



CITY OF CAMBRIDGE

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

Office of the City Solicitor
City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

(617) 498-9020

Gail S. Gabriel
Legal Counsel

Joseph M. Kaigler
Legal Counsel

Diane Wynshaw-Bors
Legal Counsel

Edward J. O'Connell
Legal Counsel

September 20, 1990

MEMORANDUM

TO: Robert W. Healy

FROM: Russell B. Higley 

RE: 580 Massachusetts Avenue, One and Two Coolidge Place

The following is an update on action taken by this department, against George and Ethel Rothman and Stu-Lin Realty Trust (Stu-Lin), owner of the above referenced properties in the City of Cambridge.

As you know, the Inspectional Services Department (ISD) conducted comprehensive inspections on all three properties on July 5, 7, 10, and 11 1990. Written inspection reports and orders demanding correction of the numerous housing, building, plumbing and wiring violations were delivered in hand, at the premises, and by mail to the owner, Stu-Lin.

The owner was given thirty (30) days to correct the violations. In a July 16, 1990 letter to Commissioner Celluci, Stu-Lin, through its attorney Stuart J. Farkas, requested a hearing to clarify the orders of ISD and to submit for approval a plan to correct the violations. (See Attachment #1)

That hearing was held on August 1, 1990. Present were Commissioner Celluci, Attorney Joseph M. Kaigler of my office, Mr. Farkas, John Collier, attorney for the tenants and several inspectors of the ISD. Ambiguities with regard to cited violations were explained at the hearing. Stu-Lin orally requested an extension to correct the violations. After an opinion by this office regarding the request for an extension, Commissioner Cellucci notified Stu-Lin no extension would be granted. (See Attachment #2).

Although Stu-Lin had made appreciable and significant progress at 580 Mass. Ave by August 21, 1990, remaining violations in all three properties prompted the city to file a civil suit in Middlesex Superior Court. On August 24, 1990, a hearing was held before Doerfer, J., presiding. The City sought compliance with the orders of the ISD and a preliminary injunction. Judge Doerfer granted the City's request for an order of compliance. (See Attachment #3).

On September 13, 1990 my office was informed by ISD that Howard Wensley, Director of the Division of Community Sanitation had conducted an inspection at 580 Massachusetts Avenue on August 28, 1990. Mr. Wensley allegedly found new violations ISD did not cite. As of this date, ISD has investigated Mr. Wensly's claim and brought those violations not already cited to the attention of Stu-Lin, who is in the process of correcting same.

City Inspectors have reinspected the plumbing, wiring, sanitation and building components of all three properties on a

weekly basis. New violations, if found, are cited and corrected violations are noted. Weekly inspection reports are sent to my office for review. The Commissioner and inspectors have met with my office on at least two occasions to discuss the repairs. Informal discussions between the Commissioner, inspectors and my office occur frequently concerning the repairs.

I am informed that the owner has made a good faith effort to correct the violations. Indeed, significant progress has been made toward correcting most of the violations in these properties.

A meeting between Attorney Joseph M. Kaigler and Attorney Farkas is scheduled for September 24, 1990 to discuss completion of the work to be done. A meeting with the tenant's attorney should take place after the meeting with Mr. Farkas.

If violations are not corrected to the satisfaction of the tenants and ISD, the City will:

- 1) Renew its application for a preliminary injunction;
- 2) Seek court imposed fines against the owner for each day each building fails to meet applicable codes; and
- 3) Seek a court imposed timetable for completion.

Given the owners cooperation and the progress made to date, further court action may prove unwarranted.

ATTACHMENT #1

CITY OF CAMBRIDGE
INSPECTIONAL SERVICES
'90 JUL 17 AM 9 31

STUART J. FARKAS

Attorney at Law

925 Massachusetts Avenue
Cambridge, MA 02139
(617) 661-9033

July 16, 1990

Mr. Joseph Cellucci
Commissioner of Buildings
Inspectional Services Dept.
Cambridge City Hall
Cambridge, Ma. 02139

RE: 1 and 2 Coolidge Place, 580 Massachusetts Avenue,
Request for hearing

Dear Mr. Cellucci:

Please be advised that I have been retained by the Stulin Realty Trust, owner of the above mentioned premises, in regard to the above matter.

Pursuant to the inspections of the above referenced properties numerous violation orders were served on my client. It is my client's intention to seek clarification, modification and/or withdrawal of certain orders as well as submit a plan of correction for your approval.

I would appreciate at least one week's notice so that I may be properly prepared for the hearing. Thank you for your anticipated cooperation and I shall be awaiting your response.

Very Truly Yours,



Stuart J. Farkas

HAND DELIVERED



CITY OF CAMBRIDGE

INSPECTIONAL SERVICES DEPARTMENT 831 MASS. AVE.
CAMBRIDGE, MASSACHUSETTS 02139 (617) 499-6100

JOSEPH J. CELLUCCI
COMMISSIONER OF BUILDINGS
AND HOUSING

August 21, 1990

Stuart J. Farkas
Attorney at Law
925 Massachusetts Avenue
Cambridge, MA 02139

Re: 1-2 Coolidge Place & 580 Massachusetts Avenue
Administrative Hearing

Dear Mr. Farkas:

Please be advised that I met with Joseph Kaigler, Assistant City Solicitor to discuss the above-captioned subject matter.

Upon completion of our review of the testimony presented, I decided to deny your request for extension of time to correct the cited violations.

I asked attorney Kaigler to consider taking this matter into the courts for resolution and he said he would.

Very truly yours,

Joseph J. Cellucci
Joseph J. Cellucci
Commissioner

JJC:cv

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT
CIVIL ACTION

NO.

90-5823 P

CITY OF CAMBRIDGE and *
 JOSEPH CELLUCCI, in his *
 capacity as Commissioner of *
 Inspectional Services for the *
 City of Cambridge, *
 Plaintiffs *

ORDER

-v-

GEORGE and ETHEL ROTHMAN as *
 Trustees of Stu-Lin Realty *
 Trust, STU-LIN REALTY TRUST *
 and GEORGE ROTHMAN, *
 Defendants *

Whereas, it has been represented to this Court by the City of Cambridge, Middlesex County and Joseph Cellucci in his capacity as Commissioner of Inspectional Services for the City of Cambridge, Plaintiffs, that said Plaintiffs, have filed a petition in equity with the Court against you, the Defendant, pursuant to M.G.L. c. 111, s. 127B; and that a determination has been made by the Inspectional Services Department of the City of Cambridge, that the premises at One and Two Coolidge Place and 580 Massachusetts Avenue, Cambridge, Massachusetts are unfit for human habitation; are or may become a nuisance, or are or may become a cause of sickness or home accident to the occupants or to the public; that written notice of said determination was served upon defendant as provided for the service of an order by sections 123 and 124 of M.G.L. c. 111; that Defendants have failed to remedy the conditions thus set forth in a reasonable amount of time.

Therefore, the court, pursuant to its powers under M.G.L. c.

111 s. 127B to enforce the orders of the Inspectional Services Department, hereby orders as follows:

1. That the Defendants immediately comply with the City of Cambridge housing inspection orders of July 5, 7, 9, 10 and 11, 1990 which orders Defendant to comply with the state and local housing codes by correcting all violations.

2. That pending Defendants' failure to comply with Paragraph #1 of this Order, Plaintiffs are granted immediate access to the premises pursuant to M.G.L. c. 111, s. 127B to take all steps necessary and reasonable to immediately correct all existing safety and health hazards, at the expense of the owner, the cost of said action to be assessed as a lien against the premises in accordance with the provisions of M.G.L. c. 111, s. 1127 B.

Dated: August 24, 1990.

(Serge J.)
Justice of the Superior Court

attest: Buon Burke
Deputy Court Clerk



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 498-9011

FAX. 868-8159

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

September 24, 1990

To The Honorable, The City Council:

Attached, please find a response from Russell B. Higley, City
Solicitor, relative to Awaiting Report Item No. 34, regarding conditions at
580 Massachusetts Avenue and One and Two Coolidge Place.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev

Agenda # 5 S-918
Awaiting Report/Item No. 34, regarding
conditions at 580 Mass. Ave. and one and
two Coolidge Place.

In City Council,

Sept. 24, 1990

Placed on file