

CITY OF NEWTON
IN BOARD OF ALDERMEN
BOARD ACTIONS

Tuesday, April 21, 2009

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

Absent: Ald. Harney and Sangiolo

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

- REFERRED TO ZONING & PLANNING COMMITTEE**
- #94-08 **PLANNING & DEVELOPMENT BOARD, ALD. JOHNSON & LINSKY** recommending the deletion of certain provisions and the addition of new provisions to regulate home businesses by amending Section 30-1, Definitions; Section 30-8, Use Regulations for Single Residence Districts; Section 30-8(b) and (c), Special Permits in Single Residence Districts; Section 30-9(b), Special Permits in Multi Residence Districts; Section 30-19(d), Number of Parking Stalls; and Section 30-20(e), Regulation of Signs in Residence Districts. The proposed amendments would revise or remove specific home occupations in the current definition of home businesses; modify the definition of home business; institute a registration requirement for some home businesses; allow multiple home businesses at the same residence provided that all home businesses combined do not exceed the limitations in the ordinance; revise the number of clients and employees non-resident to the business allowed on site at a given time without a special permit; amend and clarify limitations on storage, signage, and sale of merchandise; revise the list of prohibited neighborhood impacts; allow businesses in accessory apartments under certain circumstances; set a limit on the number of trips that may begin or end at a home business and the number of parking stalls demanded or utilized by the business without a special permit; revise the limit on the percentage of a dwelling unit that may be used for a home business without a special permit; require a special permit for home businesses involving the care and keeping of more than three animals; and revise the number of parking stalls required by a home business. **(Public Hearing closed 2/23/09; 90 days 5/21/09)**
ZONING AND PLANNING APPROVED AS AMENDED 6-1 (Lappin)
DENIED 10 YEAS, 12 NAYS (Ald. Albright, Brandel, Coletti, Freedman, Gentile, Hess-Mahan, Lappin, Mansfield, Parker,

Salvucci, Schnipper and Vance), 2 ABSENT (Ald. Harney and Sangiolo)

MOTION FOR RECONSIDERATION FILED BY ALD. VANCE ON APRIL 22, 2009. WILL BE BEFORE THE BOARD AGAIN AT ITS MEETING ON MAY 4, 2009.

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

#171-04(2) ALD. HESS-MAHAN requesting a re-vote of a previously submitted home rule petition approved February 20, 2007 by the Board of Aldermen for special legislation authorizing local voting rights for permanent resident aliens residing in Newton. [02/13/09 @ 4:11 pm]
PROGRAMS & SERVICES APPROVED 6-0-2 (Brandel and Freedman abstaining

APPROVED 13 YEAS, 9 NAYS (Ald. Brandel, Ciccone, Coletti, Freedman, Lappin, Lennon, Salvucci, Swiston, and Yates), 2 ABSENT (Ald. Harney and Sangiolo)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 2 ABSENT TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

REFEREED TO LAND USE COMMITTEE

Tuesday, April 21, 2009

#92-09 WABAN IMPROVEMENT SOCIETY requesting a temporary license pursuant to Sec 30-6(k) of the City of Newton Ordinances to hold its fifth annual WABAN VILLAGE DAY on Sunday, May 17, 2009.

MOTION TO SUSPEND THE RULES TO ALLOW ITEM TO BE REPORTED WITHOUT WRITTEN REPORT – APPROVED BY VOICE VOTE

LAND USE APPROVED 7-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, April 15, 2009

REFERRED TO PUB. SAF. & TRANS. AND PROG & SERV. COMMITTEES

#101-09 ALD. LENNON, CICCONE, SALVUCCI, GENTILE & JOHNSON requesting discussion and possible City acceptance of the provision of MGL Chapter 31, Section 58A: Municipal police officers and firefighters; maximum age restrictions, which would allow candidates who are veterans to exceed the maximum age provision for original appointment by the number of years of their military services, to a maximum of 4 years. [03/31/09 @8:08 AM]

PUBLIC SAFETY & TRANSPORTATION APPROVED 7-0 on 4/15/09**PROGRAMS & SERVICES APPROVED 4-0 (Brandel, Freedman, Parker and 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]
PROGRAMS & SERVICES NO ACTION NECESSARY 8-0

Re-appointment by His Honor the Mayor

- #94-09 BRUCE HENDERSON, 42 Vaughn Avenue, Newton Highlands, re-appointed as a member of THE NEWTON COMMUNITY EDUCATION COMMISSION for a term to expire on June 30, 2011. (60 days: 6/05/09)
[03/31/09 @10:47 AM]
PROGRAMS & SERVICES APPROVED 7-0 (Baker not voting)

REFERRED TO PROG & SERV AND FINANCE COMMITTEES

- #98-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty one thousand seven hundred thirty two dollars (\$21,732) from Free Cash for the purpose of funding payments to the East Middlesex Mosquito Control Project (EMMCP) to conduct mosquito larva control in catch basins to control the spread of West Nile Virus. [03/31/09 @6:11 PM]
FINANCE APPROVED 7-0 on 4/15/09
PROGRAMS & SERVICES APPROVED 8-0

- #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]
PROGRAMS & SERVICES NO ACTION NECESSARY 5-2
(Johnson and Merrill opposed; Sangiolo not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, April 15, 2009

REFERRED TO PUB. SAF. & TRANS. AND PROG & SERV. COMMITTEES

- #101-09 ALD. LENNON, CICCONE, SALVUCCI, GENTILE & JOHNSON requesting discussion and possible City acceptance of the provision of

MGL Chapter 31, Section 58A: Municipal police officers and firefighters; maximum age restrictions, which would allow candidates who are veterans to exceed the maximum age provision for original appointment by the number of years of their military services, to a maximum of 4 years. [03/31/09 @ 8:08 AM]

PROGRAMS & SERVICES APPROVED 4-0 (Brandel, Freedman, Parker, and Sangiolo not voting) on 4/15/09
PUBLIC SAFETY APPROVED 7-0

#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).
PUBLIC SAFETY APPROVED AS AMENDED 6-0 (Danberg not voting)

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 study pending)
Traffic Council approved as amended 5-27-04
PUBLIC SAFETY NO ACTION NECESSARY 6-0 (Danberg not voting)

REFERRED TO FINANCE COMMITTEE

Monday, April 13, 2009

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#469-08 HIS HONOR THE MAYOR requesting to appropriate five hundred seventy five thousand dollars (\$575,000) from Free Cash to the School Department for the costs related to the conversion of the boilers at nine school buildings. The School Committee agreed to spend this amount from the school utility budget with the understanding that it would be restored once free cash became available. Including this sum, it is estimated that the school department will require a smaller supplemental appropriation to cover of heating this winter than would have been necessary without this conversion. [11-25-08 @ 4:58 PM]
PUBLIC FACILITIES APPROVED 7-0 on 12-17-08
FINANCE APPROVED 7-0

#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]
FINANCE NO ACTION NECESSARY 7-0

- #98-09 **REFERRED TO PROG & SERV AND FINANCE COMMITTEES**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty one thousand seven hundred thirty two dollars (\$21,732) from Free Cash for the purpose of funding payments to the East Middlesex Mosquito Control Project (EMMCP) to conduct mosquito larva control in catch basins to control the spread of West Nile Virus. [03/31/09 @ 6:11 PM]
FINANCE APPROVED 7-0

REFERRED TO POST AUDIT & OVERSIGHT COMMITTEE

Thursday, April 16, 2009

- #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]
POST AUDIT & OVERSIGHT NO ACTION NECESSARY 6-0
(Harney not voting)

THE CHAIRMAN OF ZONING & PLANNING REQUESTED THAT THE FOLLOWING ITEM, WHICH HAD ONLY BEEN REFERRED TO FINANCE, ALSO BE REFERRED TO THE ZONING & PLANNING COMMITTEE. APPROVED BY VOICE VOTE

- #97-09 **HIS HONOR THE MAYOR** requesting authorization to accept and expend an additional six hundred three thousand five hundred thirteen dollars (\$603,513) in FY09 Community Development Block Grant funds and a grant of nine hundred twenty three thousand nine dollars (\$923,339) from the U.S. Department of Housing and Urban Development to fund the Homelessness Prevention and Rapid Re-housing Program made available through the American Recovery and Reinvestment Act of 2009. [03/31/09 @ 6:11 PM]
FINANCE APPROVED 7-0
ZONING & PLANNING TO MEET

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING DOCKET ITEMS

Public Hearing to be assigned for May 12, 2009:

- #102-09 **REFERRED TO LAND USE COMMITTEE**
VIDEOLINK/DIV WASHINGTON STREET, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to install a satellite antenna on an existing parking garage at 1210-1230 WASHINGTON STREET, WEST NEWTON, on land known as Sec 31, Blk 4, Lots 13

and 15, containing approx 79,093 and 14,089 sf, respectively, in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-18(a)(e)(5) and (f) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing to be assigned for May 4, 2009 at 7:00 PM:

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#70-09(2) HIS HONOR THE MAYOR submitting recommended FY2010 Water and Sewer Rates for implementation. [04/14/09 @ 5:33 PM]