

## IN BOARD OF ALDERMEN

### BOARD ACTIONS

Monday, May 6, 2013

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

1 Vacancy

### **THE BOARD OF ALDERMEN DISCUSSED AND VOTED THE FOLLOWING ITEMS ON SECOND CALL:**

#### **REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#137-13 HIS HONOR THE MAYOR requesting authorization to appropriate an amount that is yet to be determined from bonded indebtedness for the purpose of installing a sprinkler fire protection system at the Mason-Rice Elementary School. [03/25/13 @ 3:58 PM]

**PUBLIC FACILITIES APPROVED 7-0 @ \$480,000 on 04/25/13  
FINANCE APPROVED SUBJECT TO SECOND CALL 7-0 (Ciccone not voting)**

**APPROVED 22 YEAS, 1 ABSENT (Ald. Schwartz), 1 Vacancy**

**Clerk's Note:** This item, and docket item #136-13, were voted subject to second call by the Finance Committee as there was some discussion at the time of the Finance Committee meeting as to whether there would be two or four modular at Mason-Rice. It was learned that when the request for bids went out for the modular classrooms, the request was for eight modulars with an alternate of two additional. The good news was that the bids came in \$1.1 million lower than the estimate. The money was voted subject to second call as the School Committee had not yet voted to place the additional two modular at Mason Rice. The School Committee has now taken its final vote and will be placing four modulars at Mason Rice.

The item was also placed on second call as the idea of four modular at Mason Rice was a surprise to some of the Aldermen from the Ward. The Finance Committee wanted to give the Aldermen from the Ward time to get details on the School Committee's plans and for the neighborhood to hear the information.

The Ward Aldermen from Ward 6 noted that he was concerned with the process that the School Committee had used as the idea of going to four modular was never discussed with the Aldermen from the Ward. He noted that Mason Rice will be one of the larger schools in the City and was concerned that adding this overcapacity would increase the size even more. He asked that the School Committee look at balancing the schools and consider redistricting to even out the numbers of students in each school.

Several Aldermen cautioned that it was not the job of the Aldermen to talk about redistricting. That should be left to the School Committee.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #136-13 HIS HONOR THE MAYOR requesting authorization to appropriate an amount that is yet to be determined from bonded indebtedness for the installation of up to ten modular classrooms at the Burr, Horace Mann, Mason-Rice and Bowen Elementary Schools. [03/25/13 @ 3:58 PM]  
**PUBLIC FACILITIES APPROVED SUBJECT TO SECOND CALL 7-0 @ \$2.4 MILLION on 04/25/13**  
**FINANCE APPROVED SUBJECT TO SECOND CALL 5-0-2 (Blazar and Linsky abstaining; Ciccone not voting) @ \$2.4 MILLION**  
**APPROVED 22 YEAS, 1 NAY (Ald. Blazar), 1 Vacancy**

**Clerk's Note:** See above.

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 1 ABSENT (Ald. Schwartz), 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, April 23, 2013

- #58-13 ROBERT FRANCHI/MARY V. FRANCHI TRUST, MARY V. FRANCHI, TRUSTEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing two family structure into two single-family attached dwellings and to construct two single-family attached dwellings; to waive front and side setback requirements; and to locate a driveway within 10 feet of the side lot line at 281 NEVADA STREET, Ward 1, on land known as SBL 23, 6, 9, containing approx.. 17,999 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(b)(5)a) and b), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.  
**LAND USE APPROVED 6-0-1 (Albright abstaining)**

**REFERRED TO PROGRAMS & SERVICES COMMITTEE**

Wednesday, April 17, 2013

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #157-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred nineteen thousand four hundred twenty-six dollars (\$119,426) from Fiscal Year 13 E-Rate Reimbursement Funds for the purpose of upgrading the wireless network at the high schools. [04/11/13 @ 12:16PM]  
**FINANCE APPROVED 5-0 (Gentile and Linsky not voting) on 04/22/13**  
**PROGRAMS & SERVICES APPROVED 6-0 (Fischman not voting)**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, April 18, 2013

#154-13 ALD. SANGIOLO requesting a waiver of City of Newton Ordinance **Sec. 5-58. Site plan approval for construction or modification of municipal buildings and facilities.** for a concession stand to be constructed by Newton West Little League to be located at Lyons Field in Auburndale. [04/11/13 @ 11:16 AM]  
**PUBLIC FACILITIES APPROVED 8-0**

#175-09 PUBLIC FACILITIES COMMITTEE requesting monthly updates from the Department of Public Works on the Commonwealth Avenue project. [06-03-09 @10:30 PM]  
**PUBLIC FACILITIES NO ACTION NECESSARY 8-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#205-12(2) HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred eighty-four thousand three hundred nineteen dollars (\$184,319) within the FA Day Middle School Project Board Order to reallocate the unspent funds in various accounts. [04-11-13 @ 12:15 PM]  
**FINANCE APPROVED AS AMENDED 7-0 on 04/22/13**  
**PUBLIC FACILITIES APPROVED 8-0**

**A MOTION WAS MADE TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE PUBLIC FACILITIES COMMITTEE TO POLL HIS COMMITTEE IN ORDER TO MAKE THE COMMITTEE REPORT CONSISTENT WITH FINANCE WHICH APPROVED THE AMOUNT AT \$85,199.75. THE MOTION WAS APPROVED BY VOICE VOTE**

**PUBLIC FACILITIES APPROVED AS AMENDED 8-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#158-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred thirty-two thousand dollars (\$132,000) from the Capital Stabilization Fund (Completed Bond Financed Projects) for the purpose of addressing emergency repairs to the Library chiller system. [04-11-13 @ 12:15 PM]  
**FINANCE APPROVED 7-0 on 04/22/13**  
**PUBLIC FACILITIES APPROVED 8-0**

**REFERRED TO FINANCE COMMITTEE**

Monday, April 22, 2013

#155-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty-two thousand two hundred seventy-two dollars (\$62,272) from the Financial Information Systems Full-Time Salaries Account to the Financial Information Systems Computer Equipment Repairs & Maintenance Account for the purpose of

funding the purchase of ~~hardware and~~ software to run FinancePlus and CommunityPlus, and ~~Munis on a fully redundant system.~~ [04/08/13 @ 6:03 PM]

**FINANCE APPROVED AS AMENDED 7-0**

- #156-13 HIS HONOR THE MAYOR requesting authorization to expend a ten thousand dollar (\$10,000) grant from the Fiscal Year 2013 Underage Alcohol Enforcement Grant Program offered by the Massachusetts Executive Office of Public Safety and Security to be used to support overtime costs to enforce laws against alcohol sales to minors. [04/19/13 @ 4:48 PM]

**FINANCE APPROVED 6-0 (Linsky not voting)**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #157-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred nineteen thousand four hundred twenty-six dollars (\$119,426) from Fiscal Year 13 E-Rate Reimbursement Funds for the purpose of upgrading the wireless network at the high schools. [04/11/13 @ 12:16PM]

**PROG & SERV APPROVED 6-0 (Fischman not voting) on 04/17/13**

**FINANCE APPROVED 5-0 (Gentile and Linsky not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #158-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred thirty-two thousand dollars (\$132,000) from the Capital Stabilization Fund (Completed Bond Financed Projects) for the purpose of addressing emergency repairs to the Library chiller system. [04-11-13 @ 12:15 PM]

**PUBLIC FACILITIES APPROVED 8-0 on 04/17/13**

**FINANCE APPROVED 7-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #205-12(2) HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred eighty-four thousand three hundred nineteen dollars (\$184,319) within the FA Day Middle School Project Board Order to reallocate the unspent funds in various accounts. [04-11-13 @ 12:15 PM]

**PUBLIC FACILITIES APPROVED 8-0 on 04/17/13**

**FINANCE APPROVED AS AMENDED 7-0**

- #209-10(4) HIS HONOR THE MAYOR requesting that the Board of Aldermen establish an irrevocable Other Post Employment Benefits Trust Agreement. [02/25/13 @ 6:32 PM]

**FINANCE APPROVED 7-0**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 1 ABSENT (Ald. Schwartz), 1 RECUSED (Ald. Fuller), 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:**

- #209-10(5) HIS HONOR THE MAYOR requesting that the Board of Aldermen direct the City Treasurer/Collector acting as custodian of the City's OPEB trust to invest all City OPEB trust funds with the State Retiree Benefits Trust Fund pursuant to Massachusetts General Law Chapter 32A, Section 24. [03/12/13 @ 4:03 PM]  
**FINANCE APPROVED 7-0**

**A 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**

**REFERRED TO THE FINANCE COMMITTEE**

- #175-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of ten thousand dollars (\$10,000) from the Executive Office's Full-time Salaries Account and the sum of seven thousand eight hundred seventeen dollars (\$7,817) from the Comptroller Department's Full-time Salaries Account to the Purchasing Department's Office Equipment Account for the purpose of purchasing an office machine to handle bulk mail functions. [05-03-13 @ 1:48 PM]

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

*Public Hearing assigned for May 29, 2013:*

**REFERRED TO ZONING & PLANNING COMMITTEE**

- #77-13 ALD. GENTILE & HARNEY requesting that the Board of Aldermen amend the **City of Newton Zoning Ordinances** so that any properties that have been built and purchased that may now be considered non-compliant due to the recent court decision in the Mauri/Chansky case be considered valid non-conforming properties. [02/27/13 @ 3:06 PM]

*Public Hearing assigned for June 11, 2013:*

**REFERRED TO LAND USE COMMITTEE**

- #307-12(2) WMACH, INC/THE CHEESECAKE FACTORY, INC. petition to AMEND special permit #307-12, granted on 12/20/12, which permitted three restaurants over 50 seats, waived up to 111 parking stalls, and permitted a sign package which includes secondary signs larger than 50 square feet, in order to construct a 131-square foot enclosed vestibule within the previously permitted 1,118 patio area and to erect two additional secondary signs at 199 BOYLSTON STREET, Ward 7, in a district zoned Business 1. Ref: Sec. 30-24, 30-23, 30-11(k), 30-20(f)(2), 30-20(l), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

*Public Hearing assigned for June 11, 2013:*

**REFERRED TO LAND USE COMMITTEE**

#160-13

ARTHUR X. DUFFY, TRUSTEE OF SYLVAN AVENUE REALTY TRUST  
petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a garage of 973  
sq. ft. at 44 SYLVAN AVENUE, West Newton, Ward 2, on land known as SBL  
32, 53, 51, containing approximately 43,000 sq. ft. of land in a district zoned  
Single Residence 1. Ref: Sec, 30-24, 30-23, and 30-8(b)(7) of the City of  
Newton Rev Zoning Ord, 2012.