

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

Monday, March 16, 2009

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

Absent: Ald. Lennon

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

**REFERRED TO LAND USE COMMITTEE**

Tuesday, March 10, 2009

Present: Ald. Mansfield (Chairman), Ald. Fischman, Vance, Merrill, Sangiolo, Albright, ad Brandel; absent: Ald. Hess-Mahan

#15-09            **BERNARD R. O'KANE** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to expand a NON-CONFORMING STRUCTURE to connect an existing detached garage to an existing single-family dwelling in order to create a bedroom and handicapped bathroom and to locate one additional parking space within the front setback at 185 HARVARD CIRCLE, Ward 2, NEWTONVILLE, on land known as Sec 22, Blk 22, Lot 2, containing approx 5,303 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 3-21(a)(2)b), 30-21(b), 30-19(g)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.  
**LAND USE APPROVED 7-0**

**MOTION TO SUSPEND THE RULES TO POLL COMMITTEE TO ACCEPT AN EXTENSION OF TIME – VOICE VOTE APPROVED**

#384-08(3)      AGREEMENT to AN EXTENSION OF TIME in which to ACT on Petition #384-08: **DAVID CHODRIKER** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to eliminate the use of a garage beneath an existing single family home and relocate parking for two vehicles on a new driveway within the front setback at 5 STAFFORD ROAD, Ward 6, NEWTON CENTRE; said extension to run to April 24, 2009.  
**LAND USE APPROVED 8-0**

**REFERRED TO ZONING & PLANNING COMMITTEE**

Monday, March 9, 2009

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

#62-09            HIS HONOR THE MAYOR requesting Board of Aldermen approval of a conservation restriction for the Newton Commonwealth Golf Course, which has been given preliminary approval on behalf of the Secretary of Energy and Environmental Affairs, to update the Conservation Restriction executed by the Mayor in 1982 incident to the acquisition of the golf course as public open space.

**ZONING & PLANNING APPROVED 8-0**

#108-07(2)      DIRECTOR OF PLANNING & DEVELOPMENT recommending that Chapter 30 of the Revised Zoning Ordinances, 2007, as amended, be further amended by deleting in Section 30-15, Table 1, Footnote 7 in its entirety.

**ZONING & PLANNING APPROVED 8-0**

#109-07(2)      DIRECTOR OF PLANNING & DEVELOPMENT recommending that Chapter 30 of the revised Ordinances of Newton, 2007, be amended by deleting in the existing language of §30-5(b)(4) and replacing it with language requiring special permits for retaining walls exceeding four (4) feet in height; by adding in §30-5(c) a requirement for the City Engineer's technical review and approval; and, by adding to §30-1 new definitions for retaining wall and berm, and amending the existing definition for *structure* to include *retaining walls*.

**ZONING & PLANNING APPROVED 7-0-1` (Linsky abstaining)**

#344-07            ALD. GENTILE, HARNEY & SANGIOLO requesting information from the Commissioner of Inspectional Services as to why a building permit was issued for work at the Marriott Hotel without a special permit amendment and when the mistake was discovered why a stop work order was not issued. [10-30-07 @5:20 PM]

**ZONING & PLANNING NO ACTION NECESSARY 8-0**

**REFERRED TO PROGRAMS & SERVICES COMMITTEE**

Wednesday, March 4, 2009

Present: Ald. Johnson (Chairman), Merrill, Hess-Mahan, Sangiolo, Brandel, Parker, Baker, and Freedman; also present: Ald. Ciccone and Lennon

Appointment by His Honor the Mayor

#48-09 LESLEY SCHIER, 111 Highland Street, West Newton, appointed as a member of THE NEWTON CHILD CARE COMMISSION for a term to expire on January 31, 2012 (60 days: 4/18/09) [02/06/09 @ 1:12 PM]  
**PROGRAMS & SERVICES APPROVED 5-0 (Freedman, Parker, Sangiolo not voting)**

Re-appointment by His Honor the Mayor

#49-09 KATHERINE DONOVAN, 46 Oakland Avenue, Auburndale, re-appointed as a member of THE NEWTON CHILD CARE COMMISSION for a term to expire on January 1, 2011 (60 days: 4/18/09) [02/06/09 @ 1:12 PM]  
**PROGRAMS & SERVICES APPROVED 5-0 (Freedman, Parker, Sangiolo not voting)**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, March 4, 2009

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

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

#57-09(2) **PUBLIC SAFETY & TRANSPORTATION COMMITTEE** requesting an amendment to the City of Newton's Ordinance Chapter 19, §19-9(4), **Penalty for parking violations**, to increase the fine per violation for vehicles parked in non-MBTA bus stops to \$25.00.  
**FINANCE NO ACTION NECESSARY 7-0 on 3/9/09**  
**PUBLIC SAFETY NO ACTION NECESSARY 7-0 (Ciccone not voting)**

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

#56-09 **SGT. NORCROSS AND CHIEF CUMMINGS** requesting that Chapter 19, §19-200, **Resident sticker and visitor permit; municipal parking lot program**, be amended by implementing a fee for a municipal lot sticker and that §19-201, **Resident sticker and visitor parking permit**, be amended by increasing the fees for a resident parking sticker and replacement sticker. [02-04-09 @4:01 PM]  
**FINANCE NO ACTION NECESSARY on 3/9/09**  
**PUBLIC SAFETY NO ACTION NECESSARY 6-0 (Ciccone and Fischman not voting)**

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

- #56-09(2) **PUBLIC SAFETY & TRANSPORTATION COMMITTEE** requesting that Chapter 19, §19-201, **Resident sticker and visitor parking permit**, be amended by increasing the fees to \$25.00 for each resident parking sticker. [02-18-09 @ 9:30 PM]  
**FINANCE APPROVED 7-0 on 3/9/09**  
**PUBLIC SAFETY APPROVED 6-0 (Ciccone and Fischman not voting)**

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

- #250-01(7) **PUBLIC SAFETY & TRANSPORTATION COMMITTEE** proposing the sum of fifteen thousand four hundred seventy one dollars eighty five cents (\$15,471.85) be appropriated from the fund established through a special permit granted pursuant to the Board's approval #250-01 for the purpose of installing certain pedestrian access improvements in the Langley Road corridor at or near the Langley Path intersection. [02-18-09 @ 9:00 PM]  
**FINANCE NO ACTION NECESSARY 7-0 on 3/9/09**  
**PUBLIC SAFETY NO ACTION NECESSARY 6-0 (Ciccone and Fischman not voting)**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, March 4, 2009

Present: Ald. Salvucci (Acting Chairman), Lennon, Albright, Gentile, Yates, Mansfield, and Lappin; absent: Ald. Schnipper; also present: Ald. Fischman

- #51-09 **NSTAR ELECTRIC COMPANY** petitioning for a grant of location to install one new pole (514/10A) in CHURCH STREET on the southwesterly side 65' ± southeasterly of Billings Park (Ward 1.) [01/26/09 @ 12:18 PM]  
**PUBLIC FACILITIES APPROVED 5-0-1 (Lennon abstaining, Gentile not voting)**
- #52-09 **NATIONAL GRID** petitioning for a grant of location to install and maintain 86' ± of 2" gas main in ELLIS STREET from the existing 2" gas main near Pole No. 135/3 southerly to 38 Ellis Street (Ward 5.) [02/03/09 @ 11:19 AM]  
**PUBLIC FACILITIES APPROVED 5-0 (Lennon and Gentile not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #59-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend eighty two thousand dollars (\$82,000) from bonded indebtedness for the purpose of entering into a contract with NORESCO to perform energy audits of the following locations: Bigelow Middle School, Brown Middle School, Oak Hill Middle School, Education Center, City Hall and Police Headquarters. [02/10/09 @4:41 PM]  
**FINANCE APPROVED 7-0 on 3/9/09**  
**PUBLIC FACILITIES APPROVED 6-0 (Gentile not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #61-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend forty five thousand dollars (\$45,000) from Utilities Division's Water Surplus account for the purpose of reimbursing the Treasury Department's Treasury Expenses account for the consultant costs related to year-end reconciliation of water receivables. [02/10/09 @4:42 PM]  
**FINANCE APPROVED**  
**PUBLIC FACILITIES APPROVED 7-0**

**REFERRED TO FINANCE COMMITTEE**

Monday, March 9, 2009

Present: Ald. Coletti (Chair), Lennon, Johnson, Salvucci, Gentile, Parker, Schnipper;  
absent: Ald. Freedman; also present: Ald. Yates, Baker and Danberg

- #299-08 HIS HONOR THE MAYOR requesting that the Board of Aldermen accept the provisions of §18 of Chapter 32B of the General Laws which requires all eligible municipal retirees to enroll in Medicare, the acceptance of which will allow the City to enroll them in health insurance plans that supplement Medicare coverage for cost savings to both retirees and the City. [08-04-08 @ 12:35 PM]  
**FINANCE APPROVED 6-0-1 (Gentile abstaining)**
- #69-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend seven thousand one hundred dollars (\$7,100) from Budget Reserve for the purpose of supplementing the Senior Center utility accounts. [02-24-09 @ 5:35 PM]  
**FINANCE APPROVED 6-0 (Johnson not voting)**
- #68-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend sixteen thousand dollars (\$16,000) from Free Cash for the purpose of supplementing the Newton Library Overtime accounts. [02-24-09 @ 5:35 PM]  
**FINANCE APPROVED 6-0 (Johnson not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #59-09 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend eighty two thousand dollars (\$82,000) from bonded indebtedness for the purpose of entering into a contract with NORESKO to perform energy audits of the following locations: Bigelow Middle School, Brown Middle School, Oak Hill Middle School, Education Center, City Hall and Police Headquarters. [02/10/09 @ 4:41 PM]  
**PUBLIC FACILITIES APPROVED 6-0 (Gentile not voting)**  
**on 03-04-09**  
**FINANCE APPROVED 7-0**

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

- #57-09(2) **PUBLIC SAFETY & TRANSPORTATION COMMITTEE** requesting an amendment to the City of Newton's Ordinance Chapter 19, §19-9(4), **Penalty for parking violations**, to increase the fine per violation for vehicles parked in non-MBTA bus stops to \$25.00.  
**PUBLIC SAFETY & TRANSPORTATION NO ACTION**  
**NECESSARY 7-0 (Ciccione not voting) on 03-04-09**  
**FINANCE NO ACTION NECESSARY 6-0-1 (Gentile abstaining)**

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

- #56-09 **SGT. NORCROSS AND CHIEF CUMMINGS** requesting that Chapter 19, §19-200, **Resident sticker and visitor permit; municipal parking lot program**, be amended by implementing a fee for a municipal lot sticker and that §19-201, **Resident sticker and visitor parking permit**, be amended by increasing the fees for a resident parking sticker and replacement sticker. [02-04-09 @4:01 PM]  
**PUBLIC SAFETY & TRANSPORTATION NO ACTION 6-0**  
**(Ciccione and Fischman not voting) on 03-04-09**  
**FINANCE NO ACTION NECESSARY 7-0**

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

- #56-09(2) **PUBLIC SAFETY & TRANSPORTATION COMMITTEE** requesting that Chapter 19, §19-201, **Resident sticker and visitor parking permit**, be amended by increasing the fees to \$25.00 for each resident parking sticker. [02-18-09 @ 9:30 PM]  
**PUBLIC SAFETY & TRANSPORTATION APPROVED 6-0**  
**(Ciccione and Fischman not voting) on 03-04-09**  
**FINANCE APPROVED 7-0**

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

#250-01(7) **PUBLIC SAFETY & TRANSPORTATION COMMITTEE** proposing the sum of fifteen thousand four hundred seventy one dollars eighty five cents (\$15,471.85) be appropriated from the fund established through a special permit granted pursuant to the Board's approval #250-01 for the purpose of installing certain pedestrian access improvements in the Langley Road corridor at or near the Langley Path intersection. [02-18-09 @ 9:00 PM]

**PUBLIC SAFETY & TRANSPORTATION NO ACTION**

**NECESSARY 6-0 (Ciccione and Fischman not voting) on 03-4-09**

**FINANCE NO ACTION NECESSARY 7-0**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 1 NAY (Ald. Yates), 1 ABSENT (Ald. Lennon) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:**

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

#57-09 **ALD. LINSKY AND DANBERG** requesting an amendment to Chapter 19, §19-9, **Penalty for parking violations**, to impose a fine of \$100.00 per violation for vehicles parked in bus stops in accordance with Chapter 465 of the Acts of 2008 as of April 7, 2009. [02-10-09 @7:07 PM]

**PUBLIC SAFETY & TRANSPORTATION APPROVED 5-0**

**on 02-18-09**

**FINANCE APPROVED 7-0**