

REPORTS DOCKET

Sept 22: Land Use Continued
Sept 23: Programs & Services; Public Safety & Transportation; Public Facilities Page 196
Sept 29: Post Audit (Cancelled); Community Preservation Monday, September 21, 2009
Sept. 30: Finance Newton City Hall
To be reported on
Monday, October 5, 2009

CITY OF NEWTON

IN BOARD OF ALDERMEN

UNFINISHED BOARD BUSINESS

ITEM POSTPONED on 9-21-09 to DATE CERTAIN of 10-5-09:
REFERRED TO CMTE ON COMMUNITY PRES AND FINANCE COMMITTEE

#151-09 THE COMMUNITY PRESERVATION COMMITTEE recommending that two million forty-six thousand dollars (\$2,046,000) be appropriated and expended from the Community Preservation Fund's community housing and general reserves to create ten permanently affordable homeownership units of community housing at 192 Lexington Street. [05/11/09 @ 2:04 PM]

COMMUNITY PRESERVATION APPROVED 3-0-2 (Cicccone and Yates abstaining) on 6-23-09

FINANCE APPROVED 4-0-1 (Gentile abstaining) on 9-14-09

REFERRED TO LAND USE COMMITTEE

Tuesday, September 22, 2009

Present: Ald. Mansfield (Chairman), Ald. Merrill, Vance, Hess-Mahan, Albright, Brandel, and Fischman; absent: Ald. Sangiolo; also present: Ald. Yates and Danberg

Public Hearings were held on the following items:

#181-09 201 NEEDHAM STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert a portion of existing retail space to restaurant space with 120 seats at 201 NEEDHAM STREET, Ward 5, Newton Upper Falls on land known as Sec 51, Blk 28, Lot 8B, containing approx 64,398 sf of land in a district zoned MIXED USE 1. Ref: Sec 30-24, 30-23, 30-19(m) and 30-13(b)(5) of the City of Newton Rev Zoning Ord, 2007.

WITHDRAWAL WITHOUT PREJUDICE APPROVED 5-0
(Brandel not voting; Fischman recused)

- #182-09 188 NEEDHAM STREET LIMITED PARTNERSHIP petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert a portion of existing retail and office space to restaurant space with 120 seats at 188-210 NEEDHAM STREET, Ward 8, Newton Upper Falls, on land known as Sec 83, Blk 28, Lots 83 and 84, containing approx 192,308 sf of land in a district zoned MIXED USE 1 Ref: Sec 30-24, 30-23, 30-19(m), 30-13(b)(5) of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED
- #183-09 MONTE J. & ANNE H. WALLACE TRUSTEES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a private garage of more than 700 square feet to be attached to an existing single-family dwelling at 256 CHESTNUT HILL ROAD, Ward 7, Chestnut Hill, on land known as Sec 63, Blk 32, Lot 3, containing approx 126,120 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, and 30-8((b)(7) of the City of Newton Rev Zoning Ord, 2007.
HEARING CONTINUED TO OCTOBER 20, 2009
- #208-09 TREXLER M. & JUDITH W. TOPPING petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to re-grade portions of a yard for retaining walls/berms and landscape areas in excess of 4 feet at 132 FARLOW ROAD, Ward 7, NEWTON, on land known as Sec 72, Blk 35, Lot 10, containing approx 62,378 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 30-24, 30-23, 30-5(b)((4) of the City of Newton Rev Zoning Ord, 2007.
HEARING CONTINUED TO OCTOBER 20, 2009
- #209-09 KARAMEH HAWASH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and to reconstruct a new single-family dwelling, which will exceed the allowable floor area ratio from .3 to .33 at 45 VILLAGE CIRCLE, Newton Centre, Ward 8, on land known as Sec 81, Blk 3, Lot 14, containing approximately 10,037 sf in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15, Table 1 Footnote 5 of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED
- #210-09 PHILIP & MICHELLE DANDREA petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NON-CONFORMING STRUCTURE to demolish an existing one-story garage and replace it with a new garage and second-story addition, which will increase the floor area ratio from .46 to .55 at 91 OTIS STREET, Newtonville, Ward 2, on land known as Sec 24, Blk 12, Lot 10, containing approximately 3,467 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1, Footnote 5 of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, September 23, 2009

Present: Ald. Johnson (Chairman), Baker, Brandel, Freedman, Hess-Mahan, Merrill, Parker and Sangiolo; also present: Ald. Albright, Fischman, Mansfield, Vance, Danberg and Swiston

Re-Appointment by His Honor the Mayor

#274-09 HARRY LOHR, 157 Cherry St., West Newton, re-appointed as a Trustee of the NEWTON HISTORY MUSEUM AT THE JACKSON HOMESTEAD for a term to expire on February 1, 2012. (60 days: 11/20/09) [09/8/09 @ 1:10 PM]

APPROVED 6-1-0 (Freedman abstaining; Parker not voting)

Re-Appointment by His Honor the Mayor

#275-09 ROBERT STAULO, 1157 Walnut St., Newton Highlands, re-appointed as a Member of the NEWTON YOUTH COMMISSION for a term to expire on September 15, 2012. (60 days: 11/20/09) [09/03/09 @ 2:33 PM]

APPROVED 6-0 (Hess-Mahan and Parker not voting)

Re-Appointment by His Honor the Mayor

#276-09 TERENCE SACK, 64 Dorcar Rd., Newton Centre, re-appointed as a Member of the NEWTON YOUTH COMMISSION for a term to expire on September 15, 2012. (60 days: 11/20/09) [09/03/09 @ 2:33 PM]

HELD 7-0 (Parker not voting)

Re-Appointment by His Honor the Mayor

#277-09 JOSEPH DeVITO, 457 Wolcott St., Auburndale, re-appointed as a Member of the NEWTON YOUTH COMMISSION for a term to expire on September 15, 2012. (60 days: 11/20/09) [09/09/09 @ 12:46 PM]

APPROVED 7-0 (Parker not voting)

#242-03(4) ALD ALBRIGHT, JOHNSON AND FISCHMAN requesting an extension of the expiration date in the Off-Leash Dog Pilot Program (Section 3-30(e) as established by ordinance Z-11) from December 3, 2009 to December 31, 2011, to allow the creation of additional designated areas or times in existing Newton parks, and to provide the opportunity for a full evaluation of this ordinance. [06/15/09 @ 10:13 AM]

HELD 8-0

#124-09(2) ALD. JOHNSON AND SANGIOLO proposing to limit the number of terms held by Chairmen of the Committees of the Board of Aldermen. [06/15/09 @ 10:17 AM]

HELD 7-0 (Parker not voting)

#260-09 ALD. PARKER, HESS-MAHAN, SANGIOLO, FISCHMAN, LENNON, SCHNIPPER, YATES, HARNEY proposing a RESOLUTION that the City of Newton join with over 1300 communities state- and nation-wide to designate May 1 as *Silver Star Banner Day* to honor our wounded and ill military veterans. [09/01/09 @ 7:45 PM]

APPROVED 6-0 (Freedman and Baker not voting)

#258-09 CLERK OF THE BOARD requesting that Article II, Section 2A(1)B(1), **Procedures regarding Board action on traffic and parking petitions** and Article V, Section 3, **Procedures for referral and reporting of traffic and parking petitions**, of the Rules of the Board, be amended to reflect the procedures as outline in Ordinance Z-12, passed on December 7, 2007. [08/06/09 @ 3:12 PM]

HELD 8-0 (Referred to Rules Subcommittee)

#169-09 ALD. HESS-MAHAN, on behalf of Newton Dialogues for Peace and War, requesting adoption of a RESOLUTION endorsing Rep. Barney Frank's proposal for a 25% reduction in the military budget. [06/08/09 @ 2:55 PM]

APPROVED 5-1-0 (Brandel abstaining; Freedman and Baker not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, September 23, 2009

Present: Ald. Linsky (Chair), Danberg, Swiston, Ciccone, Vance, Harney and Fischman;
absent: Ald. Coletti; also present: President Baker, Parker, Mansfield and Johnson

#278-09 ALD. BAKER AND DANBERG requesting discussion of possible modifications in the parking ordinances or regulations of the City regarding parking controls that can authorize the traffic engineer to impose temporary regulations to encourage safer passage and intersection visibility in less than emergency conditions, but while more durable restrictions are considered. [09/15/09 @ 4:22 PM]

HELD 5-0 (Linsky and Harney not voting)

#279-09 ALD BAKER AND DANBERG requesting discussion of ways to respond to long-term parking in neighborhoods from April 15 through the summer to November 15. [09/15/09 @ 4:23 PM]

HELD 5-0 (Linsky and Harney not voting)

#127-09(2) IRA KRONITZ appealing the Denial of # TC20-09 Traffic Council Decision on 06/25/09: ALD. SCHNIPPER proposing two stop signs at the intersection of Jackson and Daniels Streets. (Ward 6) [07/14/09 @ 9:29 AM]

HELD 6-1 (Vance opposed)

#127-09(3) IRA KRONITZ requesting reconfiguration of intersection of Jackson and Daniel Streets to square up the intersection for traffic calming and pedestrian safety. [06/30/09 @ 9:57 AM]

HELD 7-0

#261-09 ALD. JOHNSON requesting a review of the City of Newton Ordinances Chapter 24, Sections 26–34 Alarm System Regulations to more clearly express the fines and penalties to residential and commercial property owners for false alarms. [08/19/09 @ 9:53 AM]

HELD 6-0 (Fischman not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, September 23, 2009

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

#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.

ITEM RECOMMITTED TO PUBLIC FACILITIES ON 7/13/09

MAIN ITEM HELD 7-0

A) TRAFFIC SIGNAL AT WALNUT STREET AND TROWBRIDGE AVENUE APPROVED 5-1 PER CONDITION #5 OF THE SITE PLAN APPROVAL BOARD ORDER #224-06

(Albright opposed; Mansfield not voting)

#284-09 COMMISSIONER OF PUBLIC WORKS requesting Board of Aldermen approval to remove the traffic island at the intersection of Walnut Street and Hull Street and to construct associated traffic safety improvements at this location in accordance with Condition #4 of Board Order #224-06. [09-15-09 @ 4:54 PM]

APPROVED 5-0 (Albright and Mansfield not voting)

#175-09 PUBLIC FACILITIES COMMITTEE requesting monthly updates from the Department of Public Works on the Commonwealth Avenue project. [06-03-09 @ 10:30 PM]

HELD 5- 0 (Albright and Mansfield not voting)

#126-09 ALD. LAPPIN requesting an update on the status of repairs and rental of the Kennard Estate. [04/17/09 @ 2:49 PM]

HELD 5- 0 (Albright and Mansfield not voting)

- #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 5-0 (Albright and Mansfield not voting)

REFERRED TO FINANCE COMMITTEE

Wednesday, September 30, 2009

Present: Ald. Coletti (Chair), Lennon, Johnson, Salvucci, Gentile, Parker, Schnipper and Freedman; also present: Ald. Baker, Yates, Mansfield, Merrill, Hess-Mahan, Albright, Linsky, Brandel, Harney and Swiston

- #207-09(2) ALD. GENTILE, JOHNSON, LENNON, SALVUCCI AND SANGIOLO requesting a public hearing on docket item #207-09, a proposal to increase the meals tax by .075% in Newton. [07/24/09 @ 9:14 AM]
NO ACTION NECESSARY 8-0

- #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 8-0

- #206-09(2) ALD. PARKER proposing the creation of a Capital Maintenance Account to which all new receipts from local meals taxes and the expanded receipts from hotel/motel taxes be dedicated. [07/09/09 @ 12:42 PM]
HELD 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #196-07(5) HIS HONOR THE MAYOR requesting authorization to appropriate and expend an additional one hundred twelve thousand, four hundred dollars (\$112,400) from bonded indebtedness for the rehabilitation of Fire Station #4. [08/04/09 @ 4:28 PM]
PUBLIC FAC. APPROVED 7-0-1 (Gentile abstaining) on 09-09-09 APPROVED 7-0 (Ald. Lennon not voting)

- #286-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifteen thousand dollars (\$15,000) from Budget Reserve for the purpose of supplementing the Newton Library Overtime accounts. [09/15/09 @ 3:08 PM]
APPROVED 7-0 (Ald. Lennon not voting)

- #287-09 COMMUNITY PRESERVATION COMMITTEE requesting to correct an error of fourteen thousand three hundred two dollars (\$14,302) from part-time staff to general reserve in the program's published budget for FY10. [09/09/09 @ 1:45 PM]
APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #11-09(2) HIS HONOR THE MAYOR requesting authorization to appropriate and expend three million, eight hundred thirty-nine thousand dollars (\$3,839,000) from bonded indebtedness for the reconstruction of Fire Station # 7. [08/04/09 @ 4:29 PM]
PUBLIC FACILITIES APPROVED 5-0-1 (Gentile abstaining; Mansfield and Albright not voting) on 09-09-09
NOTE: Letter received from Mayor on 09/25/09 requesting that appropriation amount be amended to \$\$4,426,000.
APPROVED 5-1-2 AS AMENDED @ \$4,426,000 (Ald. Freedman opposed, Johnson and Parker abstaining).

ITEM RECOMMITTED TO PUB. FAC. & FINANCE COMMITTEES 3/19/07

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #76-07 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$300,000 from Free Cash for the purpose of conducting a study of the municipal buildings throughout the city. [02-27-07 @ 4:16 PM]
PUBLIC FACILITIES APPROVED AS AMENDED 5-0 @ \$250,000 on 10-15-07
HELD 8-0

REFERRED TO PROGRAM & SERVICES AND FINANCE COMMITTEES

- #233-09 ALD. JOHNSON AND LINSKY requesting a discussion to increase fines to the maximum level for dogs not having a current license. [07/13/09 @ 7:26 PM]
PROGRAM & SERVICES APPROVED 5-0 (Merrill and Sangiolo not voting) on 09-09-09
HELD 8-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #272-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Human Resources Departments. [07-17-08 @ 9:53 AM]
PROGRAM & SERVICES APPROVED 5-0-1 (Merrill abstaining; Freedman, Sangiolo not voting) on 06-17-09
HELD 8-0

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

- #55-02 ALD. YATES requesting that the water/sewer discount rate be made available to homeowners who receive Fuel Assistance, Supplementary Security Income, Food Stamps, Supplementary Disability Income, General Relief, Low Income Sewer and Water Assistance, School Breakfast and Lunch and other income based State and Federal programs.
PUBLIC FACILITIES APPROVED 6-0 on 06-16-04
HELD 8-0

#213-08 ALD. LINKSY, JOHNSON, ALBRIGHT, FREEDMAN, HARNEY, HESS-MAHAN, VANCE, MANSFIELD & PARKER requesting the evaluation of the following in conjunction with the contemplated conversion of general fund monies from operational budget uses to debt service use in regard to the Newton North High School project:
(a) the impact on city and/or school services,
(b) the process by which criteria and prioritization will be established when choices need to be made between services, and
(c) whether additional revenue will be required in the form of debt exclusions or otherwise. [04-29-08 @ 11:26 AM]

HELD 8-0

#348-08 ALD. COLETTI requesting discussion on the Executive Department submission of a new 5-year forecast for FY2010 budget preparation. [09-30-08 @ 1:54 PM]

HELD 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#33-08 ALD. COLETTI requesting review of the scope of work and performance of Turner Construction and review of proposed 18-month extension of the Turner Construction contract. Included in discussion will be the process for review of future invoices of Dimeo and other vendor invoices by Turner. [01-15-08 @ 11:14]

PUBLIC FACILITIES NO ACTION NECESSARY 7-0 on 12-03-08

HELD 8-0

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#168-02 HIS HONOR THE MAYOR requesting that the Board of Aldermen establish new civil fines under Section 20-21 of the City of Newton Ordinances for the violation of various environmental provisions enforced by the Conservation Commission.

ZONING & PLANNING APPROVED 6-0 on 12-13-04

HELD 8-0

REFERRED TO PROG & SERV, PUB FAC AND FINANCE COMMITTEES

#54-08(3) PUBLIC FACILITIES COMMITTEE offering a RESOLUTION to His Honor the Mayor requesting that he request and receive from the State Treasurer a review of the project plans and a review of the project's finance plan and submit said reviews to the Board of Aldermen in order to preserve cost-saving options.

PROGRAMS & SERVICES APPROVED 4-2-1 (Baker and Hess-Mahan opposed; Merrill abstaining; Parker not voting) on 03-12-08

PUBLIC FACILITIES APPROVED 5-3 (Gentile, Salvucci, Schnipper opposed) on 02-20-08

HELD 8-0

#453-06 LEON JR. AND MARION D. SEMONIAN, 373 Dedham Street, requesting total abatement of betterment assessment in the amount of \$2,690 (assessed for sidewalk/curbing/road improvements to Countryside Road and Patten Circle). [11-16-06 @ 11:02 AM]

HELD 8-0

#93-06(2) ROBERT E. & ANNE M. SULLIVAN, 391 Dedham Street, applying for abatement of a street betterment assessment in the amount of \$15,880 levied by the Board of Aldermen in Board Order #93-06 which improved Countryside Road by the laying out, grading and acceptance of it as a public way. [07-02-07 @ 2:24 PM]

HELD 8-0

**ITEM RECOMMENDED ON 3-5-07 TO FINANCE COMMITTEE ONLY:
REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES**

#23-06 ALD PARKER AND LINSKY requesting that the City adopt §19 of MGL Chapter 32B to allow retiree coalition bargaining of health care benefits
**PROGRAM AND SERVICES NO ACTION NECESSARY 4-0-2
(Parker and Merrill abstaining; Sangiolo not voting) on 03-08-06**
HELD 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#31-08 ALD. COLETTI proposing a RESOLUTION to His Honor the Mayor expressing a no confidence vote pertaining to the current status of the Newton North High School Construction Project and related Financing Plan. [01-15-08 @ 11:14 AM]

HELD 8-0

#207-07(3) ALD. COLETTI proposing that the sum of \$300,000 be removed from various municipal and school department budgets for FY09 and placed in a separate “employee compensation” reserve account until the Mayor and School Committee present to the Board of Aldermen performance pay plan policies. [7-2-08 @ 12:12 PM]

HELD 8-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#35-06 ALD. JOHNSON AND HESS-MAHAN requesting discussion with the School Department and School Committee members regarding the results of the studies addressing compensation for management and executive personnel and organizational structure of central administrative salaries.
PROGRAM & SERV. NO ACTION NECESSARY 6-0 on 04-18-07
HELD 8-0

#29-06 ALD. JOHNSON AND PARKER requesting creation of a Citizen Financial Advisory Committee to work with city officials and staff to facilitate bench markers, strategic planning, and other initiatives to improve the financial operation of the City.
(President's Note: While not formally referred to the Long Range Planning Committee, this item might usefully be discussed there in light of prior discussions of similar issues.)
HELD 8-0

#209-05 ALD. STEWART requesting that the Mayor provide the Board of Aldermen with a list of all salaried City employees who receive additional compensation (other than overtime) along with an explanation of the exact reasons for said additional payments.
HELD 8-0

REFERRED TO COMMITTEE ON COMMUNITY PRESERVATION

Tuesday, September 29, 2009

Present: Ald Parker (Vice Chairman), Yates, Linsky, Hess-Mahan, Vance and Ciccone;
absent: Ald. Lappin and Sangiolo

Appointment by His Honor the Mayor

#241-09 MICHAEL CLARKE, 38 Halcyon Rd., Newton, MA, appointed as a Member of THE COMMUNITY PRESERVATION COMMITTEE for a term to expire on August 1, 2012 (60 days: 10/09/09) [06/29/09 @ 12:17 PM]
APPROVED 6-0

Appointment by His Honor the Mayor

#290-09 JOEL FEINERG, 121 Eastbourne Rd., Newton, MA appointed as a Member of THE COMMUNITY PRESERVATION COMMITTEE for a term to expire on August 1, 2012. (60 days: 11/21/09) [09/10/09 @ 4:17 PM]
APPROVED 6-0