

**CITY OF NEWTON**

**IN BOARD OF ALDERMEN**

**BOARD ACTIONS**

Monday, May 3, 2010

Present: Ald. Albright, Baker, Blazar, Ciccone, Crossley, Danberg, Fischman, Fuller, Freedman, 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 ON 04/05**

**MOTION TO RECONSIDER APPROVED BY VOICE VOTE**

**MOTION TO POSTPONE TO MAY 3, 2010 APPROVED 13 YEAS, 9 NAYS (Ald. Baker, Danverrg, Gentile, Johnson, Lappin, Sangiolo, Shapiro, Swiston, Yates), 2 ABSENT (Ald. Freedman, Harney)**

**MOTION TO APPROVE DENIED 13 YEAS, 10 NAYS (Ald. Baker, Blazar, Gentile, Harney, Lappin, Linsky, Merrill, Shapiro, Swiston, Yates), 1 ABSENT (Ald. Sangiolo)**

**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 PROGRAMS & SERVICES COMMITTEE**

Wednesday, April 21, 2010

**REFERRED TO PROG & SERV AND FINANCE COMMITTEES**

#117-10 HIS HONOR THE MAYOR requesting a transfer of funds in the amount of twenty-four thousand dollars (\$24,000) from a severance account held by the Human Resources Department to a severance account held by the Law Department for the purpose of paying for severance related expenses in the Law Department. [04/13/10 @ 7:09 PM]

**FINANCE APPROVED 7-0 on 04/26/10**

**PROGRAMS & SERVICES APPROVED 8-0**

#46-10(3) ALD CROSSLEY, HESS-MAHAN AND LINSKY proposing a RESOLUTION to demonstrate support by the Board of Aldermen of the Green Communities Act application for the City of Newton to achieve the designation as a Green Community. [04-12-10 @ 9:30 AM]

**PROGRAMS & SERVICES APPROVED AS AMENDED 7-0**

**(Fischman not voting)**

**REFERRED TO LAND USE & PROGRAMS & SERVICES COMMITTEES**

#59-10 ALD. HESS-MAHAN proposing that Article X of the Rules & Orders of the Board of Aldermen be amended to require that all plans, maps, photographs, and other documents and exhibits required to be filed with applications for special permits/site plan approvals and/or presented at public hearings and working sessions of the Land Use Committee must also be submitted in electronic form in order to facilitate compliance with recent amendments to the Open Meeting Law regarding recordkeeping requirements. [02/23/10 @ 3:24 PM]

**LAND USE APPROVED 8-0 ON 3/16/10**

**PROGRAMS & SERVICES APPROVED 6-0-1 (Merrill abstaining;**

**Fishman not voting)**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, April 21, 2010

**REFERRED TO PUB. SAF. & TRANS AND FINANCE COMMITTEES**

#118-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the amount of thirty thousand dollars (\$30,000) from Budget Reserve for the purpose of making repairs to two Fire Department ladder trucks. [04/13/10 @ 7:09 PM]

**FINANCE APPROVED 7-0 AS AMENDED @\$33,000 FOR REPAIR OF SIX FIRE TRUCKS on 04/26/10**

**PUBLIC SAFETY APPROVED 4-0 @\$30,000 for repair of six trucks)**

**Motion to suspend the rules to allow the Chair of Public Safety to Poll his Committee Approved by Voice Vote**

**MOTION IN PUBLIC SAFETY TO ACCEPT THE REPORT OF THE FINANCE COMMITTEE APPROVED 8-0**

**REFERRED TO PUB. SAF. & TRANS AND FINANCE COMMITTEES**

#119-10 **HIS HONOR THE MAYOR** requesting a transfer of funds in the amount of one hundred twenty-five thousand dollars (\$125,000) in unexpended funds from the salary account of the Police Department to the capital outlay and improvement account in the Police Department. [04/13/10 @ 7:09 PM]

**FINANCE APPROVED 7-0 on 04/26/10**

**PUBLIC SAFETY APPROVED 4-0**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, 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]

**PUBLIC FACILITIES APPROVED 6-0**

#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 @ Braeland 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 FACILITIES APPROVED WITH A CONDITION 6-0**

#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 FACILITIES APPROVED 6-0**

#115-10 COMCAST CABLE petitioning for a grant of location to install and maintain 163' ± conduit in a westerly direction in DAVIS STREET and crossing HIGHLAND STREET to a proposed handhold located at 1326 Highland Street.

**PUBLIC FACILITIES APPROVED 6-0**

#105-10 JONATHAN KANTAR, 672 Chestnut Street, Waban, appointed as a member of the Citizen's Commission on Energy for a term of office to expire on April 20, 2013. (60-days: 06/04/10) [03/30/10 @4:09 PM]

**PUBLIC FACILITIES APPROVED 6-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#111-10 HIS HONOR THE MAYOR requesting authorization to enter into an Inter-Municipal Agreement with the Town of Needham for Trommel Screening rental services for a three-year period (to be used to process compost to be used for resale in the coming year). [03/30/10 @ 4:08 PM]

**FINANCE APPROVED 7-0 on 04/26/10**

**PUBLIC FACILITIES APPROVED 6-0**

#106-10 HIS HONOR THE MAYOR proposing amendments to Chapter 11, Recycling and Trash, of the City of Newton Revised Ordinances 2007. [03/30/10 @ 4:08 PM]

**APPROVED 5-0-1 (Albright abstaining);**

**PUBLIC FACILITIES REFERRED TO FINANCE**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#120-10 HIS HONOR THE MAYOR requesting an appropriation in the amount of seventy-two thousand dollars (\$72,000) from Free Cash for the purpose of supplementing the snow and ice budget in the Department of Public Works.

**FINANCE APPROVED 7-0 on 04/26/10**

**PUBLIC FACILITIES APPROVED 5-0 (Danberg not voting)**

**REFERRED TO FINANCE COMMITTEE**

Monday, April 26, 2010

**REFERRED TO PUB. SAF. & TRANS AND FINANCE COMMITTEES**

#118-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the amount of thirty thousand dollars (\$30,000) from Budget Reserve for the purpose of making repairs to two Fire Department ladder trucks. [04/13/10 @ 7:09 PM]  
**PS&T APPROVED 4-0 @\$30,000 for repair of six trucks on 04-21-10**

**Motion to suspend the rules to allow the Chair of Public Safety to Poll his Committee Approved by Voice Vote**

**MOTION IN PUBLIC SAFETY TO ACCEPT THE REPORT OF THE FINANCE COMMITTEE APPROVED 8-0**  
**FINANCE APPROVED 7-0 AS AMENDED @ \$33,000 FOR REPAIR OF SIX FIRE TRUCKS**

**REFERRED TO PUB. SAF. & TRANS AND FINANCE COMMITTEES**

#119-10 HIS HONOR THE MAYOR requesting a transfer of funds in the amount of one hundred twenty-five thousand dollars (\$125,000) in unexpended funds from the salary account of the Police Department to the capital outlay and improvement account in the Police Department. [04/13/10 @ 7:09 PM]  
**PUBLIC SAFETY APPROVED on 04/21/10**  
**FINANCE APPROVED 7-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#120-10 HIS HONOR THE MAYOR requesting an appropriation in the amount of seventy-two thousand dollars (\$72,000) from Free Cash for the purpose of supplementing the snow and ice budget in the Department of Public Works. [04/13/10 @ 7:08 PM]  
**PUBLIC FACILITIES APPROVED 6-0 on 04/21/10**  
**FINANCE APPROVED 7-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#111-10 HIS HONOR THE MAYOR requesting authorization to enter into an Inter-Municipal Agreement with the Town of Needham for Trommel Screening rental services for a three-year period (to be used to process compost to be used for resale in the coming year). [03/30/10 @ 4:08 PM]  
**PUBLIC FACILITIES APPROVED 6-0 on 04/21/10**  
**FINANCE APPROVED 7-0**

**REFERRED TO PUB. SAF. & TRANS AND FINANCE COMMITTEES**

- #80-08(3) ALD. SALVUCCI AND DANBERG requesting that the City's one-year trial commercial parking permit program (City Ord. 19-205) be made permanent, with associated modifications based on the trial results. [01/12/10 @ 4:23 PM]  
**PUBLIC SAFETY APPROVED 8-0 on 4/7/10**  
**FINANCE APPROVED 7-0**

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

- #109-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred thousand dollars (\$100,000) from Free Cash for the purpose of supplementing the Law Department's budget for services provided by the City's outside labor counsel. [03/30/10 @ 4:12 PM]  
**PROGRAMS & SERVICES APPROVED 7-0-1 (Linsky abstaining) on 04/07/10**  
**FINANCE APPROVED 7-0**

**REFERRED TO PROG & SERV AND FINANCE COMMITTEES**

- #117-10 HIS HONOR THE MAYOR requesting a transfer of funds in the amount of twenty-four thousand dollars (\$24,000) from a severance account held by the Human Resources Department to a severance account held by the Law Department for the purpose of paying for severance related expenses in the Law Department. [04-13-10@7:09 PM]  
**PROGRAMS & SERVICES APPROVED 8-0 on 04/21/10**  
**FINANCE APPROVED 7-0**

**REFERRED TO COMM. ON COMM. PRES. AND FINANCE COMMITTEES**

- #28-10 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$362,500, including \$2,500 for City of Newton legal costs, be appropriated from the fiscal 2010 community housing and general reserves of the Community Preservation Fund and expended under the direction and control of the Planning and Development Department, to create two units of perpetually affordable rental housing at 2148-2150 Commonwealth Avenue. [01/11/10 @ 4:23 pm]  
**CMTEE ON COMMUNITY PRES. APPROVED AS AMENDED @\$375,000 5-0-3 (Ald. Blazar, Fuller and Harney abstaining) on 03/23/10**  
**FINANCE APPROVED 5-0-1 AS AMENDED @\$375,000 (Gentile abstaining; Ciccone not voting)**

**A MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING LATE FILED ITEM TO BE ACCEPTED TO THE DOCKET AND REFERRED TO PUBLIC SAFETY WAS APPROVED BY VOICE VOTE:**

#135-10      The WARD 4 ALDERMEN appealing denial of Traffic Council Decision TC42-09 voted on April 29, 2010: ALD, HARNEY, SANGIOLO AND GENTILE requesting a) a study for possible traffic calming measures to regulate speed on the following streets: West Pine Street and Melrose Avenue near the Auburndale Cove playground and parking lot and b) request turning restrictions from Lexington Street onto Staniford Street during rush hour or any other means to reduce cut-through commuter traffic on the surrounding streets – Staniford, West Pine and Melrose Streets. (Ward 4) (Appeal filed on 04/30/10 @ 11:46 AM)

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

**Public Hearing assigned for May 12, 2010**

#121-10(2)      HIS HONOR THE MAYOR submitting recommended FY2011 Water and Sewer Rates for implementation on July 1, 2010.

**Public Hearing assigned for May 12, 2010**

#376-09      HIS HONOR THE MAYOR submitting the FY11-15 Capital Improvement Program, totaling \$140,377,285 and the FY10 Supplemental Capital budget, which require Board of Aldermen approval to finance new capital projects over the next five years.

**Public Hearings assigned for May 18**

#122-10      HOSSEIN VAHEDI TRUSTEE 33-35 HIGHLAND AVENUE REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of NONCONFORMING STRUCTURE/USE to AMEND special permit/site plan #127-87(2) to relocate two parking spaces, to waive minimum parking stall dimensions, to allow parking in the setback, and to decrease the legally conforming minimum open space at 35 HIGHLAND AVENUE. Ward 2, NEWTONVILLE, on land known as Sec 24, Blk 9, Lot 28 containing approx 8,133 square feet of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)(b), 30-21(b), 30-19(h)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

**Public Hearings assigned for May 18**

#42-10(2)      JOHN J. & DIANE P. LANAHAN petition to AMEND Special Permit/Site Plan Approval/Extension of a nonconforming Structure #42-10, granted on 3/15/10, to demolish an existing one-story garage and construct a two-story addition onto an existing single-family dwelling. The proposed increase to the first-floor addition will further increase the

Floor Area Ratio from .46 (approved in special permit #42-10) to .49 at 8 RIDGEWAY TERRACE, Ward 5, NEWTON HIGHLANDS, on land known as Sec 54, Blk 46, Lot 15, containing approx 5,400 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)b), 30-21(b), 30-15(u)(4) of the City of Newton Rev Zoning Ord,

**Public Hearing assigned for June 9, 2010**

#127-10 NSTAR ELECTRIC petitioning for a grant of location to install a new pole (514/12A) in CHURCH STREET on the northeasterly side 80' ± northwest of Wellington Terrace. (Ward 1) [04-07-10 @ 11:46 AM]