

REPORTS DOCKET

July 14: Land Use
July 20: Finance

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Monday, July 13, 2009
Newton City Hall
To be reported on
Monday, August 10, 2009

CITY OF NEWTON

IN BOARD OF ALDERMEN

UNFINISHED BOARD BUSINESS

ITEM POSTPONED on 7/13/09 to DATE CERTAIN of 8/10/09:

Request for Withdrawal without Prejudice received 8/3/09

#139-09 FRANCESCO GIGLIOTTI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct a second-story addition onto the front of an existing single-family dwelling, increasing the legally nonconforming floor area ratio from .43 to .48, at 204 RIVER STREET, WEST NEWTON, on land known as Sec 44, Blk 17, Lot 55, containing approx 3,064 sf feet of land in a district zoned SINGLE RESIDENCE 3. Ref: 30-24, 30-23, 30-21(a)(2)(b), 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 6-0-1 (Fischman abstaining; Brandel not voting) on 6/16/09 (90 days 9/1/09)

ITEM POSTPONED on 7/13/09 to DATE CERTAIN of 8/10/09:

#108-07(3) ALD. SANGIOLO proposing the suspension/rescission of Ordinance Z-44, voted on March 16, 2009, which deleted Footnote 7 of Section 30-15, Table 1 relative to floor area ratio.
In Zoning & Planning on 6/22/09 a motion to Approve as amended with a sunset date of 7/30/10 Failed to Carry 3-3-1 (Harney, Lappin, Swiston voting in the affirmative; Baker, Linsky, Yates opposed; Danberg abstaining) (90 days: 9/6/09)
MOTION TO SUBSTITUTE APPROVAL CARRIED 12-10 in FULL BOARD on 7/13/09

ITEM CHARTERED 7/13/09 by ALD. GENTILE:

#142-09 ALD. BAKER, DANBERG, HESS-MAHAN, MANSFIELD, PARKER, YATES proposing that Chapter 30 be amended to provide a cumulative floor area ratio bonus of .05 for renovation of existing one- and two-family homes which meet otherwise applicable dimensional requirements; to provide an additional .02 floor area ratio bonus for renovation of existing one- and two-family homes on old zoning lots which meet new

zoning lot dimensional requirements; to clarify the application of the existing .05 floor area ratio bonus for new construction of one- and two-family homes; to end such floor area ratio bonuses on July 30, 2010; and to clarify the application of the *de minimis* rule, in accordance with language provided.

IN ZONING & PLANNING on 6/22/09 MOTION TO APPROVE FAILED TO CARRY 3-4 (Baker, Linsky, Yates voting in the affirmative; Danberg, Harney, Lappin, Swiston opposed (90 days: 9/6/09)

REFERRED TO LAND USE COMMITTEE

Tuesday, July 14, 2009

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

Public Hearings were held on the following items, after which the Committee held a working session:

#232-07(4) AMERADA HESS CORPORATION petition to AMEND special permit #232-07 by deleting in condition 9.d. the reference to the "...bermed area at the edge of the curb extension planted with grass and pear trees..." which is not shown on the plan and not built as part of the already constructed curb extension approved in SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NON-CONFORMING USE, granted on 12/17/07, for the conversion of a full-service gasoline selling station to a self-service gasoline selling station and retail convenience store at 2370 COMMONWEALTH AVENUE, Ward 4, AUBURNDALE, Ref: Sec 30-23 and 30-24 of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED; ITEM APPROVED 7-0 (Brandel not voting)

#163-09 NICHOLAS POLYHRONOPOULOS & VASILKI POLYHRONOPOULOS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of a NONCONFORMING STRUCTURE to install a semi-circular driveway within the front setback with parking; replace an existing nonconforming front stairway in the front setback; and to install /construct retaining walls and stairways as retaining walls at an existing single-family dwelling at 103 COMMONWEALTH AVENUE, Ward 7, CHESTNUT HILL, on land known as Sec 63, Blk 8, Lot 46, containing approx 13,693 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21((b), 30-19(g)(1) and (3), 30-19(m), 30-5(b)(4) as most recently amended by Ordinance Z-45.
HEARING CLOSED; ITEM APPROVED 7-0 (Brandel not voting)

REFERRED TO FINANCE COMMITTEE

Monday, July 20, 2009

Present: Ald. Coletti (Chairman), Gentile, Lennon, Johnson, Parker, Salvucci, Schnipper and Freedman; also present: Ald. Baker, Sangiolo and Linsky

Appointment by His Honor the Mayor

#200-09 JOAN E. HARRINGTON, 157 Lowell Avenue, Newtonville, appointed as a TRUSTEE of the NEWTON READ FUND for a term to expire June 1, 2012 (60 days 9/11/09). [07/01/09 @ 10:49 AM]

APPROVED 5-0 (Lennon, Gentile and Parker not voting)

Appointment by His Honor the Mayor

#199-09 LOIS McMULLIN, 11 Meigh Road, Chestnut Hill, appointed as a TRUSTEE of the NEWTON READ FUND for a term to expire June 1, 2012. (60 days 09/11/09) [06/26/09 @ 11:02 AM]

APPROVED 5-0 (Lennon, Gentile and Parker not voting)

#204-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend five thousand nine hundred fifty-two dollars and fifty-six cents (\$5,952.56) from Budget Reserve to settle a claim that arose from a City truck striking a private vehicle on January 1, 2009. [7/7/09 @ 4:31 PM]

APPROVED 5-0 (Lennon, Gentile and Parker not voting)

#206-09 HIS HONOR THE MAYOR requesting that **§27-9 Hotel, lodging house and motel excise tax.** of the City of Newton Revised Ordinances of 2007 be amended by increasing from 4% to 6% the local excise tax pursuant to GL chapter 64G §3A, accepted by the City in 1985 and recently amended to provide for this increase. If adopted prior to August 31, 2009, this increase would become effective October 1, 2009, generating for FY10 an estimated \$366,666 in new revenue. [7/7/09 @ 4:31 PM]

APPROVED 6-0-2 (Lennon and Parker abstaining)

#207-09 HIS HONOR THE MAYOR requesting acceptance of GL64L, which authorizes a local option meals tax of 0.75%. If adopted prior to August 31, 2009, this tax would become effective October 1, 2009, generating for FY10 an estimated \$800,000 in new revenue. [7/7/09 @ 4:31 PM]

HELD 5-3 (Coletti, Freedman and Schnipper opposed)

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

- #273-04(3) ALD. GENTILE requesting a re-vote of a previously submitted Home Rule Petition approved February 20, 2007 by the Board of Aldermen for special 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]
PUBLIC SAFETY & TRANSPORTATION MOTION TO APPROVE FAILED TO CARRY 3-3-1 (Fischman, Ciccone, Coletti; Harney, Danberg and Linsky opposed; Swiston abstaining) on 04-15-09
PROGRAM & SERVICES APPROVED 5-0-1 (Freedman abstaining; Brandel and Sangiolo not voting) on 04-15-09
APPROVED 6-0-2 (Schnipper and Freedman abstaining) SUBJECT TO 2nd CALL

- #202-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred twenty-four thousand, two hundred thirty-two dollars (\$224,232) from Wage Reserve to the payroll accounts of Public Buildings, Public Works, and Parks and Recreation Departments for retroactive salary payments pursuant to the agreement reached with the Newton Municipal Employees Association. [7/7/09 @ 4:31 PM]
APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #36-08(2) HIS HONOR THE MAYOR requesting to amend docket item #36-08 by appropriating an additional one hundred nine-thousand six hundred twenty-seven dollars (\$109,627) from Budget Reserve for the fuel tank replacements at the Elliot Street DPW yard. [04/28/09 @ 6:02 PM]
PUBLIC FACILITIES APPROVED 5-0-2 (Gentile and Lennon abstaining) on 5-20-09
APPROVED 8-0, SUBJECT TO 2nd Call

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #178-09 HIS HONOR THE MAYOR requesting to appropriate and expend from Capital Stabilization the sum of thirty eight thousand six hundred dollars (\$38,600) to the Building Department for the balance of the cost to replace the emergency generator at the Peirce Elementary School. [6/09/09 @ 5:08 PM]
Note: A letter from His Honor the Mayor was received on 06/12/09 requesting to amend this appropriation from Capital Stabilization to the Building Department from \$38,600 to \$43,850.
PUBLIC FACILITIES APPROVED 8-0 on 06-17-09
APPROVED AS AMENDED @ \$43,850 7-0 (Johnson not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#179-09 HIS HONOR THE MAYOR requesting to appropriate and expend from bonded indebtedness the sum of four hundred five thousand dollars (\$405,000) to Department of Public Buildings for the purpose of replacing two underground fuel tanks at the Crafts Street DPW yard. [06-09-09 @ 5:08 PM]

PUBLIC FACILITIES APPROVED 4-0 on 07-08-09

Note: A letter from His Honor the Mayor was received on 07/16/09 requesting to amend this appropriation from bond authorization to the Department of Public Buildings from \$405,000 to \$453,000.

APPROVED AS AMENDED @ \$310,000 5-2 (Gentile and Parker opposed; Johnson not voting), SUBJECT TO 2ND CALL.

#201-09 HIS HONOR THE MAYOR requesting acceptance of and authorization to expend a grant of fifty-nine thousand, nine hundred seven dollars (\$59,907) from the Federal FY09 American Recovery and Reinvestment Act (ARRA) Byrne Justice Assistance Grant Program to be used for tactical team staff development and equipment purchases for tactical field operations. [7/7/09 @ 4:31 PM]

APPROVED 8-0

#203-09 HIS HONOR THE MAYOR requesting a transfer of funds in the amount of sixty-seven thousand, five-hundred dollars (\$67,500) from payroll accounts to expense accounts in the Treasury Department to (A) \$17,500 to restore parking ticket contract administration funds previously-transferred to cover an urgent staff vacancy in FY09 and (B) \$50,000 to cover an outstanding invoice payable to bond counsel for FY09. [7/7/09 @ 4:31 PM]

APPROVED 7-0 (Johnson not voting)

#205-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two thousand six-hundred twenty-one dollars (\$2,621) from Budget Reserve to fund actual FY10 salaries for the Retirement Board staff, which amount was inadvertently omitted from the FY10 budget. [7/7/09 @ 4:31 PM]

APPROVED 7-0 (Johnson not voting)

REFERRED TO PROGRAM AND SERVICES AND FINANCE COMMITTEES

#177-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from E-rate Receipts the sum of two hundred one thousand four hundred ninety seven dollars and fifteen cents (\$201,497.15) for the purpose of implementing the School Department wireless technology plan for Newton South, as well as district-wide management. [06/09/09 @ 5:09 PM]

PROGRAM & SERVICES APPROVED 7-0 on 07-08-09

APPROVED 7-0 (Johnson not voting)

#176-09 HIS HONOR THE MAYOR requesting authorization to accept and expend from Eagle Investment Systems, LLC the sum of seven thousand two hundred ninety six dollars (\$7,296) for the purpose of installing two accessible curb cuts for pedestrians on Wells Avenue. [06/09/09 @ 5:08 PM]

APPROVED 7-0 (Johnson not voting)

#33-05(2) HIS HONOR THE MAYOR requesting authorization to appropriate and expend from the *Arborpoint at Woodland Station* traffic mitigation receipts reserve account sixty-four thousand, six hundred twenty dollars (\$64,620) to defray the costs of upgrading the traffic signal equipment at the intersection of Washington Street and Commonwealth Avenue pursuant to Condition #8 of Comprehensive Permit #20-04. [7/7/09 @ 4:31 PM]

APPROVED 7-0 (Johnson not voting)

#155-09 HIS HONOR THE MAYOR requesting authorization for the Comptroller to transfer personnel funds as necessary between departments at year-end to prevent any departmental deficiencies in payroll accounts and to transfer up to one million dollars from departmental personnel savings to the wage reserve to fund the retroactive portion of any settlement with the two bargaining units with unsettled contracts. [05/26/09 @ 5:51 PM]

NO ACTION NECESSARY 7-0 (Johnson not voting)

**ITEM RECOMMITTED TO PUB FAC & FINANCE COMMITTEES ON 10-20-08
REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES**

#265-08 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand five hundred eighty seven dollars (\$150,587) from capital stabilization for the purpose of restoration of the exterior of the Jackson Homestead. [7-8-08 @ 5:17 PM]

**PUBLIC FACILITIES APPROVED 1-0-3 (Lennon, Albright and Mansfield abstaining, Salvucci and Gentile not voting) on 10-22-08
FINANCE APPROVED AS AMENDED 4-2-1 @ \$122,976 (Lennon and Gentile opposed; Johnson abstaining) on 10-27-08
WITHDRAWN 7-0 (Johnson not voting)**

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#260-08 ALD. SANGIOLO proposing the establishment of a revolving account to receive contributions and rental income to go directly to fund branch libraries for each individual branch. [07-08-08 @ 1:29 PM]

**PROGRAM AND SERVICES APPROVED AS AMENDED 5-0-3
(Baker, Freedman and Hess-Mahan abstaining) on 09-03-08
NO ACTION NECESSARY 7-0 (Johnson not voting)**