

**CITY OF NEWTON**

**IN BOARD OF ALDERMEN**

**BOARD ACTIONS**

Monday, May 17, 2010

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

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

**IN COMMITTEE OF THE WHOLE**

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

#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 HEARING OPENED AND CLOSED**

**COMMITTEE OF THE WHOLE HELD BY VOICE VOTE**

**MOTION TO SUSPEND THE RULES TO ALLOW THE REPORTING OF THE ITEM WITHOUT A WRITTEN REPORT WAS APPROVED.**

**ITEM WAS APPROVED WITH A PREAMBLE AND MAYOR'S LETTER ATTACHED 22 YEAS, 2 NAYS (Ald. Fuller & Sangiolo)**

**IN COMMITTEE OF THE WHOLE**

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

#121-10 **HIS HONOR THE MAYOR**, in accordance with Section 5-1 of the City of Newton Charter, submitting the FY'11 Municipal/School Operating Budget totaling \$340,073,328, passage of which shall be concurrent with the FY'11- FY'15 Capital Improvement Program. [04-13-10 @ 7:09 PM]

**EFFECTIVE DATE OF SUBMISSION: 04/20/10; LAST DATE TO PASS BUDGET 06/4/10**

**THE FY11 BUDGET AS AMENDED @\$339,789,480 WAS APPROVED IN COMMITTEE OF THE WHOLE BY VOICE VOTE WITH 4 ABSTENTIONS**

**MOTION TO SUSPEND THE RULES TO ALLOW THE REPORTING OF THE ITEM WITHOUT A WRITTEN REPORT WAS APPROVED.**

**ITEM APPROVED 24 YEAS**

**MOTION TO RECONSIDER #121-10 WAS DENIED BY VOICE VOTE**

- #242-03(6)A ALD. ALBRIGHT requesting to amend Section 3-30 (as established by Ordinance Z-11) to create an off-leash dog areas ordinance. [04/26/10 @ 8:47 AM]  
**A. EXTEND ORDINANCE TO 9/30/10 APPROVED 6-1-0 (Sangiolo opposed; Merrill not voting)**  
**APPROVED 17 YEAS, 7 NAYS (Ald. Ciccone, Gentile, Harney, Lappin, Salvucci, Sangiolo, Swiston)**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 24 YEAS, 0 NAYS, TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, May 11, 2010

*A public hearing was held on the following item:*

- #85-10 SIMON & MARLA ORLSBERG 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.  
**LAND USE HEARING CLOSED; ITEM APPROVED 8-0**

- #84-10 WABAN IMPROVEMENT SOCIETY requesting a temporary license pursuant to Sec 30-6(k) of the City of Newton Ordinances to hold its sixth annual WABAN VILLAGE DAY on Sunday, May 23, 2010.  
**LAND USE APPROVED 8-0**

**REFERRED TO ZONING & PLANNING COMMITTEE**

Monday, May 10, 2010

Appointment by His Honor the Mayor

- #123-10 CHRISTOPHER STEELE, 189 Carlton Road, Waban, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire on May 3, 2013. (60 days 7/2/10) [04/13/10 @ 7:08 PM]  
**ZONING & PLANNING APPROVED 8-0**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, May 5, 2010

**ITEM RECOMMITTED TO PUB. SAFETY & TRANSPORTATION on 10/19/09**

#196-09 ALD. MANSFIELD AND SANGIOLO requesting rescission of Sec. 19-99 (b), Speed humps of the Revised Ordinances of the City of Newton.  
**HELD 5-0 (Yates and Johnson not voting); REFERRED TO PUBLIC FACILITIES**

#196-09(2) PUBLIC SAFETY & TRANSPORTATION COMMITTEE requesting to broaden Sec. 19-99, Speed humps of the Revised Ordinances of the City of Newton to cover all vertical deflection: raised intersections, raised crosswalks and speed humps, regardless of dimension. [01/20/10]  
**HELD 5-0 (Yates and Johnson not voting); REFERRED TO PUBLIC FACILITIES**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, May 5, 2010

#128-10 COMMISSIONER OF PUBLIC WORKS requesting Board of Aldermen approval to remove the traffic island at the intersection of Beacon Street and Herrick Road. [04-27-10 @ 1:59 PM]  
**PUBLIC FACILITIES APPROVED 8-0**

**NOTE:** The Committee recommended an emergency preamble with the following item.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#133-10 HIS HONOR THE MAYOR requesting authorization to appropriate one hundred twenty thousand dollars (\$120,000) from Free Cash to the Public Buildings Department for the purpose of funding actual and anticipated costs associated with the restoration of City Hall as a result of the severe rain storms in march of this year.  
**FINANCE APPROVED 6-0 (Linsky not voting on 5/10/10)**  
**PUBLIC FACILITIES APPROVED 8-0**  
**EMERGENCY PREAMBLE APPROVED**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#134-10 HIS HONOR THE MAYOR requesting authorization to transfer one hundred thousand dollars (\$100,000) from the Sewer MWRA Assessments line item to the Sewer Main Repair/Installation Overtime account to fund a projected shortfall in the Sewer overtime account.  
**FINANCE APPROVED 6-0 (Linsky not voting on 5/10/10)**  
**PUBLIC FACILITIES APPROVED 7-0 (Albright not voting)**

**REFERRED TO FINANCE COMMITTEE**

Monday, May 10, 2010

- #56-07(3) HIS HONOR THE MAYOR requesting the following amendments to the Newton North High School New Construction Project Appropriation Schedule included in Board Order #56-07(2) approved April 22, 2008:

<u>Line</u>	<u>Amount</u>
1) Classroom Furniture to be changed to Furnishings, Fixtures, and Equipment (FF&E)	\$1,387,500 \$1,387,500
2) Computer Server Hardware	\$925,000
Audio-visual Equipment	\$925,000
To be combined and changed to Information Technology Equipment	\$1,850,000

**FINANCE APPROVED 6-0 (Freedman not voting)**

- #130-10 HIS HONOR THE MAYOR requesting a transfer of forty-five thousand dollars (\$45,000) from Human Resources Department unemployment account to the Human Resources Department severance account for the purpose of funding all liabilities associated with the FY'10 personnel reductions.

**FINANCE APPROVED 6-0-1 (Linsky abstaining)****REFERRED TO CMTE. ON COMM. PRESERV. AND FINANCE COMMITTEE**

- #113-10 THE COMMUNITY PRESERVATION COMMITTEE recommending that \$5,200 be appropriated from the FY10 Community Preservation Fund's historic resources and general reserves and expended under the spending authority of the City Clerk, to preserve and restore the original frame and 19<sup>th</sup> century portrait of James F. C. Hyde, Newton's first mayor. [03/22/10 @ 4:58 PM]

**COMMITTEE ON COMM. PRESERVATION APPROVED 7-0 ON 5/3/10****FINANCE APPROVED 6-0 (Freedman not voting)****REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #133-10 HIS HONOR THE MAYOR requesting authorization to appropriate one hundred twenty thousand dollars (\$120,000) from Free Cash to the Public Buildings Department for the purpose of funding actual and anticipated costs associated with the restoration of City Hall as a result of the severe rain storms in March of this year.

**PUBLIC FACILITIES APPROVED 8-0 ON 05-05-10****FINANCE APPROVED 6-0 (Linsky not voting)****EMERGENCY PREAMBLE APPROVED**

- #129-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend twelve thousand one hundred fifty-four dollars (\$12,154) from Budget Reserve for the purpose of supplementing the Public Buildings Department full-time salaries account.

**FINANCE APPROVED 6-0 (Linsky not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #134-10 HIS HONOR THE MAYOR requesting authorization to transfer one hundred thousand dollars (\$100,000) from the Sewer MWRA Assessments line item to the Sewer Main Repair/Installation Overtime account to fund a projected shortfall in the Sewer overtime account.  
**PUBLIC FACILITIES APPROVED 7-0 (Albright not voting) on 05-05-10**  
**FINANCE APPROVED 6-0 (Linsky not voting)**
- #132-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend three hundred fifty thousand dollars (\$350,000) from the Overlay Surplus declared on April 21, 2010 to fund the Fiscal Year 2011 state-mandated revaluation.  
**FINANCE APPROVED 5-0-1 (Freedman abstaining, Salvucci not voting)**

**REFERRED TO COMMITTEE ON COMMUNITY PRESERVATION**

Monday, May 3, 2010

**REFERRED TO CMTE. ON COMM. PRESERV. AND FINANCE COMMITTEE**

- #113-10 THE COMMUNITY PRESERVATION COMMITTEE recommending that \$5,200 be appropriated from the FY10 Community Preservation Fund's historic resources and general reserves and expended under the spending authority of the City Clerk, to preserve and restore the original frame and 19<sup>th</sup> century portrait of James F. C. Hyde, Newton's first mayor. [03/22/10 @ 4:58 PM]  
**FINANCE APPROVED 6-0 (Freedman not voting) on 5/10**  
**CMTE. ON COMM. PRESERV. APPROVED 7-0**

**IN COMMITTEE OF THE WHOLE**

Wednesday, May 12 and Thursday, May 13, 2010

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #121-10(2) HIS HONOR THE MAYOR submitting recommended FY2011 Water and Sewer Rates for implementation on July 1, 2010.  
**PUBLIC HEARING OPENED AND CLOSED**  
**PROPOSED RATES:**
- |                      | <b><u>WATER</u></b>  | <b><u>SEWER</u></b>   |
|----------------------|----------------------|-----------------------|
| <b><u>0-20</u></b>   | <b><u>\$5.14</u></b> | <b><u>\$7.28</u></b>  |
| <b><u>21-70</u></b>  | <b><u>\$6.17</u></b> | <b><u>\$8.74</u></b>  |
| <b><u>&gt;70</u></b> | <b><u>\$7.40</u></b> | <b><u>\$10.49</u></b> |
- COMMITTEE OF THE WHOLE APPROVED 21 YEAS, 1 NAY (Fuller), 2 ABSENT (Salvucci & Sangiolo)**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 0 NAYS, 1 EXCUSED (Ald. Hess-Mahan) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:**

#44-10 SIGN DESIGN/GPH WEST NEWTON, LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a free-standing sign at the Golden Living Center at 25 ARMORY STREET, Ward 3, WEST NEWTON, on land known as Sec 31, Blk 7, Lot 23, containing approx 60,726 sf of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-20(f)(1) and (9) of the City of Newton Rev Zoning Ord, 2007 and special permit nos. 41-67, 264-68, and 16-90.  
**LAND USE APPROVED 7-0 (Hess-Mahan recused)**

#44-10(2) AGREEMENT TO AN EXTENSION OF TIME IN WHICH TO ACT on petition #44-10 SIGN DESIGN/GPH WEST NEWTON, LLC. request for a SPECIAL PERMIT/SITE PLAN APPROVAL for a free-standing sign at the Golden Living Center at 25 ARMORY STREET, Ward 3, WEST NEWTON; said EXTENSION will run from June 7, 2010 to June 30, 2010.  
**LAND USE APPROVED 7-0 (Hess-Mahan recused)**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 1 NAY (Ald. Salvucci) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:**

**REFERRED TO CMT ON COMM PRES., PUB. FAC. AND FIN. COMMITTEES**  
#83-10 THE COMMUNITY PRESERVATION COMMITTEE recommending that the sum of sixty three thousand, eight hundred forty five dollars (\$63,845) be appropriated from the FY10 Community Preservation Fund's historic resources and general reserves to be expended by the Public Buildings Department to complete the design of storage and accessibility improvements for the archives at the Jackson Homestead. [03/09/10 @ 4:20 PM]  
**COMMITTEE ON COMM. PRESERVATION APPROVED 7-0 ON 5/3/10**  
**PUBLIC FACILITIES APPROVED 6-0-2 (Gentile and Salvucci abstaining) ON 05/05/10**  
**FINANCE APPROVED 6-0-1 (Salvucci abstaining)**

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

**Public Hearing assigned for June 15, 2010:**

#136-10 CHARLES RIVER COUNTRY CLUB, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION OF A

NONCONFORMING STRUCTURE to AMEND Special Permit #261-96 to replace an existing tent with an open-air pavilion of similar size with a permanent roof at 483 DEDHAM STREET, Ward 8, on land known as Sec 83, Blk 36, Lot 4, containing approx 6,446,022 sq ft of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007 and Special Permit #261-96.

**Public Hearing assigned for June 15, 2010:**

#137-10 SHARAD S. GANDBHIR petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an accessory apartment in an existing detached structure and to locate three parking spaces closer than five feet from the street, one of which would be located within the front setback at 298-300 ADAMS STREET, Ward 1, on land known as Sec 12, Blk 2, Lot 9C, containing approx 11,529 sf ft of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(h)((1), 30-19(g)(1) and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

**Public Hearing assigned for June 15, 2010:**

#138-10 MARTY SIEGAL/661-669 WASHINGTON STREET REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING STRUCTURE to add two additions (containing approx 1,205 sq ft) to the side and front of a commercial building and to waive one parking space at 675 WASHINGTON STREET, Ward 2, on land known as Sec 23, Blk 17, Lot 3, containing approx 33,176 sq ft of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(c)(2), (d), and (m), and 30-15 Table 3 of the City of Newton Rev Zoning Ord, 2007 and Special Permit #714-85.

**Public Hearing assigned for June 15, 2010:**

#139-10 MAX & MAJORIE SCHECHNER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION OF NONCONFORMING STRUCTURE to add a shed dormer wider than 50% of the length of the exterior wall of the story next below onto the rear of an existing two-family residence and to waive the dimensional requirements for parking spaces at 8-10 HATFIELD ROAD, Ward 3, on land known as Sec 34, Blk 18, Lot 1, containing approx 7,370 sq ft of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(t)(a), 30-19(g) and (m) of the City of Newton Rev Zoning Ord, 2007.

**Public Hearing assigned for June 22, 2010:**

#140-10 ANOTHER CAFÉ FIORELLA, INC./MICHAEL J. PENTA, SUSAN SGARZI PENTA & ANGELO D. PAOLINI, TRUSTEES OF THE SMC TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION OF NONCONFORMING USE to expand an existing restaurant from 64 to 114 seats and to waive the side setback

requirement for a parking facility of greater than five stalls at 187 NORTH STREET, Ward 3, on land known as Sec 21, Blk 12, Lot 10, containing approx 24,108 sq ft of land in a district zoned MANUFACTURING. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(h)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

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

#10-10(2) PARKVIEW HOMES, LLC. 192 Lexington Street, Auburndale, petitioning for a water main to be extended through a proposed easement from an existing end manhole in ALBERT ROAD a distance of approximately 280' across private property to a gate in LEXINGTON STREET. (Ward 4) [05/03/10 @ 11:54AM]

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

#144-10 NS|TAR ELECTRIC & GAS COMPANY petitioning a grant of location to install Pole # 1504/8 in LOMBARD STREET on the southerly side 240 ±' west of Concolor Street. (Ward 1) [05/06/05 @ 12:28 PM]