## CITY OF WORCESTER

## JOURNAL OF THE CITY COUNCIL

Tuesday, May 15, 2012 Esther Howland Chamber

Convened: 5:14 P.M.

Recessed to Finance Committee: 5:14 P.M. Reconvened to Open Session: 7:32 P.M. Adjourned: 9:26 P.M.

Mayor Joseph M. Petty

## Councilors

Tony Economou Michael J. Germain Joseph C. O'Brien Sarai Rivera George J. Russell William J. Eddy Konstantina B. Lukes Philip P. Palmieri Frederick C. Rushton Kathleen M. Toomey



www.worcesterma.gov

City Manager Michael V. O'Brien

City Auditor

James A. DelSignore

City Clerk David J. Rushford

City Hall - 455 Main Street Worcester, Massachusetts

- 1. PLEDGE OF ALLEGIANCE
- 2. STAR SPANGLED BANNER DOHERTY MEMORIAL HIGH SCHOOL MADRIGAL SINGERS
- ROLL CALL All present with the Mayor in the Chair except for Councilors Germain, Lukes, O'Brien and Rivera. When City Council reconvened from Finance Committee all members were present.
- 4. RECESS TO FINANCE COMMITTEE (see separate agenda)
- 5. APPROVAL OF THE MINUTES
  - **5a.** Order That the City Council of the City of Worcester hereby Attachments approves the minutes of the City Council meeting of May 1, 2012.

**Order adopted** 

- 6. HEARING & ORDER
  - **6a.** Hearing NATIONAL GRID for pole location on: MOUNTAIN <u>Attachments</u> STREET WEST

Granting permission to NATIONAL GRID for pole location on: MOUNTAIN STREET WEST

Hearing held and Order adopted

## 7. ITEMS OF CITIZEN INTEREST

7a. Mayor Petty read a Proclamation declaring May 15, 2012 as Kevin D. Lyons Day. Mayor Petty recognized the presence of his family: Kathleen Lyons, Tricia, Erin, Deirdre & Luke Gallo, Kevin & Karen Lyons, Sean & Caitlin Lyons, Michael Patrick Lyons, and Christopher & Margaret Lyons. The proclamation was presented to a representative of the Lyons family who thanked everyone and said this was a great honor for his family. President of Worcester State University Barry Maloney also was thankful for this opportunity to partner the school with the community.

**Attachments** 

**7b.** Mayor Petty read a Proclamation declaring May 2012 as Community Action Month and presented it to Executive Director of the Worcester Community Action Council Jill Dagilis.

**Attachments** 

#### 8. ITEMS OF DEPARTMENTAL OR EMPLOYEE INTEREST

#### 9. PETITIONS

**9a.** Sandra Horan request sidewalk repair in front of 167 King Attachments Philip Rd.

**Referred to Public Works Committee** 

**9b.** Stephen McKeon, Project Manager of Drake Petroleum Co. Inc., request to extend the City of Worcester sanitary main in Grafton St. 125' to 1099 Grafton St. at petitioners expense and subject to a prior agreement.

<u>Attachments</u>

**Referred to Public Works Committee** 

**9c.** Andrew Crystal of 50 Prescott St. LLC request installation of <a href="Attachments">Attachments</a> handicap parking space across from 50 Prescott St.

**Referred to Traffic and Parking Committee** 

**9d.** Councilor Sarai Rivera on behalf of Paul Leary, Member, Board of Directors, Worcester Buddhist Centre request the installation of a crosswalk in Dewey St. in front of the Buddhist Centre at 97 Dewey St.

<u>Attachments</u>

**Referred to Traffic and Parking Committee** 

**9e.** Councilor William J. Eddy request the removal of two on-street parking meters and in place thereof the installation of a No Parking Zone in front of 252 Main Street.

**Attachments** 

**Referred to Traffic and Parking Committee** 

**9f.** Councilor Tony Economou on behalf of Douglas Freund, Regal Pickle Works, request the installation of a 40 foot commercial loading zone at 41 Mason St.

**Attachments** 

**Referred to Traffic and Parking Committee** 

**9g.** Councilor Tony Economou on behalf of Douglas Freund, Regal Pickle Works, request to install a "No Parking Here to Corner" zone on the easterly side of Mason Street northerly from the corner of Bluff St.

**Attachments** 

**Referred to Traffic and Parking Committee** 

#### 10. COMMUNICATION OF THE CITY AUDITOR

**10a.** Transmitting Auditor's Report for April 2012.

**Attachments** 

**Referred to Finance Committee** 

#### 11. ORDERS

11a. Request City Manager amend the Zoning Ordinance related to physical changes to parking lots to include the following: That all physical changes to any existing or proposed parking lot/area require written administrative approval from the Department of Inspectional Services upon submittal of a plan to scale depicting the existing parking and proposed parking lot areas to the satisfaction of the Building Commissioner. (O'Brien)

**Attachments** 

Order adopted

**11b.** Request City Manager submit a report listing the 2,000 valuations of commercial and industrial properties that previous to the current assessments were manually overridden. (Lukes)

<u>Attachments</u>

Order adopted

Order adopted

11c.

Request City Manager submit a report on the specific properties that have not, prior to the current assessments, been inspected for more than 20 years, some dating back to 1985. (Lukes)

Order adopted

**11d.** Request City Manager submit a report, prior to the City Council's deliberation on tax classification, regarding real estate abatements for the past ten years. (Lukes)

**Attachments** 

Order adopted

**11e.** Request City Manager include in the Budget presentation a separate entry for the Police Department Garage Division which includes, but is not limited to, salaries, overtime, new positions and authorized positions. (Lukes)

<u>Attachments</u>

Denied on a roll call vote of 5 Yeas and 6 Nays (Yeas - Germain, Lukes, O'Brien, Rivera, Rushton) (Nays - Economou, Eddy, Palmieri, Russell, Toomey, Petty)

### 12. COMMUNICATIONS

**12a.** Michael V. O'Brien, City Manager, recommending that Seventeen Thousand Dollars And No Cents (\$17,000.00) be transferred from Various Accounts and appropriated to Account #150-91000, Elections Personal Services to fund additional costs associated with Elections.

**Attachments** 

Order adopted on a roll call vote of 11 Yeas and 0 Nays

**12b.** Michael V. O'Brien, City Manager, recommending that One Hundred Fifty Thousand Dollars (\$150,000.00) be transferred from Account #4103-92099 Street Ordinary Maintenance and appropriated to Account #4103-93999, Street Capital Outlay to correct/adjust an appropriation that was made on August 9, 2011 in the Amount of One Hundred Fifty Thousand Dollars And No Cents (\$150,000.00) for the purchase of new street lights on Chandler Street.

**Attachments** 

Order adopted on a roll call vote of 11 Yeas and 0 Nays

**12c.** Michael V. O'Brien, City Manager, Recommend Review, Consideration and Approval of the Fiscal Year 2013 Annual Budget.

<u>Attachments</u>

**Referred to Finance Committee** 

Standard & Poor's Ratings Services and Moody's Investors Services relative to the City's 2012 bond ratings.

Attachments

**Referred to Finance Committee** 

#### 13. RESOLUTION

13a. That the City Council of the City of Worcester does hereby urge the U.S. Congress to protect the rights of Worcester voters and individual voters across America by adopting House Resolution 99, proposed by U.S. Representative James McGovern, and begin efforts through the constitutional amendment process to reverse Citizens United v. Federal Election Commission and ensure that voters in Worcester and across America remain the sole decision makers in our election process. (Petty, Eddy, O'Brien, Toomey, Russell, Germain, Rivera, Economou, Palmieri, Rushton)

**Attachments** 

Councilor Lukes moved to amend by incorporate the following wording from the joint resolution submitted in the House of Representatives: "Whereas: The words people, person, or citizen as used in the United States Constitution do not include corporations, limited liability companies or other corporate entities established by the laws of any State, the United States, or any foreign state, and such corporate entities are subject to such regulation as the people through their elected State and Federal representatives deem reasonable". Resolution adopted on a roll call vote of 11 Yeas and 0 Nays

## 14. REPORTS OF THE PLANNING BOARD

**14a.** REPORT OF THE PLANNING BOARD Upon the Petition of Attachments Mark Piscillo request to make public Duluth St.

**Referred to Public Works Committee** 

**14b.** REPORT OF THE PLANNING BOARD Upon the Petition of Attachments Mark Piscillo request to make public Westdale St.

**Referred to Public Works Committee** 

14c. REPORT OF THE PLANNING BOARD Upon the Report of the Planning Board upon the Petition of Wells Fargo Bank, NA to remove a five (5) feet wide by seventy eight (78) feet long portion of Lachapelle St. as revised.

**Accepted** 

# 15. REPORTS OF THE COMMITTEE ON RULES AND LEGISLATIVE AFFAIRS

REPORT OF THE COMMITTEE ON RULES AND

**Attachments** 

15a. LEGISLATIVE AFFAIRS Upon the Report of the Committee on Rules and Legislative Affairs upon the Petition of Ronal Madnick, Director of the Worcester County Chapter American Civil Liberties Union of Mass, request that the primary petitioner for any item before the city council be allowed to speak on his or her petition the day it appears on the agenda: recommend adoption of the the accompanying Order That Rule 51 of the Rules of the City Council be amended to allow petitioners an opportunity to speak for up to three (3) minutes the first time their petition appears on the City Council Agenda; and Further, that Rule 39 (i) of the Rules of the City Council be amended to change the agenda item to read "Items of Public Interest" and the Mayor shall recognize people to speak for no more than two (2) minutes concerning any and all topics appearing the agenda; and Further, request City Solicitor incorporate these amendments to the Rules of the City Council 2012-2013.

Accepted & Adopted on a roll call vote of 11 Yeas and 0 Nays

15b. REPORT OF THE COMMITTEE ON RULES AND LEGISLATIVE AFFAIRS Upon the Petition of Joe Scully request the creation of a public records and data retention policy regarding the use of social media technology to support increased transparency and openness in government: recommend adoption of the (2) accompanying Orders: That the City Manager request the City Solicitor to provide the City Council with an opinion concerning the retention of social media data; and That the City Manager provide the City Council with an amendment to the social media policy of the City of Worcester so that the delineators match those included in the city's Human Rights policy.

<u>Attachments</u>

**Accepted & Two Orders Adopted** 

15c. REPORT OF THE COMMITTEE ON RULES AND LEGISLATIVE AFFAIRS Upon the Petition of Jeremy Shulkin request the establishment of an ombudsman or point person to handle all requests by individuals or media outlets requesting information on any city department and that this employee's contact information be easily accessible on the city's website to support increased transparency and openness in government: recommend adoption of the accompanying Order That the City Manager designate a liaison for all public records requests made to those departments under his juririsdiction.

<u>Attachments</u>

**Accepted & Adopted** 

15d. Attachments

REPORT OF THE COMMITTEE ON RULES AND LEGISLATIVE AFFAIRS Upon the Petition of Michael Benedetti request the archived city meeting videos be made available in a more easily accessible format that is shareable, downloadable and embeddable to support increased transparency and openness in government: recommend adoption of the accompanying Order.

**Accepted & Adopted** 

**15e.** REPORT OF THE COMMITTEE ON RULES AND LEGISLATIVE AFFAIRS Upon the Communication of David J. Rushford, City Clerk transmitting informational communication regarding public access forums: recommend Communication be placed on file.

**Attachments** 

**Accepted** 

15f. REPORT OF THE COMMITTEE ON **RULES** AND LEGISLATIVE AFFAIRS Upon the Petition of Ronal Madnick. Director of the Worcester County Chapter of the American Civil Liberties Union of Massachusetts, request that the primary petitioner for any item before City Council be allowed to speak on his or her petition the day it first appears on a City Council agenda. We ask the City Manager request the City Solicitor to amend the Rules of City Council to allow a petitioner to speak on the day their petition first appears on the City Council agenda and request the City Council adopt a "public access" open forum which would take place in the first 30 minutes of any City Council meeting and allow anyone to speak on any item of business on the agenda regardless of the of its position on the agenda. Further, request the City Manager request the City Solicitor amend the Rules of City Council to allow a "Public Access" open forum within the City Council agenda for a trial period of ten consecutive meetings of the City Council. A person can only speak once, either when their petition first appears or during the public access period but not both: recommend Petitioner be given leave to

**Attachments** 

**Accepted** 

withdraw.

15g. REPORT OF THE COMMITTEE ON RULES AND LEGISLATIVE AFFAIRS Upon the Petition of Ronal Madnick, President of the Committee for Progressive Legislation, request the first 30 minutes of a city council meeting be set aside for anyone to speak on any item on the city council agenda when it first or later appears on the city council agenda for up to a total of five minutes: recommend Petitioner be given leave to withdraw.

**Attachments** 

Accepted

**15h.** REPORT OF THE COMMITTEE ON RULES AND LEGISLATIVE AFFAIRS Upon the Petition of Ronal Madnick, President of the Committee for Progressive Legislation, request to allow anyone who petitions the city council to speak on the petition when it first appears on the agenda for a period of up to five minutes: recommend Petitioner be given leave to withdraw.

**Attachments** 

**Accepted** 

#### 16. REPORTS OF THE COMMITTEE TRAFFIC & PARKING

**16a.** REPORT OF THE COMMITTEE ON TRAFFIC AND Attachments PARKING Upon the Petition of Mary Ann Powell request to install handicap parking space in front of 47 Ellsworth St.: recommend passage of the accompanying proposed Ordinance.

Voted to advertise proposed Ordinance

**16b.** REPORT OF THE COMMITTEE ON TRAFFIC AND Attachments PARKING Upon the Petition of Nick Traiforos request handicap parking space be removed from in front of 11Richards St.: recommend passage of the accompanying proposed Ordinance.

**Voted to advertise proposed Ordinance** 

**16c.** REPORT OF THE COMMITTEE ON TRAFFIC AND Attachments PARKING Upon the Petition of Nicholas Zavras requests to rescind the handicap parking space on the Harvard St. side of 18 Walnut St.: recommend passage of the accompanying proposed Ordinance.

Voted to advertise proposed Ordinance

16d. REPORT OF THE COMMITTEE ON TRAFFIC AND Attachments PARKING Upon the Petition of Susan Moran request to install a handicap parking space in front of 41 Mann St.: recommend passage of the accompanying proposed Ordinance.

Voted to advertise proposed Ordinance

**16e.** REPORT OF THE COMMITTEE ON TRAFFIC AND <u>Attachments</u> PARKING Upon the Petition of Mary Wangeci Mbugua, et al request to install one handicap parking space on the

Channing St. side of 12A Mount Vernon St.: recommend passage of the accompanying proposed Ordinance.

Voted to advertise proposed Ordinance

**16f.** REPORT OF THE COMMITTEE ON TRAFFIC AND Attachments PARKING Upon the Petition of Theresa Porcaro et al request to remove handicap parking space in front of 201 Dana Ave.: recommend passage of the accompanying proposed Ordinance.

Voted to advertise proposed Ordinance

**16g.** REPORT OF THE COMMITTEE ON TRAFFIC AND PARKING Upon the Petition of Boris Sapozhnikov, Manager of Allied Rehabilitation Center, request to install one handicap parking space in front of 65 Milton St.: recommend passage of the accompanying proposed Ordinance.

Voted to advertise proposed Ordinance

**16h.** REPORT OF THE COMMITTEE ON TRAFFIC AND Attachments PARKING Upon the Petition of Tyra Walker request to remove handicap parking space in front of 11 Hillside St.: recommend passage of the accompanying proposed Ordinance.

Voted to advertise proposed Ordinance

**16i.** REPORT OF THE COMMITTEE ON TRAFFIC AND Attachments PARKING Upon the Petition of Deborah A. Hurteau request to install one handicap parking space in front of 17 Mendon St.: recommend passge of the accompanying proposed Ordinance.

Voted to advertise proposed Ordinance

16j. REPORT OF THE COMMITTEE ON TRAFFIC AND Attachments PARKING Upon the Petition of Daniel Goldman request to install in Gold St., from Green St. to Summit St. on both sides, a No Parking Tow Zone from 8am to 5pm Monday through Friday: recommend passage of the three accompanying proposed Ordinances.

Voted to advertise proposed Ordinance

**16k.** REPORT OF THE COMMITTEE ON TRAFFIC AND PARKING Upon the Petition of Councilor George J. Russell request the No Parking Zone be reduced in the area of 96 Dorchester St. in order to accommodate additional parking:

**Attachments** 

recommend passage of the accompanying proposed Ordinance.

Voted to advertise proposed Ordinance

**16I.** REPORT OF THE COMMITTEE ON TRAFFIC AND PARKING Upon the Petition of Councilor George J. Russell request modification of the effective times of the residential permit zone on the south side of Marion Ave.: recommend passage of the two accompanying proposed Ordinances.

**Attachments** 

Voted to advertise proposed Ordinance

16m. REPORT OF THE COMMITTEE ON TRAFFIC AND PARKING Upon the Chairman's Order from the Committee on Traffic and Parking Chairman' Order from the Committee on Traffic and Parking - Request the Standing Committee on Traffic & Parking rescind the one handicap parking space in front of 11 Suffolk St.: recommend passage of the accompanying proposed Ordinance.

**Attachments** 

Voted to advertise proposed Ordinance

**16n.** REPORT OF THE COMMITTEE ON TRAFFIC AND PARKING Upon the Petition of Anthony Conte request resident permit parking from 23 Suffolk St. to the David Clark Co. parking lot: recommend passage of the accompanying proposed Ordinance.

**Attachments** 

Voted to advertise proposed Ordinance

#### 17. TO BE ORDAINED

**17a.** Amending Article IV Section 7 (A) (1) of the Worcester Zoning Ordinance adopted April 2, 1991 relative to Off-Street Parking & Loading requirements

<u>Attachments</u>

Ordained on a roll call vote of 11 Yeas and 0 Nays

**17b.** Amending Article IV Section 7 (A) (2) of the Worcester Zoning Ordinance adopted April 2, 1991 relative to Off-Street Parking & Loading requirements

<u>Attachments</u>

Ordained on a roll call vote of 11 Yeas and 0 Nays

## 18. TABLED UNDER PRIVILEGE

**18a.** RESOLUTION - Councilor Joseph C. O'Brien, Mayor Joseph M. Petty, Councilor William J. Eddy, Councilor Philip P.

Palmieri, and Councilor Sarai Rivera - That the City Council of the City of Worcester hereby urges the Governor and the State Legislature to invest in the communities, to strengthen our economy and to improve the quality of life of Massachusetts residents by passing legislation that raises substantial new revenue while holding down increases for low and middle income individuals and families. (Tabled - Lukes May 1, 2012)

Resolution adopted on a roll call vote of 7 Yeas and 4 Nays (Yeas - Eddy, Germain, O'Brien, Palmieri, Rivera, Rushton, Petty) (Nays - Economou, Lukes, Russell, Toomey)

**18b.** COMMUNICATION of the City Manager Recommend that Twenty Five Thousand Dollars And No Cents (\$25,000.00) be transferred from Account # 121-92000, Law Court Judgments, and be appropriated to Account #120-92000, Law Ordinary Maintenance, to provide funding for the remainder of Fiscal Year 2012. (Tabled Lukes - May 8, 2012)

**Attachments** 

Councilor Lukes moved to Table this item. Tabled - Lukes

#### 19. TABLED ITEMS

19a. REPORT OF THE COMMITTEE ON TRAFFIC AND PARKING Upon the Petition of Councilor Philip P. Palmieri and State Representative Vincent Pedone request to install a trailer truck ban in Mulberry St. between Shrewsbury St. and East Central St.: recommend the passage of the accompanying proposed Ordinance. (Tabled - Petty June 8, 2010)

<u>Attachments</u>

**No Action Taken** 

**19b.** RESOLUTION of Mayor Joseph C. O'Brien - That the City Council of the City of Worcester hereby goes on record in support Senate Bill 610, an act protecting condominium owners filed by Senator Harriette Chandler and Senator Richard Moore. (Tabled - O'Brien July 19, 2011)

<u>Attachments</u>

**No Action Taken** 

**19c.** RESOLUTION of Mayor Joseph C. O'Brien - That the City Council of the City of Worcester hereby goes on record in support of the Administration's efforts to negotiate the maximum hiring of local residents in Tax Increment Financing agreements and other tools used to attract business and to expand our tax base. (Tabled - O'Brien September 13, 2011)

**Attachments** 

**No Action Taken** 

**19d.** COMMUNICATION of the City Manager transmitting informational communication relative to an update on the status of #5 May Street. (Tabled - O'Brien January 31, 2012)

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**No Action Taken** 

**19e.** COMMUNICATION of the City Clerk transmitting communication expanding upon the newspaper article regarding the human error factor which occurred in the city's recount. (Tabled - Lukes February 7, 2012)

**Attachments** 

**Attachments** 

**No Action Taken** 

**19f.** COMMUNICATION of the City Manager transmitting Informational Communication Relative to Finance for Housing Developments within the City of Worcester. (Tabled - O'Brien February 28, 2012)

**Attachments** 

**No Action Taken** 

19g. REPORT OF THE COMMITTEE ON ECONOMIC DEVELOPMENT Upon the Order of Councilor Konstantina B. Lukes - Request City Council support more diverse new housing development with an emphasis on market-rate housing with a maximum of 10% affordable units if there are going to any units available for development in the downtown Worcester area: recommend Order be placed on file. (Tabled - Lukes May 1, 2012)

**Attachments** 

**No Action Taken** 

#### 20. NEW BUSINESS UNDER SUSPENSION OF RULES

**20a.** COMMUNICATION of Michael V. O'Brien, City Manager, transmitting informational communication relative to the Commercial and Industrial Property Assessments.

<u>Attachments</u>

**Referred to Municipal Operations Committee** 

20b. Motion Lukes @ #20a CC - Request City Manager convert the identifiers listed in the spreadsheet within the City Manager's communication titled Commercial and Industrial Property Assessments to titled property owners and provide this information to City Council. <u>Attachments</u>

Order adopted

20c.

<u>Attachments</u>

Motion Toomey @ #20a CC - Request City Manager report what occurred in recent triennial revaluation experiences in Boston and Cambridge.

Order adopted

20d. Motion O'Brien @ #20a CC - Request City Manager report what additional resources will be made available, after the real estate bills are mailed, to assist taxpayers in the appeal process so that the bulk of real estate tax abatements can be determined prior to the billing due date.

**Attachments** 

Order adopted

**20e.** Motion Palmieri @ #20a CC - Request City Manager report how will the triennial real estate revaluation process impact TIF agreements.

**Attachments** 

Order adopted

**20f.** Motion O'Brien @ #20a CC - Request City Manager recommend an equitable starting point for considering tax rates for the upcoming tax classification hearing.

**Attachments** 

Order adopted

**20g.** Motion O'Brien - Suspension of Rules - Request the City Council's Standing Committee on Economic Development hold a public hearing to welcome the public comments regarding the City Manager's decision not to enforce the Responsible Employer Ordinance.

<u>Attachments</u>

**Referred to Economic Development Committee** 

**20h.** Motion Toomey - Suspension of Rules - Request City Manager report whether or not the city has filed for any tiger grants and if not should the city look into this.

<u>Attachments</u>

Order adopted

**20i.** Motion Toomey - Suspension of Rules - Request City Manager provide City Council with an update regarding the installation of trash receptacles and bike racks on Green St.

<u>Attachments</u>

Order adopted

**20j.** Motion Toomey - Suspension of Rules - Request City Manager provide a report concerning public safety response

times for the weekend of May 12-14th.

Order adopted

**20k.** PETITION - Councilor Tony Economou request sidewalk <u>Attachments</u> repair in front of 3 Cutting Ave.

**Referred to Public Works Committee** 

**201.** PETITION - Councilor Tony Economou request sidewalk <u>Attachments</u> repair in front of 50 Terrace Dr.

**Referred to Public Works Committee** 

**20m.** PETITION - Councilor Tony Economou request the replanting Attachments of two trees in front of 47 Hancock Hill Dr.

Referred to the Department of Public Works & Parks

**20n.** PETITION - Councilor Tony Economou request to install a <a href="Attachments">Attachments</a> stop sign at the intersection of Meola Ave. and Oakmont Rd.

**Referred to Traffic and Parking Committee**