

**CITY OF NEWTON**

**IN BOARD OF ALDERMEN**

**BOARD ACTIONS**

Monday, September 19, 2011

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

Absent: Ald. Fischman

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

#243-11      HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the FY09 through FY11 and the FY12 through FY14 labor contract agreements with the International Association of Firefighters, IAFF Local 863. [08/01/11 @ 2:20 PM]

**FINANCE APPROVED 6-0-2 (Fuller, Linsky abstaining)**

**ALDERMEN BAKER AND LINSKY OFFERED THE FOLLOWING RESOLUTION WHICH WAS AMENDED:**

WHEREAS: the Board of Aldermen was duly requested by the Executive Department to approve the transfer of funds in conjunction with recently negotiated collective bargaining agreements, as set forth in the above-captioned docket items;

~~AND WHEREAS certain provisions contained within these proposed agreements would appear to contribute to the city's ongoing 'structural deficit' to the extent the city's ongoing financial obligations exceed the city's projected revenues (see Attachment C of the city's Chief Financial Officer's memorandum dated September 2, 2011);~~

NOW BE IT RESOLVED:

That the Newton Board of Aldermen hereby requests that the Executive Department presently provide the Board with the following:

(a) a detailed plan to identify adoption of policies and/or available funding sources to address the increased financial obligations resulting from the recently negotiated contracts, specifically in respect to the new step increase and educational incentive plans;

~~(b) confirmation that the understanding reached between the Executive and the unions representing the city's employees in regard to the prohibition against the city's adoption of newly enacted law, Chapter 69 of the Acts of 2011 amending~~

~~General Law Chapter 32B pertaining to the allowance of municipalities to participate in plans administered by the Group Insurance Commission, extends only throughout the term of the proposed agreement and that upon the expiration of said term, in fiscal year 2014, the city shall retain the express right to choose to adopt said law, including participation in healthcare plans administered by the Group Insurance Commission.~~

**MOTION TO APPROVE THE RESOLUTION AS AMENDED WAS DENIED BY VOICE VOTE (Ald. Baker, Johnson and Linsky in favor)**

**DOCKET ITEM APPROVED 22 YEAS, 1 NAY (Baker), 1 ABSENT (Fischman)**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 0 NAYS, 3 ABSENT (Ald. Fischman, Shapiro, Swiston) TO TAKE THE FOLLOWING ACTIONS:**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, September 13, 2011

#209-11 CANDACE HAVENS recommending the appointment of GLORIA GAVRIS as the Boston College Chestnut Hill campus representative to the Boston College Neighborhood Council pursuant to condition #13 of special permit #101-93.

**LAND USE APPROVED 6-0 (Harney not voting)**

#210-11 BONNIE & DAVID RISHIKOF petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND A NONCONFORMING STRUCTURE to construct a 2-story rear addition, increasing the allowed Floor Area Ratio as of 10/15/11 from .57 to .6; add a shed dormer; reconfigure the exterior front landing and stairs in the front setback and construct a retaining wall greater than 4 feet in the rear setback of an existing single-family dwelling at 56 WALDORF ROAD, Ward 5, on land known as SBL 54, 47, 3, containing approx. 5,403 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u)(2), 30-15(t)(1) and (3), ~~30-5(b)(4)~~ of the City of Newton Rev Zoning Ord, 2007.

**HEARING CLOSED; LAND USE APPROVED 5-0-2 (Blazar, Crossley abstaining)**

**WITHDRAWAL WITHOUT PREJUDICE FOR RELIEF TO CONSTRUCT A RETAINING WALL GREATER THAN 4' IN THE REAR SETBACK LAND USE APPROVED 7-0**

#212-11 MATTHEW S. & RENEE L. LEVIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to create a garage, an indoor basketball court and game room in an existing detached carriage house at 28 SARGENT STREET, Ward 7, on land known as SBL 73, 8, 10 containing approx. 46,990 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

**HEARING CLOSED; LAND USE APPROVED 7-0**

**REFERRED TO ZONING AND PLANNING COMMITTEE**

Monday, September 12, 2011

#26-11 HIS HONOR THE MAYOR submitting in accordance with Section 7-2 of The City Charter an amendment to the 2007 Newton Comprehensive Plan to include a Mixed Use Centers Element [01-07-11 @ 4:20 PM] (Planning Board report submitted April 5, 2011).

**ZONING & PLANNING NO ACTION NECESSARY 6-0**

#94-11 ALD. HESS-MAHAN proposing to amend the accessory apartment ordinance by adding “no accessory dwelling unit shall be separated by ownership from the principal dwelling unit or structure, including, without limitation, conversion to the condominium form of ownership. Any lot containing an accessory dwelling unit shall be subject to a recorded restriction that restricts the lot owner’s ability to convey interest in the accessory dwelling unit, except leasehold estates.”

**ZONING & PLANNING NO ACTION NECESSARY 4-0 (Sangiolo, Baker not voting)**

**REFERRED TO PROGRAMS AND SERVICES COMMITTEE**

Wednesday, September 7, 2011

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

#263-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred thousand dollars (\$100,000) from FY12 Budget Reserve for the purpose of funding tree emergency expenses in the Parks & Recreation Department resulting from the the recent tropical storm. [08/11/30 @ 2:27 PM]

**FINANCE APPROVED 7-0 (Freedman not voting) AS AMENDED**

**@\$450,000 on 9/12/11**

**PROGRAMS & SERVICES APPROVED 7-0 AS AMENDED @\$450,000**

Appointment by His Honor the Mayor

#224-11 LUCY CALDWELL-STAIR, 46 Woodcliff Road, West Newton, appointed to the Board of Trustees of the Jackson Homestead for a term of office to expire February 1, 2014 (60 days 10-07-11). [07-20-11 @ 4:04PM]  
**PROGRAMS & SERVICES APPROVED 7-0**

Re-appointment by His Honor the Mayor

#221-11 ROY KISLIUK, 65 Grasmere Street, Newton, re-appointed to the Boston College Institutional Biotechnology Committee for a term of office to expire March 30, 2014 (60 days 10-07-11). [08-01-11 @ 11:27AM]  
**PROGRAMS & SERVICES APPROVED 7-0**

Re-appointment by His Honor the Mayor

#222-11 FRANCIS RICE, 2360 Commonwealth Avenue, Auburndale, re-appointed as the Ward 4 member of the Parks and Recreation Commission for a term to expire on January 1, 2014 (60 days 10-07-11). [07-22-11 @ 1:29PM]  
**PROGRAMS & SERVICES APPROVED 7-0**

Re-appointment by His Honor the Mayor

#223-11 ARTHUR MAGNI, 107 Mount Vernon Street, West Newton, re-appointed as the Ward 2 member of the Parks and Recreation Commission for a term of office to expire January 1, 2014 (60 days 10-07-11). [07-20-11 @ 4:04PM]  
**PROGRAMS & SERVICES APPROVED 7-0**

Re-appointment by His Honor the Mayor

#225-11 MARIETTA MARCHITELLI, 100 Waverley Ave, Newton, re-appointed to the Board of Trustees of the Jackson Homestead for a term of office to expire February 1, 2014 (60 days 10-07-11). [07-20-11 @ 4:04PM]  
**PROGRAMS & SERVICES APPROVED 7-0**

Re-appointment by His Honor the Mayor

#226-11 RUSSELL FELDMAN, 85 Langley Road, Newton Centre, re-appointed to the Board of Trustees of the Jackson Homestead for a term of office to expire February 1, 2014 (60 days 10-07-11). [07-20-11 @ 4:03PM]  
**PROGRAMS & SERVICES APPROVED 7-0**

Re-appointment by His Honor the Mayor

#227-11 MICHAEL CLARKE, 1115 Beacon Street, Newton Highlands, re-appointed as an alternate member of the Parks and Recreation Commission for a term of office to expire January 1, 2014 (60 days 10-07-11).[07-20-11 @ 3:05PM]  
**PROGRAMS & SERVICES APPROVED 7-0**

Re-appointment by His Honor the Mayor

#228-11 KATHLEEN HEITMAN, 751 Saw Mill Brook Parkway, Newton Centre,-  
appointed as the Ward 8 member of the Parks and Recreation Commission for a  
term of office to expire on June 30, 2014 (60 days 10-07-11). [07-20-11 @  
3:05PM]

**PROGRAMS & SERVICES APPROVED 7-0**

Re-appointment by His Honor the Mayor

#229-11 WALTER BERNHEIMER, 75 Winslow Road, Waban, re-appointed as the Ward  
5 member of the Parks and Recreation Commission for a term of office to expire  
on January 1, 2013 (60 days 10-07-11). [07-20-11 @ 3:04PM]

**PROGRAMS & SERVICES APPROVED 7-0**

Re-appointment by His Honor the Mayor

#230-11 BARBARA SMILEY, 1073 Walnut Street, Newton Highlands, re-appointed to  
the Urban Tree Commission for a term of office to expire June 1, 2014 (60 days  
10-07-11). [07-20-11 @ 2:14PM]

**PROGRAMS & SERVICES APPROVED 7-0**

Re-appointment by His Honor the Mayor

#231-11 KATHERINE ANN HOWARD, 84 Fenwick Road, Waban, re-appointed to the  
Urban Tree Commission for a term of office to expire June 1, 2013 (60 days 10-  
07-11). [07-20-11 @ 2:14PM]

**PROGRAMS & SERVICES APPROVED 7-0**

Re-appointment by His Honor the Mayor

#232-11 JULIA MALAKIE, 50 Murray Road, West Newton, appointed to the Urban Tree  
Commission for a term of office to expire June 1, 2012 (60 days 10-07-11). [07-  
20-11 @ 2:14PM]

**PROGRAMS & SERVICES APPROVED 7-0**

#82-07 ALD. YATES requesting that the City of Newton take all possible steps to  
persuade the General Court to allow municipalities to tax all telecommunications  
facilities in the City, which would yield ≈\$1.6 million annually for Newton.

**PROGRAMS & SERVICES NO ACTION NECESSARY 7-0**

#83-07(2) ALD. YATES proposing a RESOLUTION to the City's representatives and  
senator in the General Court asking them to co-sponsor the legislation of the  
Massachusetts Municipal Association that would give cities and towns the same  
power to determine their health care costs that agencies of the State  
have.[9/13/2010 @ 9:38am]

**PROGRAMS & SERVICES NO ACTION NECESSARY 7-0**

#98-10 ALD. YATES requesting that the Board of Aldermen and His Honor the Mayor take all possible steps to change state law to save local costs by giving cities and towns the right to negotiate health plans on the same basis as the Commonwealth. Such steps would include, but not be limited to, joining the Coalition to Save our Communities and notifying our city legislators of our urgent concern about this matter. [03/23/10 @ 4:29 PM]  
**PROGRAMS & SERVICES NO ACTION NECESSARY 7-0**

#206-10 VETERANS' AGENT requesting a discussion and support for the replacement of the WWII Honor Roll on the grounds of City Hall at the intersection of Walnut Street and Commonwealth Avenue. [07/06/10 @ 4:41 PM]  
**PROGRAMS & SERVICES NO ACTION NECESSARY 7-0**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, September 7, 2011

#253-11 HIS HONOR THE MAYOR requesting the confirmation of Bruce Proia as Newton's Fire Chief, effective August 1, 2011 pursuant to Section 3-3 of the City Charter. (30 days 10/6//11). [08/01/11 @ 5:25 PM]  
**PUBLIC SAFETY APPROVED 7-0 (Freedman not voting)**

Re-appointment by His Honor the Mayor:

#235-11 JEROME GRAFE, 21 Oakland Street, Newton, re-appointed to the Traffic Council for a term of office to expire on March 31, 2014 (60 days 10/07/11). [07/20/11 @ 3:04 PM]  
**PUBLIC SAFETY APPROVED 7-0 (Freedman not voting)**

#234-11 HIS HONOR THE MAYOR, requesting a review of proposed locations for several new bus shelters, which are proposed to be installed in various locations throughout the City. [06/02/11 @ 2:31 PM]  
**PUBLIC SAFETY NO ACTION NECESSARY 8-0**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, September 7, 2011

#237-11 NSTAR ELECTRIC petitioning for a grant of location to install two poles in MYRTLE AVENUE on the southwesterly side approximately 97' northwest of Seminary Avenue. (Ward 4) [07/08/11 @ 11:12 AM]  
**PUBLIC FACILITIES APPROVED AS AMENDED 6-0 (Gentile not voting)**

- #238-11 NATIONAL GRID petitioning for a grant of location to install and maintain 300' ± of 4" gas main in BROKEN TREE ROAD from the existing 4" gas main in Broken Tree Road northeasterly to provide service to 56, 63, 66, and 74 Broken Tree Road. (Ward 8) [07/26/11 @ 1:18 PM]  
**PUBLIC FACILITIES APPROVED 6-0 (Gentile not voting)**

**REFERRED TO FINANCE COMMITTEE**

Monday, September 12, 2011

*Reappointment by His Honor the Mayor:*

- #240-11 CAROL ANN SHEA, 24 Milo Street, West Newton, reappointed as a member of the NEWTON TAXATION AID COMMITTEE for a term of office to expire May 1, 2014 (60 days 10/07/11). [07-20-11 @ 4:03 PM]  
**FINANCE APPROVED 5-0 (Ciccone, Freedman, Linsky not voting)**

- #261-11 HIS HONOR THE MAYOR requesting authorization to accept and appropriate a gift of thirty-eight thousand dollars (\$38,000) from private donations for the purpose of acquiring a dog for the Police Department's new canine program. [08/29/11 @ 3:50 PM]  
**FINANCE APPROVED 7-0 (Freedman not voting)**

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

- #263-11 HIS HONOR THE MAYOR requesting authorization to requesting authorization to appropriate and expend one hundred thousand dollars (\$100,000) from FY12 Budget Reserve for the purpose of funding tree emergency expenses in the Parks and Recreation Department as a result of the recent tropical storm. [08/30/11@ 2:27 PM]  
**PROGRAMS & SERVICES APPROVED 7-0 AS AMENDED @\$450,000 on 09/07/11**  
**FINANCE APPROVED AS AMENDED 7-0 (Freedman not voting) @\$450,000**

- #311-10(G1A)HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty-two thousand four hundred twenty-one dollars (\$32,421) from the Angier School Boiler Replacement Project to the Bowen School Boiler Replacement project. [08/01/11 @ 2:23 PM]  
**FINANCE APPROVED 8-0**

- #311-10(G2A)HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-five thousand dollars (\$25,000) from the Williams School Boiler Replacement Project and the sum of twenty-five thousand dollars (\$25,000) from the Countryside School Lift Installation Project to the Countryside School Boiler Replacement Project. [08/01/11 @ 2:23 PM]  
**FINANCE APPROVED 8-0**

Ald. Hess-Mahan requested that docket Item #8-09, which had been referred to the Programs & Services and Public Facilities Committees, also be referred to the Finance Committee.

**APPROVED BY VOICE VOTE OF THE BOARD**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 1 NAY (Ald. Baker), 3 ABSENT (Ald. Fischman, Shapiro, Swiston) TO TAKE THE FOLLOWING ACTIONS:**

- #242-11      HIS HONOR THE MAYOR requesting a transfer from departmental payroll and health benefit accounts to various departmental payroll accounts in order to fund the cost items set forth in the labor contract agreement with the Newton Superior Officers' Association for FY12 through FY14. [08/01/11 @ 2:19 PM]  
**FINANCE APPROVED 6-0-2 (Fuller, Linsky abstaining)**
- #244-11      HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the FY09 through FY11 and the FY12 through FY14 labor contract agreements with the American Federation of State, County and Municipal Employees, Local 2913, the Parking Enforcement and Traffic Supervisors Unions. [08/01/11 @ 2:22 PM]  
**FINANCE APPROVED 6-0-2 (Fuller, Linsky abstaining)**
- #245-11      HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the FY09 through FY11 and the FY12 through FY14 labor contract agreements with the City of Newton Engineers' Association. [08/01/11 @ 2:21 PM]  
**FINANCE APPROVED 6-0-2 (Fuller, Linsky abstaining)**
- #246-11      HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the FY09 through FY11 and the FY12 through FY14 labor contract agreements with the Massachusetts Nurses Association. [08/01/11 @ 2:20 PM]  
**FINANCE APPROVED 6-0-2 (Fuller, Linsky abstaining)**
- #247-11      HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the FY09 through FY11 and the FY12 through FY14 labor contract agreements with the American Federation of State, County and Municipal Employees, Local 2443, the Foremen's Union. [08/01/11 @ 2:21 PM]  
**FINANCE APPROVED 6-0-2 (Fuller, Linsky abstaining)**
- #178-11(2)      HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the amended FY12 through FY14 labor contract agreement with the American Federation of State, County and Municipal Employees, Local 3092 and Local 3092B. [08/01/11 @ 2:21 PM]  
**FINANCE APPROVED 6-0-2 (Fuller, Linsky abstaining)**

- #260-11 HIS HONOR THE MAYOR requesting a transfer in the amount of seven thousand eight hundred fifty dollars (\$7,850) from Wage Reserve to various departmental payroll accounts in order to fund an increase to the annual longevity payments for Hay Grade employees. [08-29-11 @ 3:50 PM]  
**FINANCE APPROVED 6-0-2 (Fuller, Linsky abstaining)**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 1 NAY (Ald. Johnson), 3 ABSENT (Ald. Fischman, Shapiro, Swiston) TO TAKE THE FOLLOWING ACTION:**

- #236-11 MARY LAWLOR, 251 Grant Avenue, filing on June 29, 2011 an appeal from the decision of the Traffic Council on June 23, 2011 to approve TC35-11c) as follows:  
(c) *No parking on Beacon Street westbound (north side) from Grant Avenue to Dalton Road. (Wards 6 & 7)*  
**PUBLIC SAFETY APPEAL APPROVED AS AMENDED 6-2 (Freedman and Johnson opposed)**

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

*Public Hearing assigned for October 11, 2011:*

- #264-11 MARK & LISA KOZAK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow two parking stalls in the front setback at 119 FALMOUTH ROAD, Ward 3, West Newton, on land known as SBL 34, 47, 16, containing approximately 7,716 sq. ft. of land in a district zoned Single Residence 3. Ref: Sec 30-24, 30-23, 30-19((g)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

*Public Hearing assigned for October 5, 2011:*

- #266-11 NATIONAL GRID petitioning for a grant of location to install and maintain 80' ± of 4" gas main in RUANE ROAD from the existing 4" gas main at 74 Ruane Road in an easterly direction to #69 Ruane Road. (Ward 3) [09/12/11 @ 11:59 AM]

*Public Hearing assigned for October 24, 2011:*

- #249-11 FRANK UTANO et al. filing with the City Clerk on August 11, 2011 a Group Petition with 51 qualified voter signatures, pursuant to Sec. 10-2 of the City Charter, requesting a special meeting with the Board of Aldermen to discuss the amended zoning laws scheduled to take effect in October, 2011. [August 18, 2011] ***NB: Board action shall be taken not later than three months from the date the petition was filed with the City Clerk. [Nov 9, 2011]***