

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, June 20, 2011

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

Absent: Ald. Baker, Ciccone, Danberg, Sangiolo, Schnipper, Swiston

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 18 YEAS, 0 NAYS, 6 ABSENT (Ald. Baker, Ciccone, Danberg, Sangiolo, Schnipper, Swiston) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

REFERRED TO LAND USE COMMITTEE

Tuesday, June 14, 2011

#215-08(2) MAX MAZAEV/VICTOR J. & CATHERINE J. NICOLAZZO 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 141-145 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.

HEARING CLOSED; LAND USE APPROVED 6-0

#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 secondary wall signs at 624 WASHINGTON STREET, Ward 2, Newtonville, 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)(2) and (l) of the City of Newton Rev Zoning Ord, 2007.

HEARING CLOSED; LAND USE APPROVED 6-0

MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE COMMITTEE TO POLL HIS COMMITTEE WAS APPROVED BY VOICE VOTE.

MOTION TO AMEND DOCKET ITEM TO ACCEPT WITHDRAWL OF LIGHTING WAIVER WAS APPROVED BY COMMITTEE 7-0

Clerk's Note: A request from the petitioner to withdraw the request for a waiver of the lighting requirement was received after the committee voted at its meeting.

- #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.
HEARING CLOSED; LAND USE APPROVED 6-0

REFERRED TO ZONING AND PLANNING COMMITTEE

Monday, June 13, 2011

Appointment by His Honor the Mayor:

- #165-11 RICHARD GALLOGLY, 114 Windermere Road, Auburndale, appointed as an alternate member of the Conservation Commission for a term of office to expire on May 31, 2014 (60 days 08-05-11). [05/23/11 @3:48PM]
ZONING & PLANNING APPROVED AS AMENDED 6-0 (Swiston not voting) term of office to expire June 30, 2013.

- #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]
ZONING & PLANNING APPROVED 7-0
REFERRED TO FINANCE 7-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, June, 8, 2011

- #114-11 ALD. HESS-MAHAN & SALVUCCI proposing to amend section 3-26(a)(2) of the Revised Ordinances to update the list of currently designated tot lots which dogs are prohibited from entering. [04-13-11 @10:52AM]
PROGRAMS & SERVICES APPROVED SUBJECT TO 2nd CALL 7-0 (Sangiolo not voting)

Clerk's Note: The Committee voted this item subject to second call as they wanted to see the final wording of the ordinance. The wording was provided in the Friday Packet and attached to the committee report. Since the Board had the requested information, the vice-chair asked for the item to be approved on first call.

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, June 8, 2011

#170-11 BOSTON COACH TRANSPORTATION request for annual renewal of the Boston College Bus Licenses. There are no changes proposed to last year's licenses. [05/16/11 @ 11:06 AM]
PUBLIC SAFETY APPROVED 6-0 (Swiston and Shapiro not voting)

#169-11 POLICE DEPARTMENT submitting reports of semi-annual taxi license/public auto inspections for review. [05/13/11 @ 10:55 AM]
PUBLIC SAFETY APPROVED 7-0 (Shapiro not voting)

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

#189-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of twenty-five thousand dollars (\$25,000) from FY11 Free Cash for heating oil costs incurred by the Fire Department. [05-31-11 @2:16 PM]
FINANCE APPROVED 5-0 on 06/13/11
PUBLIC SAFETY APPROVED 7-0 (Fuller not voting)

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

#187-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of sixty thousand dollars (\$60,000) from FY11 Free Cash for gasoline expenditures incurred by the Police Department. [05-31-11 @2:16 PM]
FINANCE APPROVED 5-0 on 06/13/11
PUBLIC SAFETY APPROVED 7-0 (Fuller not voting)

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

#188-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of one hundred seventy-five thousand dollars (\$175,000) from FY11 Free Cash for overtime expenditures incurred by the Police Department. [05-31-11 @2:16 PM]
FINANCE APPROVED AS AMENDED 5-0 @ \$100,000 on 06/13/11
PUBLIC SAFETY APPROVED 6-0-1 (Freedman abstaining; Fuller not voting)

MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE COMMITTEE TO POLL HIS COMMITTEE WAS APPROVED BY VOICE VOTE.

MOTION IN COMMITTEE TO SUBSTITUTE THE VOTE OF THE FINANCE COMMITTEE FOR THE VOTE OF THE PUBLIC SAFETY COMMITTEE WAS APPROVED 6-0

Clerk's Note: At the request of the Mayor's Office, the Finance Committee amended the amount of the request from \$175,000 to \$100,000. The Public Safety Committee, which had already voted the item before the request for amendment, voted to substitute the report of the Finance Committee to approve the item at \$100,000.

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, 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]
PUBLIC FACILITIES APPROVED 6-0 (Gentile and Lennon not voting)

#194-11 HIS HONOR THE MAYOR appointing DAVID TUROCY as Commissioner of Public Works, effective June 6, 2011, pursuant to §3-3 of the City Charter. (30 days 07/06/11) [06/03/10 @ 1:32 PM]
PUBLIC FACILITIES APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#190-11 HIS HONOR THE MAYOR requesting authorization to enter into an Inter-Municipal Agreement with the Town of Needham detailing Needham's obligation to fund half of the construction contract costs associated with structural repairs to the jointly owned Nahanton Street–Kendrick Street Bridge. [05-31-11 @2:16 PM]
FINANCE APPROVED 5-0 on 06/13/11
PUBLIC FACILITIES APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#309-10(2) HIS HONOR THE MAYOR requesting authorization to transfer the sum of six hundred twenty thousand dollars (\$620,000) from the Water Fund to the Sewer Fund to restore the full transfer from the Water Fund to the Sewer Fund that was reduced to address a projected shortfall in the Water Fund, which was approved by the Board of Aldermen on November 15, 2010. [04/25/11 @ 5:55 PM]
FINANCE APPROVED 4-0-1 (Fuller abstaining) on 06/13/11
PUBLIC FACILITIES APPROVED 6-0-1 (Crossley abstaining; Lappin not voting)

#399-09(3) HIS HONOR THE MAYOR requesting that Board Order #399-09(2) be amended to include sewer extensions and sewer construction projects on Woodland Road, Old Farm Road and other applicable sewer projects. [05-31-11 @2:16 PM]
PUBLIC FACILITIES APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#89-09(2) HIS HONOR THE MAYOR requesting Board Order #89-09 be amended by rescinding a balance of six hundred fifty thousand dollars (\$650,000) that remains authorized but unissued debt for bond authorization, which was to be used to purchase additional trash and recycling. [05-31-11 @2:16 PM]
FINANCE APPROVED 5-0 on 06/13/11
PUBLIC FACILITIES APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#367-10(A)(2) HIS HONOR THE MAYOR requesting that Board Order #367-10(A) be amended by rescinding the seventy five thousand dollar (\$75,000) bond authorization and appropriating seventy five thousand dollar (\$75,000) from FY11 Free Cash for the purpose of funding the site plan design work for modular classrooms. [05-31-11 @2:16 PM]

FINANCE APPROVED 5-0 on 06/13/11
PUBLIC FACILITIES APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#311-10(A1)(2) HIS HONOR THE MAYOR requesting that Board Order #311-10(A1) be amended by rescinding the one hundred thirty thousand dollar (\$130,000) bond authorization and appropriating one hundred twenty-five thousand forty-six dollars (\$125,046) from the Capital Stabilization Fund designated for Fire Station Renovations and four thousand nine hundred fifty-four dollars (\$4,954) from FY11 Free Cash for the purpose of funding architectural programming, schematic design, site and building testing for Station #3 (Willow Street) and Station #10 (Dedham Street). [05-31-11 @2:16 PM]

FINANCE APPROVED 5-0 on 06/13/11
PUBLIC FACILITIES APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#191-11 HIS HONOR THE MAYOR requesting an appropriation in the amount two million two hundred seventy-seven thousand dollars (\$2,277,000) from bonded indebtedness for the purpose of funding sewer capital projects. [05-31-11 2:17 PM]

FINANCE APPROVED 5-0 on 06/13/11
PUBLIC FACILITIES APPROVED 8-0

REFERRED TO FINANCE COMMITTEE

Monday, June 13, 2011

#182-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of fifteen thousand dollars (\$15,000) from the Commonwealth Golf Course Mayor's Golf Day Receipts Reserved for Appropriation for the purpose of funding scholarships for youth attending Parks and Recreation camp programs. [05-31-11 @2:16 PM]
FINANCE APPROVED 4-0 (Linsky not voting)

#183-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of five thousand dollars (\$5,000) from the Commonwealth Golf Course Mayor's Golf Day Receipts Reserved for Appropriation for the purpose of funding the City's Fourth of July festivities. [05-31-11 @2:16 PM]
FINANCE APPROVED AS AMENDED 4-0 @ \$10,000 (Linsky not voting)

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

#189-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of twenty-five thousand dollars (\$25,000) from FY11 Free Cash for heating oil costs incurred by the Fire Department. [05-31-11 @2:16 PM]

PUBLIC SAFETY APPROVED 7-0 (Fuller not voting) on 06/08/11

FINANCE APPROVED 5-0

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

#187-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of sixty thousand dollars (\$60,000) from FY11 Free Cash for gasoline expenditures incurred by the Police Department. [05-31-11 @2:16 PM]

PUBLIC SAFETY APPROVED 7-0 (Fuller not voting) on 06/08/11

FINANCE APPROVED 5-0

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

#188-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of one hundred seventy-five thousand dollars (\$175,000) from FY11 Free Cash for overtime expenditures incurred by the Police Department. [05-31-11 @2:16 PM]

PUBLIC SAFETY APPROVED 6-0-1 (Freedman abstaining, Fuller not voting) on 06/08/11

FINANCE APPROVED AS AMENDED 5-0 @ \$100,000 (Linsky not voting)

Clerk's Note: Item approved by Public Safety at \$100,000. See note in Public Safety Section above.

#176-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of twenty thousand dollars (\$20,000) from FY11 Free Cash to settle claims for reimbursement for damages incurred during snow plowing operations this past winter. [05-31-11 @ 2:26 PM]

FINANCE APPROVED AS AMENDED 5-0 @ \$7,500 (Linsky not voting)

#175-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of eight thousand dollars (\$8,000) from FY11 Free Cash for the purpose of settling a claim against the City of Newton under the Federal Fair Labor Standards Act (FLSA). [05-31-11 @ 2:26 PM]

FINANCE APPROVED 5-0

#186-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of twenty thousand dollars (\$20,000) from the Receipts Reserved for Appropriation – Verizon CATV Franchise Fee for outside counsel fees incurred for cable related matters. [05-31-11 @ 2:17 PM]

FINANCE NO ACTION NECESSARY 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #190-11 HIS HONOR THE MAYOR requesting authorization to enter into an Inter-Municipal Agreement with the Town of Needham detailing Needham's obligation to fund half of the construction contract costs associated with structural repairs to the jointly owned Nahanton Street–Kendrick Street Bridge. [05-31-11 @2:16 PM]
PUBLIC FACILITIES APPROVED 8-0 on 06/08/11
FINANCE APPROVED 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #89-09(2) HIS HONOR THE MAYOR requesting Board Order #89-09 be amended by rescinding a balance of six hundred fifty thousand dollars (\$650,000) that remains authorized but unissued debt for bond authorization, which was to be used to purchase additional trash and recycling containers. [05-31-11 @2:16 PM]
PUBLIC FACILITIES APPROVED 8-0 on 06/08/11
FINANCE APPROVED 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #191-11 HIS HONOR THE MAYOR requesting an appropriation in the amount two million two hundred seventy-seven thousand dollars (\$2,277,000) from bonded indebtedness for the purpose of funding sewer capital projects. [05-31-11 2:17 PM]
PUBLIC FACILITIES APPROVED 8-0 on 06/08/11
FINANCE APPROVED 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #309-10(2) HIS HONOR THE MAYOR requesting authorization to transfer the sum of six hundred twenty thousand dollars (\$620,000) from the Water Fund to the Sewer Fund to restore the full transfer from the Water Fund to the Sewer Fund that was reduced to address a projected shortfall in the Water Fund, which was approved by the Board of Aldermen on November 15, 2010. [04/25/11 @ 5:55 PM]
PUBLIC FACILITIES APPROVED 6-0-1 (Crossley abstaining; Lappin not voting) on 06/08/11
FINANCE APPROVED 4-0-1 (Fuller abstaining)

- #177-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of ten thousand dollars (\$10,000) from FY11 Free Cash to various departmental payroll accounts to fund the contract signing bonus payments, which are part of the collective bargaining agreement for FY10 and FY11 reached with the American Federation of State, County and Municipal Employees (AFSME), City Hall Associates, Local 3092. [05-31-11 @2:17 PM]
FINANCE APPROVED 4-0-1 (Fuller abstaining)

- #178-11 HIS HONOR THE MAYOR requesting a transfer from departmental payroll and health benefit accounts to various departments in order to fund the cost items set forth in the labor contract agreement with the American Federation of State, County and Municipal Employees (AFSME), City Hall Associates, Local 3092 for FY12 through FY14. [05-31-11 @2:17 PM]
FINANCE APPROVED 3-0-2 (Fuller, Linsky abstaining)
- #184-11 HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty thousand four hundred sixty-two dollars (\$20,462) from the Human Resources Severance Account to Law Department Salaries Account and Planning Department Salaries Account. [05-31-11 @ 2:17 PM]
FINANCE APPROVED 5-0
- #179-11 HIS HONOR THE MAYOR requesting authorization to transfer the sum of ten dollars (\$10) from the Veterans Services/Sealer of Weights and Measures Dues and Subscriptions Account to the Veterans Services/Sealer of Weights and Measures Stipends Account to correct a small payroll deficiency in the FY11 Budget. [05-31-11 @2:16 PM]
FINANCE APPROVED 5-0
- #180-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of twenty-four thousand eight hundred fifty-two dollars (\$24,852) from the Capital Stabilization account for the purpose of paying issuance costs related to the sale of bonds in April 2011. [05-31-11 @2:16 PM]
FINANCE APPROVED 5-0
- #181-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of twenty thousand dollars (\$20,000) from FY11 Free Cash to fund payment of the July 2010 Newton North High School electric bill. [05-31-11 @2:16 PM]
FINANCE APPROVED 5-0

Clerk's Note: The Vice-Chair noted that the Committee amended the item to \$18,475, the exact amount of the bill.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #311-10(A1)(2) HIS HONOR THE MAYOR requesting that Board Order #311-10(A1) be amended by rescinding the one hundred thirty thousand dollar (\$130,000) bond authorization and appropriating one hundred twenty-five thousand forty-six dollars (\$125,046) from the Capital Stabilization Fund designated for Fire Station Renovations and four thousand nine hundred fifty-four dollars (\$4,954) from FY11 Free Cash for the purpose of funding architectural programming, schematic design, site and building testing for Station #3 (Willow Street) and Station #10 (Dedham Street). [05-31-11 @2:16 PM]
PUBLIC FACILITIES APPROVED 8-0 on 06/08/11
FINANCE APPROVED 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#367-10(A)(2) HIS HONOR THE MAYOR requesting that Board Order #367-10(A) be amended by rescinding the seventy five thousand dollar (\$75,000) bond authorization and appropriating seventy five thousand dollar (\$75,000) from FY11 Free Cash for the purpose of funding the site plan design work for modular classrooms. [05-31-11 @2:16 PM]

PUBLIC FACILITIES APPROVED 8-0 on 06/08/11
FINANCE APPROVED 5-0

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:***Public Hearing assigned for July 11, 2011:***

#195-11 VIKRAM NARASIMHAN & MARY V. DOYLE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE by adding an addition of approximately 1300 square feet to the rear of an existing single-family residence at 343 OTIS STREET, Ward 3, West Newton, on land known as SBL 32, 3, 14, containing approximately 18,630 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.

Public Hearing assigned for July 11, 2011:

#196-11 STEVEN & ANDREA FEIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND A NONCONFORMING STRUCTURE for a garage greater than 700 square feet (approximately 1,110 square feet), extending a structure nonconforming with regard to lot coverage, at 40 LENOX STREET, Ward 2, West Newton, on land known as SBL 32 50 2, containing approximately 15,000 sq ft in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(m)(5)b) and c) of the City of Newton Rev Zoning Ord, 2007.

REQUEST TO WITHDRAW WITHOUT PREJUDICE WAS APPROVED FOR THE FOLLOWING ITEM:

#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.