



accumulation of trash or unsightly collectables, inside or out, or even eventual abandonment. [07/10/12]

**ZAP APPROVED 5-1-2 (Sangiolo opposed; Johnson and Hess-Mahan abstaining) on 02/10/14**

**FINANCE APPROVED 6-0**

**MOTION TO POSTPONE TO A DATE CERTAIN OF MONDAY, JUNE 16, 2014 WAS APPROVED BY VOICE VOTE**

**Clerk's Note:** The item was approved in the Zoning & Planning Committee after a lot of lively dialogue. When the ordinance started out, it was very vague, but it has been fleshed out. The biggest concern was from the Commissioner of ISD who questioned the enforceability of it. The item was in Finance strictly to discuss the fines. The fine that was recommended was \$100 a day for the first through seventh days; \$200 a day for the eight through fourteenth days; and \$300 a day after that.

Concern was raised that the Inspectional Services Department could not enforce the Ordinance. The problem is by and large you are dealing with people with mental health issues. There are other ways to deal with this through other departments, ordinances, and task and advisory groups. To punish someone who already has a problem and try to fix it with a zoning violation is a problem. The risk of this to be used by neighbors against each other is a problem. The issue is a small one here in Newton, maybe a dozen properties in total.

Neighbors have pleaded for a while with Aldermen to get abutting properties cleaned up so that they can enjoy their own property. Nothing has been done. This ordinance is based on similar ordinances in surrounding communities and the language of this ordinance has been reviewed in great detail with the Law Department. The City currently does not have a tool to deal with the issue when the Hoarding Task Force does not work, or the pleas of the neighbors fall on deaf ears.

A motion to postpone the item until the Board meeting on June 16 was requested in order to get a transcript of the Commissioner of Inspectional Services comments from the February 2, 2014 Zoning & Planning Committee meeting. The motion was seconded and the Board approved the motion by a Unanimous Voice Vote.

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 3 ABSENT (Ald. Ciccone, Leary & Lennon), 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, May 20, 2014

#212-12(2) MICHAEL SOKOLOWSKI, TRUSTEE of 1081 WASHINGTON STREET REALTY TRUST petition for ONE-YEAR EXTENSION of TIME, from December 17, 2013 to December 17, 2014 in which to EXERCISE Special Permit/Site Plan Approval #212-12, granted on December 17, 2013 for various

waivers from the parking requirements of Sec. 30-19 in order to construct a new two-story building for retail use at 1081 WASHINGTON STREET, Ward 3, West Newton. Ref: Sec 30-24(c)(4) of the City of Newton Rev Zoning Ord, 2012.

**LAND USE APPROVED**

*Public Hearing continued from May 13:*

#141-13(3) NITZAN GORDON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a retaining wall greater than four feet in front of an existing garage, which will lower the grade of an existing driveway to create a flatter surface, and to locate two parking stalls in the front setback at 74 NEWTONVILLE AVENUE, Newton, Ward 1, on land known as SBL 12, 21, 25C containing approx. 10,021 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

**HEARING CLOSED; LAND USE APPROVED 7-0-1 (Lennon abstaining)**

*Public Hearing continued from May 13:*

#128-14 GEORGE M. & WALIA K. DUNGAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a one-story addition to the rear of an existing two-family home, which will increase the nonconforming Floor Area Ratio from .56 to .62, where .48 is the maximum allowed by right, at 50-52 NOBLE STREET, Ward 3, West Newton, on land known as SBL 44, 3, 3, containing approximately 6,235 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

**HEARING CLOSED; LAND USE APPROVED 8-0**

**REFERRED TO ZONING & PLANNING COMMITTEE**

Wednesday, May 28, 2014

#77-14 THE ACCESSORY APARTMENT SUBCOMMITTEE proposing to amend **Chapter 30, City of Newton Zoning Ordinances** to reduce the minimum required size of an accessory apartment. [03/07/14 @ 4:23 PM]

**ZONING & PLANNING APPROVED 6-0**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, May 21, 2014

**REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES**

#201-14 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred thousand dollars (\$200,000) from Free Cash for the purpose of supplementing the Police Department's Overtime Account. [05/12/14 @ 4:48 PM]

**PUBLIC SAFETY & TRANSPORTATION APPROVED 5-0**

**REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES**

- #202-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of eighty thousand dollars (\$80,000) from the Fire Overtime Account to the following accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>	<u>Purpose</u>
0121001-5319	Training	\$33,000	Tech Rescue Training
0121005-5412	Heating Oil	\$47,000	Heating Oil/Expenditures

**FINANCE APPROVED 6-0 on 05-28-14**

**PUBLIC SAFETY & TRANSPORTATION APPROVED 5-0**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, May 28, 2014

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #205-14 HIS HONOR THE MAYOR requesting authorization to use up to one million one hundred thousand dollars (\$1,100,000) in sewer operating reserve funds to implement the construction of the Project Area 2 portion of the sewer improvements as outlined in the Water/Sewer Strategic Plan. [05/12/14 @ 4:49 PM]

**FINANCE APPROVED 6-0 on 05/28/14**

**PUBLIC FACILITIES APPROVED 7-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #206-14 HIS HONOR THE MAYOR requesting authorization to borrow up to one million two hundred sixty-two thousand dollars (\$1,262,800) from the Massachusetts Water Resources Authority (MWRA) and authorization to expend an MWRA grant of one million thirty-three thousand dollars (\$1,033,200) as part of the MWRA interest free loan/grant program for the purpose of funding construction of the Project Area 2 portion of the sewer improvements as outlined in the Water/Sewer Strategic Plan. 05/12/14 @ 4:49 PM]

**FINANCE APPROVED 6-0 on 05/28/14**

**PUBLIC FACILITIES APPROVED 7-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #207-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of three hundred thousand dollars (\$300,000) within the Snow & Ice Control Accounts from Line Item 0140110, Account No. 513001 into Line Item 0140110, Account No. 5273 for the purpose of covering the final invoices for the 2013-2014 snow season. [05/12/14 @ 4:49 PM]

**FINANCE APPROVED 6-0 on 05/28/14**

**PUBLIC FACILITIES APPROVED 7-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#203-14 HIS HONOR THE MAYOR requesting the following year-end housekeeping items:

- A. Rescind the sum of \$90,000 voted under Board Order #109-12 for the repair of the windows at Fire Station #4 and appropriate \$50,000 from the Energy Stabilization Fund for the final solution
- B. Rescind the sum of \$1,000,000 voted under Board Order #255-13 for the Zervas Elementary School Feasibility Study and appropriate \$1,000,000 from the Capital Stabilization Fund/Override Sub Fund
- C. Rescind the sum of \$416,000 voted under Board Order #252-13 for the architectural design of Station 10/Wires Division and appropriate \$416,000 from the capital Stabilization Fund/Override Sub Fund. [05/12/14 @ 4:47 PM]

**FINANCE APPROVED 6-0 on 05/28/14**  
**PUBLIC FACILITIES APPROVED 7-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#204-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four hundred sixty-five thousand dollars (\$465,000) from bonded indebtedness for the purpose of replacing a staircase at the Bigelow Middle School in accordance with the City's Capital Improvement Plan. [05/12/14 @ 4:48 PM]

**FINANCE APPROVED 6-0 on 05/28/14**  
**PUBLIC FACILITIES APPROVED 7-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#138-13(3) HIS HONOR THE MAYOR requesting authorization to reallocate the Carr Elementary School Renovation Project Budget to replenish funds for Mayor's Contingency Budget Line, as well as to cover the costs of various project related expenses as follows:

- \$40,000 from Electricity to Public Property Repair & Maintenance
- \$5,000 from Building Systems Commissioning to Mayor's Contingency
- \$5,120 from building System Commissioning to Consultants
- \$87,800 from Board of Aldermen Contingency to Mayor's Contingency

**FINANCE APPROVED AS AMENDED 6-0 on 05/28/14**  
**PUBLIC FACILITIES APPROVED AS AMENDED 5-0 (Albright, Danberg not voting) to include the reallocation of an additional \$50,000 from BOA contingency to the Mayor's contingency**

*Appointment by His Honor the Mayor*

#141-14 CAROLINE WILSON, 39 Beethoven Avenue, Waban appointed to the Design Review Committee as the Community Representative for the Zervas Elementary School Project. (60 days 06/21/14) [04/01/14 @ 2:18 PM]

**PUBLIC FACILITIES APPROVED 4-0 (Danberg, Gentile, Lappin not voting)**

*Appointment by His Honor the Mayor*

- #162-14 ERIC BOBBY, 334 Auburndale Avenue, Auburndale, appointed as a member of the SOLID WASTE COMMISSION for a term to expire on 04/30/17(60 days 07/04/14)  
**PUBLIC FACILITIES APPROVED 4-0 (Danberg, Gentile, Lappin not voting)**

**REFERRED TO FINANCE COMMITTEE**

Wednesday, May 28, 2014

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #205-14 HIS HONOR THE MAYOR requesting authorization to use up to one million one hundred thousand dollars (\$1,100,000) in sewer operating reserve funds to implement the construction of the Project Area 2 portion of the sewer improvements as outlined in the Water/Sewer Strategic Plan.  
**PUBLIC FACILITIES APPROVED 7-0 on 05/28/14**  
**FINANCE APPROVED 6-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #206-14 HIS HONOR THE MAYOR requesting authorization to borrow up to one million two hundred sixty-two thousand dollars (\$1,262,800) from the Massachusetts Water Resources Authority (MWRA) and authorization to expend an MWRA grant of one million thirty-three thousand dollars (\$1,033,200) as part of the MWRA interest free loan/grant program for the purpose of funding construction of the Project Area 2 portion of the sewer improvements as outlined in the Water/Sewer Strategic Plan. [05/12/14 @ 4:49 PM]  
**PUBLIC FACILITIES APPROVED 7-0 on 05/28/14**  
**FINANCE APPROVED 6-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #207-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of three hundred thousand dollars (\$300,000) within the Snow & Ice Control Accounts from Line Item 0140110, Account No. 513001 into Line Item 0140110, Account No. 5273 for the purpose of covering the final invoices for the 2013-2014 snow season. [05/12/14 @ 4:49 PM]  
**PUBLIC FACILITIES APPROVED 7-0 on 05/28/14**  
**FINANCE APPROVED 6-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #203-14 HIS HONOR THE MAYOR requesting the following year-end housekeeping items:  
A. Rescind the sum of \$90,000 voted under Board Order #109-12 for the repair of the windows at Fire Station #4 and appropriate \$50,000 from the Energy Stabilization Fund for the final solution

- B. Rescind the sum of \$1,000,000 voted under Board Order #255-13 for the Zervas Elementary School Feasibility Study and appropriate \$1,000,000 from the Capital Stabilization Fund/Override Sub Fund
- C. Rescind the sum of \$416,000 voted under Board Order #252-13 for the architectural design of Station 10/Wires Division and appropriate \$416,000 from the capital Stabilization Fund/Override Sub Fund. [05/12/14 @ 4:47 PM]

**PUBLIC FACILITIES APPROVED 7-0 on 05/28/14**  
**FINANCE APPROVED 6-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #204-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four hundred sixty-five thousand dollars (\$465,000) from bonded indebtedness for the purpose of replacing a staircase at the Bigelow Middle School in accordance with the City's Capital Improvement Plan. [05/12/14 @ 4:48 PM]

**PUBLIC FACILITIES APPROVED 7-0 on 05/28/14**  
**FINANCE APPROVED 6-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #138-13(3) HIS HONOR THE MAYOR requesting authorization to reallocate the Carr Elementary School Renovation Project Budget to replenish funds for Mayor's Contingency Budget Line, as well as to cover the costs of various project related expenses as follows:
- \$40,000 from Electricity to Public Property Repair & Maintenance
  - \$5,000 from Building Systems Commissioning to Mayor's Contingency
  - \$5,120 from building System Commissioning to Consultants
  - \$87,800 from Board of Aldermen Contingency to Mayor's Contingency
- [05/16/14 @10:08 AM]]

**PUBLIC FACILITIES APPROVED AS AMENDED 5-0 (Albright, Danberg not voting) on 05/28/14**  
**FINANCE APPROVED AS AMENDED 6-0 to include the reallocation of an additional \$50,000 from BOA contingency to the Mayor's contingency**

- #199-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of forty thousand dollars (\$40,000) from Fiscal Year 2014 Budget Reserve to the City Clerk's Department's Office Furniture Account for the purpose of replacing broken or missing polling furniture and equipment. [05/12/14 @ 4:47 PM]

**FINANCE APPROVED 6-0**

- #194-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred nineteen thousand two hundred fifty-nine dollars and forty-six cents (\$119,259.46) from Fiscal Year 2014 E-Rate Receipts – Schools to the Newton Public Schools. [05/12/14 @ 5:05 PM]

**FINANCE APPROVED 6-0**

#192-14 HIS HONOR THE MAYOR requesting authorization to expend a two hundred thousand dollars (\$200,000) reimbursable grant from the “Our Common Backyards” Grant Program and authorization to transfer the sum of fifty thousand dollars (\$50,000) from Fiscal Year 2014 Budget Reserve to the Parks and Recreation Department’s budget for purpose of funding the City’s share of the Emerson Playground Project, and in addition confirm that the Emerson Playground is in the custody of the Parks and Recreation Commission and is dedicated park land pursuant to the provisions Massachusetts General Law Chapter 45, Section 3.

[ 5/12/14 @ 4:48 PM]

**FINANCE APPROVED 6-0**

#193-14 HIS HONOR THE MAYOR requesting authorization to expend the sum of five thousand five hundred dollars (\$5,500) from the Law Department’s Judgments and Settlements Account as full and final settlement of a claim by Safety Insurance Company that was a result of a collision involving a City of Newton vehicle. [05/12/14 @ 4:48 PM]

**FINANCE APPROVED 6-0**

#195-14 HIS HONOR THE MAYOR requesting establishment of a gift account to accept and expend gifts totaling as much as \$30,000 annually from donations for the purpose of offsetting the costs incurred for programming and any associated administrative expenditures within the Veteran’s Services Department. [05-12-14 @ 4:47 PM]

**FINANCE APPROVED 6-0**

#196-14 HIS HONOR THE MAYOR requesting authorization to accept and appropriate the sum of twenty-eight thousand fifty three dollars (\$28,053) from interagency agreements executed between the City of Newton and agencies of the Brookline-Newton-Waltham-Watertown Homelessness Consortium Continuum of Care for services provided by the City of Newton as the lead agency for this program.

[05/12/14 @ 4:47 PM]

**FINANCE APPROVED 6-0**

**REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES**

#201-14 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred thousand dollars (\$200,000) from Free Cash for the purpose of supplementing the Police Department’s Overtime Account.

**PUBLIC SAFETY APPROVED 5-0 on 05/21/14**

**FINANCE APPROVED 6-0**

**REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES**

#202-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of eighty thousand dollars (\$80,000) from the Fire Overtime Account to the following accounts:

Account	Description	Amount	Purpose
0121001-5319	Training	\$33,000	Tech Rescue Training
0121005-5412	Heating Oil	\$47,000	Heating Oil/Expenditures



**PUBLIC SAFETY APPROVED 5-0 on 05/21/14**

**FINANCE APPROVED 6-0**

#191-14 HIS HONOR THE MAYOR requesting authorization to enter into a five-year agreement for parking ticket processing services. [05/12/14 @ 4:47 PM]

**FINANCE APPROVED 6-0**

#138-13(2) HIS HONOR THE MAYOR requesting that Board Order #138-13 be amended by rescinding a balance of one hundred eighteen dollars (\$118) that remains authorized but unissued debt for bond authorization to renovate the Carr Elementary School.

**FINANCE APPROVED 6-0**

#195-98(2) HIS HONOR THE MAYOR requesting that Board Order #195-98 be amended by rescinding a balance of two million nine hundred ninety-five thousand seventy-two dollars and ninety-nine cents (\$2,995,072.99) that remains authorized but unissued debt for bond authorization to improve the sewer system infrastructure.

**FINANCE APPROVED 6-0**

**REFERRED TO REAL PROPERTY REUSE COMMITTEE**

Tuesday, May 27, 2014

#47-14(4) ALD. ALBRIGHT & JOHNSON proposing a RESOLUTION requesting His Honor the Mayor assure the redevelopment of the Austin Street parking lot is handled in a way that carries out the objectives of the Board of Aldermen's Reuse Board Order and fulfills all requirements of the city's special permit process, including community input, parking, traffic/circulation, architecture/massing/design, outdoor space, and site plan details

**FINANCE APPROVED 7-0**

**MOTIONS TO SUSPEND THE RULES TO ACCEPT THE FOLLOWING FIVE LATE FILED ITEMS TO THE DOCKET AND REFER THEM TO COMMITTEE WERE APPROVED BY VOICE VOTE**

**REFERRED TO FINANCE COMMITTEE**

#217-14 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of forty thousand dollars (\$40,000) from the Workers' Compensation Trust Fund for the settlement of a claim. [06/02/14 @ 10:05 AM]

**REFERRED TO FINANCE COMMITTEE**

#218-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from July 1, 2013 Certified Free Cash to the Rainy Day Stabilization Fund. [06/02/14 @ 10:05 AM]

**REFERRED TO FINANCE COMMITTEE**

#219-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one thousand dollars (\$1,000) from the Executive Office Full-time Salaries Account to Veterans’ Services Full-time Salaries Account to cover the accrued vacation payout for the Veterans’ Services Officer. [06/02/14 @ 10:05 AM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#220-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thousand dollars (\$100,000) from the Human Resources Full-time Salaries Account to the following accounts:

Newton Public Schools Water .....\$50,000  
City Hall Electricity .....\$50,000  
06/02/14 @ 10:05 AM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#221-14 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two million six hundred ten thousand dollars (\$2,610,000) from bonded indebtedness for the purpose of completing energy efficiency projects at several municipal and school buildings in accordance with the City’s Capital Improvement Plan. 06/02/14 @ 10:05 AM]

**PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:**

*Public Hearing assigned for June 25, 2014:*

#210-14 135 WELLS AVENUE LLC requesting an amendment to the Wells Avenue restrictive covenant as established in Board Order #276-68(3), as amended, as it relates to parcel E-2 at 135 Wells Avenue, to allow creation of a multi-family housing building and co-working space and to accept mitigation funds in accordance with MGL c.44 s. 53A under the terms and conditions described in an application from Cabot, Cabot & Forbes dated May 27, 2014.

*Note: Public Hearing not required.*

*Public Hearing assigned for July 15, 2014:*

#285-06(2) BELL ATLANTIC MOBILE OF MASS. CORP. LTD. d/b/a VERIZON WIRELESS/THE COVENANT RESIDENCES ON COMMONWEALTH CONDOMINIUM TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to install antennas on the roof inside faux chimney structures and to place accessory radio equipment and an emergency stand-by power generator inside an equipment shelter to the rear of property at 35 COMMONWEALTH AVENUE, Ward 7, Chestnut Hill on land known as SBL 63, 1, 8, containing approximately 48,000 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-18A(e)(6) and 10 and 30-18A(i) of the City of Newton Rev Zoning Ord, 2012.

*Public Hearing assigned for July 15, 2014:*

#318-13(3) RODNEY D. FARNSWORTH III petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create an accessory apartment in part of an finished living space in the basement at 161 EDINBORO STREET, Ward 2, NEWTONVILLE on land known as SBL 21, 23 18, containing approximately 17,496 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(h)(2) of the City of Newton Rev Zoning Ord, 2012.

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 19 YEAS, 3 ABSENT (Ald. Ciccone, Leary & Lennon), 1 RECUSED (Ald. Rice), 1 VACANCY TO TAKE THE FOLLOWING ACTION:**

#198-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of fifty thousand dollars (\$50,000) currently held by the City of Newton in a trust fund for the benefit of the Newton Highlands Community Development Center to the Newton Highlands Community Development Center. [05/12/14 @ 4:48 PM]  
**FINANCE APPROVED 5-0 (Rice Recused)**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 18 YEAS, 2 NAYS (Ald. Gentile & Norton), 3 ABSENT (Ald. Ciccone, Leary & Lennon), 1 VACANCY TO TAKE THE FOLLOWING ACTION:**

#47-14(2) SARAH QUIGLEY et al. petition to re-zone city-owned land located at 28 Austin Street, Ward 2, identified as Section 24, Block 9, Lot 15 from Mixed Use 4 district to either Public Use District or Business Use 1 District.  
[04/08/14 @ 12:31 PM]  
**ZONING & PLANNING NO ACTION NECESSARY 4-0-2 (Yates and Sangiolo abstaining)**