

24 Dale Street
Peabody, MA 01960
February 6, 1995

Violation # 08343304-4
Date 11-18-94
registration # MA 368-ZII

Susan Clappanger
Parking Commissioner
City of Cambridge
57 Inman Street
Cambridge, MA 02139

Dear Ms. Clappanger,

On November 18, 1994 I received a parking ticket on Cambridge Street.

On December 4, 1994 I wrote the Parking Clerk and requested a hearing. I received a form from "Traffic and Parking" dated 12/9/94 with this notation, "Please contact Trisha Kelly 349-4730 at this office. Thank you."

On December 20, 1994 I spoke with Trisha Kelly, she advised me to send in a letter enplaning what had happened. I mailed this letter the next day.

I then received a "OVERDUE VIOLATIONS NOTICE" dated 12/26/94.

Having not received a response to my letter of 12/20/94 I again called Trisha Kelly (this took several tries over about two weeks). I asked about the OVERDUE NOTICE, my request for a hearing, and the letter she had asked for. Ms. Kelly advised me to gather whatever photos I needed and call back for a hearing date. I called back, a hearing was scheduled for Friday, February 3, 1995 at 11 AM.

On February 3, 1995 I met with Trisha Kelly. She asked for my violation notice and asked what I had to say. I showed her photos of the area. She explained that I should have seen the signs. I pointed out that M.G.L. Chap. 40 Sec. 22A required signs posted at the parking space and that the signs used by the City of Cambridge did not comply with what is required under this law. Ms. Kelly advised me that this law did not apply to Cambridge. She said that she would not dismiss this citation. I asked for information as to the appeal procedure and was given information on Middlesex County Superior Court. Ms Kelly took no

notes nor made any record at the time of this hearing.

The Parking Commission has failed to follow procedures as to notice as provided under Ch. 90 Sec. 20 A1/2. The City of Cambridge is indeed obliged to follow the specifications on signs under Chap. 40 Sec. 22A. I request a rehearing on this matter. If a rehearing is denied I request a copy of the final notice on this matter from the parking commission. M.G.L. Chap. 30A Sec. 14 allows for a petition for rehearing and requires notice of final decision prior to judicial review.

Sincerely,

Thomas J. McNulty

Colleen A. McNulty (owner)

cc: Mayor Kenneth E. Reeves
Cambridge City Hall
795 Mass. Ave.
Cambridge, MA 02139

Clerk, Cambridge City Council
Cambridge City Hall
795 Mass. Ave.
Cambridge, MA 02139

1.
24 Dale Street
Peabody, MA 01960
February 7, 1995

Clerk, Cambridge City Council
Cambridge City Hall
795 Mass. Ave.
Cambridge, MA 02139

Dear Council Clerk,

Please accept my attached letter to the City of
Cambridge Parking Clerk for record and distribution to City
Council members.

Chapter 90 Section 20A 1/2 of the general laws states,
"The parking clerk shall report to the council or alderman of a
city, the council or board of selectmen of a town and shall
supervise and coordinate the processing of parking notices in
such city or town."

I want to bring to your attention my problem with the
failure of the parking commission to follow the procedures
proscribed by law, and the failure of the City of Cambridge to
post signs in accordance with law. The failure of a city to
follow the law in the processing of parking violations, and the
improper posting of parking signs; is inexcusable. The cost for a
judicial review in superior court far exceeds the cost of any
parking ticket, I doubt that many will take the time or expense
to challenge your system.

Thank you for your attention to these matters. I do
hope your city will be able to comply with state law in something
this basic.

Sincerely,


Thomas J. McNulty

Consent Comm. # 1 5-77

Comm. from Thomas McNulty, 24 Dale Street,
Peabody regarding a City of Cambridge
traffic violation.

In City Council,

February 27, 1995

*Referred to the
City Manager
3/1/95 Copy sent to City
Mgr @*