

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, April 5, 2010

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

Absent: Ald. Sangiolo

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

#388-09 MARCUS LANG INVESTMENTS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create a rear lot subdivision including a change of grade/combination of walls/berms in excess of 4 feet within setbacks in order to construct two single-family dwellings with a shared driveway on GODDARD STREET, Ward 8, on land known as Section 83, Block 33, Lot 30, containing approximately 23,797 sf of land in a district zoned SINGLE RESIDENCE 3. (Ref: Sec 30-24, 30-23, 30-15(r), 30-19(f)(1) and (2) and 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

LAND USE APPROVED 5-0-3 (Albright, Blazar, Harney abstaining)

MOTION TO AMEND CONDITIONS TO INCLUDE: "That the petitioner, working the appropriate City officials and review bodies as defined by the Planning Director, will contribute up to \$5,000 to address traffic problems in the neighborhood toward improvements to Goddard Street directed at reducing vehicle speeds and/or making the street safer for pedestrian use". APPROVED BY VOICE VOTE

MOTION TO APPROVE ITEM AS AMENDED DID NOT CARRY 15 YEAS, 8 NAYS (Ald. Baker, Blazar, Gentile, Harney, Lappin, Linsky, Swiston, Yates) 1 ABSENT (Ald. Sangiolo)

Clerk's Note: 2/3rds required to approve Special Permits

MOTION TO RECONSIDER FILED BY ALD. LINSKY

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 0 NAYS, 1 ABSENT (Ald. Sangiolo) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

REFERRED TO LAND USE COMMITTEE

Tuesday, March 16, 2010

- #43-10 FENG HUA CHOW/BLOOMINGDALE'S, INC./FEDERATED DEPARTMENT STORES, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a waiver of 11 parking spaces in order to convert approximately 2500 sf of existing space in Bloomingdales Department Store into a 50-seat Japanese restaurant at 225 BOYLSTON STREET, Ward 7, CHESTNUT HILL, on land known as Sec 65, Blk 8, Lot 99B, containing approx 190,368 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(d), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 8-0
- #388-09(2) EXTENSION OF TIME IN WHICH TO ACT on #388-09: MARCUS LANG INVESTMENTS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create a rear lot subdivision including a change of grade/combination of walls/berms in excess of 4 feet within setbacks in order to construct two single-family dwellings with a shared driveway on GODDARD STREET, Ward 8; said EXTENSION will run from April 12 through May 12, 2010.
LAND USE EXTENSION OF TIME APPROVED 7-0 (Harney not voting)

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, March 22, 2010

- #62-10 ALD. JOHNSON, LAPPIN, CROSSLEY, DANBERG AND HESS-MAHAN proposing a RESOLUTION to His Honor the Mayor to establish a Zoning Reform Scoping Group, to be appointed by the Mayor and the Board President in consultation with the leadership of the Land Use and Zoning & Planning Committees, for the purpose of developing a plan to reform Newton's zoning code. Responsibilities would include, but not be limited to, determining long and short term objectives, identifying funding options, researching best practices of communities that have undergone zoning reform and identifying potential resources to assist in the process. [02/23/10 @ 6:46 PM]
ZONING & PLANNING APPROVED 6-0
- #18-10 ALD. YATES requesting a report from the Conservation Commission as to whether the Commission feels that the ticketing process for violation of wetlands laws proposed in docket #168-02, approved by Zoning &

Planning in 2004 and subsequently voted No Action Necessary by the Board in 2009, would still be valuable in preserving the City's environment. [01/04/10 @ 8:16 PM]

ZONING & PLANNING NO ACTION NECESSARY 6-0

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, March 17, 2010

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#70-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty-three thousand seventy-five dollars (\$23,075) from the Budget Reserve for the purpose of funding payments for mosquito control. [02/23/10 @ 7:21 PM]

FINANCE APPROVED 7-0 (Linsky not voting) on 3/22/10
PROGRAMS & SERVICES APPROVED 8-0

REFERRED TO PS&T AND PROGRAMS & SERVICES COMMITTEES

#391-08 HIS HONOR THE MAYOR requesting Board of Aldermen approval to petition the General Court for an amendment to the legislation that governs the appointment of a Police Chief in the City of Newton in order to add two members to the committee: an additional representative of the Newton Superior Officers Association and an additional citizen member. [11/4/08 @ 12:31 PM]

PUBLIC SAFETY & TRANSPORTATION APPROVED 5-0 (Coletti, Danberg and Harney not voting) on 10/21/09
PROGRAMS & SERVICES APPROVED 8-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#358-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifty five thousand dollars (\$55,000) from tax revenue from the local option meals tax to restore funding to the Senior Transportation Program. [10/09/09 @ 5:25 PM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10
PROGRAMS & SERVICES NO ACTION NECESSARY 7-0-1
(Merrill abstaining)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#130-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Cable Receipts the sum of twenty-four thousand nine hundred eighteen dollars (\$24,918) for the purpose of purchasing equipment to provide for archived web casting of the Board of Aldermen and School Committee meetings. [4/28/09 @ 6:02 PM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10
PROGRAMS & SERVICES NO ACTION NECESSARY 8-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, March 17, 2010

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #79-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifty-two thousand six hundred forty-five dollars (\$52,645) from Parking Meter Receipts for the purpose of purchasing an Automatic License Plate Recognition (ALPR) system for three parking control vehicles operated by the Police Department. [03/09/10 @ 7:08 PM]
FINANCE APPROVED 8-0 on 3/22/10
PUBLIC SAFETY APPROVED 6-0-1 (Yates abstaining)

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #80-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend thirty-five thousand six hundred fifteen dollars and twenty cents (\$35,615.20) from Budget Reserve for the purpose of supplementing the Fire Department's budget for costs related to new recruits. [03/09/10 @ 7:08 PM]
FINANCE APPROVED 8-0 on 3/22/10
PUBLIC SAFETY APPROVED 5-0 (Harney and Freedman not voting)

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #71-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend four hundred thousand dollars (\$400,000) from Free Cash for the purpose of supplementing the Fire Department overtime account. [02/23/10 @ 7:21 PM]
FINANCE APPROVED 8-0 3/22/10
PUBLIC SAFETY APPROVED 6-0 (Freedman not voting)
- #66-10 ALD. CICCONE requesting information as to why the Fire Department lost two-way radio communication recently and what is being done to prevent this in the future. [02/23/10 @ 2:54 PM]
PUBLIC SAFETY REFERRED TO POST AUDIT & OVERSIGHT 6-0 (Freedman not voting)
- #48-10 ALD. YATES requesting a report from the Fire Chief as to the safety and security of hoses on all fire engines to prevent an accident like the one in Cambridge. [02/01/10 @ 9:00 PM]
PUBLIC SAFETY NO ACTION NECESSARY 5-0 (Fuller and Freedman not voting)

REFERRED PUBLIC FACILITIES COMMITTEE

Wednesday, March 17, 2010

#67-10 NATIONAL GRID requesting a grant of location to install and maintain 200'± of 4" gas main in RAMSDELL STREET from the existing 4" gas main at Pole #145 easterly to the rear of 936 Boylston Street and 65' ± of 4" gas main in CURTIS STREET from the existing 4" gas main at 9 Curtis Street to the end of the traveled way. (Ward 5) [02/22/10 @ 11:22 AM]

PUBLIC FACILITIES APPROVED 6-0 (Gentile not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#81-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend ninety-one thousand dollars (\$91,000) from Free Cash for the purpose of funding operating costs associated with the new Newton North High School building for the month of June 2010. Ongoing operating costs for the new building have been included in the School Department's budget beginning July 1, 2010. [03/09/10 @ 7:08 PM]

FINANCE APPROVED 8-0 on 03/22/10

PUBLIC FACILITIES APPROVED 6-0 (Albright not voting)

NOTE: The Committees approved an emergency preamble with the following item, which will require a separate two-thirds vote by the Board.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#82-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand dollars (\$150,000) from Free Cash for the purpose of supplementing the Public Works Department's budget for concrete supplies as follows:

Bituminous Concrete\$60,000

Redi-Mix Concrete.....\$90,000

[03/09/10 @ 7:08 PM]

FINANCE APPROVED 8-0 on 03/22/10

PUBLIC FACILITIES APPROVED 5-0 (Crossley and Lappin not voting)

EMERGENCY PREAMBLE APPROVED

REFERRED TO FINANCE COMMITTEE

Monday, March 22, 2010

#77-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend four thousand five hundred dollars (\$4,500) from Budget Reserve for the purpose of settling a claim by a former employee of the Elections Department. [03/09/10 @ 7:08 PM]

FINANCE APPROVED 7-0 (Linsky not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#70-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty-three thousand seventy-five dollars (\$23,075) from the Budget Reserve for the purpose of funding payments for mosquito control. [02/23/10 @ 7:21 PM]
PROG & SERV APPROVED 8-0 on 03/17/10
FINANCE APPROVED 7-0 (Linsky not voting)

#76-10 ELIZABETH DROMEY, 15 Horace Road, Belmont, re-appointed to the BOARD OF ASSESSORS for a term expiring on February 1, 2013. (60 days 05/14/10) [02/10/10 @ 11:35 AM]
FINANCE APPROVED 8-0

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

#79-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifty-two thousand six hundred forty-five dollars (\$52,645) from Parking Meter Receipts for the purpose of purchasing an Automatic License Plate Recognition (ALPR) system for three parking control vehicles operated by the Police Department. [03/09/10 @ 7:08 PM]
PS&T APPROVED 6-0-1 (Yates abstaining) on 03/17/10
FINANCE APPROVED 8-0

#242-09(2) HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty-five thousand dollars (\$25,000) from Receipts Reserved received from Panera LLC towards the installation of a pedestrian-activated signal at Centre and Pelham Streets in Newton Center in accordance with Condition #8 in Special Permit Board Order #242-09. [12/15/09 @ 5: 06 PM]
FINANCE APPROVED 7-0 (Freedman not voting)

NOTE: The Committees approved an emergency preamble with the following item, which will require a separate two-thirds vote by the Board.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#82-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand dollars (\$150,000) from Free Cash for the purpose of supplementing the Public Works Department’s budget for concrete supplies as follows:
Bituminous Concrete\$60,000
Redi-Mix Concrete.....\$90,000
[03/09/10 @ 7:08 PM]
PUBLIC FACILITIES APPROVED 5-0 (Crossley and Lappin not voting) on 3/17/10
FINANCE APPROVED 8-0
EMERGENCY PREAMBLE APPROVED

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #81-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend ninety-one thousand dollars (\$91,000) from Free Cash for the purpose of funding operating costs associated with the new Newton North High School building for the month of June 2010. Ongoing operating costs for the new building have been included in the School Department's budget beginning July 1, 2010. [03/09/10 @ 7:08 PM]
PUBLIC FACILITIES APPROVED 6-0 (Albright not voting) on 3/17/10
FINANCE APPROVED 8-0

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #80-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend thirty-five thousand six hundred fifteen dollars and twenty cents (\$35,615.20) from Budget Reserve for the purpose of supplementing the Fire Department's budget for costs related to new recruits. [03/09/10 @ 7:08 PM]
PS&T APPROVED 5-0 (Freedman and Harney not voting) on 03/17/10
FINANCE APPROVED 8-0

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #71-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend four hundred thousand dollars (\$400,000) from Free Cash for the purpose of supplementing the Fire Department overtime account. [02/23/10 @ 7:21 PM]
PS&T APPROVED 6-0 (Freedman not voting) on 3/17/10
FINANCE APPROVED 8-0

REFERRED TO REAL PROPERTY REUSE COMMITTEE

Tuesday, March 23, 2010

- #470-08 ALD. HESS-MAHAN & BRANDEL requesting a discussion with the Executive and Planning & Development Departments re the development of a city policy with respect to augmenting cell equipment rental income by leasing municipal properties.
REAL PROPERTY REUSE NO ACTION NECESSARY 7-0

REFERRED TO POST AUDIT & OVERSIGHT COMMITTEE

Tuesday, March 23, 2010

REFERRED TO POST AUDIT & OVERSIGHT AND FINANCE COMMITTEES

- #300-08 ALD. JOHNSON AND SWISTON requesting discussion with Mayor David Cohen and Superintendent Jeffrey Young as to the procedures that

are in place to ensure accountability of their staff in respect to adherence to the authorization of purchasing and expenditures policy and procedures.

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

POST AUDIT & OVERSIGHT NO ACTION NECESSARY 5-0

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 1 NAY (Ald. Gentile), 1 ABSENT (Ald. Sangiolo) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:

- #288-09(2) DESIGN REVIEW COMMITTEE petition pursuant to Sec 5-58 for site plan approval to place four modular classrooms with associated connectors at Oak Hill Middle School in order to accommodate increased enrollment. [02/23/10 @ 7:20 PM]
PUBLIC FACILITIES APPROVED 6-1(Gentile opposed)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 0 NAYS, 1 ABSENT (Ald. Sangiolo), 1 EXCUSED (Ald. Schnipper) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:

- #376-08(3) JAN SPIRO request for an EXTENSION OF TIME in which to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL #376-08, granted on February 17, 2009, for a rear lot subdivision to construct a new single-family home to the rear of an existing single-family home at 296 WARD STREET, Ward 7, Chestnut Hill; said extension will run from February 17, 2010 to February 17, 2011. Ref: Sec 30-24(c)(4) of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 6-0 (Harney not voting; Schnipper recused)

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS

Public Hearing assigned for May 11, 2010:

- #85-10 MARLA & SIMON OLSBERG petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a dormer wider than 50% of the exterior wall below and a waiver to allow side walls of a dormer less than 3' from vertical edge of building end wall in order to convert an attic into bedrooms and a bathroom in an existing single-family dwelling at 47 SHELDON ROAD, Ward 8, Newton Centre, on land known as Sec 81, Blk 39, Lot 7, containing approx 7,920 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(t)(a), 30-15(t)(c) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing Assigned for April 21, 2010

#102-10 NATIONAL GRID petitioning for a grant of location to install and maintain 130' ± of 4" gas main in COLUMBIA AVENUE from the existing 4" gas main in Columbia Avenue at High Street westerly to House No. 122 for a new gas service. [03/29/2010@ 10:45 AM]

Public Hearing Assigned for April 21, 2010

#103-10 VERIZON requesting a grant of location to install approximately 400' ± of 4" conduits in CYPRESS STREET from Manhole 47/172 in Cypress Street @ Braceland Avenue to Manhole 47/212 in Cypress Street @ Paul Street to Manhole 47/172 In Cypress Street @ Parker Street. [03/11/10 @10:13 AM]

Public Hearing Assigned for April 21, 2010

#104-10 VERIZON requesting a grant of location to install approximately 1,580' ± of 2" conduit in Quincy Road, Priscilla Road, Old Colony Road and Mayflower Road and 10 hand holes to be located in front of House Nos. 60, 54, 45, and 29 Old Colony Road; House Nos. 40 and 18 Priscilla Road; and House Nos. 52, 49, 40, and 37 Mayflower Road. [03/11/10 @10:13 AM]