



CITY OF CAMBRIDGE

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September 30, 1992

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: *Central Square Newsstand*

Dear Mr. Healy:

As you know, we have been attempting to arrange the removal of the newsstand from the public way in Central Square for the past several weeks. There have been some delays. Locating Mr. Indelicato proved somewhat difficult. After failed efforts to reach him by telephone, and after the return of our written notice sent to his last known address, we have identified a Quincy address where we had a constable serve notice to Mr. Indelicato to remove the structure. We also spoke to Mr. Indelicato by phone.

Mr. Indelicato states that he does not intend to remove the structure, that he disagrees with the City's legal position, and that he will challenge the removal of the structure by court action. The structure currently stands in the public way. We have checked with the appropriate City departments and have found no easements or other authorizations for the maintenance of the structure at its present location. The original permit for a structure at the location was issued pursuant to Section 12.08.020(B) of the Municipal Code (copy attached), and the use of the site was expressly limited to the sale of newspapers and racing forms. The ordinance authorizing the permit requires that a five dollar (\$5.00) annual fee be paid and that a bond be posted.

A complaint by a neighbor recently revealed that the annual permit fee had not been paid, that sales of unauthorized merchandise were being made at the site, and that the required bond had not been posted. Failure to pay the fee, failure to post the bond, and the sale of unauthorized merchandise, are all grounds for the revocation of the permit. Mr. Indelicato, upon being advised of the revocation of the permit, applied for a new permit. Mr. Indelicato's request expressly asks for authorization to sell newspapers, magazines,

tobacco products, lottery tickets, and to serve as a Ticketron outlet for ticket sales.

Based upon these circumstances, the City Council voted to deny Mr. Indelicato's application for a new permit to operate at the site. The Council has also expressed a desire that the structure be removed.

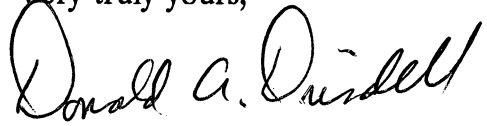
We have co-ordinated several matters to accomplish the removal. As I have pointed out, notice to Mr. Indelicato presented some difficulties. Another problem arose when we learned that there is an electrical connection to the structure which must be disconnected. With the help of the Inspectional Services Department, the Cambridge Electric Company has agreed to disconnect the electrical service at our request.

The Arts Council expressed concern for the fate of the art work on the exterior of the structure. We have asked the Public Works Department to co-ordinate the removal and temporary storage of the structure with the Arts Council in an effort to preserve the work if possible.

The Public Works Department is arranging to provide a crane to remove the structure. The structure and any contents will be moved to a location for storage. We will offer the Mr. Indelicato an opportunity to claim the contents and the structure within a reasonable period of time. If he does not do so, another disposition of the structure will be arranged.

We are aware that the Council desired that the structure be moved prior to this coming weekend. While we are making every effort to do so, these complications may delay the removal to a later date.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Donald A. Drisdell". The signature is fluid and cursive, with a large initial "D" and a stylized "A".

Donald A. Drisdell

15.



CITY OF CAMBRIDGE

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TEL 349-4300

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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

October 5, 1992

To The Honorable, The City Council:

I am hereby transmitting for your information, a communication received from Donald
A. Drisdell, Deputy City Solicitor, relative to the Central Square Newsstand.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy
City Manager

RWH/mev
attachment

CONSENT AGENDA ITEM #15

Central Square Newsstand.

H-196

In City Council,

October 5, 1992

Placed on file