

CITY OF NEWTON
IN BOARD OF ALDERMEN
BOARD ACTIONS

Monday, December 5, 2011

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

Absent: Ald. Rice

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

#297-11 HIS HONOR THE MAYOR submitting a reorganization plan 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. [10-11-11@4:40PM] *Hearing opened and Closed on November 9, 2011; 90-days January 9, 2012).*

PROGRAMS & SERVICES APPROVED 7-0 on NOVEMBER 9, 2011

ITEM CHARTERED BY ALD. SANGIOLO ON NOVEMBER 21, 2011

DENIED 22 NAYS, 1 YEA (Ald. Baker), 1 ABSENT (Ald. Rice)

MOTION TO SEND THE FOLLOWING RESOLUTION TO THE MAYOR WAS MADE AND SECONDED:

Resolution regarding the reorganization relating to the Licensing Commission

Whereas the Licensing Commission provides important review of licenses for ~~both~~ restaurants, taverns and package stores in Newton; and

Whereas the Licensing Commission has formally had full-time staff in retiring Pat Sweeney, who had developed not only expertise but also the trust and confidence of her opposite numbers at various state agencies, such as the ABCC, which had regulatory authority over many of the same applicants who come before the Newton Licensing Commission; and

Whereas the staff for licensing could in a reorganization be located at the Inspectional Services Department which has jurisdiction over other aspects of the activities of many licensees; and

~~Whereas the staff of the Health Department has the capacity to serve the Licensing Commission at the present time, while ISD does not; and~~

Whereas the licenses issued by the Licensing Commission have legal issues and expose the City to potential liability if not carefully done;

~~Now therefore,~~ be it resolved, that the Honorable Board of Aldermen requests that the Mayor ~~and the Commissioner of Health~~ take all steps necessary to assure both continuity of service and high-quality staffing of the Licensing Commission incident to the proposed reorganization, including, but not limited to, ~~using some of the reorganization savings,~~ to engage, if she were willing, Ms. Sweeney to stay on for a period of time as a consultant the City to enable sufficient training of her successors, and also to be available from time to time to offer her advice and expertise to the Commission as the Commission may deem appropriate in the circumstances.

THE RESOLUTION, AS AMENDED, APPROVED BY VOICE VOTE

Clerk's Note: Alderman Sangiolo, as Chair of the Programs and Services Committee, reported on the item for her committee. She then discussed why she had chartered the item at the last meeting. Although the item was approved in committee, she had heard from several people who had concerns about moving the Licensing Commission to the Health and Human Services Department and wanted to have more time to look into the questions and concerns. She did some research and found that most communities do not have the licensing function under Health and Human Services. She contacted the Executive Offices and felt that the item should have more time to make sure that the reorganization was the best plan available. The City Charter, however, did not allow the item to be postponed, or held, beyond the evening's Board meeting and that the Board would have to take an up or down action at this meeting. She stated that she would have to vote no on the item in order to have the Executive Offices flesh the plan out and present it again to the Board.

Several Aldermen expressed concern that the plan did not seem to be fully fleshed out and indicated that they would not approve it at this time. It was felt that Inspectional Services might be the more appropriate place for Licensing if the issue of staffing could be worked out. Concern was raised that with the retirement of the secretary to the Licensing Commission at the end of the year, the licensing function might not be supported until a new reorganization plan was in place. It was noted that support for the Licensing Commission was currently under the direction of the Veteran's Department and that John MacGillivray would continue to oversee licensing until a plan was in place.

A motion was made that if the item was approved, a resolution should be attached to it asking that funding be made available to allow the retiring secretary to come in as needed to support the Health and Human Services Department until the staff could be fully trained. The Board laid this motion on the table until after the main item was voted.

With the denial of the item, the motion to send a resolution to the Mayor was brought back before the Board and amended to ask that the Mayor make sure that there is continuity of operations until a reorganization is approved.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 0 NAYS, 1 ABSENT (Ald. Rice) TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

November 22, 2011

A public hearing was held on the following item:

#148-11(3) CONSTANTINE TALEAS, TRUSTEE OF the BORDER TRUST 06 u/d/t dated May 1, 2006 and CONSTANTINE TALEAS, TRUSTEE of the ELM TRUST 06 u/d/t dated November 20, 1996 petition for a Special Permit/Site Plan Approval to waive ten (10) parking stalls in conjunction with special permit petition #148-11(2), which was the subject of a public hearing on October 11, 2011 Ref: Sec 30-24, 30-19(d) and (m), of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED; LAND USE APPROVED 6-0

#148-11(2) CONSTANTINE TALEAS, TRUSTEE OF the BORDER TRUST 06 u/d/t dated May 1, 2006, Et al. petition for a Special Permit/Site Plan Approval and to extend a Non-Conforming Structure to combine 3 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 commercial space on the first floor and 4 dwelling units on the second and third floors, which will increase both the Floor Area Ratio, height, and number of stories, 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 Sec 33, Blk 15, Lots 29, 30, 31, containing a total of ≈11, 044 sq. ft. of land in a district zoned Business 1. Ref: Sec 30-24, 30-24(f), 30-23, 30-21(b), 30-19(d), (h)(3), ~~(i)(4)~~; (j), and (m), and 30-15 Table 3 of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 6-0; WITHDRAWAL WITHOUT PREJUDICE TO WAIVE LIGHTING REQUIREMENTS FOR OUTDOOR PARKING FACILITY LAND USE APPROVED 6-0

#282-11 RICHARD D. SEWALL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four attached dwellings in two buildings; to waive the side setback requirement; and to allow a lot coverage of more than 25% at 87-89 WABAN STREET, Ward 1, on land known as SBL 12, 4, 27, containing approximately 20,082 sq. ft. of land in a district zoned MR 1
WITHDRAWAL WITHOUT PREJUDICE LAND USE APPROVED 6-0

2012 Class 2 Auto Dealer License
 #311-11 NEW ENGLAND MOTOR MART, INC.
 1221-1229 Washington Street
 West Newton 02465
LAND USE APPROVED 6-0

REFERRED TO ZONING AND PLANNING COMMITTEE

Monday, November 28, 2011

#164-09(2) ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan. [01/07/10 @ 12:00 PM]
ZONING & PLANNING REFERRED TO 2012-2013 BOARD OF ALDERMEN

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#48-06 ALD. HESS-MAHAN, BURG, JOHNSON, DANBERG, PARKER & WEISBUCH proposing that the city provide financial incentives to rent accessory apartments to low- to moderate-income households at affordable rates that can serve housing affordability goals.
FINANCE VOTED NO ACTION NECESSARY ON 3/8/10
ZONING & PLANNING NO ACTION NECESSARY 8-0

#61-10 ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of Chapter 30 into compliance. [02/23/10 @ 2:48 PM]
ZONING & PLANNING REFERRED TO 2012-2013 BOARD OF ALDERMEN

REFERRED TO FINANCE COMMITTEE

Monday, November 28, 2011

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#381-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three hundred thousand dollars (\$300,000) from bonded indebtedness for the purpose of purchasing heavy vehicle Equipment for the Department of Public Works. [10/31/11 @ 2:48 PM]
PUBLIC FACILITIES APPROVED 6-0 (Gentile not voting) on 11/16/11
FINANCE APPROVED 8-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #364-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one hundred fifty thousand dollars (\$150,000) from bonded indebtedness for the purpose of funding improvements to the Bobby Braceland Playground in Newton Upper Falls. [10/31/11 @ 2:48 PM]
PROG & SERV APPROVED 7-0 (Baker not voting) on 11/16/11
FINANCE APPROVED 8-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #363-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one hundred thousand dollars (\$100,000) from bonded indebtedness for the purpose of funding the mechanical and electrical repairs to the Gath Pool. [10/31/11 @ 2:48 PM]
PROG & SERV APPROVED 7-0 (Baker not voting) on 11/16/11
FINANCE APPROVED 6-0 (Gentile not voting) on 11/16/11

- #406-11 HIS HONOR THE MAYOR requesting acceptance, appropriation, and expenditure of a reimbursable grant in the amount of fifty-three thousand ninety-five dollars and eleven cents (\$53,095.11) awarded by the Massachusetts Executive Office of Public Safety and Security to be used for specialized police services directed at traffic safety education, crime reduction and criminal investigations. [11/14/11 @ 4:56 PM]
FINANCE APPROVED 8-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #365-11 HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty-two thousand dollars (\$32,000) from the Health and Human Services Consultant Account to the Health and Human Services Part-time Work Account. [11-01-11 @2:12 PM]
PROG & SERV APPROVED AS AMENDED 8-0 on 11/16/11
FINANCE APPROVED AS AMENDED 7-0 (Linsky not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #382-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three hundred thousand dollars (\$300,000) from bonded indebtedness for the purpose of funding improvements to City Hall. [10/31/11 @ 2:48 PM]
PUBLIC FACILITIES APPROVED 6-0 (Crossley not voting) on 11/16/11
FINANCE APPROVED 7-0 (Linsky not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #375-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of forty thousand dollars (\$40,000) from FY11 Free Cash for the purpose of replacing the staircase at the Elliot Street Highway Operations Building. [10/31/11 @ 2:49 PM]
PUBLIC FACILITIES APPROVED 5-0-1 (Gentile abstaining; Crossley not voting) on 11/16/11
FINANCE APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#374-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of twenty-five thousand dollars (\$25,000) from FY11 Free Cash for the purpose of repairing/replacing a broken jail cell door and track at Police Headquarters. [10/31/11 @ 2:49 PM]

PUBLIC FACILITIES REFERRED TO 2012-2013 BOARD on 11/16/11
FINANCE REFERRED TO 2012-2013 BOARD OF ALDERMEN

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#373-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of twenty-three thousand two hundred forty-six dollars (\$23,246) from FY11 Free Cash for the purpose of providing an exhaust system in the Police Garage area to meet code requirements. [10/31/11 @ 2:49 PM]

PUBLIC FACILITIES APPROVED 6-0 (Crossley not voting) on 11/16/11
FINANCE APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#372-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of sixty thousand dollars (\$60,000) from FY11 Free Cash for the purpose of installing snow guards on the roofs at the Main Library and the Crafts Street Highway Stable. [10/31/11 @ 2:49 PM]

PUBLIC FACILITIES APPROVED 6-0-1 (Gentile abstaining) on 11/16/11
FINANCE APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#371-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of thirty-three thousand two hundred fifty dollars from FY12 Budget Reserve to the Public Buildings Department for the purpose of funding the costs of the boiler replacement at the Senior Center and for repair of the emergency generator at the Main Library. [11-01-11 @2:12 PM]

PUBLIC FACILITIES APPROVED 7-0 on 11/16/11
FINANCE APPROVED 7-0 (Ciccone not voting)

REFERRED TO REAL PROPERTY REUSE COMMITTEE

Tuesday, November 29, 2011

#287-11 DIRECTOR OF PLANNING & DEVELOPMENT submitting on October 3, 2011 a letter stating that the building and land at 1294 Centre Street, declared surplus by the COMMISSIONER OF HEALTH & HUMAN SERVICES on September 21, 2011, should be declared unnecessary for all municipal purposes pursuant to Section 2-7.

REAL PROPERTY REFERRED TO 2012-2013 BOARD OF ALDERMEN

- #384-11 COMMISSIONER OF PARKS & RECREATION declaring surplus on October 19, 2011 the building and property at 70 Crescent Street with the exception of the piece designated as the Reverend Ford Playground and subsequently the DIRECTOR OF PLANNING & DEVELOPMENT on October 31, 2011 recommending to the Clerk of the Board that after soliciting all city departments the property be declared unnecessary for municipal purposes pursuant to Ordinance Section 2-7.
REAL PROPERTY REFERRED TO 2012-2013 BOARD OF ALDERMEN
- #160-09 DIRECTOR OF PLANNING & DEVELOPMENT requesting discussion of potential redevelopment of a block of land bounded by Willow, Centre and Lyman Streets, to include the existing 60,850 sq. ft. Fire Department headquarters and Station #3 site.
REAL PROPERTY REFERRED TO 2012-2013 BOARD OF ALDERMEN
- #212-08 ALD. YATES proposing that Section 2-7 be amended by requiring that branch libraries funded in whole or in part by neighborhood contributions be only made available to the original donor neighborhood association, its successor organization, or similar organization serving the same needs.
REAL PROPERTY REFERRED TO 2012-2013 BOARD OF ALDERMEN

REFERRED TO THE COMMITTEE ON COMMUNITY PRESERVATION

Tuesday November 29, 2011

- #144-05(2) ALD. YATES requesting a report on the status of the Historic Preservation of the Civil War Memorial in the Newton Cemetery for which a study has been completed. [05-02-11 @10:51 PM]
COMMUNITY PRESERVATION RESOLUTION APPROVED 8-0
- #39-05(2) ALD. YATES requesting a report from the Parks & Recreation Department and the Newton History Museum on the status of Phase IIA of the historic preservation of the historic burying grounds as previously approved by the Board of Aldermen for Community Preservation Act funding.
COMMUNITY PRESERVATION NO ACTION NECESSARY 8-0
- #408-11 COMMITTEE ON COMMUNITY PRESERVATION requesting a discussion with the members of the CIP team including Bob Rooney, Maureen Lemieux, and Stephanie Gilman to talk about project management regarding potential CPA-eligible projects listed in the CIP. Recognizing that project management has been difficult in prior CPA funded projects, the conversation will revolve around how things will be different with respect to project management in the future. [11/14/11 @ 1:58PM]
COMMUNITY PRESERVATION NO ACTION NECESSARY 8-0

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 1 NAY
(Ald. Gentile), 1 ABSENT (Ald. Rice) TO TAKE THE FOLLOWING ACTIONS:**

REFERRED TO ZONING AND PLANNING COMMITTEE

Public hearing held on November 28, 2011:

#64-11(2) HIS HONOR THE MAYOR, in coordination with the Director of Planning and Development, requesting to amend Section 30-15(u) to exclude dwellings on rear lots created under the provisions of section 30-15(r); to amend section 30-15(r) and Section 30-15 Table 4 to allow the FAR limits of Section 30-15, Table 4, to be waived by special permit; and to amend the footnotes of section 30-15 Table 4 to be consistent with the changes above.

ZONING & PLANNING APPROVED 7-0-1 (Ald. Lennon abstaining)