

**CITY OF NEWTON**

**IN BOARD OF ALDERMEN**

**BOARD ACTIONS**

Monday, April 2, 2012

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

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

**REFERRED TO PROG & SERV, PUB FACIL. & FINANCE COMMITTEES**

#130-11 **PAUL COLETTI, ALD. SANGIOLO, DANBERG, & JOHNSON**  
requesting Home Rule Legislation to create a Capital Preservation Fund for the City of Newton modeled on the Community Preservation Fund to address the capital needs of the City. [04/11/11 @9:42 PM]  
**FINANCE VOTED NO ACTION NECESSARY on 10/12/11**  
**PUBLIC FACILITIES VOTED NO ACTION NECESSARY on 10/19/11**  
**PROGRAMS & SERVICES APPROVED & REFERRED TO FINANCE 5-0-3(Fischman, Baker, Blazar abstaining)**  
**A MOTION TO REFER TO THE FINANCE COMMITTEE WAS APPROVED BY VOICE VOTE**

#130-11(A) **PROGRAMS & SERVICES COMMITTEE** requesting the Finance Committee review alternate proposed Home Rule Legislation language related to the creation of a Capital Preservation Fund.  
**PROGRAMS & SERVICES APPROVED & REFERRED TO FINANCE 7-0-1 (Blazar abstaining)**  
**A MOTION TO REFER TO THE FINANCE COMMITTEE WAS APPROVED BY VOICE VOTE**

**Clerk's Note:** The Board discussed the above two items together. With conflicting reports between the committees, the Board approved referring these two items back to Finance for further discussion.

#297-11(4) **PROGRAMS & SERVICES COMMITTEE** approving a RESOLUTION to His Honor the Mayor that should the Board of Aldermen approve docket #297-11(3), assigning the Licensing Board of Commissioners to the Department of Health and Human Services, the administration retain former licensing administrative

assistant Patricia Sweeney to provide additional training to the staff taking over her duties .

**PROGRAMS & SERVICES APPROVED 8-0**

**A MOTION TO REFER TO THE FINANCE COMMITTEE WAS APPROVED BY VOICE VOTE**

**Clerk's Note:** The Chair of the Finance Committee asked that this item be referred to the Finance Committee for review.

- #80-12      **HIS HONOR THE MAYOR** recommending that the Carr Cultural Center, located at 225 Nevada Street, be transferred to the School Department for use as swing space, which after solicitation of all municipal departments by the Director of Planning and Development pursuant to Sec. 2-7 of the City of Newton Ordinances, 2007, is the only department that expressed interest in the property.  
**REAL PROPERTY REUSE APPROVED 7-0**  
**APPROVED BY VOICE VOTE**

**Clerk's Note:** The item was placed on Second Call by Ald. Sangiolo. She was concerned that the leasing of the Aquinas College property for swing space was not being as fully considered as it should be. She believes that two spaces will be needed over the coming years and was concerned that if the City waits on Aquinas, it may not be available when it is needed.

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 24 YEAS TO TAKE THE FOLLOWING ACTIONS:**

**REFERRED TO PROGRAMS AND SERVICES COMMITTEE**

Wednesday March 21, 2012

- #422-06(2)      **ALD. HESS-MAHAN** requesting that a task force be established to meet and prepare a report and recommendations regarding the regulation of noise, air pollution and best practices with respect to the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers. [01/27/09 @ 3:47 PM]  
**PROGRAMS & SERVICES APPROVED 8-0**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, March 21, 2012

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

- #262-11      **HIS HONOR THE MAYOR** requesting amendments to Chapter 17 of the City of Newton Ordinances, 2007 to increase fees for permits issued by the Fire Department. [08/29/11 @ 3:50 PM]  
**FINANCE NO ACTION NECESSARY on 03/26/12**  
**PUBLIC SAFETY NO ACTION NECESSARY 5-0 (Yates not voting)**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, March 21, 2012

- #61-12 NSTAR ELECTRIC COMPANY petitioning for a grant of location to relocate and replace Pole #3/8 on the southwesterly side of ADAMS AVENUE approximately 40' ± southeast of Milton Street. (Ward 3) [02/27/12 @ 11:04 AM]  
**PUBLIC FACILITIES APPROVED 4-0 (Lennon, Gentile, Danberg, Laredo not voting)**
- #13-12 ALD. ALBRIGHT, LINSKY AND JOHNSON requesting discussion with the appropriate utilities and City departments regarding the prolonged construction on Walnut Street during the Fall of 2011, which caused tremendous loss of revenue for Newtonville businesses. [12/13/11 @ 12:13 PM]  
**PUBLIC FACILITIES NO ACTION NECESSARY 8-0**

**REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES**

- #89-11 FINANCE COMMITTEE recommending that **Sec. 29-72(b) Same— Assessments upon owners of estates passed by new sewers.** of the City of Newton Rev Ordinances, 2007, be amended to increase the fixed uniform rates assessed upon owners of all estates passed by new sewers to rates that more accurately represent the estimated average cost of installing such sewers.  
**FINANCE APPROVED 7-0 (Gentile not voting) on 03/26/12**  
**PUBLIC FACILITIES APPROVED 8-0**

**REFERRED TO FINANCE COMMITTEE**

Monday, March 26, 2012

- #73-12 HIS HONOR THE MAYOR requesting acceptance of Massachusetts General Law Chapter 200A, Section 9A, Disposition of Unclaimed Property in order to have any unclaimed funds escheat to the City as revenue to the to the General Fund instead of allowing these funds to escheat to the Commonwealth. 03/12/12 @ 4:09 AM]  
**FINANCE APPROVED 8-0**
- #74-12 HIS HONOR THE MAYOR requesting authorization to accept, appropriate, and expend the sum of fifty thousand dollars (\$50,000) received from the Town of Wellesley, as a condition of a special permit issued by Wellesley, to provide improvements at the intersection of Washington Street and Concord Street in Newton Lower Falls  
**FINANCE APPROVED 8-0**
- #75-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two million dollars (\$2,000,000) from FY12 Free Cash to provide additional funding of the Rainy Day Stabilization Fund. [10/31/11 @ 2:48 PM]

**FINANCE APPROVED 8-0**

**REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES**

- #89-11 FINANCE COMMITTEE recommending that **Sec. 29-72(b) Same— Assessments upon owners of estates passed by new sewers.** of the City of Newton Rev Ordinances, 2007, be amended to increase the fixed uniform rates assessed upon owners of all estates passed by new sewers to rates that more accurately represent the estimated average cost of installing such sewers.  
**PUBLIC FACILITIES APPROVED 8-0 on 03/21/12**  
**FINANCE APPROVED 7-0 (Gentile not voting)**

**REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES**

- #102-11 ALD. HESS-MAHAN, JOHNSON, COMMISSIONER LOJEK & CANDACE HAVENS requesting an amendment to Chapter 17 to establish a fee for filing a notice of condo conversion. [03-29-11 @ 4:55PM]  
**ZAP APPROVED 7-0 on 06/13/11**  
**FINANCE REFERRED TO ZONING & PLANNING COMMITTEE 7-0 (Gentile not voting)**

*To be referred to Zoning and Planning Committee for further discussion*

**REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES**

- #95-11 ALD. HESS-MAHAN proposing an ordinance requiring that a notice of conversion to condominium ownership be filed with the Inspectional Services Department and that the property be inspected to determine compliance with all applicable provisions of the state and local codes, ordinances and the rules and regulations of all appropriate regulatory agencies. [03-24-11 @ 9:30AM]  
**ZAP APPROVED 7-0 on 06/13/11**  
**FINANCE REFERRED TO ZONING & PLANNING COMMITTEE 7-0 (Gentile not voting)**

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

- #262-11 HIS HONOR THE MAYOR requesting amendments to Chapter 17 of the City of Newton Ordinances, 2007 to increase fees for permits issued by the Fire Department. [08/29/11 @ 3:50 PM]  
**PUBLIC SAFETY VOTED NO ACTION NECESSARY 5-0 on 3/21/12**  
**FINANCE NO ACTION NECESSARY 7-0 (Gentile not voting)**

**REFERRED TO REAL PROPERTY REUSE COMMITTEE**

Tuesday, March 27, 2012

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

- #72-12 HIS HONOR THE MAYOR proposing an amendment to §2-7 of the City of Newton Revised Ordinances, 2007 to facilitate the installation of solar panels on public property.

**REAL PROPERTY REUSE APPROVED 7-0**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 1 NAY (Ald. Lennon) TO TAKE THE FOLLOWING ACTIONS:**

#329-05(3) ALD. YATES requesting a discussion relative to amending the noise control ordinance to (A) prohibit the cumulative noise level from multiple pieces of equipment operating simultaneously on the same site to exceed the maximum noise levels allowed when measured at the nearest lot line and (B) to eliminate various exemptions in residential districts.

**PROGRAMS & SERVICES APPROVED 8-0**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 2 NAYS (Ald. Gentile & Johnson) TO TAKE THE FOLLOWING ACTIONS:**

*Public Hearing continued from March 7, 2012:*

#297-11(3) HIS HONOR THE MAYOR re-submitting a reorganization request pursuant to City Charter §6-2 to change the assignment of responsibility of the Licensing Board of Commissioners Administrative Director/Agent from the Veterans' Services Department to the Department of Health and Human Services.  
[01/30/2012 @ 4:18PM]

**PROGRAMS & SERVICES HEARING CLOSED; APPROVED 8-0**

**A MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING TWO ITEMS TO BE PLACED ON THE DOCKET AND REFERRED TO COMMITTEE WAS APPROVED BY VOICE VOTE**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#90-12 HIS HONOR THE MAYOR a discussion regarding a revised stormwater fee structure that would meet the purpose of the stormwater fee by providing a more equitable structure that takes into account the size of the property and its resultant impact on the City's drainage system. [04-02-12 @ 4:15 PM]

**REFERRED TO PUBLIC FACILITIES**

#71-12(2) BOSTON COLLEGE petitioning for a grant of location to install 8 ornamental light poles and fixtures in the east side of COLLEGE ROAD at the following locations:

- 50' ± northeast of the College Road and Beacon Street intersection
- 250' ± northeast of the College Road and Beacon Street intersection
- At the intersection of College Road and Quincy Road
- 150' ± northeast of the College Road and Quincy Road, near 58 College Road

- 350' ± northeast of the College Road and Quincy Road intersection, between 72 and 78 College Road
- 550' ± northeast of the College Road and Quincy Road intersection, near 90 College Road
- 400' ± south of the College Road and Commonwealth Avenue intersection, near 102 College Road
- 200' ± south of the College Road and Commonwealth Avenue intersection, between 116 and 122 College Road [03-27-12 @ 9:37 AM]

**THE FOLLOWING PUBLIC HEARING WAS ASSIGNED:**

***Public Hearing Assigned for April 11, 2012:***

#71-12(2) BOSTON COLLEGE petitioning for a grant of location to install 8 ornamental light poles and fixtures in the east side of COLLEGE ROAD at the following locations:

- 50' ± northeast of the College Road and Beacon Street intersection
- 250' ± northeast of the College Road and Beacon Street intersection
- At the intersection of College Road and Quincy Road
- 150' ± northeast of the College Road and Quincy Road, near 58 College Road
- 350' ± northeast of the College Road and Quincy Road intersection, between 72 and 78 College Road
- 550' ± northeast of the College Road and Quincy Road intersection, near 90 College Road
- 400' ± south of the College Road and Commonwealth Avenue intersection, near 102 College Road
- 200' ± south of the College Road and Commonwealth Avenue intersection, between 116 and 122 College Road [03-27-12 @ 9:37 AM]