

**CITY OF NEWTON**

**IN BOARD OF ALDERMEN**

**BOARD ACTIONS**

Monday, June 21, 2010

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

Absent: Ald. Albright and Ciccone

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

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#170-10 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend (A) seventy nine thousand five hundred dollars (\$79,500) from the Receipts Reserved for Appropriation Fund-Sale of Recyclables to fund the first year of a three-year lease-to-own a new front end loader and (B) eighty five thousand dollars (\$85,000) to purchase a new Allu heavy-duty compost material processing attachment for use in the composting operation at Rumford Avenue. [6/1/10 @ 5:05 PM]  
**PUBLIC FACILITIES APPROVED 6-0-2 (Gentile and Salvucci not voting) on 6/9/10**  
**FINANCE HELD 6-0**

**Public Facilities and Finance met jointly on June 21.**

**A Motion to Suspend the Rules to allow discussion without a written report was APPROVED by Voice Vote.**

**Item Divided into A: \$325,000 from sale of recyclables for purchase of front end loader and Allu attachment; and B: \$170,000 from bonding for the purchase of a Trommel Screen.**

**A: APPROVED 22 YEAS, 0 NAYS, 2 ABSENT (Ald. Albright and Ciccone)**

**B: APPROVED 16 YEAS, 6 NAYS (Ald. Blazar, Crossley, Freedman, Fuller, Johnson, Lappin), 2 ABSENT (Ald. Albright and Ciccone)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#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]  
**PUBLIC FACILITIES APPROVED 5-0-1 (Albright abstaining) on 04-21-10**  
**RECOMMITTED TO FINANCE ON 6/7/10**

**FINANCE APPROVED 4-0-2 (Freedman and Danberg abstaining)  
FINANCE APPROVED SUBJECT TO 2<sup>ND</sup> CALL 4-0-2 (Freedman  
and Fuller abstaining; Danberg not voting) on 5/24/10  
RECOMMITTED TO FINANCE ON 6/7/10  
FINANCE APPROVED 4-0-2 (Freedman and Danberg abstaining)**

**Motion to amend the text of Chapter 11 Section 14 to reflect the Law  
Department's Recommended text was APPROVED by Voice Vote**

**APPROVED as amended 22 YEAS, 0 NAYS, 2 ABSENT (Ald.  
Albright and Ciccone)**

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

- #87-09 **ALD. SANGIOLO, BRANDEL, FREEDMAN AND HESS-MAHAN**  
requesting a Home Rule Petition to allow the City of Newton to require  
elected officials to contribute a higher percentage rate for health insurance  
benefits than is required for other employee groups. [03-10-09 @ 9:17  
AM]  
**PROGRAM & SERVICES APPROVED 5-1-1 (Baker opposed;  
Merrill abstaining; Parker not voting) on 4/15/09  
FINANCE APPROVED 6-0**  
**ITEM CHARTERED BY ALD. HARNEY**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 0  
NAYS, 3 ABSENT (Ald. Albright, Ciccone, Rice) TO ACCEPT ITS  
COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, June 15, 2010

Public Hearings were held on the following items:

- #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.  
**HEARING CLOSED**
- #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.

**WITHDRAWAL WITHOUT PREJUDICE APPROVED 6-0**

- #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.

**HEARING CLOSED**

- #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.

**HEARING CLOSED**

**ZONING & PLANNING COMMITTEE**

Monday, June 14, 2010

- #89-10(2) HIS HONOR THE MAYOR re-appointing CANDACE HAVENS as Interim Director of Planning and Development effective July 1, 2010 until a permanent replacement is hired, but not to exceed 90 days when the temporary appointment may be extended with Board of Aldermen approval pursuant to §3-6 of the City Charter. [06/01/10 @ 6:18 PM]  
**ZONING & PLANNING APPROVED 7-0 (Sangiolo not voting)**

- #141-10(2) ZONING & PLANNING COMMITTEE requesting discussion with the Planning Department regarding changes in the City of Newton Ordinances **Section 22-22 Floodplain/watershed protection provisions.** [05/25/10 @ 10:23 AM]  
**ZONING & PLANNING NO ACTION NECESSARY 7-0 (Sangiolo not voting)**

- #142-10 THE PLANNING AND DEVELOPMENT BOARD requesting adoption of an amendment to **Chapter 20, Offenses and Miscellaneous Provisions**, of the City of Newton Ordinances relative to regulation of scenic roads. [05/10/10 @ 5:18 PM]  
**ZONING & PLANNING APPROVED 7-0 (Sangiolo not voting)**

**PROGRAMS & SERVICES COMMITTEE**

Wednesday, June 16, 2010

Appointment by his Honor the Mayor

- #172-10 RICHARD KRONISH, 22 Chestnut Terrace, Newton Centre, appointed as the organized labor representative member of the NEWTON HOUSING AUTHORITY for a term to expire June 21, 2015. (60 days 08/07/10) [06/01/10 @ 6:04 PM]  
**PROGRAMS & SERVICES APPROVED 4-0 (Linsky, Merrill not voting)**
- #90-10(2) HIS HONOR THE MAYOR appointing DONNALYN B. LYNCH KAHN as City Solicitor, effective June 1, 2010, pursuant to §3-3 of the City Charter. (30 days 7/7/10) [06/01/10 @ 5:19 PM]  
**PROGRAMS & SERVICES APPROVED 5-0 (Merrill not voting)**
- #88-10(2) HIS HONOR THE MAYOR appointing ROBERT DERUBEIS as Commissioner of Parks & Recreation, effective June 1, 2010, pursuant to §3-3 of the City Charter. (30 days 7/7/10) [06/01/10 @ 5:19 PM]  
**PROGRAMS & SERVICES APPROVED 5-0 (Merrill not voting)**
- #91-10(2) HIS HONOR THE MAYOR re-appointing LINDA WALSH Interim Director of Health and Human Services, effective July 1, 2010 until a permanent replacement is hired, but not to exceed 90 days when the temporary appointment may be extended with Board of Aldermen approval pursuant to §3-6 of the City Charter. (30 days 7/7/10) [06/01/10 @ 6:19 PM]  
**PROGRAMS & SERVICES APPROVED 5-0 (Merrill not voting)**
- #10-10(3) HIS HONOR THE MAYOR requesting acceptance of the 2,574 square foot triangle of land in the southeastern portion of 192 Lexington Street to be donated by Parkview Homes, LLC, as required by the terms of their Comprehensive Permit in order to continue use of the footpath thereon. [06/01/10 @ 5:06 PM]  
**PROGRAMS & SERVICES APPROVED 6-0**

- #242-03(5) PROGRAMS & SERVICES COMMITTEE requesting evaluation of the Off Leash Dog Pilot Program (Section 3-30(e) as established by ordinance Z-11) which was extended to June 30, 2010 to provide an opportunity for a fuller evaluation of the ordinance. [01/25/10 @ 4:45 PM]  
**PROGRAMS & SERVICES NO ACTION NECESSARY 5-0**  
**(Merrill not voting)**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, June 9, 2010

- #135-10 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 SAFETY HELD 6-0, Approved a 60-day trial, No Right Turn, 7:00 a.m. to 9:00 a.m., Monday through Friday, Lexington Street onto Staniford Street.**
- #143-10 ALD. SHAPIRO, YATES, BAKER, HESS-MAHAN, JOHNSON, SANGIOLO & CICCONE requesting a discussion and *Resolution* to the Mayor re the establishment of a “Newton Silver Alert” system, a city-based public notification procedure, using existing technology to quickly distribute information locally about missing persons with Alzheimer’s disease, dementia or other mental disabilities in order to aid in their safe return. [05/11/10 @ 5:19 PM]  
**PUBLIC SAFETY APPROVED 6-0**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, 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’  
**PUBLIC FACILITIES APPROVED 7-0 (Danberg not voting)**
- #144-10 NSTAR 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]  
**PUBLIC FACILITIES APPROVED 6-0 (Danberg and Gentile not voting)**

- #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]  
**PETITIONER TO PAY ENTIRE COST**  
**PUBLIC FACILITIES APPROVED 7-0 (Gentile not voting)**
- #87-10(2) HIS HONOR THE MAYOR re-appointing ARTHUR CABRAL as Interim Commissioner of Public Buildings effective July 1, 2010 until a permanent replacement is hired, but not to exceed 90 days when the temporary appointment may be extended with Board of Aldermen approval pursuant to §3-6 of the City Charter.  
**PUBLIC FACILITIES APPROVED 7-0 (Gentile not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #171-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty two thousand dollars (\$62,000) from DPW Salaries Expense to the Department of Public Works Environmental Affairs to cover the additional cost of residential solid-waste collection from the increased residential debris that resulted from the March 2010 storms. [6/1/10 @ 5:08 PM]  
**FINANCE APPROVED 6-0 on 6/14/10**  
**PUBLIC FACILITIES APPROVED 8-0**

**REFERRED TO FINANCE COMMITTEE**

Monday, June 14, 2010

- #164-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend seven hundred twelve thousand one hundred twenty-six dollars (\$712,126) from Free Cash for the purpose of funding potential prior year collective bargaining requirements for Fiscal Years 2007 through 2009. [06/01/10 @ 5:11 PM]  
**FINANCE APPROVED 4-0 (Danberg and Rice not voting)**
- #131-10 HIS HONOR THE MAYOR requesting authorization to accept and expend a grant from Federal Emergency Management Agency (FEMA) FY'09 Assistance to Firefighters Grant Program for fifty-six thousand three hundred seventy-eight dollars (\$56,378) and appropriate fourteen thousand ninety-four dollars (\$14,094) from Free Cash to the federal grant fund for the purpose of providing the local share of the grant program, which will be used to provide emergency vehicle operations training. [04-27-10 6:06 PM]  
**FINANCE APPROVED 5-0 (Danberg not voting)**

- #145-10 HIS HONOR THE MAYOR requesting an appropriation of fifty thousand dollars (\$50,000) from Free Cash to the Fire Injured on Duty Medical Account to fund ongoing medical expenses through June 30, 2010. [5-11-10 @ 3:10 PM]  
**FINANCE APPROVED 5-0 (Danberg not voting)**  
**APPROVED with Amended Funding Source of Fire Overtime Account as requested by the Mayor.**
- #167-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend four hundred seventy-three dollars (\$473) from the Receipts Reserved for Appropriation Fund/Fire Prevention Fines, which funds are restricted for fire prevention purposes, to purchase 5 ticket books. [06/01/10 @ 5:10 PM]  
**FINANCE APPROVED 5-0 (Danberg not voting)**
- #166-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fourteen thousand six hundred dollars (\$14,600) from Free Cash to the Public Buildings Department for the purpose of funding enhanced landscaping related to the renovation project at Fire Station #4 at 195 Crafts Street. [06/01/10 @ 5:10 PM]  
**FINANCE APPROVED 5-0 (Danberg not voting)**
- #163-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of fifteen thousand dollars (\$15,000) from the Commonwealth Golf Course Mayor's Golf Day Receipts Reserved for Appropriation Fund for youth attending Parks and Recreation camp programs. [6-1-10 @ 5:07 PM]  
**FINANCE APPROVED 4-0-1 (Fuller abstaining, Danberg not voting)**
- #169-10 HIS HONOR THE MAYOR requesting a transfer of \$30,000 from Free Cash to the Planning & Development Department to replace office furniture and supplies that were lost due to flooding from the March 2010 storms. [06/01/10 @ 5:09 PM]  
**FINANCE APPROVED 5-0 (Rice not voting)**
- #165-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand dollars (\$150,000) from the Riverside Traffic Mitigation Fund (special permit #40-97(2) and board order #155-00) for the purpose of installing traffic calming measures at Grove, Hagar, Concord, and Cornell Streets and Pine Grove Avenue as previously approved by the Board of Aldermen in board order nos. 21-05(5) and 342-08. [06/01/10 @ 5:11 PM]  
**FINANCE APPROVED 4-1 (Salvucci opposed and Rice not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #171-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty two thousand dollars (\$62,000) from DPW Salaries Expense to the Department of Public Works Environmental Affairs to cover the additional cost of residential solid-waste collection from the increased residential debris that resulted from the March 2010 storms. [6/1/10 @ 5:08 PM]  
**PUBLIC FACILITIES APPROVED 8-0 on 6/9/10**  
**FINANCE APPROVED 6-0**
- #168-10 HIS HONOR THE MAYOR requesting transfers of two thousand dollars (\$2,000) from the postage account and two thousand five hundred dollars (\$2,500) from the printing account in the Health & Human Services Department to establish a Capital Account for the purpose of purchasing 3 laptop computers. [06/01/10 @ 5:08 PM]  
**FINANCE APPROVED 6-0**

**PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:****Public Hearing assigned for July 13, 2010:**

- #176-10 ANN & JOHN CAUFIELD petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to add a shed dormer wider than 50% of the length of the exterior wall of the story next below on the rear of an existing single-family residence at 37 HAGEN ROAD, Ward 8, Newton Centre, on land known as Sec 81, Blk 42, Lot 3, containing approx 8,050 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(t)(1) and (3) of the City of Newton Rev Zoning Ord, 2007.

**Public Hearing assigned for July 13, 2010:**

- #177-10 SUSAN MIRON & BURTON FINE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an EXTENSION OF A NON-CONFORMING STRUCTURE to extend a rear sunroom, which will increase the legally non-conforming Floor Area Ratio from .40 to .41, on an existing single-family residence at 18 Cochituate Road, Ward 6, Newton Highlands, on land known as Sec 54, Blk 31, Lot 3, containing approx 6,545 sf in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)(b) and 30-21(b), 30-15, Table 1 of the City of Newton Rev Zoning Ord, 2007.

**Public Hearing assigned for July 13, 2010:**

- #178-10 EDWARD TAPPER PLOTKIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive the minimum dimension of a parking stall and to waive the minimum dimension of an entrance/exit drive in order to relocate one of two existing tandem parking spaces at 64 EDDY STREET,



Ward 3, West Newton, on land known as Sec 21, Blk 37, Lot 14, containing approximately 4,663 sf of land in a district zoned MULTI RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-19(g)(2), (3), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

**Public Hearing to be assigned for Monday, July 12, 2010:**

#191-10 NATIONAL GRID requesting a grant of location to install and maintain 40' ± of 4" gas main in VILLAGE CIRCLE from the existing 4" gas main in Village Circle at 41 Village Circle northeasterly to 45 Village Circle.

**A Motion to accept the following late filed item to the docket was APPROVED by Voice Vote.**

**Public Hearing to be assigned for Monday, July 12, 2010:**

#204-10 Commissioner of Public Works, on behalf of NSTAR, petitioning for a grant of location to relocate pole 128/6 to the opposite side of ELM ROAD, a distance of 50' +/- westerly from existing pole location. (Ward 2) [06/21/10 @ 5:13 PM]