

## REPORTS DOCKET

Jan. 23: Programs&Services; Public Safety&Transportation; Public Facilities Continued

Jan. 28: Finance; Zoning & Planning

Jan. 29: Real Property Reuse

Page 19

Tuesday, January 22, 2013

7:45 PM, Newton City Hall

To be reported on

**MONDAY, FEBRUARY 4, 2013**

### CITY OF NEWTON

#### IN BOARD OF ALDERMEN

#### REFERRED TO ZONING & PLANNING COMMITTEE

Monday, January 28, 2013

Present: Ald. Danberg (Acting Chairman), Baker, Yates, Kalis, Sangiolo, Lennon and Swiston;

absent: Ald. Johnson

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]  
**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]  
**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]  
**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]  
**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]

**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]

**APPROVED 7-0**

**REFERRED TO PUB.FAC, ZONING&PLANNING, PROG & SERV COMMITTEES**

#316-12 DEPARTMENT HEADS HAVENS, ZALEZNIK, LOJEK requesting amendments to **Sec. 26-30. Licenses for cafe furniture on sidewalks.** to streamline the procedure allowing businesses to place café furniture on public sidewalks. [09/24/12 @ 3:17 PM]

**PUBLIC FACILITIES APPROVED SUBJECT TO SECOND CALL 6-0**

**(Lennon not voting) 01/23/13**

**APPROVED SUBJECT TO SECOND CALL 4-0-1 (Baker abstaining)**

**HELD 7-0**

**REFERRED TO PROGRAMS & SERVICES COMMITTEE**

Wednesday, January 23, 2013

Present: Ald. Linsky (Acting Chairman), Hess-Mahan, Blazar, Baker and Fischman; absent: Ald. Sangiolo, Rice and Merrill; also present: Ald. Salvucci, Lennon, Albright, Crossley, Danberg, Laredo, Lappin, Fuller and Johnson

**REFERRED TO PUB.FAC, ZONING&PLANNING, PROG & SERV COMMITTEES**

#316-12 DEPARTMENT HEADS HAVENS, ZALEZNIK, LOJEK requesting amendments to **Sec. 26-30. Licenses for cafe furniture on sidewalks.** to streamline the procedure allowing businesses to place café furniture on public sidewalks. [09/24/12 @ 3:17 PM]

**ZONING & PLANNING TO MEET**

**PUBLIC FACILITIES APPROVED SUBJECT TO SECOND CALL 6-0**

**(Lennon not voting) 01/23/13**

**APPROVED SUBJECT TO SECOND CALL 4-0-1 (Baker abstaining)**

**REFERRED TO PUBLIC FACILITIES AND PROG & SERV COMMITTEES**

#231-12 RECODIFICATION COMMITTEE recommending that **Sec. 11-11. Permit to cart trash and/or recyclable materials.** be deleted as G.L.c.111 §31A authorizes the Health Department to require registration. for “garbage,” which is addressed in Sec. 11-5.

**HELD 5-0**

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]

**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]

**APPROVED 5-0**

Re-appointment by His Honor the Mayor

#33-13 KATHLEEN McCARTHY, 524 California Street, Newton, re-appointed as a member of the LICENSING BOARD for a term to expire June 8, 2019. (60 days 03/23/13) [01/11/13 @ 12:47 PM]

**HELD 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]

**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]

**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**

**APPROVED 5-0**

- #34-13 ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments within the City. [01/03/13 @ 11:01 AM]  
**HELD 5-0**
- #7-13 HIS HONOR THE MAYOR seeking Home Rule Legislation relative to the acquisition from the Commonwealth of the Waban Hill Reservoir located on Manet Road. [12/31/12 @ 12:50 PM]  
**HELD 5-0**
- #336-12 HIS HONOR THE MAYOR, ALD. BAKER, FULLER AND LAREDO, requesting a discussion to include possible uses, process, timeline, opportunity for community input and funding sources, with the affected neighborhood community and with members of the Board of Aldermen, on the potential acquisition for passive or active recreational uses of the five acre parcel in Ward 7 on Manet Road currently held by the MWRA as an obsolete open water reservoir.  
**HELD 5-0**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, January 23, 2013

Present: Ald. Harney (Acting Chair), Yates, Fuller, Schwartz, Johnson and Kalis; absent: Ald. Ciccone (Chair) and Swiston; also present: Ald. Salvucci, Lennon and Danberg

- #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]  
**NO ACTION NECESSARY 5-0 (Schwartz not voting)**
- #391-12 ALD. LENNON, filing on 11/14/12 an appeal from TC36-12, which requested parking spaces on Richardson Street, which are currently reserved for Parks & Recreation Employees on weekdays, be changed back to metered parking spaces (Ward 1), approved as amended by Traffic Council on October 25, 2012.  
**HELD 5-0 (Fuller not voting)**
- #137-11 ALD. DANBERG AND FULLER requesting possible changes to City Ordinance 19-191, Parking Meter Fees, to require a minimum purchase at long-term parking meters in order to discourage short-term use. [4/26/11 @ 9:52 AM]  
**HELD 5-0 (Fuller not voting)**
- #278-11 ALD. YATES, requesting a report from His Honor the Mayor on the likely impacts on traffic in Newton from the changes to the Route 9/128 intersection as part of the Add-A-Lane Project. [09/26/11 @ 2:37 PM]  
**HELD 6-0**

- #279-10 ALD. JOHNSON, ALBRIGHT & LINSKY, requesting the development of a comprehensive traffic and parking plan for the Newton North High School neighborhood with the following streets as its borders: Commonwealth Avenue, Washington, Harvard and Valentine Streets. This plan to be completed by November 30, 2010 will include a fix to short term (immediate needs) and longer term needs to effectively manage the traffic circulation within the neighborhood, provide pedestrian and vehicular safety, and preserve quality of life for the neighborhood, school staff and faculty. [10/06/10 @ 12:33 PM]  
**HELD 5-0 (Johnson not voting)**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, January 23, 2013

Present: Ald. Salvucci, Lennon, Albright, Crossley, Danberg, Laredo, and Lappin; absent: Ald. Gentile; also present: Ald. Linsky, Johnson, Hess-Mahan, Blazar, Baker and Fischman

- #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]  
**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]  
**APPROVED 5-0 (Lennon, Danberg not voting)**

**REFERRED TO PUB.FAC, ZONING&PLANNING, PROG & SERV COMMITTEES**

- #316-12 DEPARTMENT HEADS HAVENS, ZALEZNIK, LOJEK requesting amendments to **Sec. 26-30. Licenses for cafe furniture on sidewalks.** to streamline the procedure allowing businesses to place café furniture on public sidewalks. [09/24/12 @ 3:17 PM]  
**ZONING & PLANNING TO MEET**  
**PROG & SERV APPROVED SUBJECT TO SECOND CALL 4-0-1 (Baker abstaining) on 01/23/13**  
**APPROVED SUBJECT TO SECOND CALL 6-0 (Lennon not voting)**

**REFERRED TO PUBLIC FACILITIES AND PROG & SERV COMMITTEES**

- #231-12 RECODIFICATION COMMITTEE recommending that **Sec. 11-11. Permit to cart trash and/or recyclable materials.** be deleted as G.L.c.111 §31A authorizes the Health Department to require registration. for "garbage," which is addressed in Sec. 11-5.  
**PROG & SERV HELD 5-0 on 01/23/13**  
**HELD 6-0 (Lennon not voting)**

Re-appointment by the President of the Board of Aldermen

#36-13 ARVIN GRABEL, 259 Otis St., West Newton, re-appointed as a member of the ENERGY COMMISSION for a term to expire December 31, 2015. [01/07/13 @ 2:11 PM]

**HELD 5-0 (Lennon and 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]

**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**

**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.

**APPROVED 6-0 (Lennon not voting)**

**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**

**NO ACTION NECESSARY 6-0 (Lennon not voting)**

**REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES**

#315-12 ALD. FULLER, RICE AND GENTILE of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process.  
**HELD 6-0 (Lennon not voting)**

**REFERRED TO FINANCE COMMITTEE**

Monday, January 28, 2013

Present: Ald. Gentile (Chairman), Ciccone, Linsky, Salvucci, Rice, Blazar, Fuller, and Lappin

#42-13 HIS HONOR THE MAYOR requesting authorization to expend the sum of twelve thousand eight hundred sixty dollars (\$12,680) 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  
**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**  
**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**  
**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**  
**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**  
**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.  
**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]  
**NO ACTION NECESSARY 8-0**
- #15-13 FINANCIAL AUDIT ADVISORY COMMITTEE requesting review and acceptance of the revised City of Newton Investment Policy. [12/18/12 @ 9:31 AM]  
**HELD 8-0**
- #14-13 FINANCIAL AUDIT ADVISORY COMMITTEE requesting review and acceptance of a City of Newton Whistleblower Policy. [12/18/12 @ 9:31 AM]  
**APPROVED 8-0**
- #317-12 HIS HONOR THE MAYOR submitting the FY14 - FY18 Five-Year Financial Forecast for Board of Aldermen review/acceptance. [10/09/12 @ 2:38 PM]  
**HELD 8-0**

**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**  
**NO ACTION NECESSARY 7-1 (Linsky opposed)**



**REFERRED TO REAL PROPERTY REUSE COMMITTEE**

Tuesday, January 29, 2013

Present: Ald. Albright (Chairman), Ald. Fischman, Laredo, Crossley, and Danberg; absent: Ald. Gentile and Swiston; 1 vacancy; also present: Ald. Blazar and Fuller

*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.

**HEARING CLOSED; ITEM HELD 5-0**

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The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at [TGuditz@newtonma.gov](mailto:TGuditz@newtonma.gov) or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date