

## REPORTS DOCKET

Jan. 21: Programs&Services; Public Safety & Transportation; Public Facilities Continued  
Jan. 22: Traffic Council Page 31  
Jan. 26: Finance; Zoning & Planning Tuesday, January 20, 2009  
Jan. 27: Post Audit & Oversight; Community Preservation Newton City Hall  
To be reported on  
**Monday, February 2 2009**

### CITY OF NEWTON

#### IN BOARD OF ALDERMEN

**ITEM POSTPONED on 1-20-09 to DATE CERTAIN of 2-2-09:**

**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.**

**Motion to Postpone (B) to February 2, 2009 Approved by Voice Vote**

**REFERRED TO ZONING & PLANNING COMMITTEE**

Monday, January 26, 2009

Present: Ald. Yates (Chairman), Ald. Baker, Lappin, Linsky, Harney, Danberg, Swiston, and Ciccone; also present: Parker and Johnson

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).  
**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).  
**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).  
**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).  
**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).  
**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).  
**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 recommended by Full Board on 12-1-09; Zoning & Planning Approved as amended 5-2 (Baker and Yates opposed) on 12-8-08)*  
**HELD 8-0**

**REFERRED TO PROGRAMS & SERVICES**

Wednesday, January 21, 2009

Present: Ald. Johnson (Chair), Freedman, Baker, Brandel, Hess-Mahan, Merrill, Parker, Sangiolo; Also present: Ald. Harney, Danberg and Gentile

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]  
**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]  
**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**  
**APPROVED 4-0 (Freedman, Hess-Mahan, Merrill, Parker not voting)**

- #292-08(2) PROGRAMS AND SERVICES COMMITTEE requesting that His Honor the Mayor develop a written policy of standards and processes that could be uniformly followed by community groups for the use of the branch library buildings. [11-07-08 @ 11:11 AM]  
**HELD 6-0 (Baker, Sangiolo not voting)**

**REFERRED TO PROG. & SERV., PUB. FAC., AND LAND USE COMMITTEES**

- #329-08 ALD. JOHNSON, ALBRIGHT & LINSKY requesting amendment to §20-13, *Noise Ordinance*, of the City of Newton Ordinances to prohibit the City from exceeding the parameters of time and decibel restrictions unless it receives approval from the Land Use Committee of the Board of Aldermen. [09-02-08 @ 12:00 PM]  
**HELD 7-0 (Hess-Mahan 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**
- #422-06 ALD. HESS-MAHAN requesting creation of an ordinance prohibiting the use of portable gasoline-powered leaf blowers within the City limits.  
**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)**

**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**  
**APPROVED 7-0 (Hess-Mahan not voting)**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, January 21, 2009

Present: Ald. Linsky (Chair), Ciccone, Swiston, Harney, Coletti, Danberg, Vance and Fischman; also present: Ald. Sangiolo

- #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]  
**APPROVED 7-0 (Ciccone not voting)**

**REFERRED TO PS&T & TRANS. AND PROG&SERVICES COMMITTEES**

- #391-08 HIS HONOR THE MAYOR requesting Board of Aldermen approval to petition the General Court for an amendment to the legislation that governs the appointment of a Police Chief in the City of Newton in order to add two members to the committee: an additional representative of the Newton Superior Officers Association and an additional citizen member. [11-4-08 @ 12:31 PM]  
**HELD 5-0 (Ciccone, Danberg and Harney 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]  
**NO ACTION NECESSARY 7-0 (Danberg not voting)**

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

- #30-08 ALD. COLETTI requesting a list of current vacancies in the Police, Fire and Public Works Departments, with specific discussion in Committee relative to Police Department vacancies. [01-15-08 @ 11:15 AM]  
**FINANCE HELD 8-0 on 9-08-08**  
**HELD 7-0 (Swiston 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**  
**APPROVED 8-0**

**REFERRED TO PS&T & TRANS. AND PROG& SERV COMMITTEES**

- #346-05 ALD. JOHNSON AND ALBRIGHT requesting discussion with the Mayor, Police and Fire Chiefs and Health Commissioner regarding the City of Newton's city-wide emergency preparedness.  
**PROGRAM & SERVICES NO ACTION NECESSARY 6-0 on 9-6-06**  
**HELD 8-0**
- #153-06 ALD. SANGIOLO & HARNEY requesting a trial for a "Do Not Enter" on Hancock Street in Auburndale between Grove Street and Woodland Road from 7:45 a.m. – 8:45 a.m. and from 2:30 p.m. – 3:45 p.m. (proposed sign to be located on the corner of Woodland and Hancock).  
**HELD 8-0**

**ITEM COMMITTED TO PUBLIC SAFETY & TRANS. COMM. on 6-7-05**

- #202-03 ALD. SANGIOLO requesting revocation of parking restrictions on Hancock Street and also consideration of one-way for Hancock Street. (Ward 4). **Traffic Council approved as amended 5/27/04**  
**HELD 8-0**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Gentile, Yates, Mansfield and Lappin; also present: Ald. Baker, Brandel, Fischman, Harney, Johnson Merrill and Vance

- #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 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]  
**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**  
**APPROVED 8-0**

#224-06(2) ALD. LINSKY, ALBRIGHT & JOHNSON, BAKER & SCHNIPPER requesting further deliberation on the conditions set forth in the Site Plan Approval Board Order relating to the Newton North High School project, considering possible expansion and modification of the conditions.

**HELD 8-0**

#385-07 ALD. SCHNIPPER AND GENTILE updating the Public Facilities Committee on the progress of the Newton North High School Project. [11-21-07 @ 10:23 AM]

**HELD 8-0**

**REFERRED TO FINANCE COMMITTEE**

Monday, January 26, 2009

Present: Ald. Coletti (Chair), Lennon, Salvucci, Gentile, Parker and Schnipper; absent: Ald. Johnson and Freedman

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]

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

#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]

**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**  
**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**  
**APPROVED AS AMENDED @\$468,756.00 5-0 (Parker not voting)**

- #353-08 ALD. COLETTI requesting monthly report by Executive Office before Post Audit and Oversight Committee on snow and salt expenditure from November 2008 through April 2009. [09-30-08 @ 1:54 PM]  
**HELD 5-0 (Parker not voting)**

- #349-08 ALD. COLETTI requesting discussion on preparation and submission of a new Capital Improvement Plan by the Executive Office. [09-30-08 @ 1:54 PM]  
**HELD 5-0 (Parker not voting)**



- #207-07(2) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended, effective FY10, as follows:
- (A) total resources devoted to all forms of employee compensation shall not exceed the estimated growth in total general fund revenue for the following fiscal year;
  - (B) funds for salary and wage adjustments shall not exceed the difference between total estimated revenue growth and resources needed to fund growth in health/dental and life insurance benefits and growth in the actuarial required contribution for the city's retirement system for each fiscal year;
  - (C) if collective bargaining contracts are not resolved at the time of budget submission, funds budgeted for such contracts shall be held in "municipal and compensation" reserve. [7-2-08 @ 12:12 PM]
- HELD 5-0 (Parker not voting)**

**REFERRED TO POST AUDIT AND OVERSIGHT COMMITTEE**

Present: Ald. Albright (Chairman), Lennon, Swiston, Harney and Mansfield; absent: Ald. Coletti, Schnipper and Freedman

- #178-04(3) ALD. LAPPIN requesting a report from the Commissioner of Public Buildings regarding why no progress has been made on the implementation of the construction project database approved by the Board of Aldermen on April 20, 2004.
- HELD 5-0**

- #402-08 ALD. JOHNSON AND SANGIOLO requesting a discussion with the Executive Department as to how the tree funds are being collected and spent. [11-10-08 @ 8:53 AM]
- HELD 5-0**

**REFERRED TO TRAFFIC COUNCIL**

Thursday, January 22, 2009

Present: Victoria Danberg (Alderman), Jerome Grafe (Resident member), David Koses (Transportation Planner), Rosalie Myers (Clerk), Jim Norcross (Police) and Nina Wang (Assistant Traffic Engineer); also present: Ald. Brandel, Lennon, Linsky, Merrill.

***NOTE: The following actions are informational only, there is no vote required from the Board of Aldermen.***

- HP20-08 NOREEN KIMBALL requesting a handicapped parking space at 24-26 Dale Street (Ward 2).  
**APPROVED AS AMENDED 4-0 (Danberg not voting)**
- TC36-08 ALD. LENNON & SALVUCCI on behalf of Esther Marchioni of 127 Linwood Avenue, requesting a discussion of parking restrictions on Linwood Avenue, specifically TPR-176, Linwood Avenue (1) Prohibited, all days: b) South side from Bridge Street to opposite Colonial Avenue (Ward 1).  
**APPROVED AS AMENDED 5-0**
- TC69-08 DUNN-GEHERIN'S requesting handicapped parking space at 344 Elliot Street (Ward 5).  
**APPROVED 3-0-2 (Grafe and Wang abstaining).**
- TC54-08 JEANETTE PAOLETTI of 58 Cook Street requesting a two-hour parking prohibition, 8 AM to 6 PM on the east (even) side of Cook Street (Ward 1).  
**DENIED 5-0**
- TC55-08 ALD. LENNON requesting on behalf of RICHARD BELKIN of the Newton Corner Neighborhood Association a discussion re the potential installation of a stop sign at the MassTurnpike overpass, eastbound, in the vicinity of Thornton Street (Ward 1).  
**NO ACTION NECESSARY 5-0**
- TC56-08 ALD. LENNON requesting on behalf of ELIE GENTILE, 28 Lincoln Road a reduction of the speed limit to 25 MPH on Lincoln Road (Ward 1).  
**DENIED 5-0**
- TC57-08 ALD. LENNON requesting of behalf of Max Goldsmith of 3 Waverley Avenue the installation of stop signs, eastbound and westbound, at the intersection of Waverley Avenue and Washington Street (Ward 1).  
**DENIED 5-0**