

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, March 21, 2011

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

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

#38-11 SHERYL DePAOLO et al. requesting the Board of Aldermen to establish by resolution a Newton Upper Falls Area Council pursuant to Article 9, Section 9-3, of the City Charter. [01-14-11 @ 11:17am]
PROGRAMS & SERVICES APPROVED 6-0 (Baker not voting) SUBJECT TO 2nd CALL on 2/28/11

ITEM POSTPONED ON MARCH 7 TO DATE CERTAIN OF MARCH 21, 2011

APPROVED BY VOICE VOTE

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#207-08 ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters: "Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?" [05/21/08 @ 12:58 PM]
FINANCE VOTED NO ACTION NECESSARY ON 3/8/10
PROGRAMS & SERVICES APPROVED 4-3 (Fischman, Rice, Blazar opposed)

MOTION TO RECOMMIT TO FINANCE APPROVED BY VOICE VOTE

REFERRED TO PS&T, PUB. FACIL. AND FINANCE COMMITTEES

#310-10 ALD. DANBERG, ALBRIGHT, BAKER, BLAZAR, CROSSLEY, FISCHMAN, FREEDMAN, HESS-MAHAN, JOHNSON, LINSKY, MERRILL, RICE AND SCHNIPPER requesting that §26-8 and §20-21 of the City of Newton Rev. Ords., 2007, be amended to establish criteria and provisions for requiring removal of snow in all districts by property owners, occupants, and property managers to sidewalks abutting their property and to review and amend enforcement provisions including structure of fines, for snow removal violations. [10/25/10 @ 4:39 PM]
PUBLIC FACILITIES APPROVAL AS AMENDED FAILED TO CARRY 3-3 (Gentile, Lappin, Lennon opposed) on 01/19/11

**PS&T APPROVAL AS AMENDED FAILED TO CARRY 2-3-1 (Ciccone, Shapiro, Swiston opposed; Harney abstaining) on 01/19/11
FINANCE APPROVED 5-3 (Ciccone, Gentile, Salvucci opposed)**

**MOTION TO SUSPEND THE RULES TO ALLOW PUBLIC FACILITIES CHAIR TO POLL COMMITTEE APPROVED BY VOICE VOTE
PUBLIC FACILITIES APPROVES SUBSTITUTION OF FINANCE REPORT FOR PUBLIC FACILITIES REPORT 8-0**

**MOTION TO SUSPEND THE RULES TO ALLOW PUBLIC SAFETY CHAIR TO POLL COMMITTEE APPROVED BY VOICE VOTE
PUBLIC SAFETY APPROVES SUBSTITUTION OF FINANCE REPORT FOR PUBLIC SAFETY REPORT 8-0**

MOTION TO AMEND LAST SENTENCE OF ORDINANCE DRAFT TO READ (Danberg Amendment):

“During this trial period, enforcement shall be limited to issuance of notices of non-compliance, ~~warnings may be issued~~ for violations of any provision of this section.”

APPROVED BY VOICE VOTE

MOTION TO ADD NEW LAST SENTENCE TO ORDINANCE DRAFT TO READ (Shapiro Amendment):

The City of Newton, shall to the greatest extent legally possible, indemnify and/or protect residents from any liability judgement which may arise from passage of this ordinance.

DENIED 5 YEAS (Ald. Ciccone, Gentile, Sangiolo, Shapiro, Swiston) 19 NAYS

MOTION TO AMEND FIRST AND SECOND SENTENCE TO DRAFT ORDINANCE TO READ (Albright/Sangiolo Amendment 1):

In order to allow for safe pedestrian and wheelchair passage, every owner or occupant of a building or lot of land abutting upon a paved sidewalk or any person having charge of such property shall cause snow to be removed from the sidewalk and handicap access ramps, and ice on the sidewalk and handicap access ramps to be removed or treated, to allow for a safe passageway of at least thirty-six (36) inches in width, provided that where such sidewalk is less than thirty-six (36) inches in width, the passageway shall encompass its entire width and handicap access ramps. Snow shall be removed, and ice shall be removed or treated, within thirty (30) hours after such snow has ceased to fall or such ice has formed.

APPROVED AS AMENDED BY VOICE VOTE

MOTION TO AMEND FIRST SENTENCE TO AMENDED DRAFT ORDINANCE TO READ (Sangiolo/Albright Amendment 2):

“In order to allow for safe pedestrian and wheelchair passage, every owner or occupant of a building or lot of land abutting upon a paved sidewalk or any person having charge of such property shall use reasonable efforts to remove snow and ice from the sidewalk and handicap access ramps and shall use reasonable efforts to treat said sidewalk to allow for a safe passageway

of approximately thirty-six (36) inches in width, provided that where such sidewalk is less than thirty-six (36) inches in width, the passageway shall encompass its entire width and handicap access ramps, EXCEPT where snow has been caused to accumulate on such sidewalks or ramps by city plows or private contractors hired or employed by the City of Newton.”

MOTION TO DIVIDE THE AMENDMENT INTO A (everything up to the word EXCEPT) AND B (the word EXCEPT and after) APPROVED BY VOICE VOTE

PART A APPROVED 22 YEAS, 2 NAYS (Ald. Baker & Freedman)

PART B DENIED 15 NAYS, 9 YEAS (Ald. Gentile, Lappin, Merrill, Salvucci, Sangiolo, Schnipper, Shapiro, Swiston, & Lennon)

MOTION TO AMEND AMENDED DRAFT FIRST SENTENCE TEXT FOR CLARITY (Baker Amendment):

In order to allow for safe pedestrian and wheelchair passage, every owner or occupant of a building or lot of land abutting upon a paved sidewalk or any person having charge of such property shall use reasonable efforts to remove snow and ice from the sidewalk and handicap access ramps, and shall use reasonable efforts to treat said sidewalk and ramps to allow for a safe passageway of approximately thirty-six (36) inches in width, provided that where such sidewalk is less than thirty-six (36) inches in width, the passageway shall encompass its entire width and handicap access ramps. Snow and ice shall be removed, and sidewalks and ramps ~~ice~~ shall be ~~removed or~~ treated, within thirty (30) hours after such snow has ceased to fall or such ice has formed.

APPROVED BY VOICE VOTE

MOTION TO APPROVE ORDINANCE TEXT AS AMENDED:

Sec. 26-8D Trial program for removal of snow and ice from sidewalks.

In order to allow for safe pedestrian and wheelchair passage, every owner or occupant of a building or lot of land abutting upon a paved sidewalk or any person having charge of such property shall use reasonable efforts to remove snow and ice from the sidewalk and handicap access ramps, and shall use reasonable efforts to treat said sidewalk and ramps to allow for a safe passageway of approximately thirty-six (36) inches in width, provided that where such sidewalk is less than thirty-six (36) inches in width, the passageway shall encompass its entire width and handicap access ramps. Snow and shall be removed, and sidewalks and ramps ice shall be treated, within thirty (30) hours after such snow has ceased to fall or such ice has formed. This section shall apply to snow and ice which falls from buildings, other structures, trees or bushes, as well as to that which falls from clouds. This section shall not apply to owners or occupants of a building or lot covered by Section 26-8. The Mayor or his designee is authorized to coordinate volunteer snow-clearing assistance or to grant an exemption, renewable annually, for citizens who upon written petition demonstrate hardship due to a combination of health and financial duress. The provisions of this section shall take effect on November 1, 2011 and shall expire on November 1, 2013 unless terminated earlier or renewed or modified by the

board of aldermen. During this trial period, enforcement shall be limited to issuance of notices of non-compliance for violations of any provision of this section.

APPROVED 18 YEAS, 6 NAYS (Ald. Ciccone, Iappin, Salvucci, Shapiro, Swiston, & Lennon)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 24 YEAS, 0 NAYS TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

REFERRED TO LAND USE COMMITTEE

Tuesday, March 15, 2011

#47-11 CHARLES L. WEST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to bump out the kitchen into the side yard and extend a porch from the rear entrance to improve access for persons with disabilities, which would increase the Floor Area Ratio from .27 to .28; decrease the rear yard setback from 15.4' to 12.5' and increase the maximum lot coverage from 20.3% to 20.8% at 95 FOUNTAIN STREET, Ward 3. West Newton, on land known as SBL 32, 44, 5, containing ≈11,355 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)b), 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED; LAND USE APPROVED 8-0

#48-11 DOUGLAS GENTILE/TEEGEE LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to legalize an existing garage repair shop at 441 WATERTOWN STREET, Ward 1, Nonantum on land known as SBL 14, 8, 7, containing ≈10,543 sf of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-11(g) of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED; LAND USE APPROVED 8-0

REFERRED TO ZONING AND PLANNING COMMITTEE

Monday, March 14, 2011

Item Recommended by Full Board on 8/14/06

#294-03 ALD. BAKER, YATES, JOHNSON AND MANSFIELD requesting analysis and discussion of possible remedies for demolition of modest housing and replacement with oversized structures out of character with the surrounding neighborhood, including examining the experience of other communities, including those out of state, who have worked to address this problem.
ZONING & PLANNING NO ACTION NECESSARY 7-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday March 9, 2011

Appointment by His Honor the Mayor

#66-11 JEFFREY HERRMANN, 111 Exeter Street, West Newton, appointed to the Board of Trustees of the Newton Free Library for a term of office to expire on June 30, 2014. [02-22-11 @6:06PM]

PROGRAMS & SERVICES APPROVED 7-0

Appointment by His Honor the Mayor

#67-11 DANA HANSON, 64 Kingswood Road, Auburndale, appointed to the Board of Trustees of the Newton Free Library to fill an unexpired term of office through June 30, 2011 and then re-appointed for a full term of office beginning July 1, 2011, which term will expire on June 30, 2016. [02-22-11 @6:06PM]

PROGRAMS & SERVICES APPROVED 7-0

Appointment by His Honor the Mayor

#68-11 JOHN LOJEK, Commissioner of Inspectional Services, appointed to the Commission on Disabilities as established by Ordinance Z-74, dated January 18, 2011, for a term of office to expire on June 30, 2012. [02-28-11 @12:23PM]

PROGRAMS & SERVICES APPROVED 7-0

Appointment by His Honor the Mayor

#69-11 JANE BROWN, 104 Atwood Avenue, Newtonville, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2012.

PROGRAMS & SERVICES APPROVED 7-0

Appointment by His Honor the Mayor

#73-11 BARBARA LISCHINSKY, 1942 Washington Street, Unit 124, Auburndale, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2013. [02-28-11 @12:33PM]

PROGRAMS & SERVICES APPROVED 7-0

Appointment by His Honor the Mayor

#74-11 ROB CARUSO, 237C Watertown Street, Nonantum, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2014. [02-28-11 @12:33PM]

PROGRAMS & SERVICES APPROVED 7-0

Appointment by His Honor the Mayor

#75-11 LUCIE CHANSKY, 259 Jackson Street, Newton Centre, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2014. [02-28-11 @12:33PM]

PROGRAMS & SERVICES APPROVED 7-0

Appointment by His Honor the Mayor

#76-11 GERARD PLANTE, 58 Ash Street, Unit A, Auburndale, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2014. [02-28-11 @ 12:33PM]

PROGRAMS & SERVICES APPROVED 7-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#360-09(2) PROGRAM & SERVICES COMMITTEE requesting a discussion to explore possible sources of revenue to fund an off leash dog park system in the City. [11/06/09 @ 10:44 AM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

PROGRAMS & SERVICES NO ACTION NECESSARY 7-0

#129-08 ALD. JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen stating that any new item submitted but not yet approved or accepted by the Full Board of Aldermen is prohibited from any formal or informal discussion by any formal, informal or special committee of the Board. [03-24-08 @ 9:11 AM]

PROGRAMS & SERVICES APPROVED 5-0-1(Fischman abstaining, Hess-Mahan not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, March 9, 2011

REFERRED TO PROG. & SERV. AND PUBLIC FACILITIES COMMITTEES

#271-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, the Parks and Recreation Department, and the Department of Public Works in order to determine the most effective and efficient way to organize the work of managing our public resources.

PROG & SERV VOTED NO ACTION NECESSARY 7-0 on 11/17/10

PUBLIC FACILITIES NO ACTION NECESSARY 7-0

Item Recommended by Full Board on 02/17/09

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#13-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend three hundred eighty-five thousand dollars (\$385,000) from bonded indebtedness to the Public Works Department for the purpose of replacing both the salt shed and the Quonset hut at Crafts Street. [12/30/08 @ 5:04 PM]

FINANCE VOTED NO ACTION NECESSARY 7-0 on 03/08/10

PUBLIC FACILITIES NO ACTION NECESSARY 7-0

REFERRED TO FINANCE COMMITTEE

Monday, March 14, 2011

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #365-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three hundred ninety-five thousand dollars (\$395,000) from the FY 2011 Overlay Surplus Reserve Account for the purpose of funding a Comprehensive Citywide Capital Assessment. [11/29/10 @ 3:23 PM]
PUBLIC FACILITIES APPROVED 5-0-1 (Gentile abstaining) on 12/08/10
FINANCE APPROVED 7-0-1 (Linsky abstaining)

REFERRED TO CMTE ON COMMUNITY PRES & FINANCE COMMITTEES

- #32-11 COMMUNITY PRESERVATION COMMITTEE recommending that \$37,500 be appropriated from the fiscal 2011 historic resources reserve of the Community Preservation Fund to create or update under the direction and control of the Planning & Development Department the Massachusetts Historical Commission survey forms for the city's approximately 140 buildings constructed between 1830 and 1840. [01-11-11 @3:35 PM]
COMMITTEE ON COMMUNITY PRESERVATION APPROVED 6-0 on 03/01/11
FINANCE APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #264-10 ALD. CROSSLEY, SCHNIFFER & FULLER requesting a discussion of the status of new water meter installations, and to consider payment mechanisms to help customers if they receive an extraordinary, one-time, water bill from an accurate accounting of past usage over an extended period of time. [09/16/10 @11:59 am]
PUBLIC FACILITIES VOTED NO ACTION NECESSARY 8-0 on 09/22/10
FINANCE NO ACTION NECESSARY 8-0

**REFERRED TO COMMITTEES ON COMMUNITY PRESERVATION & FINANCE
JOINT MEETING**

Monday, March 14, 2011

REFERRED TO COMMITTEE ON COMMUNITY PRESERVATION AND FINANCE

- #365-10(2) COMMITTEE ON COMMUNITY PRESERVATION recommending that the sum of \$98,780 be appropriated from the fiscal 2011 historic reserve of the Community Preservation Fund to the control of the Commissioner of Public Buildings, to assess and prioritize the preservation needs of the most historically significant City buildings, as detailed in the Committee's funding recommendation to the Board of Aldermen. This study will be a component of the Comprehensive Citywide Capital Assessment docketed as #365-10.
COMMITTEE ON COMMUNITY PRES. APPROVED 6-0
FINANCE APPROVED 8-0

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE REAL PROPERTY REUSE COMMITTEE TO REPORT ON THE FOLLOWING TWO ITEMS WITHOUT A WRITTEN REPORT AS THEY WERE TAKEN UP EARLIER IN THE EVENING WAS APPROVED BY VOICE VOTE

REFERRED TO REAL PROPERTY REUSE COMMITTEE

#150-09(4) PRESIDENT LENNON submitting pursuant to §2-7(2)b) of the City of Newton Revised Ordinances, 2007 the following list of Aldermanic appointees to serve on a Joint Advisory Planning Group (JAPG) to make recommendations on the future use of the Austin Street municipal parking lot, which was declared surplus on December 1, 2010:

Robert Wilson, 30 Foster Street, Newtonville
 Philip Herr, 20 Marlboro Street, Newton
 Catherine Farrell, 67 Oak Cliff Road, Newtonville
 Judy Jacobson, 289 Cypress Street, Newton Center
 Carol Ann Shea, 22-24 Milo Street, West Newton
 Ken Wong, 25 Highland Avenue, #4, Newtonville
 Giles Taylor, 10 Lowell Avenue, Newtonville

REAL PROPERTY REUSE APPROVED 7-0

#150-09(5) HIS HONOR THE MAYOR submitting pursuant to §2-7(2)b) of the City of Newton Revised Ordinances, 2007 the following list of Mayoral appointees to serve on a Joint Advisory Planning Group (JAPG) to make recommendations on the future use of the Austin Street municipal parking lot, which was declared surplus on December 1, 2010:

Jane Shoplick, 602 Centre Street, Newton
 Rev. F. Robert Tafel, 29 Fisher Street, Needham (Board member of Swedenborgian Church of the Open Word, 11A Highland Avenue)
 Barbara Smith-Bacon, 110 Waban Avenue, Waban
 Rob Caruso, 237C Watertown Street, Nonantum
 David Morton, 148 Edinboro Street, Newtonville
 Jack Leader, 613 California Street, Newtonville
 Adel Foz, 16 Page Road, Newtonville

REAL PROPERTY REUSE APPROVED 7-0

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public hearing assigned for April 12, 2011:

#80-11 ERROL R. NORWITZ petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an addition and a raised rear deck, increasing the non-conforming Floor Area Ratio from .4196 to .468, at 68 DAY STREET, Auburndale, Ward 4, on land known as SBL 43, 45, 13, containing approx. 8,030 square feet of land in a district zoned Single Residence 3. Ref: Sec 30-24, 30-23, 30-15 Table 1

Public hearing reassigned for April 6, 2011

#214-10(4) COMMISSIONER OF PUBLIC WORKS requesting abandonment of the 80' building setback line along Boylston Street (Route 9) located on the property at 200 – 230 Boylston Street (Chestnut Hill Square) established by Board Order #100483, dated December 3, 1951, as it conflicts with proposed building locations shown on plans related to Special Permit Board Order #214-10 dated 12/06/10. [12-10-10 @1:17 PM]

Public hearing assigned for April 6, 2011

#86-11 COMCAST OF NEWTON ENGLAND petition for a Grant of Location to install approximately 180' of conduit, southeasterly, from a new service vault located behind the sidewalk in front of 181 Wells Avenue in order to provide Comcast service to 189 Wells Avenue. [03-10-11 @10:44 AM]

THE BOARD OF ALDERMEN APPROVED BY VOICE VOTE THE ACCEPTANCE AND REFERRAL OF THE FOLLOWING LATE FILED DOCKET ITEM:

#90-11 **REFERRED TO REAL PROPERTY REUSE COMMITTEE**
BOARD OF LIBRARY TRUSTEES declaring the former Boys & Girls Library and attendant land located at 126 Vernon Street, Newton Corner, surplus, and recommending that the building and land be transferred to the Parks & Recreation Department.