind of investigating the feasibility of reinstating bookmobile service to Area Four.

In City Council September 23, 2002.
Adopted by the affirmative vote of eight members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

O-8.

September 23, 2002

COUNCILLOR REEVES
VICE MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR GALLUCCIO
COUNCILLOR MAHER
COUNCILLOR MURPHY
COUNCILLOR SIMMONS
MAYOR SULLIVAN
COUNCILLOR TOOMEY

WHEREAS: Recent walks through the Washington Street, Pine Street and Columbia Street part of Area Four indicate ongoing crap games and much open drug dealing from early evening until after midnight; now therefore be it

ORDERED: That the City Manager be and hereby is requested to inform the City Council, generally if necessary, of the number of daily police patrols taking place in Area Four, particularly in the Washington Street, Columbia Street, Pine Street area.

In City Council September 23, 2002.
Adopted by the affirmative vote of eight members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

O-9.

September 23, 2002

COUNCILLOR MURPHY
VICE MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR GALLUCCIO
COUNCILLOR MAHER
COUNCILLOR REEVES
COUNCILLOR SIMMONS
MAYOR SULLIVAN
COUNCILLOR TOOMEY

ORDERED: That the City Manager be and hereby is requested to instruct the City Solicitor to draft a home rule petition to increase the residential exemption to 30%.

In City Council September 23, 2002.
Adopted by the affirmative vote of eight members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

O-10.

September 23, 2002

COUNCILLOR SIMMONS
MAYOR SULLIVAN
VICE MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR GALLUCCIO
COUNCILLOR MAHER
COUNCILLOR MURPHY
COUNCILLOR REEVES
COUNCILLOR TOOMEY

ORDERED: That the City Manager be and hereby is requested to look into the regulation of truck traffic at the corner of Pleasant Street and Putnam Avenue during the times that children are going or coming from school.

In City Council September 23, 2002.
Adopted by the affirmative vote of eight members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

O-11.

September 23, 2002

MAYOR SULLIVAN
VICE MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR GALLUCCIO
COUNCILLOR MAHER
COUNCILLOR MURPHY
COUNCILLOR REEVES
COUNCILLOR SIMMONS
COUNCILLOR TOOMEY

ORDERED: That the Cambridge Police Department increase enforcement of aggressive panhandling, public drinking, and drug activity in and around the Porter Square, Central Square and Harvard Square neighborhoods and report back to the City Council on this matter.

In City Council September 23, 2002.
Adopted by the affirmative vote of eight members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

O-12.

September 23, 2002

COUNCILLOR GALLUCCIO
VICE MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR MAHER
COUNCILLOR MURPHY
COUNCILLOR REEVES
COUNCILLOR SIMMONS
MAYOR SULLIVAN
COUNCILLOR TOOMEY

RESOLVED: That the Mayor schedule a round table meeting to discuss capital projects, including a skateboard park and Russell Field.

In City Council September 23, 2002.
Adopted by the affirmative vote of eight members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

**COMMITTEE REPORTS
FOR THE CITY COUNCIL MEETING OF MONDAY, SEPTEMBER 23, 2002**

1. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Kenneth E. Reeves, Chair of the Neighborhood and Long Term Planning Committee, for a meeting held on July 17, 2002 for the purpose of discussing neighborhood studies and the ingredients of a good neighborhood and a livable city.

REPORT ACCEPTED. PLACED ON FILE.

2. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Kenneth E. Reeves, Chair of the Neighborhood and Long Term Planning Committee, for a meeting held on July 30, 2002 for the purpose of continuing to discuss neighborhood studies and the ingredients of a good neighborhood and a livable city.

REPORT ACCEPTED. PLACED ON FILE.

3. A communication was received from Donna P. Lopez, Deputy City Clerk, transmitting a report from Councillor Brian Murphy, Chair of the Finance Committee, for a meeting held on September 10, 2002 for the purpose of discussing the issue of increasing the homeowner's exemption on property taxes from 20% to 30%.

REPORT ACCEPTED. PLACED ON FILE. ORDER ADOPTED. SEE ORDER #9.

4. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor David P. Maher, Chair of the Government Operations and Rules Committee, for a meeting held on September 18, 2002 for the purpose of reviewing the fall committee schedule with regard to the City Manager evaluation and City Council goal setting.

REPORT ACCEPTED. RECOMMENDATIONS ADOPTED. PLACED ON FILE.

Committee Report #1

NEIGHBORHOOD AND LONG TERM PLANNING

In City Council September 23, 2002

COMMITTEE MEMBERS

Councillor Kenneth E. Reeves, Chair

Councillor Marjorie C. Decker

Councillor E. Denise Simmons

The Neighborhood and Long Term Planning Committee held a public meeting on July 17, 2002, beginning at 3:15 p.m., in the Ackermann Room for the purpose of discussing neighborhood studies and the ingredients of a good neighborhood and a livable city.

Present at the hearing were Councillor Kenneth E. Reeves, chair of the committee and City Clerk D. Margaret Drury. Also present were Susan Glazer, Deputy Director of the Community Development Department (CDD) and Stuart Dash, Director of Community and Neighborhood Planning, CDD. The following members of the public also attended the meeting: Kathryn S. Podgers, 148 Pearl Street, Fred Reece, 9 Woodrow Wilson Court, Patricia Dixon, 9 Putnam Gardens, Lois Jones, 9 Putnam Gardens, Lydia Vickers, 45 Cherry Street, and Lee Farris, 269 Norfolk Street.

Councillor Reeves convened the hearing and explained the purpose. He invited Ms. Glazer and Mr. Dash to begin a discussion of the issue of what makes a good neighborhood and city. He noted that the University Relations Committee is also looking at long term planning issues that focus on university/city planning and land use, and expressed a desire to not use this committee to repeat those discussions. Councillor Reeves asked what reading material on these issues would be helpful to the committee. Ms. Glazer said that there is a plethora of writing on the issue of what makes a good city and a good neighborhood. Councillor Reeves requested a short bibliography of books and perhaps articles on the quality of life in cities.

Councillor Reeves then moved to a discussion of the neighborhood study reports submitted to the committee by CDD (on file in the Office of the City Clerk). He asked Mr. Dash to tell the committee why and how these neighborhood studies are useful. Mr. Dash said that the studies are very useful in the physical planning work in the neighborhoods, for example, sidewalks, parks, and traffic calming projects. The studies do not address neighborhood concerns related to schools and police. CDD is trying to strengthen the process of reporting back to the neighborhood about what study recommendations have been implemented. CDD has also developed a process for conducting updates on previous study reports to refresh the recommendations and develop specific action plans for each report.

The discussion then focused on examination of specific reports. Councillor Reeves began with the 1993 Riverside Study Report because the Riverside neighborhood is engaged in an extensive study process and update of previous recommendations. He noted that the recommendations included increasing the amount of affordable housing and improving the maintenance of housing in the neighborhood and asked what had been done to implement these recommendations. Mr. Dash said that the City had increased its support and marketing of the nonprofit rehab programs that assist lower income homeowners with repair and maintenance. With regard to increasing the amount of affordable housing, Mr. Dash said that he would be happy to provide the committee with a complete list, but that he had not brought such a list to this meeting.

Councillor Reeves said that a review of the particular sites that the study group had recommended for affordable housing shows that most of the recommended sites did not become affordable housing. The committee also recommended preservation of the expiring use buildings, and that has been more successful, particularly in the case of 808 Memorial Drive. He added that, overall, he questions whether the neighborhood study had any effect on the amount of affordable housing in Riverside.

The group then turned its attention to the 1993 recommendations regarding parks in Riverside. Mr. Dash said that the recommendations on park redesign and rehabilitation in Riverside came from this study and have been implemented. Councillor Reeves noted that the City has been more successful with the park recommendations than with the affordable housing recommendations. The committee then looked briefly at the other recommendations, including recommendations for Harvard, such as community gardens, more involvement in neighborhood organizations, removing the barrier fences around Mather House and Peabody Terrace, recommendations about employment and urban design.

Councillor Reeves thanked Mr. Dash for all of his work in assembling this material. He said that he would like the committee to look at the efficacy of neighborhood studies. They take a long time to complete and they are expensive. It is not clear that the studies can have much impact on issues such as the amount and location of affordable housing. Perhaps they should be used in a somewhat more focused and limited way, to look at the neighborhood issues that can best be impacted with this type of study. He would like the committee to learn about what kind of neighborhood planning other cities do and what are some of the more successful mechanisms and models.

Councillor Reeves then invited public comment.

Lee Ferris requested the committee's assistance in bringing before the City Council the issue of reconsidering the open space plan for 238 Broadway. The present plan is to demolish the buildings and use the entire land area for open space. Several neighbors support using the existing buildings for affordable housing and constructing a smaller park with the remainder of the land area.

Lydia Ferris also urged the committee to consider recommending a Council hearing on this matter. In addition to providing much-needed affordable housing, the City could also save a grove of beautiful old trees that would be demolished under the current plan.

Kathryn Podgers stated that she has collected fifty-seven signatures of citizens who want the beach and boat ramp restored at Magazine Beach as a part of the renovations to that area.

Councillor Reeves then reviewed the material that CDD has been requested to provide for the next committee meeting. The following is a list of the requests:

1. Selected bibliography of books and articles on livable cities and neighborhoods.
2. A list of new affordable housing developed in Riverside since 1993.

3. Information about how other cities proceed with neighborhood planning, including examples of other ways of approaching the challenges of taking charge of how change happens.
4. Inclusion of other related studies and reports to the compendium of neighborhood study reports, in a tabulated format for easy reference.

Councillor Reeves thanked all of those present for attendance and interest.

The meeting was adjourned at 5:15 P.M.

For the Committee,

Councillor Kenneth E. Reeves
Chair

Committee Report #2

NEIGHBORHOOD AND LONG TERM PLANNING

In City Council September 23, 2002

COMMITTEE MEMBERS

Councillor Kenneth E. Reeves, Chair

Councillor Marjorie C. Decker

Councillor E. Denise Simmons

The Neighborhood and Long Term Planning Committee held a public meeting on July 30, 2002, beginning at 3:15 p.m., in the Office of the City Council for the purpose of continuing to discuss neighborhood studies and the ingredients of a good neighborhood and a livable city.

Present at the hearing were Councillor Kenneth E. Reeves, chair of the committee, City Clerk D. Margaret Drury, Beth Rubenstein, Assistant City Manager for Community Development, Susan Glazer, Deputy Director of the Community Development Department (CDD) and Stuart Dash, Director of Community and Neighborhood Planning, CDD.

Councillor Reeves convened the hearing and explained the purpose. He reviewed the following requests for material made at the last meeting:

- ?? Selected bibliography of books and articles on livable cities and neighborhoods.
- ?? List of affordable housing developed in Riverside in the last ten years.
- ?? Information about how other cities proceed with neighborhood planning, including examples of other ways of shaping/controlling change.
- ?? Appendices to the neighborhood studies including other/more recent planning studies and reports related to the areas studied in the neighborhood study reports.

Mr. Dash submitted a bibliography on the subject of what makes good neighborhoods (**Attachment A**). He then discussed material outlined in a summary he had prepared based on a review of some of the respected literature on what makes a good neighborhood and how CDD supports good neighborhoods. Attachment B.

Mr. Dash found the following factors to be among the most significant in determining whether a neighborhood is good and livable place:

- ?? A sense of place – well defined boundaries.

Councillor Reeves noted the importance of a neighborhood identity in the creation of a sense of place. He also pointed to Cambridgeport, Riverside and Kerry Corner as examples of how there can be different definitions of a neighborhood. Mr. Dash said that Jane Jacobs sees the political definition as one very important definition of neighborhood – the neighborhood as a political unit. However, cities can have several different combinations that make up political districts for different levels of government. Clearly, the boundary areas are not fixed boundaries; they are what the residents define as the boundaries.

- ?? Population to support neighborhood activity – local retail, facilities and functions.
- ?? Human scale –short walking distances, pedestrian activity on streets.

At this point Councillor Reeves added that the characteristic of human scale also relates to the size of the buildings. Ms. Rubenstein agreed. She said that the “new urbanism” movement involves looking at the horizontal building spaces as well, with the point of view that buildings that are closer together and arranged in patterns that emphasize street life contribute greatly to livability.

?? Places for human interaction - front stoops, sidewalks, parks.

Mr. Dash explained that recent articles look at need for places for human interactions as a need for the “third space,” a space that is neither home nor workplace, but rather “in between” both physically and psychosocially.

?? Provides ability to meet the daily needs of residents – goods, services and transportation.

?? Works to service those things that contribute to the quality of life, e.g., safety, schools.

The discussion then turned to the tools and programs that the City of Cambridge, through the Community Development Department, uses to support and enhance good neighborhoods. See **Attachment B**.

Ms. Rubenstein noted that the design review provisions adopted by the City Council as part of the Citywide Rezoning amendments have had a positive effect and will continue to be of major importance in the North Point development. She pointed to the plans for the first new housing at North Point since the completion of that zoning as an example of how well the guidelines are working to provide a physical framework for a livable neighborhood.

Councillor Reeves asked if Cambridge Street would have broader sidewalks after the Cambridge Street reconstruction work is finished. Ms. Rubenstein said that she would look into that matter and report back to the committee. There will be many enhancements to the area, but she is not sure whether the sidewalks will be widened significantly. She recalls that the local business owners did not want to lose the customers who traditionally double-park outside of Cambridge Street businesses for quick purchases.

Councillor Reeves asked if there are statistics on how many businesses are helped each year by the façade improvement program. Ms. Rubenstein said that those statistics are included in the budget; she believes that the program assists six to ten businesses per year. Councillor Reeves said that the Grafton Street Restaurant windows are lovely and that he would like to see them replicated in many other facades. He said that this is a good program. He added that the program could perhaps make a more substantial change if it were more closely focused in one particular area.

Councillor Reeves then suggested that this might be the time for an evaluative look at the changes in Central Square; from the point of view of what actions the City took to bring about change, what worked and what did not work. He stated that he is still interested in more information about how other cities, including international cities, have tried to manage change to

improve the livability of their neighborhoods. He would also be very interested in obtaining a copy of anything that Kevin Lynch has written about Cambridge. Councillor Reeves reminded the committee that there is also an outstanding request for the list of affordable housing produced in Riverside over the last ten years.

At this time, Mr. Dash distributed the appendices to the compendium of neighborhood study plans (plans and appendices are on file in the City Clerk's Office) and described the contents.

Councillor Reeves ended the meeting by thanking the Community Development staff, and in particular, Mr. Dash, for his work in providing the materials for the committee. He thanked all of those present for their participation in this interesting and important subject.

The meeting was adjourned at 4:20 p.m.

For the Committee

Councillor Kenneth E. Reeves, Chair

Committee Report #3

FINANCE COMMITTEE MEMBERS

*Councillor Brian Murphy, Chair
Vice Mayor Henrietta Davis
Councillor Marjorie C. Decker
Councillor Anthony D. Galluccio
Councillor David P. Maher
Councillor E. Denise Simmons
Councillor Timothy J. Toomey
Mayor Michael A. Sullivan*

In City Council September 23, 2002

The Finance Committee held a public meeting on Tuesday, September 10, 2002 at eleven o'clock and forty minutes A. M. in the Ackermann Room.

The purpose of the meeting was to discuss the issue of increasing the homeowner's exemption on property taxes from 20% to 30%.

Present at the meeting were Councillor Brian Murphy, Chair of the Committee, Vice Mayor Henrietta Davis, Councillor Timothy J. Toomey, Jr., City Manager Robert W. Healy, Deputy City Manager Richard Rossi, Acting Assistant City Manager for Fiscal Affairs Louis A. DePasquale, Assistant Finance Director Claire Spinner, Assessor Kevin McDevitt and Deputy City Clerk Donna P. Lopez. Also present were Michael Devney, 502 Green Street and Gerald Bergman, 82 Elm Street.

Councillor Murphy convened the meeting and stated the purpose.

Councillor Murphy asked about the procedure around the 20% and 30% exemption and the timetable.

Mr. Healy spoke about the timetable. The public hearing before the City Council on the tax rate classification is scheduled for September 23, 2002. The tax bills will be mailed on or about October 1, 2002 for payment of tax bills in November. The 20% residential exemption was done by state statute. Boston and Somerville filed home rule petitions to increase the tax exemption to 30%. In reality, he said, that if Cambridge filed a home rule petition to increase the residential exemption to 30% this could become effective for the October, 2003 tax bills. It is logistically impossible to make this change this year. A home rule petition will be prepared if this is the recommendation of the Finance Committee.

Councillor Murphy asked if this could occur for the April tax bills. Mr. Healy responded that the Department of Revenue would not allow a split in the tax bills.

The Finance Department has provided data to show the impact on the residential tax rate for both 20% and 30% exemption. The tax dollars still need to be collected, no matter what the exemption. Mr. DePasquale distributed documentation entitled "Effects on Residential Tax Rate for Fiscal Year 2003" (**ATTACHMENT A**). He stated that the break-even point, around \$884,000, is almost identical for both the 20% and 30% exemption. No additional units are expected to benefit from the increased exemption. There is no impact on the commercial tax rate. The levy will be up approximately 6.1% for 2002. Sixty-seven percent (67%), of residences are owner-occupied. He discussed one, two, three family and condominium homes

and percentage of which will receive residential exemption. He further stated that the impact on apartment units is listed on page six of the documentation. Vice Mayor Davis asked if apartments are not eligible why show this information. Mr. Healy responded because of the shift in the rate. All rental units, he said, are not eligible for the exemption. Mr. Devney stated that this is further rental shock. Mr. Healy stated that at the most it would be an increase of \$9.00 per month. Mr. Devney stated that large property owners have a possible larger gain when the property is sold but renters are constantly losing money.

In response to a question by Councillor Murphy regarding senior exemptions and tax deferrals, Mr. McDevitt stated that Cambridge has 200 elderly abatements that are exempt from the CPA and 13 tax deferrals for persons over 65. The property tax is the most regressive of all taxes, he said. It affects the lowest income level. Vice Mayor Davis asked what would make the tax more progressive. Mr. McDevitt responded to change the exemption to 30%. Vice Mayor Davis stated that there is a lack of progressivity to exempt condominiums. Ms. Spinner stated that 60% of the condominiums are owner-occupied.

Mr. Bergman stated that the Area 4 Coalition has discussed this issue. Increasing the residential exemption is a benefit to the neighborhood. It is a progressive tax and has a negligible impact on renters. He asked if this is the second tax year that Cambridge has not taken advantage of this increased exemption. Mr. Rossi stated that if the home rule is approved by the City Council this increase would be effective in the third year it is available. Mr. Bergman stated that he is personally not happy with the delay as he is missing \$300 per tax year for two years. He asked Mr. Healy if he has a recommendation on this issue. Mr. Healy stated that this is a policy decision based on provided information and data. There is a down side—that being a pass through to rental property. There are a significant number of rental properties in this community. The data shows it makes sense to go to the 30% exemption, but the City Council will make this decision.

Mr. Devney stated that he was in support of the residential exemption. The increased exemption will be advantageous for first time homebuyers who would live in Cambridge. He asked what is the enforcement on homeowner occupancy. Mr. McDevitt replied that the City reviews income tax and voter registration records to ensure homeowner occupancy. Cambridge's residential tax rate is the lowest in the state, he said.

Mr. Healy informed the committee that eleven communities have the 20% exemption and two communities, Boston and Somerville, have the 30% exemption.

Councillor Murphy asked how long does it take to include the exemption. Six months stated Mr. Healy.

Mr. Bergman asked if there will be a vote at the September 23, 2002 City Council meeting to file a home rule petition to increase the exemption.

A discussion ensued relative to the deadline for filing home rule legislation. Councillor Murphy asked Councillor Toomey about the time frame to file home rule legislation at the state level. Councillor Toomey stated that December 4, 2002 is the last date to file a home rule

petition by right at the state. A home rule petition, he felt, would move quickly. There was no opposition to the petitions filed by Boston and Somerville.

Ms. Spinner stated that the break-even point between the 20% and 30% exemption is close because the tax rate has increased.

Mr. Devney asked if Somerville's exemption encouraged two family homes to become condominiums. Councillor Toomey suggested that Mr. Devney check with Somerville on this matter.

At the conclusion of the meeting Councillor Murphy submitted the following motion:

ORDERED: That the City Manager be and hereby is requested to instruct the City Solicitor to draft a home rule petition to increase the residential exemption to 30%.

The motion carried on a voice vote.

Councillor Murphy thanked all those present for their attendance.

The meeting adjourned at twelve o'clock and twenty minutes P.M.

For the Committee,

Councillor Brian Murphy, Chair

Committee Report #4

GOVERNMENT OPERATIONS AND RULES

COMMITTEE MEMBERS

*Councillor David P. Maher, Chair
Councillor Anthony D. Galluccio
Councillor Brian Murphy
Councillor Kenneth E. Reeves
Councillor Timothy J. Toomey*

In City Council September 23, 2002

The Government Operations and Rules Committee held a public meeting on September 18, 2002, beginning at 12:40 P.M. in the Ackermann Room, for the purpose of reviewing the fall committee schedule with regard to the City Manager evaluation and City Council goal setting.

Present at the hearing were Councillor David P. Maher, Chair of the Committee, Councillor Brian Murphy, Councillor Timothy J. Toomey, Jr., Mayor Michael A. Sullivan, Sandra Albano, Assistant to the City Council, D. Margaret Drury, City Clerk, Donna Lopez, Deputy City Clerk, and Elaine McGrath, Cambridge City Clerk's Office. Also present were Robert W. Healy, City Manager, Richard Rossi, Deputy City Manager, and Julia Bowdoin, City Manager's Office.

Councillor Maher convened the hearing and reviewed the proposed schedule for the evaluation of the City Manager and goal setting. The proposed calendar was the product of Council discussions and a meeting that he had with City Clerk Drury and Ms. Albano. He also stated that this year's process would rely heavily on a statistically reliable telephone survey as well as an internet posting for public comment.

According to Ms. Bowdoin, the contract for the phone and Web surveys was awarded to Opinion Dynamics, Inc., the company that conducted the survey two years ago. This year's survey will cost approximately \$21,000, which is less than the previous survey. It will include 400 phone interviews, as well as a questionnaire on the city's Web site. The City Manager's office is in the process of putting together the final questions, including eliminating outdated questions from 2000. Opinion Dynamics will then conduct two nights of phone interviews, and also post the survey on the city's Web site for a three to four week period. The company will tally all the responses and compare them to the 2000 results within a week after the surveys are completed. Ms. Bowdoin estimated that the results would be available 4 weeks after the questions are finalized and by October 30.

Councillor Maher then reviewed the proposed schedule for October 30, which includes a working meeting of the Council to present the results of the survey at 4:30 p.m., and a public hearing at 6:00 p.m. to receive comments on the city goals.

Councillor Murphy asked that the Council be give the opportunity to review the survey questions before the survey is taken.

There was further discussion about making the survey available in places besides the Web, and publicizing it. The participants agreed to leave the question open as far as

disseminating the survey in other public places, such as libraries. Councillor Maher asked that the survey be advertised in a press release and in the city's upcoming newsletter.

Regarding the timeline for decision on the City Manager's contract, Councillor Maher noted that it provides for negotiations and action on the contract by December 31. The format of meetings is similar to the process two years ago. As to specific dates, Councillor Maher emphasized that it was important to schedule time for group evaluation of the City Manager's performance by the Council, a step that was omitted from the previous process. By October 11, Councillors will hold their individual meetings with the Manager; the group evaluation is currently scheduled for November 13. Councillor Maher asked the City Clerk to provide the councillors with evaluation forms, which they can use at their discretion in their meetings with the Manager. Mayor Sullivan pointed out that if the evaluation forms are completed and given to the Manager, they may become public records, which councillors should consider.

Mayor Sullivan then recommended shortening and completing the process of evaluating the Manager by November. Councillor Maher explained that he wants the public to be satisfied that the process was adequate, with enough public input. Mayor Sullivan stated that he believes that the goal setting and manager evaluation are mutually exclusive, and should be because of the immense amount of work to produce the goals and contract. He recommends completing action on the contract before Thanksgiving, with an opportunity for public comment.

The group discussed ways of doing a group evaluation and/or combining the evaluation with the Council decision on the contract. City Clerk Drury reminded the group that, in the last manager evaluation, some members of the City Council were unhappy that the contract was negotiated at a full City Council meeting without prior committee discussion. Mayor Sullivan noted that in the efforts to juggle the goal setting and evaluation last time, the contract was lost in the shuffle.

After discussing various dates for the events in the timeline, the participants agreed on the following schedule (**to be Attachment A from Sandra Albano**):

- ?? October 23, 2002 5:30 P.M. Public Testimony regarding City Manager's performance
- ?? October 30, 2002 4:30 P.M. Presentation of results of telephone survey
- ?? October 30, 2002 6:00 P.M. Public hearing to receive testimony regarding City Council's FY04 Goals
- ?? November 7, 2002 9:00-5:00 Off-site meeting with facilitator to review the current City Council's Goals and consider changes if necessary. No public comment.
- ?? November 13, 2002 9:00-11:00 A.M. Government Operations Committee holds working meeting with City Manager for group evaluation by members of the City Council and to discuss what the Committee will recommend to the full City Council.
- ?? November 18, 2002 5:30 P.M. City Council's Goals adopted by full City Council; decision on City Manager's contract.

Councillor Maher thanked those present for their attendance and adjourned the meeting at 1:05 P.M.

For the Committee,

Councillor David P. Maher, Chair