

**CITY OF NEWTON**  
**IN BOARD OF ALDERMEN**  
**BOARD ACTIONS**

Monday, February 2, 2009

Present: Ald. Albright, Brandel, Ciccone, Coletti, Danberg, Freedman, Fischman, Gentile, Hess-Mahan, Johnson, Lappin, Lennon, Linsky, Mansfield, Merrill, Parker, Salvucci, Sangiolo, Schnipper, Swiston, Vance, Yates and Baker.

Absent: Ald. Harney

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

**REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES**

#397-08      **HIS HONOR THE MAYOR** requesting to appropriate and expend One-hundred fifty three thousand three hundred dollars (\$153,000) from Free Cash to the Purchasing Department to purchase 3 hybrids and 7 economy vehicles for the Assessing and Inspectional Services Departments.  
**ZONING & PLANNING APPROVED 5-0-2 (Ciccone and Harney abstaining) on 11-24-08**  
**(Finance Approved 4-3-1 (Coletti, Johnson and Gentile opposed; Parker abstaining) subject to 2<sup>nd</sup> call on 11-24-08)**  
**Item recommitted to Finance Committee on 12-1-08;**  
**FINANCE APPROVED 4-1-2 (Johnson opposed; Parker and Freedman abstaining on 12-22-08**  
**ITEM POSTPONED on 1-5-09 to DATE CERTAIN of 1-20-09**  
**Item Divided by Alderman Parker into (A) \$83,000 and (B) \$70,000 for Hybrid Cars.**  
**(A) \$83,000 APPROVED 16 YEAS, 6 NAYS (Ald. Brandel, Ciccone, Harney, Johnson, Sangiolo, and Swiston), 2 ABSENT (Ald. Gentile and Linsky) on 01-20-09**  
**Motion to Postpone (B) to February 2, 2009 Approved by Voice Vote on 01-20-09**  
**Motion to suspend rules to allow Mr. Pooler to address the Board – Approved by Voice Vote.**  
**Motion to Amend the amount of (B) to \$37,500 Approved by Voice Vote**  
**APPROVED (B) AT AMENDED AMOUNT 20 YEAS, 3 NAYS (Ald. Gentile, Johnson, & Sangiolo), 1 ABSENT (Ald. Harney)**

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

**REFERRED TO ZONING & PLANNING COMMITTEE**

Monday, January 26, 2009

Re-appointment by His Honor the Mayor

#16-09 ALFRED WOJCIECHOWSKI, 43 Halcyon Road, Newton Centre, re-appointed as a *regular member* of the HISTORICAL COMMISSION for a term to expire January 1, 2012 (60 days: 4-20-09).

**ZONING & PLANNING APPROVED 7-0**

Re-appointment by His Honor the Mayor

#17-09 JOYCE DOSTALE, 408 Hammond Street, Chestnut Hill, re-appointed as a *resident member* of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire January 2012 (60 days: 4-20-09).

**ZONING & PLANNING APPROVED 7-0**

Re-appointment by His Honor the Mayor

#18-09 MERLE WINER, 144 Linwood Avenue, Newtonville, re-appointed as an *alternate member* of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2012 (60 days: 4-10-09).

**ZONING & PLANNING APPROVED 7-0**

Re-appointment by His Honor the Mayor

#19-09 LIVIU BRILL, 193 Oak Street, Newton Upper Falls, re-appointed as the *architect member* of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term of office to expire January 1, 2012 (60 days: 4-10-09).

**ZONING & PLANNING APPROVED 7-0**

Re-appointment by His Honor the Mayor

#20-09 ELLEN FITZPATRICK, 20 Foster Street, Newtonville, re-appointed as a *regular member* of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office to expire January 1, 2012 (60 days: 4-20-09).

**ZONING & PLANNING APPROVED 7-0**

Re-appointment by His Honor the Mayor

#21-09 VAUNITA K. SCHNELL, 68 Stearns Street, Newton Centre, re-appointed as a member of the NEWTON FARM COMMISSION for a term to expire July 31, 2011 (60 days: 4-20-09).

**ZONING & PLANNING APPROVED 7-0**

**PUBLIC HEARING TO BE ASSIGNED FOR FEBRUARY 23, 2009:****Item Recommended by Full Board on 12-15-08:**

#94-08 PLANNING & DEVELOPMENT BOARD, ALD. JOHNSON & LINSKY recommending amendments to Section 30-1, Definitions; Section 30-8, Use Regulations for Single Residence Districts; Section 30-8(b), Special Permits in Single Residence Districts; Section 30-9(b), Special Permits in Multi Residence Districts; Section 30-19(b), Number of Parking Stalls; Section 30-20(e), Regulation of Signs in Residence Districts; and Section 30-24, Special Permits, by deleting certain provisions and adding new provisions to regulate home businesses. *(Zoning & Planning Approved as amended 6-0-2 (Harney, Lappin abstaining) on 11-10-08; Item chartered by Ald. Hess-Mahan 11-17-08; Item recommitted by Full Board on 12-1-09; Zoning & Planning Approved as amended 5-2 (Baker and Yates opposed) on 12-8-08)*  
**ZONING & PLANNING HELD 8-0**

**REFERRED TO PROGRAMS & SERVICES**

Wednesday, January 21, 2009

Re-appointment by His Honor the Mayor

#24-09 ELLEN KRASNEY, 79 Chestnut Street, Newton, re-appointed as a member of the NEWTON COUNCIL ON AGING for a term to expire on November 1, 2011. (60 days: 04/03/09) [01/06/09 @ 2:49 PM]  
**PROGRAMS & SERVICES APPROVED 6-0 (Baker, Sangiolo not voting)**

#2-09 BOARD OF ELECTION COMMISSIONERS recommending that the Board of Aldermen establish September 15, 2009 as the date of the Preliminary Election and November 3, 2009 as the date of the Municipal Election pursuant to Article 8 of the City Charter. [12-22-08 @3:36PM]  
**PROGRAMS & SERVICES APPROVED 6-0 (Baker, Sangiolo not voting)**

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

#465-08 ALDERMEN HARNEY, GENTILE AND SANGIOLO requesting the Newton Retirement Board seeking aldermanic adoption and mayoral approval of special legislation that would authorize it to award to Frank Albano a superannuation retirement allowance in accordance with G.L. c.32, Sec. 5 notwithstanding the provisions of G.L. c.32, Sec. 3(6)(e) requiring a former member who re-enters active service to remain in active service for at least two consecutive years before becoming eligible to receive a retirement allowance. [11-17-08 @ 10:26 PM]  
**FINANCE APPROVED on 01-12-09**  
**PROGRAMS & SERVICES APPROVED 4-0 (Freedman, Hess-Mahan, Merrill, Parker not voting)**

#329-05(2) ALD. PARKER & JOHNSON requesting further amendment to the noise ordinance to: A) improve enforceability and effectiveness of the ordinance; B) remove the source-based exemption for noise generated by birds, and; C) address the differential treatment of construction noise on weekends. [08-26-08 @ 3:15 PM]

**(A) NO ACTION NECESSARY 7-0 (Sangiolo not voting)**

**(B) and (C) HELD 8-0**

**Motion to suspend the Rules to poll Programs and Services  
Committee Approved by Voice Vote**

**PROGRAMS & SERVICES COMMITTEE APPROVES**

**AMENDMENT OF (B) AND (C) TO NO ACTION NECESSARY 7-0-1 (Ald. Brandel)**

#422-06 ALD. HESS-MAHAN requesting creation of an ordinance prohibiting the use of portable gasoline-powered leaf blowers within the City limits.

**PROGRAMS & SERVICES NO ACTION NECESSARY 7-0**

**(Sangiolo not voting)**

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

#29-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend three hundred fifty-eight thousand five hundred forty-four dollars (\$358,544) from Free Cash for the purpose of supplementing the snow and ice budget in the Parks and Recreation Department as follows: \$35,571 for overtime; and \$322,973 for equipment. [01/13/09 @ 4:23 PM]

**FINANCE APPROVED AS AMENDED @\$468,756.00 5-0 (Parker not voting) ON 1/26/09**

**APPROVED 6-0 (Baker, Hess-Mahan not voting)**

**Motion to suspend the Rules to poll Programs and Services  
Committee Approved by Voice Vote.**

**PROGRAMS & SERVICES COMMITTEE APPROVES**

**AMENDMENT OF AMOUNT TO \$468,756.00 7-0**

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

#30-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifty five thousand dollars (\$55,000) from Marathon Receipts for the purpose of funding park improvements and repairs as follows: \$30,000 to replace Fibar ground covering and broken or unsafe playground equipment; and \$25,000 in seed money for the installation of playground equipment at the Burr School and Solomon Schechter Playground. [01/13/09 @ 4:22 PM]

**FINANCE APPROVED 5-0 (Parker not voting) on 1/26/09**

**PROGRAMS & SERVICES APPROVED 7-0 (Hess-Mahan not voting)**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, January 21, 2009

#26-09 HIS HONOR THE MAYOR in accordance with Chapter 279 of the Acts of 1992 and Sec. 3-3 and 3-4 of the City Charter, appointing CAPTAIN MATTHEW A. CUMMINGS as Chief of Police, effective January 13, 2009. [01-12-09 @ 3:26 PM]  
**PUBLIC SAFETY APPROVED 7-0 (Ciccone not voting)**

#365-08 ALD. LINSKY, DANBERG & PARKER requesting a mechanism be provided whereby board members will be notified by either the Police, Fire or Executive Departments of major incidents involving public safety. [10-14-08 @ 5:33 PM]  
**PUBLIC SAFETY NO ACTION NECESSARY 7-0 (Danberg not voting)**

**REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES**

#31-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifty seven thousand eight hundred ninety eight dollars (\$57,898) from Budget Reserve for the purpose of equipping three ladder companies with Rapid Intervention Team Equipment in the Fire Department [01-13-09 @ 4:22 PM]  
**FINANCE APPROVED 5-0 on 1/26/09**  
**PUBLIC SAFETY APPROVED 8-0**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

#4-09 JAMES H. WEXLER & FRANCES E. STOLL, 22 Exmoor Road, Newton Centre 02459 petitioning to extend a main drain from existing Manhole # 77-1600 in EXMOOR ROAD in a southeasterly direction 94' ± to a proposed manhole in front of 22 Exmoor Road. (Ward 8) [11-24-08 @ 11:53 AM] **PETITIONER TO PAY ENTIRE COST**  
**WITHDRAWAL WITHOUT PREJUDICE - PUBLIC FACILITIES APPROVED 8-0**

#5-09 ATTY. PETER HARRINGTON on behalf of LaSalle Developers, LLC, petitioning for a common sewer main and easement in PINE MEADOW DRIVE from the existing sewer main in Pine Street northwesterly 250' to a proposed manhole in Pine Meadow Drive (a private way). **PETITIONER TO PAY ENTIRE COST** [11-24-08 @ 10:06 AM]  
**PUBLIC FACILITIES APPROVED 8-0**

#304-07 LASALLE DEVELOPMENT, LLC, 210 Auburn Street, Auburndale, petitioning for construction of a common sewer in PINE MEADOW DRIVE EXTENSION from an existing sewer main in Pine Meadow Drive northwesterly 140' ± to a proposed sewer manhole in Pine Meadow Drive

Extension. [03-30-07 @8:46 AM] **PETITIONER TO PAY ENTIRE COST  
PUBLIC FACILITIES APPROVED 8-0**

**REFERRED TO FINANCE COMMITTEE**

Monday, January 26, 2009

- #250-01(5) **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend ten thousand dollars (\$10,000) from Receipts Reserved for the purpose of planting trees along Cypress Street. These funds resulted from a condition in a special permit #250-01 granted to The Newton Terraces and Andover Newton Theological School on November 19, 2001 and must be spent or encumbered by March 16, 2009 or they revert to the petitioners. [12-09-08 @ 5:30 PM]  
**FINANCE APPROVED 6-0**

**REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES**

- #31-09 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend fifty seven thousand eight hundred ninety eight dollars (\$57,898) from Budget Reserve for the purpose of equipping three ladder companies with Rapid Intervention Team Equipment in the Fire Department [01-13-09 @ 4:22 PM]  
**PUBLIC SAFETY & TRANSPORTATION APPROVED 8-0 on 1-21-09**  
**APPROVED 5-0 (Parker not voting)**

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

- #30-09 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend fifty five thousand dollars (\$55,000) from Marathon Receipts for the purpose of funding park improvements and repairs as follows: \$30,000 to replace Fibar ground covering and broken or unsafe playground equipment; and \$25,000 in seed money for the installation of playground equipment at the Burr School and Solomon Schechter Playground. [01/13/09 @ 4:22 PM]  
**PROGRAM AND SERVICES APPROVED 7-0 (Hess-Mahan not voting) on 1-21-09**  
**FINANCE APPROVED 5-0 (Parker not voting)**

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

- #29-09 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend three hundred fifty-eight thousand five hundred forty-four dollars (\$358,544) from Free Cash for the purpose of supplementing the snow and ice budget in the Parks and Recreation Department as follows: \$35,571 for overtime; and \$322,973 for equipment. [01/13/09 @ 4:23 PM]

**PROGRAM AND SERVICES APPROVED 6-0 (Baker and Hess-Mahan not voting) on 1-21-09**  
**FINANCE APPROVED AS AMENDED @\$468,756.00 5-0 (Parker not voting)**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 1 NAYS (ALD. SCHNIPPER), 1 ABSENT (Ald. Harney) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:**

**REFERRED TO FINANCE COMMITTEE**

Monday, January 26, 2009

Appointment by His Honor the Mayor

#483-08

ROBERT CARP, 22 Hollywood Drive, Chestnut Hill, appointed as a Constable for the City of Newton for a term of office to expire November 30, 2011.

(60 days 2-13-09) [12-3-08 @ 4:02 PM]

**FINANCE APPROVED 5-0-1 (Schnipper abstaining)**