

REPORTS DOCKET

March 4: Programs&Services; Public Safety; Public Facilities
March 9: Finance; Zoning & Planning
March 10: Land Use

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Monday, March 2, 2009
Newton City Hall
To be reported on
Monday, March 16, 2009

CITY OF NEWTON

IN BOARD OF ALDERMEN

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

A Public Hearing was held on the following item:

#43-09 **NSTAR ELECTRIC CO.** petition to alter the grade in excess of three feet on a portion of the lot in order to construct a retaining wall at 48 ELLIOT STREET, Ward 5, NEWTON UPPER FALLS, on land known as Sec 51, Blk 29, Lot 38 containing approx 158,000 sf of land in a district zoned MANUFACTURING. Ref: Sec 30-24 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

HEARING CLOSED

The following item was taken up in a working session::

#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.

APPROVED 7-0

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.

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.

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*.

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]

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]
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]
APPROVED 5-0 (Freedman, Parker, Sangiolo not voting)

#64-09 TOM SHEFF et al. filing on February 17, 2009, a group petition pursuant to Section 10-2 of the City Charter for a public hearing to discuss appointing a group of volunteers to: analyze the functions of the Board of Aldermen; analyze the functions of employees at City Hall; and to lay the groundwork for any Charter Commission that is elected by the citizens of Newton in the near future. ***NB: Board action shall be taken not later than three months from the date the petition was filed with the City Clerk.*** [02/17/09 @ 12:09 pm]
HELD 7-0 (Parker not voting)

#65-09 ALD. GENTILE, SALVUCCI, LENNON, CICCONE AND JOHNSON proposing a Resolution to His Honor the Mayor to reduce aldermanic salaries by 10% in the FY10 budget. [02/24/09 @ 9:31 AM]
HELD 8-0

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

#329-08(2) ALD. JOHNSON, ALBRIGHT AND LINSKY requesting that His Honor the Mayor implement policies and procedures that engage the Ward Alderman, as appropriate, in the determination of exemptions from the noise ordinance. [02/25/09 @ 11:24 AM]
LAND USE TO MEET
PUBLIC FACILITIES TO MEET
APPROVED 7-0 (Parker 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 approved by the Land Use Committee of the Board of Aldermen.
LAND USE TO MEET
PUBLIC FACILITIES TO MEET
NO ACTION NECESSARY 7-0 (Parker not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #207-08 ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters:
 “Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?” [05/21/08 @ 12:58 PM]
HELD 7-0 (Parker 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 PUB. SAF. & 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

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
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
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
APPROVED 6-0 (Ciccione 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
NO ACTION NECESSARY 6-0 (Ciccione and Fischman not voting)

- #66-09 **ALD. HARNEY** at the request of local residents, a discussion of Sec. 3-29, Removal and disposal of canine wastes, with recommendations on how the ordinance can be enforced and whether or not the fines are appropriate. [02-24-09 @ 7:33 PM]
HELD 6-0 (Ciccione and Fischman not voting)

REFERRED TO PS&T. FINANCE AND PROG & SERV. COMMITTEES

- #273-04(3) **ALD. GENTILE** requesting home rule legislation to reclassify the two "dedicated fire apparatus mechanic" positions from Group 1 to Group 2 in the State Retirement System. [02/13/09 @ 4:11 pm]
HELD 6-0 (Ciccione 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]
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]

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 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]

FINANCE APPROVED 7-0 on 3/9/09

APPROVED 6-0 (Gentile not voting)

#241-08 ALD. SCHNIPPER requesting an update on the progress of the design for the reconstruction of Needham Street. [6-13-08 @ 11:45 AM]

HELD 6-0 (Gentile not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#58-09 HIS HONOR THE MAYOR requesting authorization to enter into a contract for solid waste and recycling collection with Waste Management, Inc. for a term of five years. [02/10/09 @4:42 PM]

FINANCE HELD 7-0 on 3/9/09

APPROVED 3-0-4 (Lennon, Gentile, Mansfield, Lappin abstaining)

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 TO MEET

APPROVED 7-0

#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 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]
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]
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]
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
APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#58-09 **HIS HONOR THE MAYOR** requesting authorization to enter into a contract for solid waste and recycling collection with Waste Management, Inc. for a term of five years. [02/10/09 @ 4:42 PM]
PUBLIC FACILITIES APPROVED 3-0-4 (Lappin, Mansfield, Gentile and Lennon abstaining) on 03-04-09
HELD 7-0

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
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
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
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
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 (Ciccone and Fischman not voting) on 03-4-09

NO ACTION NECESSARY 7-0