

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, February 4, 2013

Present: Ald. Albright, Baker, Blazar, Ciccone, Crossley, Danberg, Fischman, Fuller, Gentile, Hess-Mahan, Kalis, Laredo, Lappin, Linsky, Rice, Salvucci, Sangiolo, Schwartz, Swiston, and Yates

Absent: Ald. Harney, Johnson, and Lennon, 1 Vacancy

THE BOARD OF ALDERMEN DISCUSSED AND VOTED THE FOLLOWING ITEM ON SECOND CALL:

REFERRED TO FINANCE COMMITTEE

#14-13 FINANCIAL AUDIT ADVISORY COMMITTEE requesting review and acceptance of a City of Newton Whistleblower Policy. [12/18/12 @ 9:31 AM]
FINANCE APPROVED 8-0

MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE FINANCE COMMITTEE TO POLL HIS COMMITTEE WAS APPROVED BY VOICE VOTE

MOTION IN COMMITTEE TO APPROVE THE ITEM WITH AMENDMENTS WAS APPROVED 8-0

MOTION ON SECOND CALL TO FURTHER AMEND THE LANGUAGE WAS APPROVED BY VOICE VOTE

MOTION TO APPROVE THE ITEM AS AMENDED WAS APPROVED BY VOICE VOTE.

Clerk's Note: The Chair of the Finance Committee asked for a suspension of the rules to poll his committee as there was a requested amendment to the language of the Whistleblower Policy that had been offered after the Finance Committee had voted on the item. The Amendment that was offered included a new last sentence in the Reporting Section of the policy. The new last sentence for this section reads: "If a whistleblower has reported directly to the Chair of the Financial Audit Advisory Committee, the Chair of the Financial Audit Advisory Committee will inform the Chair of the Finance Committee as soon as possible." The Finance Committee voted to approve this amendment.

The item was then placed on Second Call. On Second Call two additional amendments were offered. The first was to the Process section of the policy. The first line was amended to strike the word "first" and to add at the end of the sentence the following text: "unless they are implicated in such activities or reporting." The second amendment was to the Protection Against Retaliation section. It added the following text to the first sentence after the words employment record,: "unwanted transfers to new locations or new units," and removed the words "poor work

assignments” from the sentence. The amended policy was approved by the Board by Voice Vote.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 3 ABSENT (Ald. Harney, Johnson, and Lennon) 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, January 28, 2013

Re-appointment by His Honor the Mayor

#6-13 JACK LEADER, 613 California Street, Newton, re-appointed as a member of THE ECONOMIC DEVELOPMENT COMMISSION for a term to expire November 7, 2015 (60 days 03/07/13) [12/13/12 @ 10:36 AM]
ZONING & PLANNING APPROVED 4-0 (Swiston, Lennon and Sangiolo not voting)

Re-appointment by His Honor the Mayor

#26-13 HARVEY CREEM, 110 Huntington Road, Newton, re-appointed as a member of the ZONING BOARD OF APPEALS for a term to expire February 1, 2016. (60 days 03/23/13) [01/11/13 @ 12:46 PM]
ZONING & PLANNING APPROVED 7-0

Re-appointment by His Honor the Mayor

#27-13 STUART L. SNYDER, 30 Erie Avenue, Newton Highlands, re-appointed as an *associate member* of the ZONING BOARD OF APPEALS for a term to expire December 31, 2013. (60 days 03/23/13) [01/11/13 @ 12:46 PM]
ZONING & PLANNING APPROVED 7-0

Re-appointment by His Honor the Mayor

#28-13 PETER W. KILBORN, 31 Buswell Park, Newton, re-appointed as an *associate member* of the ZONING BOARD OF APPEALS for a term to expire December 31, 2013. (60 days 03/23/13) [01/11/13 @ 12:46 PM]
ZONING & PLANNING APPROVED 7-0

Re-appointment by His Honor the Mayor

#29-13 TREFF LaFLECHE, 86 Prince Street, West Newton, re-appointed as an *associate member* of the ZONING BOARD OF APPEALS for a term to expire December 31, 2013. (60 days 03/23/13) [01/11/13 @ 12:46 PM]
ZONING & PLANNING APPROVED 7-0

Re-appointment by His Honor the Mayor

#30-13 BARBARA HUGGINS, 122 Albemarle Road, Newton, re-appointed as an *associate member* of THE ZONING BOARD OF APPEALS for a term to expire December 31, 2013. (60 days 03/23/13) [01/11/13 @ 12:46 PM]
ZONING & PLANNING APPROVED 7-0

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, January 23, 2013

Re-appointment by His Honor the Mayor

#407-12 LANE SOFMAN, 336 Lexington Street, Newton, re-appointed as a member of the BOARD OF TRUSTEES OF THE HORACE COUSENS INDUSTRIAL FUND for a term to expire November 9, 2015 (60 days 02/04/13) [11/19/12 @ 9:51 AM]

PROGRAMS & SERVICES APPROVED 4-0 (Baker not voting)

Re-appointment by His Honor the Mayor

#32-13 JULIA MALAKIE, 50 Murray Road, Newton, re-appointed as a member of the URBAN TREE COMMISSION for a term to expire December 13, 2015. (60 days 03/23/13) [01/04/13 @ 2:24 PM]

PROGRAMS & SERVICES APPROVED 5-0

Appointment by His Honor the Mayor

#31-13 NANCY LEVINE, 379 Central Street, Auburndale, appointed as a member of the ELECTION COMMISSION for a term to expire March 31, 2015. (60 days 03/23/13) [01/07/13 @ 10:56 AM]

PROGRAMS & SERVICES APPROVED 5-0

Appointment by His Honor the Mayor

#329-12 NANCY LEVINE, 379 Central Street, Auburndale, appointed as a member of the ELECTION COMMISSION for a term to expire March 31, 2015. (60 days 01/04/13) [10/22/12 @ 3:17 PM]

PROGRAMS & SERVICES NO ACTION NECESSARY 5-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#43-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty two thousand dollars (\$62,000) from Free Cash to Parks & Recreation Forestry Tree Services for the purpose of removing defective trees. [01/14/13 @ 5:34 PM]

FINANCE APPROVED 8-0 on 01/28/13

PROGRAMS & SERVICES APPROVED 5-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, January 23, 2013

#87-12 ALD. SALVUCCI, requesting the establishment of a permit parking program for the Melrose Avenue Municipal Parking Lot in Auburndale to assist abutting businesses with parking for their employees. [03/23/12 @ 12:52 PM]

PUBLIC SAFETY NO ACTION NECESSARY 5-0 (Schwartz not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, January 23, 2013

#10-13 NSTAR ELECTRIC petitioning for a grant of location to install one new pole (100/9A) in GREEN PARK on the northerly side 70' ± west of Waverly Avenue. (Ward 7) [12/20/12 @ 11:56 AM]
PUBLIC FACILITIES APPROVED 5-0 (Lennon, Danberg not voting)

#9-13 NATIONAL GRID requesting a grant of location to install and maintain 80' ± of 4" gas main in DOROTHY ROAD from the existing 4" gas main at 34 Dorothy Road southerly to 45 Dorothy Road. (Ward 8) [12/13/12 @ 9:24 AM]
PUBLIC FACILITIES APPROVED 5-0 (Lennon, Danberg not voting)

Appointment by the President of the Board of Aldermen

#37-13 MICHAEL GEVELBER, 166 Melrose Street, Auburndale, appointed as a member of the ENERGY COMMISSION to fill the remaining term of John Bliss, which expires on December 31, 2014. [01/07/13 @ 2:11 PM]
PUBLIC FACILITIES APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#44-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars from the Reserve for Removal of Snow & Ice to two accounts within the Department of Public Works as follows:

Regular Overtime.....	\$125,000
(0140110-513001)	
Rental Vehicles	\$375,000
(0140110-5273) [01/14/13 @ 5:34 PM]	

FINANCE APPROVED 8-0 on 01/28/13

PUBLIC FACILITIES APPROVED 6-0 (Lennon not voting)

#241-12(2) CLERK of the BOARD of ALDERMEN requesting that the Board of Aldermen
 #38-13 re-vote His Honor the Mayor's request for a water main extension through a proposed easement across the private way portion of BOULDER ROAD, which was approved November 19, 2012. A re-vote is necessary because the city did not record the taking order within the 30-days required in GL chapter 70, §3.
PUBLIC FACILITIES APPROVED 6-0 (Lennon not voting)

REFERRED TO FINANCE COMMITTEE

Monday, January 28, 2013

#42-13 HIS HONOR THE MAYOR requesting authorization to expend the sum of twelve thousand eight hundred sixty dollars (\$12,860) from the Legal Claims/Settlements Account as full and final settlement of a claim for damage from a city tree to the roof and gutters of a residence on Gralynn Road
FINANCE APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #54-12(2) PUBLIC FACILITIES COMMITTEE proposing that Chapter 26, Section 71 (b)(1) & (2) and Section 73(c)(2) of the City of Newton Ordinances be amended by increasing the assessment minimum from five hundred dollars (\$500) to no more than two thousand dollars (\$2,000). [10/17/12]
PUBLIC FACILITIES APPROVED AS AMENDED 8-0 on 01/09/13
FINANCE APPROVED AS AMENDED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #427-12 ALD. DANBERG, BLAZAR, CROSSLEY, JOHNSON, LINSKY, RICE, FISCHMAN, YATES, & HESS-MAHAN requesting an increase in the fine for violation of Section 26-9 Putting snow and ice upon streets, sidewalks, and bridges, as listed in Section 20-21(d) relative to the costs incurred in maintaining sufficient levels of enforcement and consistent with fees charged by surrounding communities. [12/05/12 @ 7:33 PM]
PUBLIC FACILITIES APPROVED 8-0 on 01/09/13
FINANCE APPROVED AS AMENDED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #44-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars from the Reserve for Removal of Snow & Ice to two accounts within the Department of Public Works as follows:
Regular Overtime.....\$125,000
(0140110-513001)
Rental Vehicles\$375,000
(0140110-5273) [01/14/13 @ 5:34 PM]
PUBLIC FACILITIES APPROVED 6-0 on 01/23/13
FINANCE APPROVED 8-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #43-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty two thousand dollars (\$62,000) from Free Cash to Parks & Recreation Forestry/Tree Services for the purpose of removing defective trees. [01/14/13 @ 5:34 PM]
PROG & SERV APPROVED 5-0 on 01/23/13
FINANCE APPROVED 8-0
- #17-13 COMPTROLLER transmitting the Budgetary Basis Annual Financial Report for fiscal year ending June 30, 2012 for Board of Aldermen review/acceptance.
FINANCE NO ACTION NECESSARY 8-0
- #13-13 FINANCIAL AUDIT ADVISORY COMMITTEE providing the annual report of the Financial Audit Advisory Committee for review by the Finance Committee of the Board of Aldermen. [12/18/12 @ 9:31 AM]
FINANCE NO ACTION NECESSARY 8-0

REFERRED TO REAL PROPERTY REUSE COMMITTEE

Tuesday, January 29, 2013

A public hearing was held on the following:

- #287-11(4) **JOINT ADVISORY PLANNING GROUP and PLANNING & DEVELOPMENT DEPARTMENT** filing their separate reports pursuant to Ordinance Sec. 2-7(2)b) identifying alternatives for the future use of the former Newton Centre Library/Health Department building at 1294 Centre Street, Newton Centre, which was declared surplus by the Board of Aldermen on March 6, 2012.
REAL PROPERTY REUSE HEARING CLOSED; ITEM HELD 5-0

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 18 YEAS, 2 NAYS (Ald. Linsky and Swiston), 3 ABSENT (Ald. Harney, Johnson, and Lennon) 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #170-12 **ALD. SANGIOLO, BAKER, BLAZAR, JOHNSON, and YATES** requesting the creation of an ordinance to govern the naming of public assets of the City, including the interior and exterior features of public buildings, lands, and water bodies of the City, as well as any public facilities and equipment associated with them, all to serve the best interests of the City and to insure a worthy and enduring legacy for the City's physical facilities and spaces, including appropriately honoring historic events, people, and places. [05/29/12 @ 1:34 PM]
PROGRAMS & SERVICES VOTED NO ACTION NECESSARY 3-1-0 (Ald. Linsky opposed) on 01/09/13
PUBLIC FACILITIES NO ACTION NECESSARY 6-0 (Lennon not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #39-12 **HIS HONOR THE MAYOR** requesting authorization to establish a revolving account with an annual expenditure limit of \$2,000,000 for the purpose of receiving funds collected by the Newton Schools Foundation in connection with the sale of naming rights for Newton Public School buildings and facilities and to be distributed for the sole purpose of public school education technology and curriculum purposes. [01/30/12 @ 4:18 PM]
PROG & SERV VOTED NO ACTION NECESSARY 3-1-0 (Linsky opposed) on 01/09/13
FINANCE NO ACTION NECESSARY 7-1 (Linsky opposed)

MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING LATE FILED ITEM TO BE ACCEPTED TO THE DOCKET AND REFERRED TO COMMITTEE WAS APPROVED BY VOICE VOTE.

- #316-12(3) DEPARTMENT HEADS HAVENS, LOJEK AND ZALEZNIK requesting amendments to the **City Zoning Ordinance**, Chapter 30, Sections 30-11, 30-13, 30-19 and 30-21 as needed to establish parameters regarding parking requirements and maximum number of seats consistent with the Sidewalk Café Ordinance. [01-30-13 @ 5:15 PM]
- #49-13 ALD. SANGIOLO, on behalf of Gary Rucinski, 40 Clearwater Road, Newton Lower Falls, requesting discussion and consideration of a letter of support to Congress for Carbon Fees. [01/30/13 @ 10:31 AM]
- #56-13 BOARD OF ELECTION COMMISSIONERS recommending that Home Rule Legislation be sought to forego a special election to fill the position of Ward 1 Alderman at-Large, due to a death. The vacancy would be filled at the upcoming November 5, 2013 municipal election and the individual would be sworn into office immediately following the election.
- #57-13 BOARD OF ELECTION COMMISSIONERS requesting approval of Tuesday, September 17, 2013, as the date of the Preliminary Municipal Election in accordance with Article 8 Section 1 of the City Charter.

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing assigned for February 25, 2013:

- #316-12(3) DEPARTMENT HEADS HAVENS, LOJEK AND ZALEZNIK requesting amendments to the **City Zoning Ordinance**, Chapter 30, Sections 30-11, 30-13, 30-19 and 30-21 as needed to establish parameters regarding parking requirements and maximum number of seats consistent with the Sidewalk Café Ordinance. [01-30-13 @ 5:15 PM]

Public Hearing assigned for February 23, 2013:

- #51-13 NSTAR ELECTRIC petitioning for a grant of location to install two manholes and 441' ± of conduit in ISLINGTON ROAD from Malvern Terrace in a northerly direction and 17' ± of conduit in MALVERN TERRACE from Islington Road in a southerly direction to Pole # P902/1. (Ward 4) [01/16/13 @ 2:12 PM]