

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, May 16, 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:

REFERRED PUBLIC FACILITIES AND FINANCE COMMITTEES

#129-11(3) **HIS HONOR THE MAYOR** recommending that Section 29-67A of the City of Newton Revised Ordinances 2007 be amended to increase the fee for sewer clean-outs to more accurately reflect the City's cost of providing such a service.
[04/11/11 @5:59 PM]

PUBLIC FACILITIES APPROVED 6-1-1 (Salvucci opposed, Lappin abstaining) on 05/04/11

FINANCE APPROVED 5-3 (Ciccone, Freedman, Salvucci opposed)

A MOTION TO AMEND THE FEES TO \$220 PER CLEAN-OUT/\$225 FOR EMERGENCY SERVICE WAS APPROVED 19 YEAS, 4 NAYS (Ald. Ciccone, Gentile, Merrill, Salvucci), 1 ABSENT (Ald. Shapiro)

A MOTION TO APPROVE THE ITEM AS AMENDED WAS APPROVED 21 YEAS, 3 NAYS (Ald. Ciccone, Merrill, Salvucci)

Notes: The Mayor's recommendations were to limit the regularly scheduled sewer clean-outs to two days per week and to raise the cost to \$150.00 per visit. Limiting the number of days per week would free up the team to do other work in the Department of Public Works. The emergency clean-out fee would be \$200. If there was a determination that the problem was caused by the City then the fee would be waived.

It was noted by the chair of Finance that the Board has a memo from the Law Department that confirmed that the Board had the ability to increase the fee if they so choose. He stated that majority of the discussion in Finance was on the fee and that there was a recommendation for a fee of \$220 and \$225 for emergency cleanouts, however, the Committee approved the Mayor's recommendation of \$150/\$200.

Ald. Freedman noted that this service is offered by several companies within the city at a much higher cost. He made a motion to set fees based on the actual cost of providing the service. This would provide a fee of \$220 for regular and \$225 for overtime cleanouts. He noted that this would enable the City to offer this service without losing money in the process.

There was concern that the proposed amended rate structure did not encourage individuals to take advantage of the service, but rather to wait until it was an emergency, because there was little difference in the regular and emergency rates. Ald. Freedman responded that the cost to provide the service was \$220 and that the City should be covering the cost.

Ald. Fuller noted that this service is being used by only a few private homeowners to clean out their privately owned pipes. A fee is the appropriate way to go with this service as it does not benefit the majority of the residents. It should be charged at the full cost.

A motion to approve the amended rates was approved 19 Yeas, 4 nays (Ald. Ciccone, Gentile, Merrill, Salvucci), 1 Absent (Ald. Shapiro).

Ald. Lappin spoke on the main item and noted that the next step should be eliminating this service. She stated that the City should not be a competitor of commercial clean-out services. The employees that are working on this service should be working on other Public Works Department projects.

Ald. Ciccone and Salvucci voiced their opposition to raising the fee. They felt that the City should not be increasing fees at this time. People pay taxes and they should get the services.

Ald. Albright noted that this service is only provided to a very very small number of households.

A motion was made to approve the item as amended. It was approved 21 yeas, 3 nays (Ald. Ciccone, Merrill, Salvucci)

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, May 10, 2011

Public Hearings were held on the following items:

#279-98(2) SVETLANA OSTROVSKAYA petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL for an EXTENSION of a NONCONFORMING STRUCTURE #279-98, granted on 10/19/98, to construct an attached garage in the front setback onto an existing nonconforming single-family dwelling at 14 ROLAND STREET, Ward 8, on land known as SBL 83, 33, 6, containing ≈14,819 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 3-24, 30-23, 30-21(a)(2)b), 30-21(b), of the City of Newton Rev Zoning Ord, 2007. **HEARING CLOSED; LAND USE ITEM APPROVED 5-0 (Schnipper not voting)**

- #104-11 HEIDI K. GARDNER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE into the rear setback by expanding and enclosing an existing breezeway to create a mudroom, increasing the Floor Area Ratio from .369 to .389 at 61 PARK AVENUE, Ward 7, on land known as SBL 73, 7, 15, containing ≈9,665 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED; LAND USE ITEM APPROVED 6-0
- #105-11 SARAH F. BROWN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct an addition containing approximately 17 sq. ft. into the side and rear setbacks ~~and to add dormer(s) wider than 50% of the walls below and closer than 3 ft. from the end walls,~~ which will increase the Floor Area Ratio from .55. to .61, and to increase the nonconforming maximum lot coverage from 40.1% to 42.1% at 30 SCHOOL STREET, Ward 1, Newton Corner, on land known as SBL 11, 25, 32, containing ≈1,671 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), ~~30-15(t)(1) and (3)~~ of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED; LAND USE ITEM APPROVED 6-0
REQUEST TO WITHDRAW WITHOUT PREJUDICE REQUEST FOR RELIEF TO ADD DORMERS LAND USE APPROVED 6-0
- #91-11 WABAN IMPROVEMENT SOCIETY requesting a temporary license pursuant to Sec 30-6(k) of the City of Newton Ordinances to hold its Seventh Annual WABAN VILLAGE DAY on Sunday, May 22, 2011.
LAND USE APPROVED 5-0 (Schnipper not voting)
- REFERRED TO ZONING & PLANNING COMMITTEE**
Monday, May 9, 2011
- #122-09 ALD. SANGIOLO on behalf of Armando Rossi requesting a discussion of the proliferation of signage in the city.
ZONING & PLANNING NO ACTION NECESSARY 6-0 (Ald. Swiston not voting)
- Re-appointment by His Honor the Mayor
#135-11 SCOTT WOLF, 27 Philbrick Road, Newton Centre, re-appointed to the Planning and Development Board for a term of office to expire February 1, 2014. [04/25/2011@ 4:20PM] (60 days to expire on June 23, 2011)
ZONING & PLANNING APPROVED 5-0-1 (Ald. Yates abstaining; Ald. Swiston not voting)

Re-appointment by His Honor the Mayor

#136-11 JANE IVES, 34 Lucille Place, Newton Upper Falls, re-appointed to the Economic Development Commission for a term of office to expire August 17, 2013 [04/19/2011@ 4:47PM] (60 days to expire on June 17, 2011)
ZONING & PLANNING APPROVED 5-0-1 (Ald. Yates abstaining; Ald. Swiston not voting)

Re-appointment by His Honor the Mayor:

#108-11 CHARLES EISENBERG, 4 Ashford Road, Newton Centre, re-appointed to the Economic Development Commission for a term to expire on August 17, 2013. [04-11-11 @5:30PM] (60 days to expire on June 19, 2011)
ZONING & PLANNING APPROVED 5-0-1 (Ald. Yates abstaining; Ald. Swiston not voting)

Re-appointment by His Honor the Mayor:

#109-11 DAPHNE COLLINS, 372 Waltham Street, West Newton, re-appointed to the Economic Development Commission for a term of office to expire on July 13, 2013. [04-11-11 @5:29PM] (60 days to expire on June 19, 2011)
ZONING & PLANNING APPROVED 6-0 (Ald. Swiston not voting)

Re-appointment by His Honor the Mayor:

#110-11 PHILIP PLOTTEL, 50 Roslyn Road, Waban, re-appointed to the Economic Development Commission for a term of office to expire on December 21, 2013. [04-11-11 @5:28 PM] (60 days to expire on June 19, 2011).
ZONING & PLANNING APPROVED 5-0-1 (Ald. Yates abstaining; Ald. Swiston not voting)

Re-appointment by His Honor the Mayor:

#111-11 PETER LEW, 61 West Pine Street, Auburndale, re-appointed to the Economic Development Commission for a term of office to expire on April 30, 2014. [04-11-11 @5:28 PM] (60 days to expire on June 19, 2011).
ZONING & PLANNING APPROVED 5-0-1 (Ald. Yates abstaining; Ald. Swiston not voting)

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday May 4, 2011

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#142-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of fifty thousand dollars (\$50,000) from the BAA Boston Marathon Contributions Fund for the purpose of supplementing current and future fundraising from local community groups to purchase playground equipment to enhance neighborhood playgrounds. [04-20-11 @ 5:57 AM]
FINANCE APPROVED 4-0 (Ciccone, Danberg, Freedman, Rice not voting) on 05/09/11
PROGRAMS & SERVICES APPROVED 6-0(Ald. Baker, Linsky not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Thursday, May 5, 2011

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

- #144-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of twenty-four thousand three hundred dollars (\$24,300) from FY11 Budget Reserve to supplement the Fire Department's Vehicle Repair and Maintenance Account to fund emergency/upkeep repair work on the fire apparatus. [04-20-11 @ 5:57 AM]
FINANCE APPROVED 6-0 (Cicccone, Freedman not voting) on 05/09/11
PUBLIC SAFETY APPROVED 7-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, May 4, 2011

REFERRED PUBLIC FACILITIES AND FINANCE COMMITTEES

- #129-11(3) HIS HONOR THE MAYOR recommending that Section 29-67A of the City of Newton Revised Ordinances 2007 be amended to increase the fee for sewer clean-outs to more accurately reflect the City's cost of providing such a service. [04/11/11 @5:59 PM]
FINANCE APPROVED 5-3 (Cicccone, Freedman, Salvucci opposed) on 05/09/11
PUBLIC FACILITIES APPROVED 6-1-1 (Salvucci opposed, Lappin abstaining)

REFERRED PUBLIC FACILITIES AND FINANCE COMMITTEES

- #129-11(4) HIS HONOR THE MAYOR recommending the City of Newton Revised Ordinances 2007 be amended to establish a fee for the collection of "white goods," such as washing machines, dryers, water heaters, refrigerators, air conditions, computers, monitors, televisions, and printers and to further assign responsibility for pick-up and disposal of said white goods and collection of such fees to a third-party administrator. [04/11/11 @5:59 PM]
FINANCE APPROVED 8-0 on 05/09/11
PUBLIC FACILITIES APPROVED 8-0

- #40-11 ALD. ALBRIGHT AND CROSSLEY requesting discussion regarding the possibility of changes to Newton's trash program to charge for the removal of white and bulky goods. [01/21/11 @1:42 PM]
PUBLIC FACILITIES NO ACTION NECESSARY 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #145-11 HIS HONOR THE MAYOR requesting authorization to transfer the sum of three hundred seventy-three thousand dollars (\$373,000) from the Snow and Ice Regular Overtime Account to the Sand and Salt Account and to transfer the sum of ten thousand dollars (\$10,000) from the Snow and Ice Regular Overtime Schools Account to the Sand and Salt Account. [04-25-11 @ 5:55 PM]
FINANCE APPROVED 6-0 (Cicccone Freedman not voting) on 05/09/11
PUBLIC FACILITIES APPROVED 8-0

REFERRED TO FINANCE COMMITTEE

Monday, May 9, 2011

- #141-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of ten thousand dollars (\$10,000) from the BAA Boston Marathon Contributions Fund to purchase basketball equipment to supplement the current basketball court renovations underway at the Emerson Community Center. [04-20-11 @ 5:57 AM]
FINANCE APPROVED 4-0 (Ciccone, Danberg, Freedman and Rice not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #142-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of fifty thousand dollars (\$50,000) from the BAA Boston Marathon Contributions Fund to supplement current and future fundraising from local community groups to purchase playground equipment to enhance neighborhood playgrounds. [04-20-11 @ 5:57 AM]
PROGRAMS & SERVICES APPROVED 6-0 on 05/04/11
FINANCE APPROVED 4-0 (Ciccone, Danberg, Freedman and Rice not voting)

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

- #144-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of twenty-four thousand three hundred dollars (\$24,300) from FY11 Budget Reserve to supplement the Fire Department's Vehicle Repair and Maintenance Account to fund emergency/upkeep repair work on fire apparatus. [04-20-11 @ 5:57 AM]
PS&T APPROVED 7-0 on 05/05/11
FINANCE APPROVED 6-0 (Ciccone and Freedman not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #145-11 HIS HONOR THE MAYOR requesting authorization to transfer the sum of three hundred seventy-three thousand dollars (\$373,000) from the Snow and Ice Regular Overtime Account to the Sand and Salt Account and to transfer the sum of ten thousand dollars (\$10,000) from the Snow and Ice Regular Overtime Schools Account to the Sand and Salt Account. [04-25-11 @ 5:55 PM]
PUBLIC FACILITIES APPROVED 8-0 on 05/04/11
FINANCE APPROVED 6-0 (Ciccone and Freedman not voting)

REFERRED PUBLIC FACILITIES AND FINANCE COMMITTEES

- #129-11(4) HIS HONOR THE MAYOR recommending the City of Newton Revised Ordinances 2007 be amended to establish a fee for the collection of "white goods," such as washing machines, dryers, water heaters, refrigerators, air conditioners, computers, monitors, televisions, and printers and to further assign responsibility for pick-up and disposal of said white goods and collection of such fees to a third-party administrator. [04/11/11 @5:59 PM]
PUBLIC FACILITIES APPROVED 8-0 on 05/04/11
FINANCE APPROVED 8-0

REFERRED TO COMMITTEES ON COMMUNITY PRESERVATION & FINANCE

- #103-11 COMMUNITY PRESERVATION COMMITTEE recommending that \$1,103,500 be appropriated from the fiscal 2011 housing & general reserves of the Community Preservation Fund to the control of the Director of Planning & Development, for a grant to create 4 units of affordable ownership housing in a mixed-income development at 112-116 Dedham Street, as detailed in the Committee's funding recommendation to the Board of Aldermen. [03-21-11 @ 8:48AM]
COMMITTEE ON COMM. PRES. APPROVED 6-0-1 (Yates abstaining) on 04/26/11
FINANCE REFERRED TO COMMITTEE ON COMM. PRES. 6-0 (Cicccone, Freedman not voting)

MOTIONS MADE TO SUSPEND THE RULES TO ALLOW THE PUBLIC FACILITIES AND FINANCE COMMITTEES TO REPORT THE FOLLOWING ITEM ON FIRST CALL WITHOUT A WRITTEN REPORT WERE APPROVED BY VOICE VOTE

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #146-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one hundred twenty thousand dollars (\$120,000) of Federal Emergency Management Agency (FEMA) reimbursement funds for expenses incurred during the March 2010 flooding for the purpose of funding renovations to the former Newton Corner Branch Library, repair of the Senior Center elevator, abatement and restoration of the stairs at the Homer Street entrance to City Hall and other building maintenance expenditures. [04-25-11 @ 5:55 PM]
PUBLIC FACILITIES APPROVED AS AMENDED 7-0-1 @ \$140,000 (Salvucci abstaining)
FINANCE APPROVED AS AMENDED 7-0-1 @ \$140,000 (Salvucci abstaining)

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

A Public Hearing was assigned for June 14, 2011:

- #215-08(2) MAX MAZAEV/VICTOR A. NICOLAZZO, JR., TRUSTEE petition to amend special permit #215-08, granted on 9/2/08, to waive 16 on-site parking spaces for an non-profit adult daycare at 149A CALIFORNIA STREET, Ward 1, NONANTUM which now seeks to increase the number of clients and staff requiring a waiver of 6 additional required parking spaces on land known as Sec 11, Blk 1, Lot 1A, containing ~71,755 square feet of land in a district zoned Manufacturing. Ref: Sec 30-24, 30-23, 30-19(d), 30-19(m) of the City of Newton Rev Zoning Ord, 2007 and special permit 215-08.

A Public Hearing was assigned for June 14, 2011:

#148-11 CONSTANTINE TALEAS, TRUSTEE OF the BORDER TRUST 06 u/d/t dated May 1, 2006 and CONSTANTINE TALEAS, TRUSTTEE of the ELM TRUST 06 u/d/t dated November 20, 1996 petition for a Special Permit/Site Plan Approval and to extend a Non-Conforming Structure to combine three legally nonconforming lots into one conforming lot and to extend the legally nonconforming structure at 115-119 ELM STREET by attaching a 3-story mixed-use building with retail space on the first floor and 3 apartments on the second and third floors, which will increase both the Floor Area Ratio and height, and to waive certain dimensional parking, screening, and lighting requirements at 8 BORDER STREET and 111 and 115-119 ELM STREET, Ward 3, West Newton, on land known as SBL 29, 30, 31, containing ≈11, 044 sq. ft. of land in a district zoned Business 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)b), 30-21(b), 30-19(h)(3), (i)(l), (j)(l)a), and (m), and 30-15 Table Three of the City of Newton Rev Zoning Ord, 2007.

A Public Hearing was assigned for June 14, 2011:

#149-11 SOVEREIGN BANK/THOMAS R. KEERY, II TRUSTEE of WASHINGTON STREET TRUST, petition for a Special Permit/Site Plan Approval for a drive-thru ATM and waivers from lighting requirements and size of window signs at 624 WASHINGTON STREET, Ward 1, NEWTON CORNER, on land known as SBL 23, 18, 2, containing ≈20,400 sq. ft. of land in a district zoned Business 2. Ref: Sec 30-24, 30-23, 30-11(d)(10), 30-19(j)(1)a) and (m), 30-20(f)(6) and (l) of the City of Newton Rev Zoning Ord, 2007.

A Public Hearing was assigned for June 14, 2011:

#150-11 GUHAN SUBRANANIAN petition for a Special Permit/Site Plan Approval to alter a nonconforming structure by locating a home business use in an existing detached carriage house and to waive 4 required parking stalls at 43 FAIRMONT AVENUE, Ward 1, Newton, on land known as SBL 13, 11, 5, containing ≈33,159 sq. ft. of land in a district zoned Single Residence 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)b), 30-8(c)(11)d) of the City of Newton Rev Zoning Ord, 2007.

A Public Hearing was assigned for May 18, 2011

#157-11 VERIZON requesting a grant of location to install and maintain 115' ± of 2" conduit in an easterly direction in CHURCH STREET from Manhole 16/129, and 346' ± of 2" conduit in a southerly direction in MAPLE AVENUE and place three 2' x 3' hand holes, which will be located between 206 and 200 Church Street, between 14 and 18-20 Maple Avenue and between 26 and 32 Maple Avenue. All hand holes to be placed on public property. (Ward 1) [04/27/11 @10:06 AM]

A Public Hearing was assigned for June 8, 2011

#158-11 NATIONAL GRID petition for a grant of location to install and maintain 150' ± of 4" gas main in MELINA ROAD from the existing 8" gas main in Parker Street easterly to 14 Melina Road. (Ward 8) [04/27/11@ 2:29 PM]