

CITY OF NEWTON
IN BOARD OF ALDERMEN
BOARD ACTIONS

Monday, November 1, 2010

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 ITEMS ON SECOND CALL:

#105-09(2) YANPING SUN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an accessory apartment in an existing single-family dwelling, including the waiver of landscaping requirements for a parking facility, at 87 WOODWARD STREET, Ward 5, Newton Highlands, on land known as Sec 52, Blk 1, Lot 27, containing approx 12,786 sq ft of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-8(d)(2), 30-19(i)(1), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

HEARING CLOSED; LAND USE APPROVED 6-0-2 (Merrill and Schnipper abstaining)

A MOTION TO AMEND THE TEXT OF THE SPECIAL PERMIT BOARD ORDER CONDITION 4(B) AND 4(C), AS NOTED BELOW, WAS MADE AND SECONDED.

b. Submitted a final landscape plan that has been approved by the Director of Planning and Development and the Director of Urban Forestry, which includes snow storage area(s), including maintenance of a boundary fence, and a commitment to provide on behalf of the petitioner or successor in interest, off-site landscaping in accordance with condition 2.

c. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format, including a certification to the Commissioner of Inspectional Services at the time of issuance of certificate of occupancy attesting to the "continued residence of the owner on the subject property" as also annually, or otherwise required, by Section 30-8(d).

A MOTION TO POSTPONE THE ITEM TO A DATE CERTAIN OF NOVEMBER 1, 2010 WAS APPROVED BY VOICE VOTE.

A MOTION TO POSTPONE THE ITEM TO A DATE CERTAIN OF NOVEMBER 15, 2010 WAS APPROVED BY VOICE VOTE.

Notes: In the packets on Friday a revised draft Board Order for this special permit was distributed to the Board. It was noted that there were a number of conditions that required the Inspectional Services Department to monitor compliance and it was asked if the Commissioner of Inspectional Services was comfortable with this oversight. The Chair of Land Use responded that they had all been reviewed with the Commissioner and assented to them. As the Board of Aldermen has not heard back from the petitioner regarding the proposed text amendments, the Chair of the Land Use Committee requested that the item be postponed until the next full board meeting to provide time to contact and hear back from the petitioner.

REFERRED TO FINANCE COMMITTEE

#296-10 NEWTON RETIREMENT BOARD requesting Board of Aldermen acceptance of Chapter 131, Sections 27 and 28 of the Acts of 2010 related to local option to supplemental pension allowance to surviving spouses of disabled employees. **FINANCE APPROVED 4-2-1 (Freedman, Fuller opposed; Danberg abstaining; Ciccone excused)**

MOTION TO RECOMMIT TO FINANCE APPROVED 15 YEAS, 7 NAYS (Ald. Genitle, Harney, Salvucci, Sangiolo, Schnipper, Yates & Lennon), 1 ABSENT (Ald. Rice), 1 EXCUSED (Ald. Ciccone)

Notes: A motion was made and seconded to recommit this item to Finance. Questions were raised on the total amount that the acceptance of this provision would cost the city. It was indicated that there was some confusion regarding some of the numbers presented at the Finance Committee and the numbers in the back-up material supplied for the Board meeting. If passed, this change could not take place until January 1st, and it was felt by some that there was time to get the questions answered. It was asked why the law changed in 1996 and did not allow employees to choose this option prior to that time.

Concern was expressed that recomittal would not provide any new information. It was felt that all of the information that is available has been provided. The Board was reminded that this was a benefit to a few elderly widows whose pension is currently \$6,000 per year. By accepting this provision it would raise that benefit to \$9,000.

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

REFERRED TO ZONING AND PLANNING COMMITTEE

Monday, October 25, 2010

#336-08 ALD. LAPPIN requesting a discussion re the creation of an index for the zoning ordinances. [9/12/08 @10:31 AM]
ZONING & PLANNING NO ACTION NECESSARY 6-0

- #10-06 ALD. JOHNSON, DANBERG, SANGIOLO, BAKER, & HESS-MAHAN requesting the adoption of legislation to enable the establishment of neighborhood conservation districts in Newton.
ZONING & PLANNING NO ACTION NECESSARY 6-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, October 20, 2010

Appointment by His Honor the Mayor

- #240-10(2) KAREN LISCHINSKY, 230 Walnut Street, Newtonville, appointed as a member of the YOUTH COMMISSION for a term of office to expire November 1, 2013 (60 days 11/29/2010). [10/01/2010@ 12:34pm]
PROGRAMS & SERVICES APPROVED 8-0

- #91-10(3) HIS HONOR THE MAYOR re-appointing LINDA WALSH Interim Director of Health and Human Services, effective October 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. [09/01/10 @4:38 PM]
PROGRAMS & SERVICES APPROVED 7-0 (Sangiolo not voting)

REFERRED TO PUB SAFETY & TRANS AND PROG & SERV COMMITTEES

- #20-10 ALD. HESS-MAHAN AND HARNEY requesting special legislation prohibiting the use of handheld mobile devices to send, read or receive electronic messages while operating a motor vehicle within the City of Newton and in order to protect its citizens and to limit unnecessary motor vehicle accidents, injuries, and fatalities, and that the appropriate committees conduct a public hearing to examine the feasibility thereof. [01/04/10 @ 5:07 PM]
PS&T VOTED NO ACTION NECESSARY on 9/22/10
PROGRAMS & SERVICES NO ACTION NECESSARY 7-0 (Sangiolo not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #274-08 ALD. JOHNSON AND SANGIOLO proposing a RESOLUTION to His Honor the Mayor requesting that he create a plan to move the Child Care Commission to a self-sustaining model for FY2010. [07/17/08 @ 9:53 AM]
FINANCE VOTED NO ACTION NECESSARY on 3/8/10
PROGRAMS & SERVICES NO ACTION NECESSARY 6-0 (Hess-Mahan and Baker not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #262-10 PRESIDENT LENNON AND ALDERMAN FULLER recommending that the 2010 – 2011 Rules and Orders of the Board of Aldermen be amended to establish a FINANCIAL AUDIT ADVISORY COMMITTEE. The advisory committee will report to the Board of Aldermen through the Finance Committee. The focus of the committee's work will be on the annual financial audit of the City and any

other fiscal accountability matters, as deemed important by the Finance Committee, needing review. [09-13-10 @ 1:52 PM]

FINANCE APPROVED 7-0 on 09/27/10

PROGRAMS & SERVICES REFERRED TO RULES SUBCOMMITTEE 6-0 (Hess-Mahan and Sangiolo not voting)

- #346-99 ALD. SANGIOLO requesting creation of an ordinance that would prohibit dogs (leashed or unleashed) from all elementary school playgrounds.
PROGRAMS & SERVICES NO ACTION NECESSARY 7-0 (Hess-Mahan not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, October 20, 2010

- #127-09(2) IRA KRONITZ appealing the Denial of TC20-09 Traffic Council Decision on 6/25/09: ALD. SCHNIPPER proposing two stop signs at the intersection of Jackson and Daniels Streets.
PUBLIC SAFETY UPHELD TRAFFIC COUNCIL DECISION OF DENIAL 8-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, October 20, 2010

- #269-10 VERIZON NEW ENGLAND petitioning for a grant of location to remove and replace an existing tree guy with a new sidewalk anchor guy on Pole 1207-6 located on the north side of SHERBROOKE ROAD. Ward 7 [09-20-10 @ 9:55 AM]
PUBLIC FACILITIES APPROVED 5-0 (Lennon not voting)
- #272-10 PRESIDENT LENNON recommending Jeremy Munn, 971 Walnut Street, Newton Highlands, be appointed as an Aldermanic appointee to the DESIGN REVIEW COMMITTEE, term of office to expire 12/31/11. [09-17-10 @ 9:33 AM]
PUBLIC FACILITIES APPROVED 6-0
- #271-10 PRESIDENT LENNON recommending Howard Goldberg, 27 Theodore Road, Newton Centre, be re-appointed as an Aldermanic appointee to the DESIGNER SELECTION COMMITTEE, term of office to expire 12/31/11. [09-23-10 @ 11:11 AM]
PUBLIC FACILITIES APPROVED 6-0
- #270-10 PRESIDENT LENNON recommending Lawrence Bauer, 42 Eliot Memorial Road, Newton, be re-appointed as an Aldermanic appointee to the DESIGNER SELECTION COMMITTEE, term of office to expire 12/31/11. [09-23-10 @ 11:11 AM]
PUBLIC FACILITIES APPROVED 6-0

- #295-10 HIS HONOR THE MAYOR requesting Board of Alderman approval to increase the Public Buildings Department personnel by one employee for the period beginning October 25, 2010 through February 12, 2011. [10/08/10 @2:20PM]
PUBLIC FACILITIES APPROVED 5-0 (Lennon not voting)

REFERRED TO FINANCE COMMITTEE

Monday, October 25, 2010

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #230-10 HIS HONOR THE MAYOR requesting an appropriation in the amount of eight hundred twenty-one thousand six hundred sixty-four dollars (\$821,664) from FY'11 Revenue for the purpose of supplementing the FY11 School Department budget. This sum represents a portion of the state aid for the City of Newton in the Commonwealth's adopted FY'11 budget. [08/02/10 @ 4:59 PM]
PROGRAMS & SERVICES APPROVED 8-0 on 10/06/10
FINANCE APPROVED 6-0 (Ciccione and Danberg not voting)
- #229-10 HIS HONOR THE MAYOR requesting an appropriation in the amount of eight thousand three hundred eighty-six dollars (\$8,386) from FY11 Revenue for the purpose of increasing the FY'11 State assessment appropriation. [08/02/10 @ 4:59 PM]
FINANCE NO ACTION NECESSARY 6-0 (Ciccione and Danberg not voting)
- #297-10 HIS HONOR THE MAYOR requesting authorization to accept and expend a grant from the Massachusetts Emergency Management Agency in the amount of six thousand five hundred dollars (\$6,500) to be used to offset training equipment costs for members of the Newton Auxiliary Police Force. [10/08/10 @2:20PM]
FINANCE APPROVED 8-0
- #236-10 NEWTON POLICE DEPARTMENT requesting authorization to accept from Mr. Jay Hirshberg, 1428 Commonwealth Avenue a new Dell Computer Service TAG D944MMI as a gift of Tangible Property without restrictions pursuant to §2-10 of the City of Newton Ordinances.
FINANCE APPROVED 8-0
- #273-10 NEWTON POLICE DEPARTMENT requesting authorization to accept as a gift of Tangible Property without restrictions pursuant to §2-10 of the City of Newton Ordinances a 1995 Fleetwood Binder, Model 35U to be used as a mobile incident command center donated by Mr. Warren David Dues a retired Newton Police Officer and accept and expend gifts and donations for the renovations and improvements to the new police incident command vehicle. 09-23-10 @4:21 PM]
FINANCE APPROVED 8-0

REFERRED TO PUBLIC SAF. & TRANS. AND FINANCE COMMITTEES

- #263-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of forty thousand dollars (\$40,000) from Parking Meter Receipts Reserve Fund to be used as the City's required 20% match to leverage the \$160,000 awarded by the Boston Region Metropolitan Planning Organization for the City's Traffic Signal Retiming Project. [09/13/10 @ 3:03 PM]
A) PS&T APPROVED \$40,000 APPROPRIATION 4-0 (Johnson, Freedman, Shapiro and Swiston not voting) on 10/6/10
B) PS&T APPROVED AMENDMENT 4-0 TO AUTHORIZE EXPENDITURE OF \$160,000 (Johnson, Freedman, Shapiro, and Swiston not voting) on 10/6/10
FINANCE (A) APPROVED \$40,000 APPROPRIATION 8-0
FINANCE (B) APPROVED 8-0 AMENDMENT TO AUTHORIZE EXPENDITURE OF \$160,000

REFERRED TO POST AUDIT & OVERSIGHT COMMITTEE

Tuesday, October 26, 2010

- #66-10 **REFERRED TO POST AUDIT & OVERSIGHT COMMITTEE on 03/17/10**
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 & TRANSPORTATION REFERRED AS AMENDED 6-0 (Ald. Freedman not voting) on 03/17/10
POST AUDIT NO ACTION NECESSARY 5-0 (Sangiolo not voting)
- #174-08(4) ALD. SWISTON & SHAPIRO requesting the Traffic Engineer provide a status report on the implementation of the recent parking meter rate increases and their impact on parking. [01/12/10 @ 2:27 PM]
POST AUDIT NO ACTION NECESSARY 5-0 (Sangiolo not voting)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 18 YEAS, 5 NAYS (Ald. Crossley, Fischman, Fuller, Hess-Mahan, and Swiston), 1 ABSENT (Ald. Rice) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:

REFERRED TO FINANCE COMMITTEE

- #121-10(3) DIRECTOR OF ASSESSMENT ADMINISTRATION submitting for Board of Aldermen review and approval the FY2011 Municipal Property Tax Levy Distribution Percentages among residential, open space, commercial and industrial classes of Real Property.
THE BOARD MET IN A COMMITTEE OF THE WHOLE WITH FINANCE PRESIDING TO HOLD A PUBLIC HEARING AND TO DISCUSS THE ITEM ON 11/01/2010

A PUBLIC HEARING ON THE FY2011 TAX CLASSIFICATION WAS OPENED AND CLOSED.

COMMITTEE OF THE WHOLE APPROVED A TAX SHIFT OF 175% FOR A RESIDENTIAL TAX PERCENTAGE OF 91.2457 RESULTING IN A RESIDENTIAL TAX RATE OF \$10.90 AND A COMMERCIAL/ INDUSTRIAL/PERSONAL PROPERTY TAX RATE OF \$20.89 18 YEAS, 5 NAYS (Ald. Crossley, Fischman, Fuller, Hess-Mahan & Swiston), 1 ABSENT (Ald. Rice)

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF FINANCE TO POLL HIS COMMITTEE TO VOTE ON THE RECOMMENDED TAX SHIFT APPROVED BY THE COMMITTEE OF THE WHOLE WAS APPROVED.

FINANCE APPROVED A TAX SHIFT OF 175% FOR A RESIDENTIAL TAX PERCENTAGE OF 91.2457 RESULTING IN A RESIDENTIAL TAX RATE OF \$10.90 AND A COMMERCIAL/INDUSTRIAL/PERSONAL PROPERTY TAX RATE OF \$20.89 6-1 (Fuller opposed)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 1 NAY (Ald. Hess-Mahan), 1 ABSENT (Ald. Rice) TO ACCEPT ITS COMMITTEES' RECOMMENDATION ON THE FOLLOWING ITEM:

- REFERRED TO ZONING AND PLANNING COMMITTEE**
 #216-10 **KSKIM UBS EQUITY PARTNERS LLC**, owners of property at 19-31 Needham Street, proposing that chapter 30 section §30-13(a) *Allowed Uses in Mixed Use 1 Districts*, be amended by adding a new subsection (5) as follows: “(5) Service establishment;” and that existing subsection (5) be re-numbered (6) and that section §30-13(b) *Special Permits in Mixed Use 1 Districts* be amended by deleting subsection “(4) service establishment;” and re-numbering subsequent subsections (4) through (15). 7/26/10 @2:26 PM] 90 days from pub hearing- Dec 26, 2010
ZONING & PLANNING NO ACTION NECESSARY 4-0 (Sangiolo and Shapiro not voting)

A SUSPENSION OF THE RULES WAS APPROVED BY VOICE VOTE TO ACCEPT TO THE DOCKET AND REFER TO COMMITTEES THE FOLLOWING LATE FILED ITEM:

- REFERRED TO PUBLIC FACILITIES, PROG&SERV AND FINANCE COMMITTEES**
 #312-10 **ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO** requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10-27-10 @11:07 AM]

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing assigned for November 17, 2010:

#310-10 ALD. DANBERG, ALBRIGHT, BAKER, BLAZAR, CROSSLEY, FISCHMAN, FREEDMAN, HESS-MAHAN, JOHNSON, LINSKY, MERRILL, RICE AND SCHNIPPER requesting that §26-8 and §20-21 of the City of Newton Rev. Ords., 2007, be amended to establish criteria and provisions for requiring removal of snow in all districts by property owners, occupants, and property managers to sidewalks abutting their property and to review and amend enforcement provisions including structure of fines, for snow removal violations. [10/25/10 @ 4:39 PM]

Public Hearing assigned for December 14, 2010:

#300-10 1479 WASHINGTON STREET LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE and STRUCTURE to expand an existing funeral home use; construct a retaining wall greater than 4 feet in the side and rear setback, to waive 38 parking stalls; and, to locate a parking stall in the front setback and closer than 5 feet to the street at 1479 WASHINGTON STREET, Ward 3, West Newton, on land known as SBL 33, 5, 4, containing ≈8,990 sf of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)b), 30-21(b), 30-19(d)(6), (g)(1), and (m), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.