

**HEARING SCHEDULE**  
**CITY COUNCIL MEETINGS BEGINNING OCTOBER 28, 2002**

Monday, October 28, 2002	5:00 P.M.	<i>Special Presentation on Best Practices Award to Workforce Development.</i> <i>(Sullivan Chamber)</i> <b>PRESENTATION HELD.</b>
Monday, October 28, 2002	5:30 P.M.	Regular City Council Meeting <b>(Sullivan Chamber)</b> <b>MEETING HELD.</b>  <b>ROUNDTABLE MEETING TO BE RESCHEDULED.</b>
Tuesday, October 29, 2002	5:30 P.M.	The Public Safety Committee will conduct a public meeting to discuss the following: <ul style="list-style-type: none"><li>?? the possibility of changing to bike routes located between the sidewalk and parked cars, in the European model, and other ways of promoting bicycle safety</li><li>?? “dooring”, the issues related to car doors opening into bike lanes</li><li>?? enforcement of laws regulating bicycle riding.</li></ul> <b>(Sullivan Chamber)</b> <b>MEETING HELD.</b>
Wednesday, October 30, 2002	4:30 P.M.	The Government Operations and Rules Committee will conduct a public meeting for the presentation of results of telephone survey of citizen satisfaction.

**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.**

		<b>(Sullivan Chamber)</b> <b>MEETING HELD.</b>
Wednesday, October 30, 2002	6:00 P.M.	The Government Operations and Rules Committee will conduct a public hearing to receive testimony regarding City Council's FY04 Goals. <b>(Sullivan Chamber)</b> <b>MEETING HELD.</b>
Monday, November 4, 2002	5:30 P.M.	Regular City Council Meeting <b>(Sullivan Chamber)</b>
Wednesday, November 6, 2002	5:00 P.M.	The Housing Committee will conduct a public meeting to continue discussion on 2 Mount Auburn Street, the moderate income home ownership program and adjustments to income limits in the Inclusionary Zoning Ordinance. <b>(Sullivan Chamber)</b>
Thursday, November 7, 2002	8:30 A.M. – 5:00 P.M.	The Government Operations and Rules Committee will conduct an off-site meeting with a facilitator to review the current City Council's Goals and consider changes if necessary. <b>No public comment.</b> <b>(Hotel at MIT, 20 Sidney Street)</b>
Wednesday, November 13, 2002	9:00 A.M.	The Government Operations and Rules Committee will conduct a working meeting with the City Manager for group evaluation by members of the City Council and to discuss what the Committee will recommend to the full City Council. <b>No public comment.</b> <b>(Sullivan Chamber)</b>

Wednesday, November 13, 2002	4:30 P.M.	The Ordinance Committee will conduct a public hearing on a proposed amendment to the Truck Zoning Ordinance, Section 6.96. <b>This hearing is televised.</b> <b>(Sullivan Chamber)</b>
Thursday, November 14, 2002	5:30 P.M.	Health and Environment Committee <b>(Sullivan Chamber)</b>
Monday, November 18, 2002	5:30 P.M.	Regular City Council Meeting <b>(Sullivan Chamber)</b>
Monday, November 25, 2002	5:30 P.M.	Regular City Council Meeting <b>(Sullivan Chamber)</b>
Tuesday, November 26, 2002	4:30 P.M.	The Ordinance Committee will conduct a public hearing to consider a petition by Robert S. Carlson et al. to amend the zoning in the Riverside area. <b>This hearing is televised.</b> <b>(Sullivan Chamber)</b>
Monday, December 9, 2002	5:30 P.M.	Regular City Council Meeting <b>(Sullivan Chamber)</b>
Wednesday, December 11, 2002	4:00 P.M.	The Ordinance Committee will conduct a public hearing to discuss a proposed amendment to the Municipal Code to provide for an Assistant City Manager for Public Safety. <b>(Sullivan Chamber)</b>

Wednesday, December 11, 2002	6:00 P.M.	The Public Facilities, Art and Celebrations Committee will conduct a public meeting to continue the discussion on the impact of state budget cuts on city arts programs, the status of the report on developing a Cambridge Art survey and an artist space initiative, and possible tools for the city to develop artists' living and work space. <b>(Sullivan Chamber)</b>
Thursday, December 12, 2002	5:30 P.M.	Health and Environment Committee <b>(Sullivan Chamber)</b>
Monday, December 16, 2002	5:30 P.M.	Regular City Council Meeting <b>(Sullivan Chamber)</b>
Monday, December 23, 2002	5:30 P.M.	Regular City Council Meeting <b>(Sullivan Chamber)</b> <b>MEETING CANCELLED.</b>
Monday, December 30, 2002	5:30 P.M.	Regular City Council Meeting <b>(Sullivan Chamber)</b> <b>MEETING CANCELLED.</b>

**OCTOBER 28, 2002**

1. 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:

Ross Elliott, 4 Alvanos Drive, Haverhill, MA 01830  
Darrel Todman, 58 Kelvin Street, #1, Everett, MA 02149

2. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 02-66**, regarding a report on outages in the Mt. Auburn/Strawberry Hill/Cambridge Highlands area.

3. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 02-86**, regarding a report on cable audit protocols, audit representatives and customer services.

4. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 02-88**, regarding a report increasing enforcement of panhandling, public drinking, and drug activity in and around Porter, Harvard and Central Squares.

5. Transmitting communication from Robert W. Healy, City Manager, relative to a transfer of \$90,000 in the General Fund Public Works from the Salary & Wages Account to the Travel & Training (Judgement & Damages) Account to provide funds for payment of lump sum settlements and medical bills.

1. **PLACED ON FILE.**

2. **REFERRED TO HEALTH AND ENVIRONMENT MEETING FOR NOVEMBER 15, 2002 ON MOTION OF VICE MAYOR DAVIS.**

3. **PLACED ON FILE.**

4. **REFERRED TO CIVIC UNITY ON MOTION OF COUNCILLOR DECKER.**

5. **ORDER ADOPTED. 9-0-0.**

OCTOBER 28, 2002

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6. Transmitting communication from Robert W. Healy, City Manager, relative to a transfer of \$13,370 in the General Fund from the Reserve Other Ordinary Maintenance Account to the Election Commission Other Ordinary Maintenance Account to provide funds for additional printing, mailing, and handling costs related to the polling place notification for the November State General Election. **6. ORDER ADOPTED. 9-0-0.**
7. Transmitting communication from Robert W. Healy, City Manager, relative to a transfer of \$4,136 from the Grant Fund DHSP Travel & Training Account to the DHSP Other Ordinary Maintenance Account to provide funds for general operating expenses related to the program that provides nutritious meals to Cambridge youth during the summer. **7. ORDER ADOPTED. 9-0-0.**
8. Transmitting communication from Robert W. Healy, City Manager, relative to the appropriation of a grant from HUD for \$86,202 to the Human Rights Salary & Wages Account (\$45,702), Other Ordinary Maintenance Account (\$13,000), and Travel & Training Account (\$27,500) to provide funds for Fair Housing Assistance Program activities. **8. ORDER ADOPTED. 9-0-0.**
9. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 02-82**, regarding a report on the *Guide to Lawn and Landscape Water Conservation* and the guide's application for promoting water conservation in the City. **9. REFERRED TO HEALTH AND ENVIRONMENT COMMITTEE ON MOTION OF VICE MAYOR DAVIS.**
10. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 02-78**, regarding submitting comments on the reauthorization of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21). **10. PLACED ON FILE. ORDER ADOPTED. SEE ORDER #20.**
11. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 02-19**, regarding information on applying and contributing to the Cambridge Scholarship Fund. **11. PLACED ON FILE.**
12. Transmitting communication from Robert W. Healy, City Manager, relative to **Awaiting Report Item Number 02-69**, regarding the repaving schedule for Pine Street. **12. PLACED ON FILE.**

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| 13. Transmitting communication from Robert W. Healy, City Manager, relative to <b>Awaiting Report Item Number 02-90</b> , regarding data on enforcement of double-parking in bicycle lanes across the City.  | <b>13. REFERRED TO THE PUBLIC SAFETY COMMITTEE MEETING ON OCTOBER 29, 2002.</b> |
| 14. Transmitting communication from Robert W. Healy, City Manager, relative to information requested on the options for redeveloping 238 Broadway for housing.   | <b>14. REFERRED TO CALENDAR ITEM #2.</b>  |
| 15. Transmitting communication from Robert W. Healy, City Manager, relative to the final votes necessary to appropriation the 2002 state matching funds for Fiscal Year 2003 Community Preservation Act:   |   |
| 15A. 80% (\$3,600,000) of state matching funds be appropriated to the Affordable Housing Trust;  | <b>15A. ORDER ADOPTED. 9-0-0.</b>   |
| 15B. 10% (\$450,000) of state matching funds be appropriated for historic preservation. Of these funds, \$180,000 be appropriated to the Public Investment Fund for the Historical Commission's Historic Preservation Grant Program and that the balance \$270,000 be allocated to the Community Preservation Trust Fund Historic Resources Reserve; and | <b>15B1. ORDER ADOPTED. 9-0-0.</b>  |
|  | <b>15B2. ORDER ADOPTED. 9-0-0.</b>  |
| 15C. 10% (\$450,000) of state matching funds be allocated to the Community Preservation Trust Fund's Reserve for Open Space.   | <b>15C. ORDER ADOPTED. 9-0-0.</b>   |
| 16. Transmitting communication from Robert W. Healy, City Manager, relative to the appointment of Christopher L. Rickman, 40 Drake Circle, (P.O. Box 1267), Eastham, MA 02642, as a Constable Without Power for a term of three years, effective the first day of January, 2002.   | <b>16. PLACED ON FILE.</b>  |

October 28, 2002

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 02-86, regarding a report on cable audit protocols, audit representatives and customer services, received from Timothy G. Murnane, Manager of Government Affairs for AT&T Broadband.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec  
Attachment



October 28, 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:

Ross Elliott, 4 Alvanos Drive, Haverhill, MA 01830  
Darrel Todman, 58 Kelvin Street, Apt. #1, Everett, MA 02149

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec

October 28, 2002

To The Honorable, The City Council:

In response to Awaiting Report Item No. 02-66, regarding a report on outages in the Mt. Auburn/Strawberry Hill/Cambridge Highlands area, please be advised of the following:

This area of the City experienced several problems over a short period of time causing a series of power outages. The following were some of the issues:

1. Transformer on Aberdeen Avenue damaged by a lightning strike;
2. A switch on a pole at the corner of Blanchard Road and Concord Avenue burnt out;
3. A transformer at the Aberdeen Avenue sub-station shut down;
4. Cable fire at Concord Avenue and Walden Streets; and
5. Scheduled work in the area including a significant upgrade to the electrical system for the Neville Manor site.

Although unfortunate, as you can see most of the outages were caused by unexpected events. The City will continue to work with NSTAR to maintain the circuits in the area at a suitable level.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec

October 28, 2002

To the Honorable, the City Council:

I am hereby requesting a transfer of \$90,000.00 in the General Fund Public Works Department from the Salary and Wages Account to the Travel and Training (Judgements & Damages) Account. This transfer will enable payment of lump sum settlements and medical bills.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec

October 28, 2002

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 02-88, regarding increasing enforcement of panhandling, public drinking, and drug activity in and around Porter, Central and Harvard Squares, received from Police Commissioner Ronnie Watson.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec  
Attachment

October 28, 2002

To the Honorable, the City Council:

I am hereby requesting the appropriation of a grant from the Department of Housing and Urban Development for \$86,202 to the Grant Fund Human Rights Salaries and Wages account (\$45,702), Other Ordinary Maintenance account (\$13,000), and Travel and Training account (\$27,500) to provide funds for Fair Housing Assistance Program (FHAP) activities including case processing, education and outreach, participation in mandatory HUD-sponsored training, and other fair housing activities. Funds will cover the salaries of part-time legal interns, full-time summer interns and a portion of the salary of the full-time Attorney-Investigator. The remaining funds will be used for purchasing fair housing training videos and redesigning the Commission's web site in accordance with HUD's model.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec

October 28, 2002

To the Honorable, the City Council:

I am hereby requesting the transfer of \$13,370 in the General Fund from the Reserve Other Ordinary Maintenance account to the Election Commission Other Ordinary Maintenance account to provide funds for additional printing, mailing, and handling costs related to the polling place notification for the November State General Election.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec

October 28, 2002

To the Honorable, the City Council:

I am hereby requesting the transfer of \$4,136 from the Grant Fund Human Services Travel and Training account to the Grant Fund Human Services Other Ordinary Maintenance account to provide funds for general operating expenses related to the program that provides nutritious meals to Cambridge youth during the summer.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec

October 28, 2002

To The Honorable, The City Council:

In response to Awaiting Report Item No. 02-82, regarding a report on the *Guide to Lawn and Landscape Water Conservation* and the guide's application for promoting water conservation in the City, Managing Director of the Water Department Sam Corda and Public Works Commissioner Lisa Peterson report the following:

Both the Water Department and the Department of Public Works have reviewed the Executive Office of Environmental Affairs' (EOEA) newly released *Guide to Lawn and Landscape Water Conservation*, dated May 2002. EOEA's report outlines recommendations for managing water supplies particularly during drought conditions and promoting water conservation in the City of Cambridge. This document recommends elements for inclusion into a municipal Water System Management Program. Recommendations include development of water system restriction by-laws or ordinance and a water shortage/drought management plan. A review of the guide by both the Water and Public Works Departments shows that the City of Cambridge has a solid program in place for water conservation.

In most if not all cases the Water Department is using or updating the main guide recommendations. These general recommendations defined in the EOEA guide have been around for many years. This information has been available through the American Water Works Association (AWWA) and the Massachusetts Department of Environmental Protection (DEP) and watershed groups such as the Charles River Watershed Association (CRWA).

The specific areas that relate to the Water Department are:

**Drought Management:** A drought contingency plan was implemented by the Department in 1989, this plan is currently being reviewed for possible update. The updates will be based on the current and future needs of Department, City and regulatory agencies.

**Municipal Bylaw:** There is a water restriction ordinance defined in the Cambridge Municipal Code book. The ordinance number is 13.08.090 titled "Water Restriction Authority". This ordinance is sufficient to implement any and all restrictions required to meet the needs of the City.



**Demand Management Measures:** The City has adopted (an excess of twelve years ago) an increasing block rate structure to promote the use of LESS water. This rate structure continues to be in effect now and in the distant future.

Following are some examples of current practices within the Department of Public Works (DPW) that illustrate our understanding of, and effort to adhere to, prudent water resource management, particularly with regards to efficient landscape design, construction and maintenance. Each report recommendation is followed by a description of our current practice.

***Reduce Lawn Area.*** The proposed landscape plan for City Hall Annex (part of an effort to obtain LEEDS certification for the building project) features native, drought-tolerant species of low shrub masses, which after initial establishment will require irrigation only during times of drought stress. Corporal Burns Playground and Paine Park are other examples of recent design featuring increased ground cover alternatives to turf.

***Water Between Sunset and Early Morning to Reduce Evaporation.*** Virtually all of our irrigation zones are programmed to run between 1:00 a.m. and 7:00 a.m., with the exception of newly-sodded areas and/or athletic fields experiencing drought stress.

***Install a Rain Shutoff Device on the Irrigation System.*** All of our automatic controllers installed within the last two years have this feature, and as we replace older controllers with newer ones, the ratio will increase.

***Undertake an Irrigation System Audit Every Two Years. Repair Broken Sprinkler Heads.*** We assign two people to irrigation maintenance on a full-time basis while the systems are charged. Our systems are audited every year for major adjustments, and checked at least weekly to ensure that sprinkler heads are operating properly. All broken heads are replaced as soon as they are found or reported. We expend about \$12,000 annually in materials to ensure proper operation.

***Mow Lawns at the Highest Recommended Height.*** For the past four years, we have mowed all turf areas at 2½ inches, which is a full inch higher than what cool-season grass cultivars under irrigation can tolerate. Longer shoot growth shades the soil surface and keeps it cooler, thus reducing water requirements.

***Aerate Compacted Soils to Improve Lawn Rooting and Moisture Absorption.*** Since 1999, all athletic fields plus major lawn areas such as Cambridge Common and Longfellow Park are aerated at least once per year, sometimes more depending on use patterns. Additionally, smaller turf areas are aerated on an as-needed basis, typically in preparation for over-seeding.

The Honorable, The City Council  
October 28, 2002  
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The DPW has retrofitted older systems (and specified new systems) with stainless steel sprinkler heads that are less prone to breakage than plastic fittings, thus reducing the potential for wasting water. Also, we have amended the clay areas of all ball diamonds with a mix that is less prone to wind migration, thus reducing the need for water simply for dust control.

**Site Plan Review Standards/Guidelines.** In addition, DPW will be developing Site Plan Review Standards/Guidelines to address storm water runoff from development/redevelopment sites. This document will incorporate recommendations for the infiltration and management of rainwater to reduce site runoff and conserve the use of municipal water.

Very truly yours,

Robert W. Healy  
City Manager

October 28, 2002

To The Honorable, The City Council:

In response to Awaiting Report Item No. 02-78, regarding submitting comments on the reauthorization of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), please be advised of the following:

TEA-3 is the third version of the transportation vision established by Congress in 1991 with the Intermodal Surface Transportation Efficiency Act (ISTEA) and renewed in 1998 through the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21).

Legislative activity by Congressional transportation committees is expected to begin in January 2003. The Administration is also expected to submit its reauthorization proposal to Congress in January.

Attached is a copy of a letter to Secretary Mineta emphasizing Cambridge's strong support for the preservation and strengthening of TEA-21.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec

October 16, 2002

Norman Y. Mineta  
Secretary of Transportation  
U.S. Department of Transportation  
400 7th Street, S.W.  
Washington, D.C. 20590

Dear Secretary Mineta:

I am writing regarding the reauthorization of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21). Cambridge is a very dense city of 105,000 where close-knit residential neighborhoods directly abut large institutions and businesses. TEA-21 has been critical to the City of Cambridge's ability to implement innovative transportation projects that meet our mobility needs but reduce reliance on automobiles. This important law should be preserved and strengthened.

Below are some examples of the importance of TEA-21 to Cambridge:

The Congestion Mitigation and Air Quality (CMAQ) program has enabled the City to leverage private sector funds at a three-to-one ratio to operate a shuttle service that connects a key regional transportation hub with employment centers in Cambridge. The shuttle provides a link for the increasing number of residents who "reverse commute" to jobs outside the city.

The Enhancement program has enabled the City to provide pedestrian and bicycle connections between a dense residential neighborhood and a major open space resource as well as provide safe pedestrian and bicycle facilities and landscaping along a major regional arterial. In this case, federal funds leveraged a significant local match.

The City is hoping to be able to access funding from the Transportation and Community and System Preservation program to upgrade a deteriorating railroad underpass to meet ADA requirements and provide a safe and direct link between a low-income neighborhood and a school and recreational complex.

In addition to maintaining adequate funding for these and other important programs in TEA-21, the City also strongly supports increased funding for transit in metropolitan areas, further expansion of local control over funding allocations, and basing transportation programs on sound environmental principles.

Very truly yours,

Robert W. Healy  
City Manager

October 28, 2002

To The Honorable, The City Council:

In response to Awaiting Report Item No. 02-19, regarding information on applying and contributing to the Cambridge Scholarship Fund, Acting Assistant City Manager for Finance Louis DePasquale reports the following:

The Finance Department annually solicits contributions to the Cambridge Scholarship Fund by including a fundraising letter with the 1<sup>st</sup> half property tax bills and with motor vehicle excise tax bills. The City Council has made the following requests:

- 1. Include a separate envelope for the purpose of remitting scholarship contributions.** The Finance Department has reviewed the possibility of including a scholarship remittance envelope in the property and excise tax billings and has the following concerns:

  - ??Approximately 20,000 first half property tax bills and 45,000 excise tax bills are mailed each year, which would require purchasing 65,000 additional remittance envelopes.
  - ??Because the mailing already includes a bill, a bill remittance envelope, the fundraising letter, and an additional insert, adding an additional envelope would increase the cost of postage, as well as the per unit cost of the bill stuffing service. In addition, according the State Statute, the collector may include additional municipal information mailed with the tax bill as long as the entire package does not cause an increase in the postage required for the mailing of the tax bill.
  - ??Taxpayers may inadvertently send tax payments in the wrong envelope, which would delay crediting the payment to their account, or might result in the tax payment being deposited to the scholarship account.
- 2. Conduct a separate fundraising effort by sending an additional letter to persons who have previously contributed to the fund.** The Finance Department only keeps a record of those persons making contributions of \$100 or more to the fund. A separate solicitation will be sent to those contributors.
- 3. Include information in the fundraising letter about how to apply for the scholarship and increase publicity efforts.** The Finance Department will revise the letter to include information about how to apply for the scholarship. Additionally, the Finance Department will work with the School Dept to make sure that the application form and scholarship eligibility guidelines are available on the City's web site, and will ensure that copies of the application form are available in the City Hall information area.

Very truly yours,

Robert W. Healy  
City Manager

October 28, 2002

To The Honorable, The City Council:

In response to Awaiting Report Item No. 02-69, regarding the repaving schedule for Pine Street, Public Works Commissioner Lisa Peterson reports the following:

The Department of Public Works has reviewed the condition of Pine Street and surrounding streets, and is scheduling both Pine Street and Cherry Street, between Harvard and School Streets, for repaving work. This work will be completed by the Spring of 2003. However, if the weather and contract allows, the Department will repave the streets this fall.

As the City Council is aware, the City is in the process of hiring a firm for the design of sewer and storm water improvements for the South Massachusetts Avenue and Bishop Allen Drive area. It is anticipated that Pine and Cherry Streets will be excavated for sewer improvements as a part of this project. However, sewer work on these streets is not likely to take place for three or four years and the deteriorated condition of these roadways warrant the repaving work at this time.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec

October 28, 2002

To The Honorable, The City Council:

In response to Awaiting Report Item No. 02-90, regarding data on enforcement of double-parking in bicycle lanes across the City, Police Commissioner Ronnie Watson reports the following:

Enclosed you will find a report of the Police Department's enforcement effort regarding double-parking in the bicycle lanes across the City. The report defines the locations of bike violations issued and types of violations. As a result of increased incidents involving pedestrian and bicycle operators in bike lanes, there has been increased enforcement regarding bicycle lane violations by double parked vehicles. The Police and Traffic, Parking & Transportation Departments have issued a total of 1,417 violations for double-parked vehicles throughout the City since January 2002. Directed patrols were assigned to combat the identified problem areas. Since August 16, 2002, over 189 parking tickets were issued as a result of double parking in bicycle lanes. Be advised that citations are not issued to violators of double-parking in bicycle lanes. Violators are issued a parking ticket because it is not a moving violation. In addition, the Department has communicated with the MBTA to insist that bus operators are advised of the importance of pulling into the bus lane for picking up passengers. Also, the Hackney Officer is advising all taxi drivers to adhere to the same guidelines with reference to taxi stands.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec  
Attachment

October 28, 2002

To the Honorable, the City Council:

In response to your request for information about the options for redeveloping 238 Broadway for housing, please be advised of the following:

- 1) *What is the timetable for demolition of the building?*

The timetable for demolition of the building at 238 Broadway is tied to the schedule for reconstruction of the City Hall Annex at 57 Inman Street. When renovations to the City Hall Annex have been completed and the building is ready for occupancy, then the building at 238 Broadway may be demolished. In order to complete this in a timely manner, bids for demolition should be received approximately 30 to 60 days in advance of expected completion of the City Hall Annex.

The contract for renovation of the City Hall Annex was awarded on October 15, 2002 to Consigli Construction. Consigli has received Notice to Proceed and construction is expected to be complete in approximately 14 months.

- 2) *What impact would the prior rehab expenditure of \$300,000 have on the cost of converting the building to housing?*

Approximately \$300,000 was expended on 238 Broadway to retrofit the building as office space for CDD and Traffic and Parking, including new carpet, upgrading the heating/air conditioning systems, testing for mold and asbestos, and new office systems such as cubicles and phone systems. Based on a preliminary assessment of the requirements for developing housing on this site, we would expect that most of the changes to the building that were made to temporarily accommodate CDD and Traffic and Parking would not reduce the cost of redeveloping the site. Additionally, rental costs to relocate the Traffic, Parking & Transportation and Community Development Departments to another site would have exceeded the \$300,000 expended to upgrade 238 Broadway.



3) *What would the development of affordable housing at 238 Broadway cost?*

The following is based on a very preliminary assessment of redeveloping 238 Broadway as housing. A more detailed analysis would require consultation with a structural engineer and design work with an architect to consider design and site layout, setback requirements, parking, etc. The architectural and structural analysis would also inform us further about the possibility of reuse of the buildings versus demolition and new construction.

*Designated Use / Zoning:* In order to redevelop this site as housing, several significant steps would need to be accomplished. First, authorization from the State Legislature would be needed to change the use of the site from open space to residential (Article 97). Second, the site would need to be rezoned to residential. Currently the site is zoned as open space.

Assuming that the site was rezoned to C1, consistent with surrounding neighborhood zoning designations:

FAR	.75
Height	35 Feet
Open Space	30% of site
Parking	1 space per unit
Number of units	18 (up to 24 units with the Inclusionary Zoning bonus).

This is based on allowable development and is **not** based on an architect's site design.

**Redevelopment Option**

As noted above, the decision to either reuse or demolish the buildings and undertake new construction will depend on feedback from the structural and architectural teams. However, assuming development of up to 24 units on the site, our preliminary analysis estimates that development of the site as housing would range between \$5.7 million and \$6.1 million (approximately \$240,000-250,000 per unit).

4) *How much has the City spent on open space planning, development, etc. that will not be usable if the park plan is changed to housing or housing and a smaller park?*

To date, the City has been billed approximately \$70,000 for work done by Wallace Floyd Design Group pertaining to open space planning at the 238 Broadway site. This includes design fees for the park, survey work, civil engineering, public meetings, and overall Area IV master planning (looking at all of the new parks as a whole and figuring out what park should get what program elements, etc). According to Kaki Martin of Wallace Floyd Design Group, if the site plan were to change to housing or housing and a smaller park, only the survey work (about \$8,000) would not have to be repeated. Currently, the project construction documents (CDs) are approximately 50% complete, and while some of the details might remain in an altered site plan, the

schematic design phase, design development phase and 1/3-1/2 of the CD phase would need to be repeated in order to rework all of the plans. In addition, the City would initiate another public process to solicit input on all aspects of the site design. Thus, it appears that approximately \$62,000 of what has been spent so far on park planning at 238 Broadway would not be usable if the plan is changed to housing or housing and a smaller park.

Very truly yours,

Robert W. Healy  
City Manager

October 28, 2002

To The Honorable, The City Council:

Attached please find the final votes necessary to appropriate the 2002 state matching funds for fiscal year 2003 Community Preservation Act as outlined in the City Manager's recommendation dated May 20, 2002 (attached):

- A. 80% (\$3,600,000) of state matching funds be appropriated to Affordable Housing Trust;
- B. 10% (\$450,000) of state matching funds be appropriated for historic preservation. Of these funds, \$180,000 be appropriated to the Public Investment Fund for the Historical Commission's Historic Preservation Grant Program and that the balance \$270,000 be allocated to the Community Preservation Trust Fund Historic Resources Reserve;
- C. 10% (\$450,000) of state matching funds be allocated to the Community Preservation Trust Fund's Reserve for Open Space.

These appropriation orders match the CPA Committee's recommended allocations and the City Manager's recommendation of May 20, 2002 for the state matching funds.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec  
Attachments

Consent Agenda Item No. 15A

October 28, 2002

**ORDERED:** That the City Council appropriate \$3,600,000 in FY2003 from the Community Preservation Act State Matching Funds to the Affordable Housing Trust Fund.

Consent Agenda Item No. 15B2

October 28, 2002

**ORDERED:** That the City Council allocate \$270,000 in FY2003 from the Community Preservation Act State Matching Funds to the Community Preservation Trust Fund Historic Resources Reserve.

Consent Agenda Item No. 15C

October 28, 2002

ORDERED: That the City Council allocate \$450,000 in FY2003 from the Community Preservation Act State Matching Funds to the Community Preservation Trust Fund's Reserve for Open Space.

October 28, 2002

To The Honorable, The City Council:

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

Christopher L. Rickman, 40 Drake Circle, (P.O. Box 1267), Eastham, MA 02642

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec

**MASSACHUSETTS**

**City Council Calendar No. 19  
Monday, October 28, 2002**

**At 5:30 P.M.**

**CHARTER RIGHT**

1. Charter Right exercised by Councillor Reeves on Order #15 of October 7, 2002 requesting the City Manager to develop an appropriate process to consider removing the benches from in front of Libby Liquors.

**PLACED ON FILE UNDER RULE 19 OF THE CITY COUNCIL RULES.**

2. Charter Right exercised by Councillor Toomey on Order #17 of October 7, 2002 requesting the City Manager to appoint someone to speak with Neighbors for a Better Community to explore possible collaboration.

**PLACED ON THE TABLE ON MOTION OF COUNCILLOR SIMMONS.**

**ON THE TABLE**

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

**NO ACTION TAKEN.**

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

**NO ACTION TAKEN.**

5. 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.

**NO ACTION TAKEN.**

**UNFINISHED BUSINESS**

6. 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**



~~0-15~~  
Calendar Item #1

~~October 7, 2002~~  
October 28, 2002

MAYOR SULLIVAN

ORDERED: That the City Manager be and hereby is requested to develop an appropriate process to consider removing the benches from in front of Libby Liquors.

**PLACED ON FILE UNDER RULE 19 OF THE CITY COUNCIL RULES.**

~~0-17~~  
Calendar Item #2

October 7, 2002  
~~October 28, 2002~~

COUNCILLOR DECKER  
COUNCILLOR SIMMONS  
COUNCILLOR REEVES

ORDERED: That the City Manager be and hereby is requested to appoint someone to speak with Neighbors for a Better Community to explore possible collaboration and be it further

ORDERED: That the City Council continue exploring alternative options for 238 Broadway.

**PLACED ON THE TABLE ON MOTION OF COUNCILLOR SIMMONS.**

**APPLICATIONS AND PETITIONS -  
CITY COUNCIL MEETING OF MONDAY, OCTOBER 28, 2002**

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|---|--|
| 1. An application was received from Cambridge Savings Bank, requesting permission for a sign at the premises numbered 11 Dunster Street. Approval has been received from Inspectional Services, Community Development Departments and abutters.   | 1. <b>ORDER ADOPTED.</b>                       |
| 2. An application was received from the Recycling Division, Department of Public Works, requesting permission for a table in front of City Hall in honor of America Recycles Day.   | 2. <b>REFERRED TO CITY MANAGER WITH POWER.</b> |
| 3. An application was received from Chestnut Hill Realty, requesting permission for a sandwich board sign at the premises numbered 1644 Massachusetts Avenue.   | 3. <b>REFERRED TO CITY MANAGER WITH POWER.</b> |
| 4. An application was received from UTSO Tibetan Boutique, requesting permission for a rack to display merchandise at the premises numbered 1691 Massachusetts Avenue.  | 4. <b>REFERRED TO CITY MANAGER WITH POWER.</b> |
| 5. An application was received from The Christmas Store, requesting permission for a sandwich board sign at the premises numbered 1971 Massachusetts Avenue.  | 5. <b>REFERRED TO CITY MANAGER WITH POWER.</b> |
| 6. An application was received from Cambridge Family Literacy Collaborative, requesting permission for a temporary banner across Massachusetts Avenue at Prospect Street announcing Family Fun Day at City Hall on Saturday, November 2, 2002 from 10:30 a.m. – 2:30 p.m.   | 6. <b>ORDER ADOPTED.</b>                       |
| 7. An application was received from Duncan MacArthur, requesting a curb cut at the premises numbered 16 Sargent Street; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical and Public Works. Approval has been received from one neighborhood association, one neighborhood association abstained. | 7. <b>ORDER ADOPTED.</b>                       |

**APPLICATIONS AND PETITIONS -  
CITY COUNCIL MEETING OF MONDAY, OCTOBER 28, 2002**

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8. An application was received from Up Stairs on the Square, 91 Winthrop Street, requesting permission for a sandwich board sign at the premises numbered 57 JFK Street. Approval has been received from Staples to place the sign in front of their store.

9. An application was received from Anne Sundaram, requesting a curb cut at the premises numbered 90 Larchwood Drive; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical and Public Works. No neighborhood association exists in West Cambridge.

8. **REFERRED TO  
CITY MANAGER  
WITH POWER.**

9. **ORDER ADOPTED.**

**CONSENT COMMUNICATIONS -  
CITY COUNCIL MEETING OF MONDAY, OCTOBER 28, 2002**

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|---|---|
| 1. A communication was received from Constance Furcolo, transmitting thanks for the thoughtful resolution on behalf of her husband Foster.  | 1. <b>PLACED ON FILE.</b>               |
| 2. A communication was received from the family of Jose M. Airoso, acknowledging appreciation for your kind expression of sympathy.   | 2. <b>PLACED ON FILE.</b>               |
| 3. A communication was received from Mary Lou McGrath, acknowledging your kind expression of sympathy.  | 3. <b>PLACED ON FILE.</b>               |
| 4. A communication was received from Commonwealth of Massachusetts, Department of Environment Protection, regarding Cambridge-265 First St., RTN 3-15243 & 3-15754, Response Action Outcome Activity and Use Limitation Interim Deadline. | 4. <b>REFERRED TO THE CITY MANAGER.</b> |
| 5. A communication was received from Robert J. LaTremouille, regarding the October 7, 2002 City Council meeting and the effect of the Charles River rehabilitation work on the white geese.   | 5. <b>PLACED ON FILE.</b>               |
| 6. A communication was received from Riverside resident Irene Hartford, regarding how she feels about preserving the character of life in her neighborhood.   | 6. <b>PLACED ON FILE.</b>               |
| 7. A petition was received from Lydia Vickers, et al., to put the plans for demolishing the buildings at 238 Broadway on hold until neighborhood organizations have had a chance to work out a possible collaboration.                    | 7. <b>PLACED ON FILE.</b>               |
| 8. A communication was received from Roy Bercaw, regarding human rights.  | 8. <b>PLACED ON FILE.</b>               |

**CONSENT COMMUNICATIONS -  
CITY COUNCIL MEETING OF MONDAY, OCTOBER 28, 2002**

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9. A communication was received from Gloria G. Thompson, transmitting thanks for the commemoration for the late and former Representative Alvin Thompson.
10. A communication was received from Lenore Monello Schloming, regarding the proposed tree ordinance.
11. Sundry communications received from the following residents, supporting smoke free workplaces.
- |                  |                              |
|------------------|------------------------------|
| Jenn Brown       | 334 Harvard Street           |
| E. Levy          | 41 Prentiss Street           |
| William Shalongo | 396 Putnam Avenue            |
| Norma Hills      | 393 Cardinal Medeiros Avenue |
| Lia Wong         | 94 Pleasant Street           |
| J. Zinni         | 253 Broadway                 |
| Vercion de La    | 25 Highland                  |
| David Nguyen     | 632 Massachusetts Avenue     |
| Karen Russell    | 124 Spring Street            |

9. **PLACED ON FILE.**
10. **REFERRED TO THE PETITION.**
11. **REFERRED TO THE PETITION.**
12. **PLACED ON FILE.**

**RESOLUTION LIST FOR CITY COUNCIL MEETING  
OF MONDAY, OCTOBER 28, 2002**

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| 1. Congratulating the Agenda for Children and its partners in receiving the Early Learning Opportunities Act Grant in the amount of \$970,000.00.<br><b>Mayor Sullivan and entire membership</b>                         | 1. <b>ORDER ADOPTED.</b>  |
| 2. Wishing a special Cantabrigian a Happy 60 <sup>th</sup> Birthday.<br><b>Councillor Maher and entire membership</b>  | 2. <b>ORDER ADOPTED.</b>  |
| 3. Proclaiming November as "National Adoption Month."<br><b>Councillor Maher and entire membership</b>   | 3. <b>ORDER ADOPTED.</b>  |
| 4. Urging residents to be cognizant of and participate in the Amber Lily DaRosa Fundraiser.<br><b>Councillor Toomey and entire membership</b>  | 4. <b>ORDER ADOPTED.</b>  |
| 5. Resolution on the death of Donald O'Brien.<br><b>Councillor Toomey and entire membership</b>  | 5. <b>ORDER ADOPTED.</b>  |
| 6. Congratulating the Filarmonica Santo Antonio Inc. in celebrating its 30 <sup>th</sup> Anniversary of Music.<br><b>Councillor Toomey, Mayor Sullivan and entire membership</b>   | 6. <b>ORDER ADOPTED.</b>  |
| 7. Congratulating the honored guests of the Middlesex County Bar Association banquet, which will take place on Tuesday, October 15, 2002 and wish them continued success.<br><b>Mayor Sullivan and entire membership</b> | 7. <b>ORDER ADOPTED.</b>  |
| 8. Resolution on the death of Harry C. Blanchet.<br><b>Councillor Galluccio and entire membership</b>  | 8. <b>ORDER ADOPTED.</b>  |
| 9. Resolution on the death of Frances M.Mosca.<br><b>Councillor Galluccio, Mayor Sullivan and entire membership</b>  | 9. <b>ORDER ADOPTED.</b>  |
| 10. Resolution on the death of Eleanor A. Lord.<br><b>Councillor Galluccio and entire membership</b>   | 10. <b>ORDER ADOPTED.</b> |
| 11. Resolution on the death of Angelina A. Silva.<br><b>Councillor Toomey and entire membership</b>  | 11. <b>ORDER ADOPTED.</b> |
| 12. Resolution on the death of Eugenia Marcelo.<br><b>Councillor Toomey and entire membership</b>  | 12. <b>ORDER ADOPTED.</b> |

**RESOLUTION LIST FOR CITY COUNCIL MEETING  
OF MONDAY, OCTOBER 28, 2002**

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| 13. Resolution on the death of Marie J. Santasky.<br><b>Mayor Sullivan, Councillors Toomey, Galluccio and entire membership</b>  | 13. <b>ORDER ADOPTED.</b> |
| 14. Resolution on the death of Mary C. Dineen.<br><b>Mayor Sullivan, Councillor Galluccio and entire membership</b>  | 14. <b>ORDER ADOPTED.</b> |
| 15. Resolution on the death of Daniel A. Flynn.<br><b>Mayor Sullivan, Councillor Galluccio and entire membership</b>   | 15. <b>ORDER ADOPTED.</b> |
| 16. Resolution on the death of Dana H. Gallup.<br><b>Mayor Sullivan and entire membership</b>  | 16. <b>ORDER ADOPTED.</b> |
| 17. Resolution on the death of Francis M. Doran.<br><b>Mayor Sullivan and entire membership</b>  | 17. <b>ORDER ADOPTED.</b> |
| 18. Resolution on the death of Jean F. Wright.<br><b>Councillor Toomey, Mayor Sullivan and entire membership</b>   | 18. <b>ORDER ADOPTED.</b> |
| 19. Resolution on the death of Tanya MacDonald.<br><b>Mayor Sullivan, Councillor Toomey and entire membership</b>  | 19. <b>ORDER ADOPTED.</b> |
| 20. Resolution on the death of Edwin J. Langley.<br><b>Mayor Sullivan and entire membership</b>  | 20. <b>ORDER ADOPTED.</b> |
| 21. Congratulating the winners of the 9 <sup>th</sup> Annual Lemelson-MIT Awards.<br><b>Mayor Sullivan and entire membership</b>   | 21. <b>ORDER ADOPTED.</b> |
| 22. Sending wishes for a speedy recovery to Major Carroll.<br><b>Mayor Sullivan and entire membership</b>  | 22. <b>ORDER ADOPTED.</b> |
| 23. Congratulating the young and innovative minds who have created a wonderful piece of art for the 2002 Do It Your Damn Self Festival.<br><b>Mayor Sullivan and entire membership</b>           | 23. <b>ORDER ADOPTED.</b> |
| 24. Congratulating the Boston Boy Choir in celebrating their 40 <sup>th</sup> Anniversary of Music and Education and wish them continued success.<br><b>Mayor Sullivan and entire membership</b> | 24. <b>ORDER ADOPTED.</b> |
| 25. Resolution on the death of Francis L. Lawson.<br><b>Mayor Sullivan, Councillors Galluccio, Maher and entire membership</b>   | 25. <b>ORDER ADOPTED.</b> |



**RESOLUTION LIST FOR CITY COUNCIL MEETING  
OF MONDAY, OCTOBER 28, 2002**

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| 26. Resolution on the death of Lillian B. Bowen.<br><b>Councillor Galluccio, Mayor Sullivan and entire membership</b>   | 26. <b>ORDER ADOPTED.</b> |
| 27. Resolution on the death of Arthur W. Greenidge.<br><b>Councillor Galluccio, Mayor Sullivan and entire membership</b>  | 27. <b>ORDER ADOPTED.</b> |
| 28. Resolution on the death of Esther Virginia Henry Bright.<br><b>Councillor Galluccio and entire membership</b>   | 28. <b>ORDER ADOPTED.</b> |
| 29. Resolution on the death of Julia Murphy.<br><b>Councillor Galluccio and entire membership</b>   | 29. <b>ORDER ADOPTED.</b> |
| 30. Resolution on the death of Thomas H. Berry.<br><b>Councillor Galluccio and entire membership</b>  | 30. <b>ORDER ADOPTED.</b> |
| 31. Commending the efforts of the Cambridge Economic Opportunity Committee, Inc. with its attempt to influence the State Legislative Delegation to stop proposed budget cuts that adversely affect many Cambridge residents.<br><b>Mayor Sullivan and entire membership</b> | 31. <b>ORDER ADOPTED.</b> |
| 32. Thanking United Way for all the work it does for the youth of America.<br><b>Mayor Sullivan and entire membership</b>   | 32. <b>ORDER ADOPTED.</b> |
| 33. Resolution on the death of Edmund C. Corcoran.<br><b>Mayor Sullivan and entire membership</b>   | 33. <b>ORDER ADOPTED.</b> |
| 34. Congratulating Chris and Lisa Cook on the birth of their son Owen Christopher.<br><b>Councillor Maher and entire membership</b>   | 34. <b>ORDER ADOPTED.</b> |
| 35. Congratulating James Albert on receiving the Hanna Award.<br><b>Councillor Maher and entire membership</b>  | 35. <b>ORDER ADOPTED.</b> |
| 36. Sending wishes for a speedy recovery to Jimmy Kelly.<br><b>Mayor Sullivan and entire membership</b>   | 36. <b>ORDER ADOPTED.</b> |
| 37. Expressing appreciation to Sharon M. Joaquim for her many years of dedicated service and wishing her well in her retirement.<br><b>Mayor Sullivan and entire membership</b>   | 37. <b>ORDER ADOPTED.</b> |

**RESOLUTION LIST FOR CITY COUNCIL MEETING  
OF MONDAY, OCTOBER 28, 2002**

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| 38. Expressing appreciation to John D. Wechter for his many years of dedicated service and wishing him well in his retirement.<br><b>Mayor Sullivan and entire membership</b>   | 38. <b>ORDER ADOPTED.</b>                                |
| 39. Resolution on the death of Accursio Bono.<br><b>Mayor Sullivan and entire membership</b>  | 39. <b>ORDER ADOPTED.</b>                                |
| 40. Congratulating Caryn Saitz on her new position as the Director of Public Affairs for the Cambridge Chamber of Commerce.<br><b>Councillor Maher and entire membership</b>  | 40. <b>ORDER ADOPTED.</b>                                |
| 41. Resolution on the death of James R. Gladden.<br><b>Councillor Galluccio and entire membership</b>   | 41. <b>ORDER ADOPTED.</b>                                |
| 42. Expressing appreciation to Herbert R. Trevette for his thirty-four years of dedicated service and wishing him well in his retirement.<br><b>Mayor Sullivan and entire membership</b>  | 42. <b>ORDER ADOPTED.</b>                                |
| 43. Expressing appreciation to Edward R. Buchawieck for his twenty-five years of dedicated service and wishing him well in his retirement.<br><b>Mayor Sullivan and entire membership</b>   | 43. <b>ORDER ADOPTED.</b>                                |
| 44. Congratulating Michelle and Robert Paul Ring, Jr. on the birth of their son Robert Paul Ring, III.<br><b>Councillor Maher and entire membership</b>   | 44. <b>ORDER ADOPTED.</b>                                |
| 45. Urging all residents to honor the men and women who, have defended our country, as well as, those who are serving today, by celebrating Veteran's Day on November 11, 2002.<br><b>Councillor Toomey, Mayor Sullivan and entire membership</b> | 45. <b>ORDER ADOPTED.</b>                                |
| 46. Congratulating Hannah Malenfant on her recognition by the Hildebrand Family Self-Help Center and thanking her for her efforts to build community and help those in need.<br><b>Vice Mayor Davis and entire membership</b>                     | 46. <b>ORDER ADOPTED.</b>                                |
| 47. Resolution on the death of Mayor Emeritus Alfred E. Vellucci.<br><b>Mayor Sullivan, Councillors Toomey, Galluccio, Maher and entire membership</b>  | 47. <b>ORDER ADOPTED BY RISING VOTE OF NINE MEMBERS.</b> |
| 48. Resolution on the death of Harry Datsias.<br><b>Councillor Toomey and entire membership</b>   | 48. <b>ORDER ADOPTED.</b>                                |

**RESOLUTION LIST FOR CITY COUNCIL MEETING  
OF MONDAY, OCTOBER 28, 2002**

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| 49. Resolution on the death of Charles A. Riley Sr.<br><b>Councillor Maher, Mayor Sullivan, Councillor Galluccio and entire membership</b>   | 49. <b>ORDER ADOPTED.</b> |
| 50. Resolution on the death of Jane R. Richards.<br><b>Mayor Sullivan, Councillor Galluccio and entire membership</b>  | 50. <b>ORDER ADOPTED.</b> |
| 51. Resolution congratulating Timothy Sullivan on becoming the new Financial Director for MassHousing.<br><b>Mayor Sullivan and entire membership</b>  | 51. <b>ORDER ADOPTED.</b> |
| 52. Resolution on the death of Christine Bonacci.<br><b>Councillor Toomey, Mayor Sullivan, Councillor Maher and entire membership</b>  | 52. <b>ORDER ADOPTED.</b> |
| 53. Resolution on the death of Sophie Brezenski.<br><b>Councillor Toomey and entire membership</b>   | 53. <b>ORDER ADOPTED.</b> |
| 54. Resolution on the death of John Enright.<br><b>Mayor Sullivan and entire membership</b>  | 54. <b>ORDER ADOPTED.</b> |
| 55. Resolution on the death of Pauline A. Sacco.<br><b>Mayor Sullivan and entire membership</b>  | 55. <b>ORDER ADOPTED.</b> |
| 56. Sending wishes for a very speedy recovery to Jack Maloney.<br><b>Mayor Sullivan and entire membership</b>  | 56. <b>ORDER ADOPTED.</b> |
| 57. Resolution urging the City Council to declare Autumn 2002 to be "Energy Efficient Lighting Awareness Season" in the City of Cambridge.<br><b>Mayor Sullivan and entire membership</b>  | 57. <b>ORDER ADOPTED.</b> |
| 58. Resolution congratulating the North Cambridge Crime Task Force in winning its nineteenth All-STAR AWARD for its participation in the National Night Out Campaign.<br><b>Mayor Sullivan and entire membership</b>   | 58. <b>ORDER ADOPTED.</b> |
| 59. Resolution commending Cambridge Cares About AIDS for all it does to help prevent the spread of AIDS and to wish its 4 <sup>th</sup> Annual Night of Illumination on Thursday, January 16, 2003, much success.<br><b>Mayor Sullivan and entire membership</b> | 59. <b>ORDER ADOPTED.</b> |

**RESOLUTION LIST FOR CITY COUNCIL MEETING  
OF MONDAY, OCTOBER 28, 2002**

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| 60. Resolution commending the Somerville Housing Group on completing three quarters of Phase I of its new development UNION PLACE and wishing the group continued success.<br><b>Mayor Sullivan and entire membership</b>  | 60. <b>ORDER ADOPTED.</b> |
| 61. Resolution congratulating the Cities of Tsukuba (a Sister City to Cambridge) and Kukizaki, Japan on their merger and wishing them great success.<br><b>Mayor Sullivan and entire membership</b>  | 61. <b>ORDER ADOPTED.</b> |
| 62. Resolution thanking Manuel Nunes Coutinho for all the work he had done with the Portuguese-speaking members of our community and wishing the Massachusetts Alliance of Portuguese Speakers continued success.<br><b>Mayor Sullivan and entire membership</b> | 62. <b>ORDER ADOPTED.</b> |
| 63. Resolution extending a warm and hearty welcome to Professor Derrick Bell.<br><b>Councillor Reeves and entire membership</b>  | 63. <b>ORDER ADOPTED.</b> |
| 64. Resolution congratulating Derrick Jackson on his significant achievements as a nature photographer.<br><b>Councillor Reeves and entire membership</b>  | 64. <b>ORDER ADOPTED.</b> |
| 65. Resolution on the death of Francis K. Maragioglio.<br><b>Councillor Galluccio, Mayor Sullivan, Councillors Toomey, Maher and entire membership</b>   | 65. <b>ORDER ADOPTED.</b> |
| 66. Resolution wishing Rabbi Moses Holcer a very HAPPY 90 <sup>th</sup> BIRTHDAY.<br><b>Mayor Sullivan and entire membership</b>   | 66. <b>ORDER ADOPTED.</b> |
| 67. Resolution on the death of Joseph B. Walsh.<br><b>Mayor Sullivan and entire membership.</b>  | 67. <b>ORDER ADOPTED.</b> |
| 68. Resolution on the death of Richard Harris.<br><b>Mayor Sullivan and entire membership</b>  | 68. <b>ORDER ADOPTED.</b> |
| 69. Resolution on the death of Orlando Sabatino.<br><b>Mayor Sullivan, Councillor Galluccio and entire membership</b>  | 69. <b>ORDER ADOPTED.</b> |
| 70. Resolution on the death of Sister Leontia Maguire CSJ.<br><b>Mayor Sullivan and entire membership</b>  | 70. <b>ORDER ADOPTED.</b> |

**RESOLUTION LIST FOR CITY COUNCIL MEETING  
OF MONDAY, OCTOBER 28, 2002**

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|--|---------------------------|
| 71. Sending wishes for a speedy recovery to Charlie Keefe.<br><b>Mayor Sullivan, Councillor Toomey and entire membership</b>   | 71. <b>ORDER ADOPTED.</b> |
| 72. Resolution on the death of Mario A. DiPierro.<br><b>Councillors Galluccio, Toomey, Mayor Sullivan and entire membership</b>  | 72. <b>ORDER ADOPTED.</b> |
| 73. Resolution on the death of Mary E. Anderson.<br><b>Councillor Galluccio and entire membership</b>  | 73. <b>ORDER ADOPTED.</b> |
| 74. Resolution on the death of James M. Byrne.<br><b>Councillor Galluccio and entire membership</b>  | 74. <b>ORDER ADOPTED.</b> |
| 75. Resolution extending best wishes for the Rindge Alumni Association's 107 <sup>th</sup> Annual Alumni Dinner.<br><b>Mayor Sullivan and entire membership</b>  | 75. <b>ORDER ADOPTED.</b> |
| 76. Resolution congratulating Kathy Reddick on receiving the 2002 MIT President's Award for Community Service and wishing her continued success.<br><b>Mayor Sullivan and entire membership</b>  | 76. <b>ORDER ADOPTED.</b> |
| 77. Resolution proclaiming the month of November "Cambridge Family Literacy Month" and encouraging all Cambridge families and citizens to join the fun at the Sixth Annual Family Fun Day on Saturday, November 2, 2002 from 10:30 A.M. to 2:30 P.M. at Cambridge City Hall to celebrate Family Literacy Day.<br><b>Mayor Sullivan and entire membership</b> | 77. <b>ORDER ADOPTED.</b> |
| 78. Resolution thanking Chloe Thomas, Aisling Hunt, Eleni and Cleo Macrakis, Violaine Stassart, Sarah Cohen, Britney and Lucas Harper-Roboletto, Emily Farr and Patrick Sweeney for their efforts to build community and help those in need by raising money for the Hildebrand Family Self-Help Center.<br><b>Vice Mayor Davis and entire membership</b>    | 78. <b>ORDER ADOPTED.</b> |
| 79. Resolution thanking Cleola Payne, the Sons of Allen and Angels Without Wings, and Mrs. Hogan's second-grade class from Fletcher-Maynard School for their efforts to build community and help those in need.<br><b>Vice Mayor Davis and entire membership</b>   | 79. <b>ORDER ADOPTED.</b> |

**RESOLUTION LIST FOR CITY COUNCIL MEETING  
OF MONDAY, OCTOBER 28, 2002**

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|--|---------------------------|
| 80. Resolution congratulating the newly elected officers of the Cambridge Black Pastors Conference.<br><b>Mayor Sullivan and entire membership</b>                         | 80. <b>ORDER ADOPTED.</b> |
| 81. Resolution expressing appreciation to Professor Cornel West on the occasion of his speaking at the Saturday School.<br><b>Councillor Simmons and entire membership</b> | 81. <b>ORDER ADOPTED.</b> |

**POLICY ORDER AND RESOLUTION LIST FOR CITY COUNCIL MEETING  
OF MONDAY, OCTOBER 28, 2002**

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| 1. Requesting the City Manager to provide the City Council with an update on Accessible Taxi Cabs.<br><b>Councillor Simmons</b>  | 1. <b>ORDER ADOPTED.</b>                               |
| 2. Dedicate the corner of Broadway and Ellery Street as Walter N. Conlon Square.<br><b>Mayor Sullivan</b>  | 2. <b>ORDER ADOPTED.</b>                               |
| 3. Requesting the City Manager to immediately commence to implement the land use and zoning recommendations of the Cambridgeport Neighborhood Study.<br><b>Vice Mayor Davis</b>  | 3. <b>CHARTER RIGHT EXERCISED BY COUNCILLOR MAHER.</b> |
| 4. Requesting the City Manager to provide microphones for each Planning Board Member and staff for use at all public meetings.<br><b>Vice Mayor Davis, Councillor Murphy</b>   | 4. <b>ORDER ADOPTED.</b>                               |
| 5. Requesting the City Manager to report back to the City Council on the status of providing information on the current regulations guiding traffic and parking in the City of Cambridge to the public, including efforts to compile the information in a booklet format and dedicating space on the City's web site for the information.<br><b>Vice Mayor Davis</b> | 5. <b>ORDER ADOPTED.</b>                               |
| 6. Requesting the City Manager to share with the Cambridge Housing Authority available resources and information pertaining to the City's employee diversity training program.<br><b>Vice Mayor Davis, Mayor Sullivan</b>  | 6. <b>ORDER ADOPTED.</b>                               |
| 7. Direct the Election Commission to include a self-addressed stamped envelope in every absentee ballot mailed.<br><b>Councillor Toomey</b>  | 7. <b>ORDER ADOPTED.</b>                               |
| 8. Confer with the City Electrician and the officials of NSTAR to conduct a comprehensive evaluation and analysis of the street lighting in Area IV.<br><b>Councillor Toomey</b>   | 8. <b>ORDER ADOPTED.</b>                               |
| 9. Provide the City Council and the School Committee with a report outlining standards and/or training provided to school crossing guards.<br><b>Councillor Simmons</b>  | 9. <b>ORDER ADOPTED.</b>                               |
| 10. Report on the status of the Traffic Regulation Book.<br><b>Councillor Simmons</b>  | 10. <b>ORDER ADOPTED.</b>                              |

**POLICY ORDER AND RESOLUTION LIST FOR CITY COUNCIL MEETING  
OF MONDAY, OCTOBER 28, 2002**

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|---|---------------------------|
| 11. Cancellation of the December 23, 2002 and December 30, 2002 City Council meetings.<br><b>Councillor Maher</b>   | 11. <b>ORDER ADOPTED.</b> |
| 12. Confer with the Assistant City Manager of Human Services Department to determine if the annual Thanksgiving Turkey program will proceed successfully this year.<br><b>Councillor Reeves</b>   | 12. <b>ORDER ADOPTED.</b> |
| 13. Confer with the Commissioner of Public Works regarding a pilot program for the use of hanging planters in Central Square or other appropriate areas of the City.<br><b>Councillor Reeves</b>  | 13. <b>ORDER ADOPTED.</b> |
| 14. Investigate the installation of curbing on the north side of Matignon Road and inform the City Council if neighborhood notification was given.<br><b>Councillor Maher, Mayor Sullivan and entire membership</b>   | 14. <b>ORDER ADOPTED.</b> |
| 15. Confer with the City Cable to broadcast information about energy efficiency and recycling and steps residents can take to make a difference in Cambridge.<br><b>Vice Mayor Davis, Mayor Sullivan and entire membership</b>  | 15. <b>ORDER ADOPTED.</b> |
| 16. City Clerk to prepare a letter for transmittal to the Massachusetts delegation forwarding the City's comments on the reauthorization of the Transportation Equity Act for the 21 <sup>st</sup> Century (TEA-21).<br><b>Vice Mayor Davis and entire membership</b>                               | 16. <b>ORDER ADOPTED.</b> |
| 17. Provide a legal opinion on the authority for enactment in Cambridge of a public health regulation to prohibit smoking in restaurants if the proposed amendment to the Smoking Ordinance does not pass.<br><b>Councillors Maher and Murphy, Vice Mayor Davis, Councillors Simmons and Toomey</b> | 17. <b>ORDER ADOPTED.</b> |
| 18. Recommend an administrative mediation process in controversial curb cut petitions.<br><b>Councillor Murphy and Vice Mayor Davis</b>   | 18. <b>ORDER ADOPTED.</b> |
| 19. Identify opportunities for the city to encourage and/or create affordable housing for artists, including the use of the Affordable Housing Trust and Community Preservation Act.<br><b>Councillor Murphy and Vice Mayor Davis</b>   | 19. <b>ORDER ADOPTED.</b> |



**POLICY ORDER AND RESOLUTION LIST FOR CITY COUNCIL MEETING  
OF MONDAY, OCTOBER 28, 2002**

20. The Tree Protection Ordinance be referred to the Ordinance Committee for hearing and report. **20. ORDER ADOPTED.**  
**Vice Mayor Davis**

O-1.

October 28, 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 provide the City Council with an update on Accessible Taxi Cabs.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-2.

October 28, 2002

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

ORDERED: That the City Council dedicate the corner of Broadway and Ellery Street as **Walter N. Conlon Square**; and be it further

ORDERED: That a suitable dedication ceremony be arranged and communicate with the Department of Public Works to arrange for the sign.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-3.

October 28, 2002

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

ORDERED: That the City Manager be and hereby is requested to immediately commence to implement the land use and zoning recommendations of the Cambridgeport Neighborhood Study; and be it further

ORDERED: That the City Manager be and hereby is requested to report back to the City Council by November 4, 2002 with a timetable for the drafting of appropriate amendments to the zoning ordinances.

**CHARTER RIGHT EXERCISED BY COUNCILLOR MAHER.**

O-4.

October 28, 2002

VICE MAYOR DAVIS  
COUNCILLOR MURPHY  
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 provide microphones for each Planning Board member and staff for use at all public meetings.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-5.

October 28, 2002

VICE MAYOR DAVIS  
COUNCILLOR DECKER  
COUNCILLOR GALLUCCIO  
COUNCILLOR MAHER  
COUNCILLOR MURPHY  
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 providing information on the current regulations guiding traffic and parking in the City of Cambridge to the public, including efforts to compile the information in a booklet format and dedicating space on the City's web site for the information.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-6.

October 28, 2002

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

WHEREAS: The Cambridge Housing Authority is in the process of developing an employee diversity training program; now therefore be it

ORDERED: That the City Manager be and hereby is requested to share with the Cambridge Housing Authority available resources and information pertaining to the City's employee diversity training program.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-7.

October 28, 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 direct the Election Commission to include a self-addressed stamped envelope addressed back to the Election Commission in every absentee ballot mailed; due to the fact that most absentee ballots are utilized by the elderly and a self-addressed envelope would be advantageous to the senior population.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk



O-8.

October 28, 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 confer with the City Electrician and the officials of NSTAR with a view in mind of conducting a comprehensive evaluation and analysis of the street lighting in Area IV to increase the installation of light poles throughout the Area IV community.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-9.

October 28, 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 provide the City Council and the School Committee with a report outlining standards and/or training provided to school crossing guards.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-10.

October 28, 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 instruct the Director of Traffic, Parking and Transportation to report to the City Council on the status of the Traffic Regulation Book.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-11.

October 28, 2002

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

ORDERED: That the December 23, 2002 and December 30, 2002 City Council meetings be and hereby are cancelled.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-12.

October 28, 2002

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

ORDERED: That the City Manager be and hereby is requested to confer with the Assistant City Manager of Human Services Department to determine that the annual Thanksgiving Turkey program supported by the city will proceed successfully this year.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-13.

October 28, 2002

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

ORDERED: That the City Manager be and hereby is requested to confer with the Commissioner of Public Works to determine if a pilot program could be envisioned for next year for the use of hanging planters like those used in Chicago, in Central Square or other appropriate areas of the City, see attached photo. The Chicago project is orchestrated by Moore Landscapes, Inc. 847-564-9393

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-14.

October 28, 2002

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

WHEREAS: Curbing is possibly being installed on the north side of Matignon Road; and

WHEREAS: The neighbors use this area for parking and this curbing will interfere with parking; now therefore be it

ORDERED: That the City Manager be and hereby is requested to investigate the incident of the installation of curbing on the north side of Matignon Road and inform the City Council if neighborhood notification was given and if so when and the manner of said notification.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-15.

October 28, 2002

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

WHEREAS: Autumn 2002 will be declared “Energy Efficient Lighting Awareness Season” it the City of Cambridge by a resolution introduced by Mayor Michael A. Sullivan; and

WHEREAS: American Recycles Day will be observed on November 15, 2002; now therefore be it

ORDERED: That the City Manager be and hereby is requested to confer with the City Cable Office to broadcast information, providing the public with facts about energy efficiency and recycling, as well as action steps residents can take to make a difference here in Cambridge.

In City Council October 28, 2002.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk



O-16.

October 28, 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 be and hereby instructs the City Clerk to prepare a letter for transmittal to the Massachusetts delegation forwarding the City's comments on the reauthorization of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), that appears as Agenda Item #10 of October 28, 2002.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-17.

October 28, 2002

COUNCILLOR MAHER  
COUNCILLOR MURPHY  
VICE MAYOR DAVIS  
COUNCILLOR SIMMONS  
COUNCILLOR TOOMEY

ORDERED: That the City Solicitor be and hereby is requested to provide a legal opinion on the authority for enactment in Cambridge of a public health regulation to prohibit smoking in restaurants if the Council does not pass the proposed amendment to the Smoking Ordinance.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-18.

October 28, 2002

COUNCILLOR MURPHY  
VICE MAYOR DAVIS

ORDERED: That the City Manager be and hereby is requested to recommend an administrative mediation process in controversial curb cut petitions, where there are issues between the petitioner and the abutters or neighborhood.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-19.

October 28, 2002

COUNCILLOR MURPHY  
VICE MAYOR DAVIS

ORDERED: That the City Manager be and hereby is requested to identify opportunities for the city to encourage and/or create affordable housing for artists, including the use of the Affordable Housing Trust and the Community Preservation Act, zoning options such as exemptions for live/work space in business zones, tailoring of inclusionary zoning guidelines, and examples of successful initiatives from other communities, such as the creation of a Cultural District in Providence, Rhode Island, which is a specific zoning district that entails property tax breaks and deed restrictions.

In City Council October 28, 2002.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

O-20.

October 28, 2002

VICE MAYOR DAVIS

ORDERED: That the Tree Protection Ordinance be referred to the Ordinance Committee for hearing and report.

In City Council October 28, 2002.  
Adopted by the affirmative vote of nine 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, OCTOBER 28, 2002**

1. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor David P. Maher and Councillor Brian Murphy, Co-Chairs of the Ordinance Committee, for a meeting held on September 25, 2002 to conduct a working meeting in order to consider proposed amendments to the Smoking Ordinance, Chapter 8.28 of the Municipal Code.

**REPORT ACCEPTED. REFERRED TO THE PETITION.  
ORDER ADOPTED. SEE ORDER #17.**

2. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor David P. Maher and Councillor Brian Murphy, Co-Chairs of the Ordinance Committee, for a meeting held on October 2, 2002 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.

**REPORT ACCEPTED. REMAINS IN COMMITTEE.**

3. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor David P. Maher and Councillor Brian Murphy, Co-Chairs of the Ordinance Committee, for a meeting held on October 2, 2002 to consider a proposed amendment to Section 11.200 to increase linkage fees paid by developers of commercial housing seeking special permits to increase density or intensity of use.

**REPORT ACCEPTED. PASSED TO A SECOND READING.**

4. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Brian Murphy, Chair of the Public Facilities, Art and Celebrations Committee, for a meeting held on October 8, 2002 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.

**REPORT ACCEPTED. PLACED OF FILE.  
TWO ORDERS ADOPTED. SEE ORDERS #18 AND #19.**

**COMMITTEE REPORTS  
FOR THE CITY COUNCIL MEETING OF MONDAY, OCTOBER 28, 2002**

5. 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 October 9, 2002 to receive an update on the state budget and its expected effects on city finances next year and to receive a report on the hotel/motel revenues.

**REPORT ACCEPTED. PLACED ON FILE.**

6. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor David P. Maher, Chair of the Government Operation and Rules Committee, for a meeting held on October 9, 2002 to discuss the performance of the Hansen System, the possibility of a web-based public complaint system, information kiosk and public information on Cable TV.

**REPORT ACCEPTED. PLACED ON FILE.**

7. A communication was received from Donna P. Lopez, Deputy City Clerk, transmitting a report from Vice Mayor Davis, Chair of the Health and Environment Committee, for a meeting held on October 2, 2002 to continue discussion on the implementation of a plan for the establishment of public toilet facilities.

**REPORT ACCEPTED. PLACED ON FILE.**

8. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Vice Mayor Davis, Chair of the Health and Environment Committee, for a meeting held on October 2, 2002 for the purpose of continuing to discuss a proposed tree protection ordinance.

**REPORT ACCEPTED. PLACED ON FILE. ORDER ADOPTED.  
SEE ORDER #20.**

## **Committee Report #1**

### **ORDINANCE COMMITTEE MEMBERS**

In City Council October 28, 2002

*Councillor David P. Maher, Co-Chair*

*Councillor Brian Murphy, Co-Chair*

*Vice Mayor Henrietta Davis*

*Councillor Marjorie C. Decker*

*Councillor Anthony D. Galluccio*

*Councillor Kenneth E. Reeves*

*Councillor E. Denise Simmons*

*Councillor Timothy J. Toomey*

*Mayor Michael A. Sullivan*

The Ordinance Committee held a public meeting on September 25, 2002, beginning at 4:38 P.M. in the Sullivan Chamber to conduct a working meeting in order to consider proposed amendments to the Smoking Ordinance, Chapter 8.28 of the Municipal Code. Because it was a working meeting, no public comment was taken.

Present at the hearing were Councillor David P. Maher and Councillor Brian Murphy, Co-Chairs of the Committee, Vice Mayor Henrietta Davis, Councillor Timothy Toomey, Councillor E. Denise Simmons, City Clerk D. Margaret Drury and Elaine McGrath, City Clerk's office. Also present were Harold Cox, Cambridge Chief Public Health Officer, Allyson Doyle, Cambridge Public Health Department, and Cheryl Sbarra, an attorney with the Massachusetts Association of Health Boards.

Councillor Maher convened the hearing and explained that it was a working meeting for Councillors to ask questions and get information on issues raised at the July 31, 2002 public meeting on this issue. He assured the public that, although there would be no public testimony taken at today's meeting, there would be opportunities for the public to speak at future meetings. He then asked Mr. Cox to make a brief update on the proposed ordinance.

Mr. Cox stated that second-hand smoke is a serious public health issue, which contributes to cancer and heart disease and is directly linked to approximately 50,000 deaths a year. The proposed ordinance is a way of extending protection to restaurant and bar workers who are exposed to second-hand smoke. Staff of the Cambridge Public Health Department and other city departments, including Licensing and the Police Department, have contacted local businesses to explain the ordinance and to identify their concerns. He listed three main concerns: regional coordination of the ban to avoid disparate impacts, safety concerns about the presence of smoking customers outside bars in residential neighborhoods, and scope of the ban, especially whether it covers private clubs.

Mr. Cox indicated that Cambridge's proposal is one of sixteen initiatives by the communities that belong to the Clean Air Works coalition. The coalition began with ten or so cities and towns and now includes sixteen in the greater Boston area, with nine more communities on the North Shore starting a new coalition. Mr. Cox pointed out that Boston Mayor Menino endorsed the smoking ban in restaurants and bars today and asked for action by the Boston Board of Health, which is scheduled to meet on this issue on September 27.

Councillor Maher commented that Mr. Cox's summary was helpful to frame the issue, and asked for information about how other communities are enacting smoking bans.

Mr. Cox explained that there are two options for enacting smoking bans. Depending on the terms of a community's charter, it has the choice of 1) enacting a public health regulation through its board of



health or health commissioner, or 2) passing an ordinance through its city council or other governing board. Cambridge chose to proceed with an ordinance because it already has a smoking ordinance, which offers some protection; this initiative would extend that protection. The ordinance procedure would also engage the community to a greater extent. According to Mr. Cox, Malden, Brookline, Newton and Cambridge are taking the ordinance route on smoking protection, while the other twelve communities in Clean Air Works are proceeding through their boards of health.

In response to a question from Councillor Maher, Ms. Sbarra described the board of health process as follows. Boards are either elected or appointed according to the community charter, with authority residing in a board or commissioner. The board or commissioner has the power to make the decision on a proposed regulation, and to enact the protection. However, they can choose to defer action to the selectmen or council through an ordinance, as Newton did, in order to assure a broader process, with more community input and support.

Councillor Maher then asked what would happen if the elected body, such as a council, did not approve a smoking ban-could the board of health take the initiative? Ms. Sbarra responded that both boards of health and city councils have the authority to enact ordinances or by-laws. As to whether the Cambridge Public Health Department could act, that depends on the terms of the city charter, and on the political support for action. Councillor Maher then made a **motion for an opinion from the Law Department on the authority of the Cambridge Public Health Department to enact a smoking regulation if the Council does not pass the proposed regulation**. The motion passed on a voice vote without objection.

In response to Councillor Maher's request, Mr. Cox described the organization of the Cambridge Public Health Department. There is a Commissioner of Public Health (currently Dennis Keefe, who is Acting Commissioner) and a Chief Public Health Officer (Mr. Cox), as well as four Directors or Commissioners responsible for specific public health issues who report to the Chief Public Health Officer. In addition, there are several advisory boards, including the Cambridge Public Health Subcommittee, a 15-member group which holds monthly meetings and advises the Department on initiatives. The Commissioner has the statutory authority to enact a Board of Health regulation.

Councillor Murphy stated that it is important to realize that Cambridge is not acting in a vacuum, and that it can learn lessons from the other communities that have implemented smoking bans. Vice-Mayor Davis raised two concerns: whether private clubs are included in smoking bans in other communities, and how other places are easing the transition to a smoking ban for their businesses. She asked for a written report at a future meeting on these questions, which Mr. Cox agreed to provide.

Regarding the impact of a smoking ban on businesses, Councillor Maher referred to an article in the Boston Globe of September 25, 2002, showing a chart that tracked impacts in California after a statewide smoking ban went into effect; the charts showed negligible effects on business. However, because there is not a statewide ban in Massachusetts, there could be disparate impacts on communities with bans. Councillor Maher asked what comparable data was available from other communities where surrounding towns did not ban smoking. Brookline, for example, has a total smoking ban and is surrounded by communities that do not. He requested data on the business impacts of the ban in Brookline. Ms. Sbarra offered to provide data on other communities, and to distinguish, where possible, when closings or reduced business were due to the ban or some other cause. Her analysis so far indicates that often, negative impacts on business are not attributable to smoking bans, but to other factors.

Mr. Cox pointed out that Cambridge's initiative was not just a local one, but part of a regional approach, so that Cambridge is not going out on a limb by itself. The same concerns that businesses are

raising about the current proposal were raised years ago about the ordinance in effect now. The city dealt with these concerns successfully then and can do so again.

Councillor Maher indicated that the major concerns are not with the rationale for the ban, but with the details. For example, he has heard concerns from residents of East Cambridge about spillover of patrons from bars and restaurants onto streets in residential areas. Another detail is enforcement of the ban: who will be responsible ---police, licensing?

Ms. Sbarra addressed the issue of noise and disruption in neighborhoods due to smoking bans. This is a common concern about such bans, which she has researched in Massachusetts and other states. The overwhelming evidence is that this is not a significant problem, and is even a “red herring” issue. The potential for disruption of residential neighborhoods is inherent in areas with mixed uses and an issue that communities have experience with and the resources to solve. Ms. Sbarra estimated that generally, about 22 percent of bar customers are smokers. In response to Councillor Toomey’s questions about higher percentages in sports bars, Ms. Sbarra indicated that even in these bars, the percentages are not especially high. A bar can be smoky, even though a small percentage of customers are actually smoking. She also recounted the experience of Oak Bluffs where a town meeting vote on revoking a Board of Health smoking ban was defeated. Although residents had complained about customer spillover in the streets, they seemed more concerned about second-hand smoke than noise and disruption, and voted to continue the ban. Ms. Sbarra identified several other places where residential noise and disruption from customers had been raised as issues but where the bans were continued, such as Amherst, Brookline, Salem, Barnstable and Yarmouth. Ms. Sbarra also summarized her conversations with the state official who oversees the enforcement of the smoking ban in California, which was enacted 5 years ago and which covers over 40,000 bars. Street noise and disruption from smoking customers have not been an issue there, even in San Francisco and Berkeley. In fact, there have been unintended benefits, such as cleaner bars. As for the costs of cleaning up outside bars, owners consider these part of the cost of doing business. After researching the issue, Ms. Sbarra has not found one community that has had a problem with customers on the street, due to smoking bans.

Several Councillors then asked about the status and details of initiatives in the other communities that belong to Clean Air Works. According to Ms. Doyle, the Boston Board of Health will receive a presentation on Friday, September 27, 2002. Ms. Sbarra noted that the Boston proposal is stricter than Cambridge’s, with fewer exceptions. Private clubs, for example, would not be exempt from the ban under the Boston proposal; they are exempt under the Cambridge proposal.

The Councillors then discussed the status of private clubs. Councillor Simmons questioned why private clubs should be exempt when restaurants and bars are covered. Mr. Cox explained that private clubs in Cambridge can have smoking if everyone in the club including staff is a club member; if there are public functions with non-members, smoking is not allowed. In response to a question from Councillor Simmons, Mr. Cox indicated that if staff in private clubs are not members, smoking would be banned under the Cambridge proposal. Enforcement would be the responsibility of the License Commission and Board of Health. Councillor Toomey asked if smoking would be allowed in a bar in a private club; according to Mr. Cox, it would be allowed if everyone in the bar was a club member. Vice Mayor Davis suggested that Cambridge could include private clubs in the smoking ban if the Council considers it appropriate.

Regarding initiatives in other communities, Councillor Toomey asked Ms. Doyle to clarify whether a board of health or city council was heading the initiative, and Councillor Maher asked her to estimate time frames for enactment, and to identify who was responsible for enforcement. Ms. Doyle provided the following information, and will supply a written analysis with more details on timeframes and enforcement.

- ?? **Boston:** On September 27, the Board of Health will hear a presentation on a draft regulation that would ban smoking in all workplaces, with implementation in Spring 2003.
- ?? **Brookline :** The town meeting has enacted a ban on smoking in all worksites with more than 3 employees.
- ?? **Chelsea:** The Board of Health will consider a regulation in an October 15 meeting.
- ?? **Everett:** The Board of Health is just beginning the process and has been canvassing businesses about their concerns.
- ?? **Framingham:** The Board of Health passed a regulation which will take effect in February of 2003.
- ?? **Malden:** The City Council is considering the issue in its Ordinance Committee.
- ?? **Medfield:** The Board of Health passed a regulation banning smoking in all workplaces.
- ?? **Medford:** At the Mayor's request, the Board of Health is developing a regulation banning smoking in restaurants.
- ?? **Needham:** The Board of Health is beginning the process of developing a regulation.
- ?? **Newton:** The Aldermen are developing an ordinance.
- ?? **Revere :** The Board of Health is considering additional regulations banning smoking, with a December 2002 review of the status of the current ban.
- ?? **Saugus :** The Board of Health held a meeting on September 9, 2002 and will vote on a ban in November.
- ?? **Somerville :** The Board of Health will hold a November 2002 meeting on the issue.
- ?? **Watertown:** The Board of Health is researching the issue.
- ?? **Wellesley:** The Board of Health passed a regulation banning smoking in workplaces.

Councillor Murphy raised the concern of providing a level playing field for businesses in Cambridge, particularly if surrounding communities such as Boston and Somerville do not have bans in place; customers could migrate to these other towns. A related issue raised by Councillor Simmons is the availability of assistance for businesses impacted by a smoking ban. Councillor Simmons remarked that some towns have assisted businesses with the transition to a smoking ban. She asked what relief will be available for businesses in Cambridge with the burdens related to a smoking ordinance. Councillor Maher is particularly concerned with how communities have tailored bans to circumstances and concerns raised by local residents and businesses.

Ms. Sbarra stated that many communities have adopted "post-enactment strategies" to ease the transition for businesses. For example, they have built in time for a transition period between enactment and enforcement for education and supporting efforts. In Boston, after the initial regulation passed which is now in effect, city officials met with businesses, provided free no-smoking signs and ran newspaper ads to support smoke-free establishments. Ms. Doyle added that Cambridge officials from the Tobacco Control Program coordinated the implementation of the current ordinance by meeting with each restaurant on compliance issues, providing time to educate customers and communities, and supplying signs, newspaper ads and dining guides for smoke-free restaurants.

Councillor Maher asked Mr. Cox to address the question of the appropriate timetable for passage and implementation of a ban in Cambridge. Mr. Cox responded that ideally, the ban would pass tomorrow and be implemented the next day, but that, realistically, the city needs time to address the concerns of businesses and neighborhoods and gain their support and cooperation and to coordinate with other communities to assure symmetry in implementing a smoking ban. He is confident that, given Cambridge's experience with a smoking ordinance, city staff know what needs to be done.

Councillor Toomey asked what will happen if the Council does not pass the ordinance. Mr. Cox indicated that the ordinance is part of an overall incremental effort against second-hand smoke. If the Council does not pass it, the Public Health Department will consider its options and take the next steps to protect the community; it will coordinate any process with the Council. Councillor Toomey encouraged the Public Health Department to take seriously the responsibility to protect the community. At the same time, he acknowledged the difficult issues for businesses and for people addicted to cigarettes. He does not see an end to smoking in our lifetimes. Given the potential of a ban to drive some places out of business, he raised the question: is it the Council's responsibility to regulate the behavior of a small group who want to smoke?

Vice-Mayor Davis emphasized that, while the Public Health Department has the authority to act on this issue, so does the Council. Because it is an issue of workplace safety, comparable to other worker protections such as the ban on asbestos, she believes it is also a matter of Council responsibility. In addition, if Public Health takes up the issue, there is potential for conflict between the ordinance now in effect and a Board regulation. On this point, Ms. Sbarra noted that other communities have either a Council ordinance or a Board of Health regulation, not both, in order to avoid just this situation. Lawrence, in fact, rescinded a smoking ordinance in favor of regulation in order to keep consistency.

Councillor Maher summarized the requests for further information from the meeting as follows:

- ?? Allyson Doyle will provide information in chart form on the initiatives in all the communities of Clean Air Works, including which municipal body is heading the initiative, the provisions and extent of the smoking bans, the timetable for implementation, and enforcement responsibility.
- ?? The City Solicitor will supply a legal opinion on the implications of enacting a ban through regulation vs. ordinance.
- ?? Mr. Cox will provide further information on outstanding issues such as transitional assistance to businesses, and the status of private clubs under the ban.

Vice-Mayor Davis moved to keep the issue in the Ordinance Committee. Councillor Maher indicated that there will be a public hearing on the issue, with an opportunity for public comment. He also pledged the commitment of the co-chairs of the committee to act on the issue.

Councillor Maher thanked all those present for their attendance. The meeting was adjourned at 5:35 P.M.

For the Committee,

Councillor David P. Maher, Co-Chair

Councillor Brian Murphy, Co-Chair

## Committee Report #2

### ORDINANCE COMMITTEE MEMBERS

In City Council October 28, 2002

*Councillor David P. Maher, Co-Chair*

*Councillor Brian Murphy, Co-Chair*

*Vice Mayor Henrietta Davis*

*Councillor Marjorie C. Decker*

*Councillor Anthony D. Galluccio*

*Councillor Kenneth E. Reeves*

*Councillor E. Denise Simmons*

*Councillor Timothy J. Toomey*

*Mayor Michael A. Sullivan*

The Ordinance Committee held a public hearing on October 2, 2002, beginning at 4:20 P.M. in the Sullivan Chamber, 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.

Present at the hearing were Councillor David P. Maher and Councillor Brian Murphy, Co-Chairs of the Committee, Vice-Mayor Henrietta Davis, Councillor Timothy Toomey, Councillor E. Denise Simmons, Mayor Michael A. Sullivan, City Clerk D. Margaret Drury and Elaine McGrath, City Clerk's office. Also present were Don Drisdell, Deputy City Solicitor, Attorney Arthur Goldberg, Law Department, Allison Crump, Vice-Chair, Historical Commission, Suzanne Green, Historical Commission, Wyllis Bibbins, Historical Commission, Jennifer Pinck, Vice-Chair, Zoning Board of Appeals, Wayne Drugan, Election Commissioner, Darleen Bonislowski, Election Commission, Artis B. Spears, Election Commission, Lynne Molnar, Election Commission, and Elie Yarden, 143 Pleasant St., Cambridge, and member of the Board of the Association of Cambridge Neighborhoods (ACN).

Councillor Maher convened the hearing and explained that the proposal to make the financial statements of city officials available on the web was the result of a City Council order by Councillor Toomey; he invited Councillor Toomey to give a brief overview of the proposal.

Councillor Toomey stated that it was a simple change. It would affect only those officials and members of boards and commissions who are required to file written reports now. To access this information now, a person has to request a Statement of Financial Interests from the Election Commission. Given the public access via computers, Councillor Toomey would like to make it easier for the public, especially elderly and physically challenged people, to get this information. Because public officials, including members of boards and commissions, shape city policy with lasting impacts, Councillor Toomey believes it is appropriate to let the public know who's making decisions in the city.

In response to the concerns raised about easy net access without identification, Councillor Toomey suggests that the city can create a mechanism which requires people to identify themselves before disclosure. Councillor Toomey noted that members of boards and commissions are currently subject to reporting and disclosure requirements under the Municipal Code. However, if the concern is about disclosure of information about the unpaid volunteers on boards and commissions, then the solution may be to exempt these personnel from this requirement.

Councillor Maher then acknowledged the city staff members present and invited the public to speak.

Ms. Crump, Vice-Chair of the Historical Commission, stated that web disclosure was discussed at the last board meeting of the Historical Commission. Chairman King and the members were uniformly concerned about the implications of the proposal. She accepts the nuisance factor of filing statements of financial interests, because they serve a public purpose. However, she believes there is a profound distinction between the current Election Commission process and unsupervised, unregulated access to sensitive information through the Web. Specific concerns are the potential for identity theft, and the chilling effect web disclosure could have on candidates for boards. She stated that this proposal is a step in the wrong direction in terms of privacy, and that it would limit the pool of applicants for positions on boards and commissions. Personally, she would have serious misgivings about continued participation on the Historical Commission if web disclosure is allowed.

Councillor Maher asked Ms. Crump what specific kinds of information are vulnerable to identity theft. According to Ms. Crump, information such as property ownership and home addresses on a financial statement can help people gain other information and construct an identity. In her experience, there have been members of the public who cross the line and approach members of boards at their homes or on a very personal basis about controversial issues. The accumulation of personal data from various sources, including a financial statement, can provide people with a great deal of information they can use for illegitimate, even criminal purposes.

Ms. Green from the Historical Commission spoke in opposition to the web posting. According to Ms. Green, there is already a proper way available to get the information now, with disclosure subject to monitoring and restrictions by the Election Commission. Putting the reports on the web is absolutely the wrong thing to do as far as she is concerned. With web disclosure, the city may lose commission members.

Ms. Pinck of the Zoning Board of Appeals supports disclosure of information about officials and the public's right to access information about board members and their backgrounds; the web is a useful tool to do this. At the same time, she seconds Ms. Crump's analysis of the threat to officials' privacy and identity. Disclosure of information on the web could cause a cascade of information to become available and lead to a loss of privacy. As an independent consultant, Ms. Pinck is happy for people to know about her business but she does not want everyone to know what she owns and who may own it with her. The current system of gaining information is not a terrible burden to the public; perhaps the web should be used only to file a request.

Mr. Bibbins of the Historical Commission spoke in opposition to the proposal. For him, it raises a privacy issue, especially if it becomes another source of commercial junk mail. The public can access the information now. If there are problems with the Election Commission process, the Council could concentrate on improving that rather than adding web access.

Mr. Yarden of 143 Pleasant Street, Cambridge, and of the ACN, spoke as a citizen who has devoted a great deal of time over the last six to seven years to civic matters and who has served on commissions. Citing his experience before some boards when he felt that members did not understand the issues, he stated that disclosure could help the public to find out members' backgrounds and competency in board matters, and avoid bad appointments. Personally, he would be willing to serve on boards and to disclose his interests and financial information on the web; his position is that by serving as an elected or appointed official, a person gives up his privacy.

Councillor Maher raised several questions about the current ordinance. First, he asked Mr. Drisdell, the Deputy City Solicitor, if the requirement of a written request for a financial statement is legal. Attorney Drisdell explained that in 1995, there was a legal challenge to this provision. The supervisor of public records analyzed the provision and ruled that it was invalid and inconsistent with

public records law; the Council was advised of this. Although the language of the Municipal Code continues to require a written request, this is not enforceable or required in practice. The current “requirement” of a written request is simply not relevant; requests do not need to be in writing.

Councillor Maher then asked if individuals are currently notified of requests; Ms. Bonislowski stated that they are not, because written requests cannot be legally required. Mr. Drisdell noted that, as public records, financial statements are available without any notification to officials. In response to his question of how many requests the Election Commission receives in a year, Ms. Bonislowski stated that there are fewer requests than when the financial statements were first required. Even though early requests had to be in writing, there are fewer now, maybe a handful a year.

Mayor Sullivan and Councillor Toomey noted that some information about officials, such as square footage of homes and assessed value, is available through other means such as assessors’ records, which are currently accessible on the web.

Councillor Maher expressed his support for the effort to make public information accessible, which is the intent behind the proposal. As an elected official, he has no problem with disclosing his financial information. At the same time, he is concerned about possible abuse of the privacy of volunteer board members and their uneasiness about disclosure. If the committee does not take action on the proposal today, he suggests leaving the issue in committee in order to consider the concerns of board volunteers. Councillor Toomey stated that he would welcome the opportunity to consider changes to the proposal that would address the concerns of members of boards and commissions.

Councillor Simmons also appreciates the intent of the proposal to make information more accessible, but cautions that the Council must consider the concerns raised today. She raised two specific issues: the effect of disclosure on youth representatives on the Kids’ Council, and possible discouragement of volunteers from boards. While she favors the proposal, she notes that web disclosure could put people off from participating.

Because it is easy to pull information off the web, Vice-Mayor Davis noted that identity theft is a real risk with serious consequences for innocent people, including possible criminal charges, damage to credit rating, and inability to make contracts. Her perspective is that elected officials put themselves at this risk, but not volunteers. Vice-Mayor Davis thanked the Historical Commission for bringing the issues of privacy and criminal use of information to the committee’s attention.

Mayor Sullivan is familiar with the problems of identity theft, having prosecuted violators, and does not want to add to the problem by making such theft easier. He agrees that elected and paid officials such as councillors have assumed this risk, but board members have not. His position is that members of boards and commissions should still have to file financial statements, but should not be subject to web searches.

In response to Councillor Toomey’s question about whether Social Security numbers are listed on the financial statement, Ms. Bonislowski stated they are not. However, Mayor Sullivan pointed out that a person could use information on the financial statement such as property ownership, loans, and family names to access other sources, which would add to the risk of eventually acquiring a Social Security number. According to Councillor Toomey, a lot of information is available through the Election Commission and other departments already. The Council needs to consider whether the current disclosure process exposes board members to the risk of criminal information-gathering, and to consider how to protect these volunteers. He looks forward to working with board members to provide this protection, including the options of changing the current disclosure requirements and modifying this proposal.



**Mayor Sullivan made a motion to hold the proposal in committee, and to inform people of the next steps, including a working meeting of the committee. The motion passed on a voice vote, without objection.**

Councillor Maher thanked all present for attending. The meeting was adjourned at 5:00 P.M.  
For the Committee,

Councillor David P. Maher, Co-Chair

Councillor Brian Murphy, Co-Chair

### **Committee Report #3**

#### **ORDINANCE COMMITTEE MEMBERS**

In City Council October 28, 2002

*Councillor David P. Maher, Co-Chair*

*Councillor Brian Murphy, Co-Chair*

*Vice Mayor Henrietta Davis*

*Councillor Marjorie C. Decker*

*Councillor Anthony D. Galluccio*

*Councillor Kenneth E. Reeves*

*Councillor E. Denise Simmons*

*Councillor Timothy J. Toomey*

*Mayor Michael A. Sullivan*

The Ordinance Committee held a public hearing on October 2, 2002, beginning at 5:10 p.m. in the Sullivan Chamber for the purpose of considering a proposed amendment to Section 11.200 to increase linkage fees paid by developers of commercial housing seeking special permits to increase density or intensity of use.

Present at the hearing were Councillor Brian Murphy and Councillor David P. Maher, co-chairs of the committee, Vice Mayor Henrietta Davis, Councillor Denise Simmons, Councillor Timothy J. Toomey, Jr., City Clerk D. Margaret Drury, and Elaine McGrath, City Clerk's Office. Also present were Beth Rubenstein, Assistant City Manager for Community Development and Darcy Jameson, Housing Director for the Community Development Department (CDD).

Councillor Murphy convened the hearing and explained the purpose. He invited Assistant City Manager Beth Rubenstein to begin the presentation of the proposal. Ms. Rubenstein provided an overview of the information that would be presented and introduced Ms. Jameson to explain the details of the proposed amendment.

Ms. Jameson explained that incentive zoning requires non-residential developers requesting a special permit for certain types of zoning relief to make a contribution to the Affordable Housing Trust (AHT). It applies only to new development when zoning relief is being requested. The current ordinance requires a contribution of \$3.28 per square foot and applies to projects over 30,000 square feet. The first 2,500 square feet are exempt. The contribution is paid at the time the Certificate of Occupancy is issued, but it is determined by the rate in effect at the time of permitting. The amount of the linkage contribution was determined by a study done by Jerold Kayden in 1988. The study researched and quantified the effects of commercial development on the Cambridge housing market. To date, \$750,000 has been paid to the AHT, with an additional large payment expected at the completion of the Cambridge Research Park development in East Cambridge.

Last year the City Council requested that CDD revisit the linkage fees to ascertain that the amounts paid still correlate with the effects of commercial development on Cambridge housing prices. CDD commissioned a new study, "The Impact of Cambridge Office Development on Cambridge Housing Prices," by Barry Bluestone and Jerold Kayden. Based on that study, CDD recommends amending the ordinance to increase the linkage contribution from \$3.28 per square foot to \$7.83 per square foot, with the increase to be phased in over two years. CDD is also recommending requiring payment at the time that the certificate of occupancy is issued, based on the rate at the time that certificate is issued. Finally, the proposed amendment would update the list of special permits covered to correspond with the special permits that currently fit the definition of special permits for increases in density and/or intensity of use.

Councillor Murphy then invited public testimony.

Eli Yarden, 143 Pleasant Street, stated that the proposed change is interesting. Additional information would be interesting, for example, the number of square feet built since 1988. Mr. Yarden recommended that the full increase be made effective immediately rather than phased in over two years. He said that the fee is completely just, but that it will contribute very little to solving the problems created by commercial development. Mr. Yarden suggested that the City Council receive projections of how much money will be produced under this ordinance and how much development is expected.

At the conclusion of the public testimony, Councillor Murphy invited questions and comments from the committee members.

Vice Mayor Davis observed that Boston is approximately six times bigger than Cambridge in population and asked why the amount of linkage Boston receives is so much greater than six times what Cambridge receives. Ms. Jameson replied that the amount received depends on the amount of development and the type of projects to which the linkage ordinance applies. Boston has much more development and linkage is required for many more kinds of development in Boston. Vice Mayor Davis said that perhaps the threshold should be different in Cambridge, to capture more kinds of development, for example, a smaller square footage threshold. She requested that CDD discuss this possibility with the consultants.

Ms. Rubenstein said that since 1988 incentive zoning has only applied to five projects. Cambridge Research Park will be the sixth. Zero Arrow Street and the Guilford project will also be subject to the ordinance.

Councillor Maher asked whether it is better to implement such an increase in a “down” economy or a strong or “hot” economy. Ms. Jameson said that the consultants did look at this issue. They said that the Cambridge market has so many attractive features that the increase in rate is not likely to be a factor in a decision as to whether to locate a project in Cambridge. In addition, the rate is competitive with the Boston rate and the tax rate is lower in Cambridge than in Boston.

Councillor Maher asked whether there has been a discussion by the Affordable Housing Trust about how a big infusion of funds into the trust would be handled. Ms. Rubenstein said that there has not been such discussion, but that she is sure that the trust will be able to make effective use of the funds. She noted that costs have gone up enormously since 1988, and that many sources of funding for affordable housing have less money for projects.

Councillor Murphy asked whether the study shows that the impact today is \$7.83 per square foot. Ms. Jameson answered in the affirmative. Councillor Murphy asked whether the study provides strong legal support for the proposal, and Ms. Jameson stated that it does.

The Affordable Housing Trust and the Cambridge Housing Authority submitted letters of support for the proposed amendment. Those letters are attached to this report.

Councillor Toomey moved that the proposed amendment be forwarded to the full City Council without recommendation. The motion passed without objection on a voice vote.

Councillor thanked all of those present for attendance and interest. On motion of Councillor Toomey, the meeting was adjourned at 6:38 p.m.

For the Committee,

Councillor David P. Maher, Co-Chair

Councillor Brian Murphy, Co-Chair

## Committee Report #4

### **PUBLIC FACILITIES, ART AND CELEBRATIONS COMMITTEE MEMBERS**

In City Council October 28, 2002

*Councillor Brian Murphy, Chair*

*Councillor Anthony D. Galluccio*

*Councillor Kenneth E. Reeves*

The Public Facilities, Art and Celebrations Committee held a public meeting on October 8, 2002, beginning at 4:40 P.M. in the Ackermann Room in order 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.

Present at the hearing were Councillor Brian Murphy, Chair of the Committee, Vice-Mayor Henrietta Davis, and Elaine McGrath, City Clerk's Office. Also present were Don Drisdell, Deputy City Solicitor, Charles Sullivan, Executive Director, Cambridge Historical Commission, Jason Weeks, Executive Director, Cambridge Arts Council, Mary Ann Cicala, Community Arts Administrator, Arts Council, Jane Beal, Director of Community Arts, Arts Council, Jim Peters, 23 Cottage St., Cambridge, member, Cambridge Arts Council and Public Arts Council, Sarah Smith, 267 Putnam Ave., Cambridge, and Linda Lichtman, 17 Tudor St., Cambridge.

Councillor Murphy convened the hearing and explained the purpose. He invited comments and questions about the first item on the agenda, curb cuts.

Vice-Mayor Davis asked the Law Department to address what the requirements are for City Council action to delegate its authority over curb cuts. In response, Deputy City Solicitor Drisdell stated that he had advised the Council that, by statute, it has the authority to lay out public ways and that courts have interpreted this grant to include curb cuts. Mr. Drisdell confirmed the city manager's opinion that to delegate this authority, the Council must file a home rule petition with the legislature and proceed with a special act. The Council already delegates some authority to various city departments, which review and sign off on a petition for a curb cut; however, under the current procedure, the Council has the final vote on the petition. If the Council wants some other office to make the decision, this requires a special act from the legislature.

Vice-Mayor Davis raised the concern that Council review of curb cuts is a way of ensuring public safety since cars will be crossing public sidewalks. She asked if there was any part of the proposed process that would look at that issue. If the Council does not review curb cuts, it will not know the status of sidewalks. Mr. Drisdell indicated that, under the current process, which routes applicants to different departments for review of different aspects of the proposal, the Traffic, Parking & Transportation Department has oversight of traffic in public ways. The Traffic Department's review would cover sidewalk safety and whether the curb cut was a safe point of access. So, the issues involved in curb cuts are addressed through department reviews now, but the Council must make the final decision.

According to Vice-Mayor Davis, the Council raised the issue of delegation of decisionmaking authority on curb cuts as an informational inquiry. The problem with the current process is that, when the Council receives a curb cut for decision, department recommendations and neighbor objections are simply recorded, without any systematic attempt to resolve them in departments. The departments that review the petition do not mediate between parties. The Council is asked to act on the petition, with department input limited to a signoff of approval or disapproval. If departments disapprove of the cut, Vice-Mayor Davis' position is that they should attempt to mediate between parties. The Council is the mediator now, at the end of the process. However, the Council would prefer to have the issues resolved by the time of

its vote. She would like to see city officials doing the mediation in their reviews and keep the decisionmaking with the Council. Mediation is what should be delegated.

Mr. Sullivan stated that Vice-Mayor Davis has put her finger on the issue, which is an administrative one. Speaking for his department, he explained that the Historical Commission does try to mediate controversies that come before them on curb cuts.

In the event that the Council chooses to delegate its decisionmaking, Councillor Murphy asked what the rules were for bringing a home rule petition to the legislature, specifically, if there was a deadline, and asked the City Clerk's office to report on this question.

Ms. Smith expressed her preference for the Council to stay in the conversation on curb cuts as an extra protection for neighbors.

Vice-Mayor Davis made the following motion: **Ordered that the city manager be and hereby is requested to recommend an administrative mediation process in controversial curb cut petitions, where there are issues between the petitioner and the abutters or neighborhood.** The motion passed without objection on a voice vote.

Councillor Murphy thanked all present for attending and closed the portion of the meeting relative to curb cuts at 4:55 P.M.

Councillor Murphy then opened the discussion on the impact of state budget cuts on city arts programs, the status of the report on developing a Cambridge Art survey and an artist space initiative. He asked Mr. Weeks of the Arts Council to address these issues and provide background.

Mr. Weeks introduced a copy of his memo to City Manager Robert W. Healy (**Attachment A**) detailing the financial impacts of the state budget cuts, which directly reduce funding in three areas by significant percentages: organizational support (62 % reduction), grant program allocation (63% cut) and matching incentive grant (100% cut). The combined reduction was 73 percent; however, because of an allocation of city funds in the amount of \$35,000, the overall cut becomes 44 percent, from approximately \$90,000 in resources to \$48,000. According to Mr. Weeks, the individual grants range from \$500 to \$5500, with an average grant of \$2500. The projection for 35 grants in 2003 has been halved. Councillor Murphy asked if one option with this reduction is to cut the amounts of grants rather than the number; Mr. Weeks stated that, at a recent meeting of the Arts Council, constituents in fact preferred more grants of smaller amounts.

Councillor Murphy also raised the issue of the ripple effects of the cuts in the community. Mr. Sullivan of the Historical Commission noted that cuts directly affect his funding; for example, a \$3000 grant will probably be reduced significantly. According to Councillor Murphy, Cambridge Cable TV will also experience a significant loss of income, especially in combination with a projected loss of cable revenue. Mr. Peters of the Arts Council remarked that another consequence of the cuts is that organizations that get money directly from the Arts Council will also be affected.

Councillor Murphy asked if there was any discussion of increasing the city's contribution to the arts budget. Mr. Weeks stated that this is discussed every year. In the last three years, and more so this year, the Arts Council has also tried to raise money from private funding, in order to provide resources for projects that were not selected by the Arts Council, but which were promising.

Regarding the Cambridge Art survey, Councillor Murphy asked for an update. Mr. Weeks stated that last fall, the Boston Redevelopment Authority (BRA) hired Artspace Projects, Inc. (Artspace), of

Minneapolis to survey current arts space in Boston and to develop proposals for artists' live-work space. The BRA's survey (**Attachment B**) focuses on visual artists. It is intended to identify artists and register their needs; the agency estimates that there are 20,000 constituents for artist services in 17 Boston communities. Mr. Weeks contacted Artspace and learned that the group could get more more money to expand the study to adjacent areas like Cambridge. Mr. Weeks provided 1000 names and addresses of Cambridge artists, who then received a copy of the survey from Artspace (**Attachment C**). The surveys went out in March and were returned in May and June and are being analyzed now. There are no results available yet; they are expected later this fall. Responding to a question from Councillor Murphy about the time it is taking the BRA to develop live-work space for artists, Mr. Weeks indicated that such development is a slow process, generally taking 10-12 years. Given the current economic constraints, the process could be even slower.

Councillor Murphy and Vice-Mayor Davis then asked a series of questions about the BRA survey, including the cost, the comparability to other cities' surveys conducted by Artspace, and the current availability of Cambridge's data. Mr. Weeks explained that because there was no discrete budget for the survey, which is funded through different streams of income, the total cost is unknown but may become clear further along in the project. Boston's survey and its situation are more complex than other cities studied by Artspace, but the details of this comparison will be in the results. Mr. Weeks has requested copies of the Cambridge-specific data. However, Artspace prefers to keep the data together until it is ready for release. Councillor Murphy suggested that the information may be proprietary or the group could just be reluctant to disaggregate it now.

Councillor Murphy looks forward to the results, especially the BRA's proposals to address art space issues. Mr. Weeks' understanding is that the BRA does not have any set notion about results from the survey. Their response will depend on the information they receive. They plan to use the results to figure out what would address artists' needs. According to Mr. Weeks, the BRA has acted before to create projects that were community-driven, such as combined living and display space. With this survey, it is too soon for specifics.

Reviewing a list of other cities that have created artists' housing, such as Seattle, Minneapolis, and Somerville, Mr. Weeks pointed out that most artists' housing projects in Cambridge last for 30 or so years, in forms such as live-work cooperatives. Other initiatives, such as the MIT Tudor St. artist spaces, are subject to rent increases. Some landlords have also made space available to artists at low rents in order to make an area attractive to other people, who buy or rent at market rates.

Councillor Murphy stated that it is useful to explore the artists' housing initiatives that other places have developed. Because artists are often low-income, they have trouble affording work or living space in Cambridge. Making Cambridge affordable for artists requires a long-term commitment by the city, as well as incremental changes. In this regard, Vice-Mayor Davis noted that grassroot efforts in the neighborhoods helped to create the neighborhood art centers, and that there is public demand for the city to convert public buildings to art spaces for living, working and public arts education. She remarked that, in addition to supporting individual artists, such efforts also help to revitalize areas of the city as artists trailblaze development. When a city becomes high-rent, it's a challenge to find or provide such spaces. In a place like Cambridge, where the real estate market is so high-priced, the city cannot turn back the real-estate clock. The city has to look at affordable housing options and ways of making available space useable for artists.

A brainstorming discussion of options to develop affordable artists' live-work spaces followed, including:

- ?? Creative zoning approaches, such as the creation and use of “buffer zones” or exemptions in commercial or industrial areas for artists, or the use of zoning to create incentives for landlords to provide artists’ live-work spaces
- ?? A request for the Cambridge Affordable Housing Trust to develop affordable housing options for artists
- ?? Earmarked parts of other initiatives, such as inclusionary zoning, to address artists’ needs

Councillor Murphy solicited comments from the public on the arts issues.

Mr. Sullivan of the Historical Commission noted that the Community Preservation Act may also be useful to the effort to create more artists’ spaces, since there is an affordable housing component and possible funding through the Act.

Attorney Drisdell, Deputy City Solicitor, noted that the use of zoning to create incentives for artists’ housing may be doable, but will require some tailoring, in order to target the housing to artists without being discriminatory. Councillor Murphy noted that developments such as the Piano Factory in Boston have been targetted to artists, using lists of artists or artist peer review of applications; at that location, the status as artists’ housing is an expiring use. Attorney Drisdell suggested that perhaps there was a special permit for such developments, which was conditioned on a non-profit status. Mr. Peters stated that Newton had developed artist housing using “707” subsidies.

Linda Lichtman of 17 Tudor Street, Cambridge, described her experience as an artist living and working in Cambridge since 1978, and as a tenant in the MIT Tudor Street space. Her lease was recently renewed with a 33 percent increase in rent; the rate is now \$18 per square foot. According to Ms. Lichtman, this is not affordable artist space. While some art businesses can afford it, most artists will have to leave. In her experience, Cambridge has changed and has moved away from embracing diversity and being a place where artists can afford to live. She does not believe that the issue needs a lot of study. Artists simply require affordable space. The city should study other places that have successfully created such space, for example, the New York boroughs, or the landlords in the South End of Boston who have set aside art spaces to enhance their market condominium developments.

Building on the previous discussion, Vice-Mayor Davis asked what other existing mechanisms are available to promote affordable housing for artists. She said that another possibility is inclusionary zoning, although it currently requires the provision of like units, and artists may need or want different types of spaces. Perhaps the city could revisit the concept of inclusionary zoning to consider if it would allow some units that are distinctively different.

Ms. Lichtman wondered if there were enough people in Cambridge who want to make affordable housing available for artists. For artists to settle here, the city must make it easy for them to live and work in Cambridge. This requires real commitment and the elimination of stumbling blocks or bureaucratic hassles. She believes that the details will follow from the commitment.

Councillor Murphy expressed his commitment to work out the details in order to present a proposal to the City Manager and the Council. Vice-Mayor Davis then made the following motion: **Ordered that the City Manager be and hereby is requested to identify opportunities for the city to encourage and/or create affordable housing for artists, including the use of the Affordable Housing Trust and the Community Preservation Act, zoning options such as exemptions for live/work space in business zones, tailoring of inclusionary zoning guidelines, and examples of successful initiatives from other communities, such as the creation of a Cultural District in Providence, Rhode Island, which is a specific zoning district that entails property tax breaks and deed restrictions.** The motion passed without objection on a voice vote.



In response to Councillor Murphy's question about the applicability of affordable housing programs, Mr. Weeks stated that he has information, but not at hand. Mr. Weeks also described a Seattle effort that produced a booklet listing the city services, incentives and programs targeted to artists' needs, and suggested this as an option for Cambridge, once local information is identified and collected.

Ms. Lichtman asked if anyone is working on getting private funds for art-related benefits. There is a need to pitch art support as a worthwhile project for donors, and to identify where the money is. Mr. Weeks responded that he has made efforts to get private arts support, and that this is worth brainstorming to identify more resources. Ms. Lichtman asked about college support for the arts. Councillor Murphy described some college initiatives to create theater companies or attract exhibit spaces or museums. While these efforts do not contribute directly to the creation of affordable live-work spaces for artists, they point out the importance of the arts to a vital, interesting city. Councillor Murphy referred to the work of Richard Florida in studying what makes a place an attractive place to live and work; cultural opportunities and diversity are key to this appeal. It is in the city's self-interest to make Cambridge a place where artists work and live. At the same time, the new businesses that are locating in Cambridge, such as biotech and telecommunications companies, contribute to the increased demand for Cambridge housing and drive up prices. Ms. Lichtman questioned if these employees understood their impact on the city and wondered if they were unfamiliar with the arts side of Cambridge. Mr. Peters suggested that it might be worth considering holding open studios during weekdays, for example, at lunch time, for the artists to do outreach, and to raise issues about their needs for live-work space.

Councillor Murphy thanked those present for their participation. He scheduled the next meeting of the Committee on Wednesday, December 11, 2002 at 6:00 P.M., to follow up on the Cambridge artists' survey and the options for the city to develop or encourage live-work spaces for artists. He directed Mr. Weeks to give the City Clerk a copy of the BRA artists' mailing list for Cambridge to include in the notice for the next meeting.

The meeting was adjourned at 5:55 P.M.

For the Committee,

Councillor Brian Murphy, Chair

## Committee Report #5

### FINANCE COMMITTEE MEMBERS

In City Council October 28, 2002

*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*

The Finance Committee held a public meeting on Wednesday, October 9, 2002, beginning at five o'clock and forty minutes p.m. in the Ackermann.

The purpose of the meeting was to receive an update on the state budget and its expected effects on city finances next year and to receive a report on the hotel/motel revenues.

Present at the meeting were Councillor Brian Murphy, Chair of the Committee, Councillor David Maher, Councillor Denise Simmons, Vice Mayor Henrietta Davis, Mayor Michael Sullivan. Also present were City Manager Robert W. Healy, Deputy City Manager Richard Rossi, Acting Assistant City Manager for Fiscal Affairs Louis A. DePasquale, City Auditor James Monagle, City Clerk D. Margaret Drury, Assistant to the City Council Sandra Albano and Deputy City Clerk Donna L. Lopez.

Councillor Murphy convened the meeting and stated the purpose of the meeting.

City Manager Healy stated that next year's budget is uncertain. Governor Swift is thinking of exercising her authority to further reduce the state budget. There was no additional reduction in aid to cities and towns for fiscal year 2003. It does not appear that state aid will be positive next year. A packet of information was distributed. One target, he said, is Additional Assistance. Additional Assistance affects one hundred cities and towns out of three hundred fifty and Cambridge is one city affected. There was \$1.5 million cut for Cambridge for this year. A chart outlining Total State Aid and Additional Assistance for fiscal years 1998 – 2003 was distributed (**Attachment A**). The left side of the chart shows a net loss of \$731,500 from budget to budget. The right side of the chart shows a \$2.8 million loss due to the reduction in additional assistance and school construction.

Mr. Healy stated that the hotel/motel tax is difficult to analyze. The first quarter of June, July and August, is significantly behind (**Attachment B**). The tourism industry was impacted by September 11<sup>th</sup>. Cambridge has made it through this year with some increase in taxes. He is concerned with next year's budget in relation to picking up the operating expenses of noble organizations that have been impacted by state aid.

Vice Mayor David asked what does the decrease pertain to in the school construction. Mr. Healy responded that \$1.9 million was not received in school construction in fiscal year 2002. If school construction is funded next year, funds will be received for the Agassiz (Baldwin) and Haggerty schools and these funds will go to the debt service.

Vice Mayor Davis asked what is the difference in the charts in Attachment A. Mr. Healy stated that the difference in the two charts is the revenue estimate and the revenue submitted to the Department

of Revenue and the tax rate. Mr. DePasquale stated that the only change is the school construction account.

Councillor Maher stated that the school construction funds have to be paid. Mr. Healy stated that the funds will be paid over time; it is not a loss, only a delay because of the difference in the House and Senate budgets.

Councillor Maher asked if Haggerty was in litigation. Mr. Rossi stated that the Haggarty suit is being settled. Councillor Maher asked if the settlement is favorable for the City. Mr. Rossi responded in the negative because of legal fees and fees left on the job. The settlement is a little more than what was due the contractor.

Vice Mayor Davis asked if Cambridge was handled differently with regard to the Cherry Street distribution. Mr. Healy stated that under Chapter 70, Cambridge fares badly. Cambridge, he said, is penalized because it is well managed by the City Manager and the City Council. Mr. DePasquale stated that 7% of the budget is received from Chapter 70 funds.

Councillor Murphy questioned the cuts to Human Services (**Attachment C**).

Mr. Healy informed the committee that there is a working group working on the impact of the closing of 240 Albany Street. Recommendations were presented to the City Manager. He will be making a recommendation to the City Council to reopen 240 Albany Street during the daytime for a limited number of beds for medically needed individuals. This represents between thirty to forty beds, seven days a week during daytime hours. There will be seven dedicated beds funded for evening hours. The total cost for eight months is \$100,000 with payment being shared fifty/fifty with the City and the Cambridge Public Health Alliance. The Center for Families will have a rent avoidance (\$20,000). Councillor Maher asked how much money was lost for CASPAR. Mr. Healy responded \$181,500 in state funding for 240 Albany Street.

Councillor Maher asked if CASPAR tried to raise funds from private foundations. Mr. Healy stated that the City could provide short-term assistance. Mayor Sullivan stated that some charities are easier to raise funds. Raising funds for CASPAR is more difficult. CASPAR closing will have a large impact to the City.

Councillor Maher suggested that City should pick up the Elder Meals Program. Mr. Healy stated that he would review this matter.

Mr. Healy informed the committee that childcare has been impacted, but not on the city side. The Governor will make \$200 thousand in cuts.

Councillor Murphy suggested that a additional meeting be held with other additional assistance communities to develop a legislative strategy to prevent additional assistance cuts. Mr. Healy stated that he would try to organize this effort. Mayor Sullivan stated that he would invite the Massachusetts delegation to Cambridge to discuss filing legislation.

Councillor Murphy asked if the City was worried about the hotel industry wanting abatements. Mr. Healy stated that the hotel/motel tax was established at a reasonable number before September 11th. This will not be a growth number. Mr. DePasquale stated that the hotel rates are down fourteen percent according to the Office of Tourism. Vice Mayor Davis asked if the Office of Tourism is promoting tourism. Mr. Rossi stated that the funding has been cut from the Office of Tourism.

Vice Mayor Davis expressed her concern with the seventy-five slots in the Community Partnership for Children. What does this mean for seventy-five children? Cambridge has a waiting list and cannot accommodate all, responded Mr. Healy.

At 6:35 p.m. Councillor Murphy opened the meeting to public comment.

A resident of 700 Huron Avenue expressed his concern about the seventeen percent cut to the housing program. Mr. Healy stated that these funds are not direct payments that come to the City. The Cambridge Housing Authority receives this funding. Councillor Maher informed the resident of 700 Huron Avenue that a Round Table meeting would be held on October 28, 2002 that will discuss Section 8 housing.

Councillor Murphy thanked all attendees and suggested a meeting be held in January after the next quarter hotel/motel money data is received.

The meeting was adjourned at 6:50 p.m.

For the Committee,

Councillor Brian Murphy, Chair

## Committee Report #6

### GOVERNMENT OPERATIONS AND RULES

#### COMMITTEE MEMBERS

In City Council October 28, 2002

*Councillor David P. Maher, Chair*

*Councillor Anthony D. Galluccio*

*Councillor Brian Murphy*

*Councillor Kenneth E. Reeves*

*Councillor Timothy J. Toomey*

The Government Operation and Rules Committee held a public meeting on October 9, 2002, beginning at 4:15 p.m. in the Sullivan Chamber. The purposes of meeting were as follow:

- ?? Discussing an evaluation of the Hansen software system used by the city for work orders and constituent and City Council requests for repairs and other work,
- ?? The possibility of providing a way for citizens to enter requests for repairs and other city services on the city's web site,
- ?? Greater use of the Municipal Cable television channel for public service announcements and information on current issues.

Present at the hearing were Councillor David P. Maher, chair of the committee, Mayor Michael A. Sullivan, Vice Mayor Henrietta Davis, Councillor Brian Murphy, Councillor E. Denise Simmons, City Clerk D. Margaret Drury and Sandra Albano, Assistant to the City Council. Also present were Robert W. Healy, City Manager, Richard Rossi, Deputy City Manager, Mary Ellen Carvello, Assistant to the City Manager, Lisa Peterson, Commissioner of Public Works, Mary Hart, Director of Management Information Services, Calvin Lindsay, Director of the Municipal Cable TV Office and Ini Tomeu, Public Information Officer.

Councillor Maher convened the hearing and explained the purpose. He invited Vice Mayor Davis to begin with a discussion of the Hansen issues, which she had moved to refer to the committee.

Vice Mayor Davis noted that the City has used this system for a few years now. It serves internal purposes for the administrative staff, and it is also the tool that members of the City Council can use to enter requests for repairs on behalf of constituents. She knows that there has been no evaluation of the City Council piece of the system, and she believes it would be a good idea to look at how well it is serving its purpose. Vice Mayor Davis explained that the second issue is one of increasing the public's access to city services and specifically, increasing computer access. There should be a way for citizens to go to a web site and enter a request for repair of the sidewalk, etc.

At the request of the Chair, Ms. Carvello described what happens after a request is entered into the Hansen system. All requests from the City Council and the Mayor's office come to her, and she forwards them to the appropriate department. Not all members of the City Council use the system. Some, like Mayor Sullivan and Vice Mayor Davis, use it frequently.

City Manager Healy suggested looking at the operation of the Hansen program from two perspectives, the systems perspective and the human behavior perspective. He asked Ms. Hart to describe the issue from a systems point of view.

Ms. Hart said that the MIS department has performed an evaluation of the Hansen customer relations management system from the technical side. When the City acquired the system three years ago, it was one of the best. It has worked for three years, and has a clearance record of 95%, which is quite

impressive. However, there have been major advances in customer relation management systems over the last three years. Proactive systems have been developed and such systems can do electronically much of the tracking of deadlines, contacting department heads to investigate delays, and general oversight that Ms. Carvello now does. The Hansen is a reactive system; it is based on a lot of manual actions and really is quite paper-based.

Mr. Healy added that a new system will be integrated with e-mail and the internet will be more proactive and user-friendly. He cautioned that the human behavior piece is more difficult to update. He said that in connection with evaluation of the City Council customer request functions of Hansen, he would like to discuss the letters he sends to the City Council and councillors' double entry of repair requests as a Hansen item and a council order. If a constituent sends a letter to all nine members of the City Council, there can be nine separate Hansen entries and nine separate response letters from the City Manager to each city councillor, which in turn can be sent out by the Council Office as nine individual letters to the constituent, one from each councillor. He is confident that there is a way to improve this aspect of the operation.

Mayor Sullivan said that when he makes both a Hansen request and a council order for a particular item, it is because he knows that the constituent wants to see the item scrolled on the cable television summary of the upcoming agenda that is broadcast over the weekend before the meeting. He added that he likes the Hansen system because it is a good tracking system. However, he recognizes that it has created more work, especially for Ms. Carvello. Mayor Sullivan added that he would like to have access to be able to look up what requests that he has entered are still outstanding.

Ms. Hart said the Hansen system did not come with that kind of reporting system three years ago. The newer systems typically have a profiling system with an "executive management privilege" that allows such access.

Vice Mayor Davis concluded this portion of the discussion by observing that the Hansen system answered a really important need for the members of the City Council when it was adjusted, soon after its acquisition, for use as a constituent request system. She suggested that as the MIS department is embarking upon the selection of the next system, the City Councillors themselves be consulted about their needs and preferences. Perhaps MIS could produce an informal questionnaire for all councillors to fill out. All present agreed that this would be a good idea.

Councillor Maher asked when a new system will be up and running. Ms. Hart said that such a system generally takes three to six months to implement. However, MIS is working on the installation and implementation for many other projects. The plan is to present the options this year and to choose a system for installation during the next fiscal year.

Councillor Maher asked whether the public will be able to enter repair requests into the new system. Ms. Hart said that there are systems that allow for such requests to go into a database, but then something has to be done with the requests. It becomes a work management issue.

Mayor Sullivan said that the public already has easy access to the city administration through the web site. From the web site, members of the public can email questions directly to the City Manager, the Mayor and various department heads. Perhaps there should be more publicity about this function.

Councillor Maher then moved the discussion to the issue of a public information kiosk and requested an update. Ms. Tomeu said that she has been working on the project with an interior designer, Ms. Rooney. The information center will be located on the first floor, in front of the switchboard

operator's office. It will consist of two 30" x 60" literature racks and a new table. There will also be a new building directory with a glass-encased area for changeable notices.

Vice Mayor Davis stated that a place for bus schedules must be provided.

Councillor Simmons said that there has to be some limit on the information displayed, or the whole display will just become a clutter center.

Councillor Maher said that perhaps bus schedules could be placed in the front vestibule, between the outer and inner doors to the front lobby.

Vice Mayor Davis requested that Ms. Tomeu consult with Ms. Rooney to find a place for the bus schedules.

Councillor Maher then moved to the discussion of the cable television office to produce public service announcements and programs.

Councillor Davis asked Mr. Lindsay if the cable office has the capacity to produce information pieces about new programs that the city has begun. Mr. Lindsay answered in the affirmative. He explained that his office does not generate the information. His staff can take care of all of the technical matters, but they must rely on the department for the in-depth information about the program.

Councillor Maher suggested an "Ask the Mayor" show. Mr. Lindsay said that the Municipal Cable Office does not have a studio right now, but it is in the process of getting a studio. It will have a connection to the Rindge School for Technical Arts (RSTA) and may be located in the Solomons Transportation Center. The studio will increase the capacity for in-house programming. In response to a question from Councillor Maher, Ms. Peterson replied that the new studio would not be a joint venture with the School Department.

Mr. Lindsay stated that has been a significant increase in the programming broadcast by the municipal channel in recent years. He stated that he would provide the council with a description of the current programming. Councillor Maher requested that Mr. Lindsay also provide more information about the new studio, how it will work and what the involvement of students will be.

Councillor Maher thanked all those present for their attendance and participation. The meeting was adjourned at 5:29 p.m.

For the Committee,

Councillor David P. Maher, Chair

## Committee Report #7

### HEALTH AND ENVIRONMENT

*Councillor Henrietta Davis, Chair*

*Councillor Anthony Galluccio*

*Councillor Brian Murphy*

In City Council October 28, 2002

The Health and Environment Committee conducted a public meeting on Wednesday, October 2, 2002 at 6:05 P.M. in the Ackermann Room. The purpose of the meeting was to continue discussion on the implementation of a plan for the establishment of public toilet facilities.

Present at the meeting were Vice-Mayor Henrietta Davis, Chair of the Committee, Councillor Brian Murphy, Lisa Peterson, Public Works Commissioner, Harold Cox, Chief Public Health Officer, Suzy Feinberg, Communications Specialist, Cambridge Public Health Department, Kerry Dunnell, Intern, Cambridge Public Health Department, Nancy Glowa, First Assistant City Solicitor, Cambridge Law Department, Les Barber, Community Development Department, Garrett Simonsen, Mayor's Office, and Elaine McGrath, City Clerk's office.

Councillor Davis opened the meeting and stated the purpose, which was to follow up on issues raised in previous committee meetings, especially the possibility of better signage about existing toilet facilities. She asked Mr. Cox to report on the information he had gathered since the July 25, 2002 committee meeting.

Mr. Cox offered a document containing a list of Publicly Available Bathrooms willing to have signage and A Short List of Public Restrooms in Cambridge (**Attachment A**). The publicly available bathrooms that are willing to have signage are the 51 and 57 Inman Street municipal buildings, City Hall, and Danehy Park; the Public Health Department is negotiating signage with the Multi-Service Center in Central Square. He noted that this list was similar to a previous list because public officials continue to be concerned about their ability to handle the increased traffic they believe would result from more signs. The Fire Department, for example, is concerned about increased maintenance costs and about demand, especially after 10 P.M. when the firefighters are asleep. They do not turn people down who come to firehouses now, even when they are asleep, but they do not want to encourage this behavior. According to Mr. Cox, most of the private businesses are vehemently against signage. Holyoke Center in Harvard Square is willing to consider more signage if they have control over the size and language of any signs. The Central Square Business Association confirmed the concerns that have been raised about security and maintenance costs. Businesses acknowledge the need but state that they cannot post signs. So far, the indication is that there are 3 to 5 locations willing to post signs. Given this limited response, Mr. Cox suggests that it may be worthwhile to pursue Automatic Public Toilets (APT's) as an option.

The groups then discussed several other possible sites. In response to Councillor Murphy's question about the public golf course as a possible site, Ms. Feinberg stated that it may be an option. Ms. Peterson noted that this site would only be open during the day and during the golf season. Regarding the Water Department facility at Fresh Pond, Vice-Mayor Davis stated that it was built to accommodate public access. Mr. Cox stated that there had been security issues about access to the water plant, but that they had been solved with a door barring access to that part of the plant. According to Ms. Dunnell, the plant will accommodate people who need to use the bathrooms but would rather not provide signs. Regarding the municipal building at 119 Windsor St., Mr. Cox said that the concern about signs was the ability to keep the building clean with increased traffic. The city hospital as a public building already serves a large homeless population. Ms. Peterson noted that the MDC allows people to use their facilities, but might not be willing to advertise them. Regarding houses of worship, Vice-Mayor Davis



stated that there had been problems with vandalism when they opened their facilities. The Department of Public Health has not investigated them as an option. Vice-Mayor Davis suggested the possibility of a quid pro quo, in which the city would assist places of worship to become handicapped accessible in exchange for opening their toilets to the public. According to Ms. Glowa, this might also be an incentive for other non-profits. Ms. Peterson pointed out that there are both interior and exterior requirements to gain handicap-accessible status, and that the city would need to specify what it was offering. For ideas about possible facilities in Harvard Square, Councillor Murphy asked if this was a question to refer to the Harvard Square Design Advisory Committee. In Central Square, Vice-Mayor Davis suggested that the Salvation Army and CASPAR might serve as resources; even though they are not public facilities, they are accommodating homeless people now.

Vice-Mayor Davis acknowledged the concerns about providing signs for public and private bathrooms. At the same time, she pointed out that the demand currently exists and that the public already uses facilities. Increasing signage and identifying more sites could spread out the demand and lessen the impact on the most heavily-used facilities.

Ms. Glowa asked if providing signs would suggest to visitors that a facility was larger than it is; this could be a real burden with groups like bus tours. Ms. Dunnell responded that, in her conversations with tourist offices, staff stated that they do not make official recommendations. Tour groups have to provide facilities or search for them on their own.

Regarding APTs, Vice-Mayor Davis directed Mr. Cox to compare the costs of APTs to storefront rentals and renovation as part of the report he is preparing. Addressing the amount of advertising necessary to fund APTs at low or no cost to the city, Ms. Feinberg and Ms. Dunnell stated that the amount of advertising allowed depends on the exposure at different sites. They have requested the formulas that the street furniture companies use to calculate this amount, but the companies have not been willing to disclose them. Vice-Mayor Davis noted that Cambridge has a history of fighting billboards, which may be inconsistent with certain forms of advertising for APTs. According to Ms. Feinberg, the city can control the types of ads, for example, prohibiting smoking ads. Mr. Barber also noted that the city has regulations about signs on private property but not on the public way.

The group then discussed some options for investigating the amount of advertising that the city would have to permit to offset the costs of APTs, including issuing a request for proposals (RFP), soliciting estimates through newspapers, and sending a letter of interest to the street furniture companies that manufacture APTS. The group discussed the implications of issuing an RFP to gather information. Both Ms. Peterson and Ms. Glowa cautioned against using RFPs just for information. The city could be criticized for not acting in good faith, since bidders incur costs to prepare bids and expect that a contract will be issued; not selecting a bid could also hurt the city in future solicitations. As for a letter of interest to APT manufacturers, Mr. Cox pointed out that the city invited the four APT manufacturers to discuss estimates in preparation for the initial report on APTS; two responded. However, they were unwilling to disclose their formula for offsetting costs by advertising and stated that their preference was for the city to issue a RFP, and that then they would discuss costs.

In response to Mr. Yarden's comment that the Burns Playground, if renovated, may have a public toilet, Ms. Peterson reported that the city had studied the feasibility of opening the Burns site 10 years ago; the cost estimates then were \$750,000. The DPW is currently compiling estimates for the City Council for this renovation. Ms. Peterson stated that the city was planning to construct a free-standing toilet at Russell Field. However, it is unclear if this facility would be open when there are no games scheduled at the field.

Vice-Mayor Davis noted the efforts that have been made to gather information over a year and a half; to make progress on the issue of public toilets, she asked Mr. Cox to identify two locations, one each in Harvard and Central Squares, that could accommodate APTS.

Vice-Mayor Davis thanked all who attended the meeting.

On Councillor Murphy's motion, the meeting adjourned at 6:45 P.M.

For the Committee,

Vice Mayor Henrietta Davis, Chair

## Committee Report #8

### HEALTH AND ENVIRONMENT

*Vice Mayor Henrietta Davis, Chair*  
*Councillor Anthony D. Galluccio*  
*Councillor Brian Murphy*

In City Council October 28, 2002

The Health and Environment Committee held a public meeting on October 2, 2002, beginning at 7:03 p.m. in the Ackermann Room for the purpose of continuing to discuss a proposed tree protection ordinance.

Present at the hearing were Vice Mayor Henrietta Davis, chair of the committee, Councillor Brian Murphy and City Clerk D. Margaret Drury. The following city administrative staff were present: Lisa Peterson, Commissioner of Public Works (DPW), Les Barber, Director of Land Use and Zoning for the Community Development Department (CDD) and Nancy Glowa, First Assistant City Solicitor. The following city residents were also present: Karen Carmean, 1657 Cambridge Street, #3, Sam Bass Warner, Jr., 15 Cottage Street, Keren Schlomy, 3 Irving Terrace, Kathryn S. Podgers, 148 Pearl Street and Robert LaTremouille, 875 Massachusetts Avenue.

Vice Mayor Davis convened the hearing and explained the purpose. She said that the committee had kept the proposal in committee to hear recommendations and analysis from the City Manager's staff on whether to eliminate the proposed exemption for affordable housing. She invited Commissioner Peterson to discuss this issue.

Ms. Peterson said that the City Manager is recommending that the ordinance retain the proposed exclusion for affordable housing because the barriers to the construction of affordable housing are numerous and expensive.

Attorney Glowa added that the staff recommend that at the time of enactment of the ordinance, there be a separate policy statement that unless there is a demonstration of hardship, the owners/developers of affordable housing will comply as much as possible with the goals of the ordinance.

Vice Mayor Davis said that such a policy statement should probably be adopted by the City Council as a policy order.

Ms Peterson informed the committee that the ordinance would apply in full to all other city building construction.

Vice Mayor Davis then invited questions and comments from the public.

Ms. Podgers asked whether such differential treatment for affordable housing projects would constitute spot zoning. Ms. Glowa responded that the proposed ordinance is not a zoning ordinance. Additionally, she said that legislators and courts have recognized a strong public purpose of supporting affordable housing that allows differential treatment for affordable housing projects.

Ms. Carmean asked whether this exception would apply in cases where the developer includes a few affordable units in what is otherwise a market-rate development. Ms. Glowa answered in the negative. The exemption is only available to non-profit affordable housing developers. The ordinance applies in full to all for-profit development. The exemption in the ordinance is very specific and very narrowly drawn.

Ms. Carmean noted that if trees are not protected at affordable housing developments, the residents will pay more for heat and will suffer the health problems associated with less healthy air quality.

Vice Mayor Davis said that the effect of the accompanying policy statement will be that in almost all cases, the same standard for protection of trees would apply, but that the tree protection ordinance cannot be used as a basis for an appeal which could add significant delay and expense to affordable housing projects.

Mr. Warner said that the tree protection task force has been meeting for years. He emphasized the importance of tree protection and urged the committee to take the necessary steps to move the process along.

In response to a question from Tom Lucey, President of the Cambridge Chamber of Commerce, Attorney Glowa explained that in addition to this proposed tree protection ordinance, which would be an amendment to the Municipal Code, there must also be amendments to the Zoning Ordinance to link the ordinance with the special permit procedures through which the protection will be implemented.

Ms. Podgers submitted a document entitled “Replacing Grass With Trees May Release Carbon.” Attachment A. Mr. Warner stated that the article applies to carbon rich soil, and that Cambridge soil is not carbon rich soil.

Mr. LaTremouille stated that he is shocked at the major exemptions of city projects and MDC projects in the ordinance.

A letter from Lenore Monello Schloming entitled “Testimony regarding Proposed Tree Ordinance” was received by the City Clerk’s Office the day after the hearing and has been included with the record. Attachment B.

Councillor Murphy moved that the exemption for affordable housing projects be maintained and that a policy statement of intent for affordable housing projects to comply with the goals of the ordinance be developed to take effect at the same time as the ordinance. The motion passed on a voice vote without objection.

Councillor Murphy moved that the committee recommend that the proposed tree protection ordinance be forwarded to the full City Council with a favorable recommendation. The motion passed on a voice vote without objection.

Vice Mayor Davis thanked all those in attendance for their participation. She expressed her thanks to the Tree Protection Task Force for their many hours of hard work on this issue, and requested that each member receive a letter of thanks.

The meeting was adjourned at 7:28 p.m.

For the Committee,

Vice Mayor Henrietta Davis, Chair