

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, October 19, 2009

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

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

#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]
PROGRAMS & SERVICES APPROVED 5-0-1 (Brandel abstaining; Freedman and Baker not voting) on 9/23/09

ITEM POSTPONED ON 10/5/09 TO DATE CERTAIN OF 10/19/09

APPROVED 13 YEAS, 10 NAYS (Ald. Brandel, Ciccone, Coletti, Gentile, Harney, Lappin, Lennon, Salvucci, Swiston, Yates), 1 ABSENT (Ald. Freedman)

#224-06(2)A) 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

PUBLIC FACILITIES HELD MAIN ITEM on 9/23/09

PUBLIC FACILITIES APPROVED 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) on 9/23/09

MOTION TO APPROVE THE INSTALLATION OF THE INFRASTRUCTURE FOR A LIGHT WITH THE DETERMINATION OF TYPE TO BE DETERMINED LATER

ITEM POSTPONED ON 10/5/09 TO DATE CERTAIN OF 10/19/09

MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR TO POLL THE PUBLIC FACILITIES COMMITTEE APPROVED BY VOICE VOTE

MOTION IN PUBLIC FACILITIES COMMITTEE TO HOLD ITEM IN COMMITTEE 8-0

#299-09 HIS HONOR THE MAYOR requesting authorization to approve the terms, including the cost items, of a new collective bargaining agreement between the City and Newton Superior Officers Association (NPSOA), first year of the contract is already funded in the Police Department budget, approval of the cost items in this two year contract to bind the parties to the second year is requested. [09/29/09 @ 12:28 PM]
FINANCE APPROVED 7-0

**MOTION TO RECOMMIT TO FINANCE APPROVED 19 YEAS,
 5 NAYS (Ald. Ciccone, Coletti, Gentile, Parker, Salvucci)**

#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]
FINANCE APPROVED 6-0-1 (Parker abstaining)

APPROVED 22 YEAS, 1 NAY (Ald. Swiston) 1 ABSENT (Ald. Freedman)

#196-09 ALD. MANSFIELD AND SANGIOLO requesting rescission of Sec. 19-99 (b), Speed humps of the Revised Ordinances of the City of Newton. [06/17/09 @ 11:24 PM]
PUBLIC SAFETY NO ACTION NECESSARY 5-0 (Vance and Fischman not voting)

**MOTION TO RECOMMIT TO PUBLIC SAFETY APPROVED BY VOICE
 VOTE**

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

REFERRED TO LAND USE COMMITTEE

Tuesday, October 13, 2009

#216-08(3) JACKSON REAL ESTATE PARTNERS request for a one-year extension of time in which to exercise special permit #216-08, granted on October 6, 2008, for a grade change in excess of three feet in order to construct a new single-family dwelling at 20 Kessler Way, Lot 2; said extension will run from October 6, 2009 to October 6, 2010. Ref: Sec 30-24(c)(4) of the City of Newton Rev Zoning Ord, 2007.

LAND USE APPROVED 5-0 (Merrill not voting)

- #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.
APPROVED 2-0-3 (Hess-Mahan, Albright voting in the affirmative; Brandel, Merrill, Sangiolo abstaining; Ald. Fischman recused)
MOTION TO SUSPEND RULES TO ALLOW CHAIR TO POLL LAND USE COMMITTEE APPROVED BY VOICE VOTE
MOTION IN LAND USE COMMITTEE TO HOLD IN COMMITTEE 8-0
- #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.
LAND USE APPROVED 5-0 (Sangiolo not voting)
- #246-09 DOWN UNDER YOGA, LLC/J. ROBERT CASEY, TRUSTEE OF NEWTONVILLE AVENUE REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a parking waiver of 8 stalls in order to locate a yoga studio at 304-306 WALNUT STREET, Ward 2, NEWTONVILLE, on land known as Sec 22, Blk 5, Lot 33, zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(m) of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 6-0
- #108-08(2) SSG DEVELOPMENT, LLC petition for a one-year extension of time in which to exercise Special Permit/Site Plan Approval #108-08, granted on 5/18/08, to construct a 4-story self-storage facility at 0 LEXINGTON STREET, Ward 4, on approximately 14,242 sf of land in a district zoned BUSINESS 2, with the remaining 49,242 square feet located in the City of Waltham, for which approval is pending; said extension will run from May 18, 2009 to May 18, 2010.
LAND USE APPROVED 6-0

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, October 7, 2009

#296-09 HIS HONOR THE MAYOR appointing John M. MacGillivray as the Veteran's Agent and Licensing Board Administrative Director.

[09-29-09 @ 12:29 PM]

PROGRAMS & SERVICES APPROVED 5-0 (Brandel and Freedman not voting)

#297-09 HIS HONOR THE MAYOR requesting that the Board of Aldermen designate City Solicitor Daniel M. Funk as the liaison to the State Ethics Commission to assist in the City's compliance efforts with the new requirements of the conflict of interest law. [09-29-09 @ 12:28 PM]

PROGRAMS & SERVICES APPROVED 6-0 (Brandel not voting)

REFERRED TO PROGRAM AND SERVICES AND FINANCE COMMITTEES

#302-09 HIS HONOR THE MAYOR requesting the establishment of three School Department revolving funds; each fund is to be used for receiving and expending up to \$25,000 annually for the purpose of the deposit of revenue for customer services provided by students and for the payment of corresponding expenses for the Automotive Technology, Carpentry and Graphics Communications Departments. [09/17/09 @ 10:16 AM]

FINANCE APPROVED 6-0 on 10-14-09

PROGRAMS & SERVICES APPROVED 7-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, October 7, 2009

REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMITTEES

#271-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) from bonded indebtedness for the purpose of purchasing a fire engine. [08/31/09 @ 2:55 PM]

FINANCE APPROVED 7-0 on 10/14/09

PUBLIC SAFETY APPROVED 4-0-2 (Harney and Linsky abstaining; Coletti and Danberg not voting)

#80-08(2) ALD.LINSKY AND DANBERG requesting an update from City staff on the City's commercial permit program and consideration of any changes based on the demand for permits to date. [06/08/09 @ 3:27 PM]

PUBLIC SAFETY APPROVED 5-0 (Coletti and Harney not voting)

- #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]
PUBLIC SAFETY NO ACTION NECESSARY 7-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, October 7, 2009

- #280-09 20 DRUMLIN ROAD REALTY TRUST petitioning for a common sewer main to be constructed in DRUMLIN ROAD from the existing sewer manhole in Drumlin Road 140' ± in a northeasterly direction to a proposed manhole in Drumlin Road. (Ward 8) [09-09-09 @ 3:28 pm]
WITHDRAWN WITHOUT PREJUDICE 5-0 (Gentile and Lennon not voting)
- #281-09 VERIZON COMMUNICATIONS petitioning for a grant of location to install and maintain 1068' ± of 1^{3/4}" micro duct and hand holes in the south side of BIGELOW ROAD from Pole #75 northerly and thence northeasterly on ESTABROOK ROAD to five new hand holes (24" x 36") which will be located in front of 120 Bigelow Road, 9, 10, 19 and 24 Estabrook Road to provide new FIOS service.
PUBLIC FACILITIES APPROVED 7-0
EMERGENCY PREAMBLE APPROVED
- #282-09 VERIZON COMMUNICATIONS petitioning for a grant of location to install and maintain 800' ± of 1^{3/4}" micro duct and hand holes in the south side of ALDERWOOD ROAD to four new hand holes (24" x 36") which will be located in front of 19, 20, 33 and 34 Alderwood Road to provide new FIOS service.
PUBLIC FACILITIES APPROVED 7-0
- #283-09 VERIZON COMMUNICATIONS petitioning for a grant of location to install and maintain 595' ± of 1^{3/4}" micro duct and hand holes in the south side of MONADNOCK ROAD to four new hand holes (24" x 36") to be located in front of 106, 112, 121 and 129 Monadnock Road and also on the northerly side of HAMMOND STREET from existing Pole 14 place 1436' ± of 1^{3/4}" micro duct southerly onto TUDOR ROAD and thence turning westerly onto MONADNOCK ROAD to five new hand holes (24" x 36") which will be located at front of 11 and 27 Tudor Road and in front of 137, 150 and 155 Monadnock Road to provide new FIOS service.
PUBLIC FACILITIES APPROVED 7-0

REFERRED TO FINANCE COMMITTEE

Wednesday, October 14, 2009

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#302-09 HIS HONOR THE MAYOR requesting the establishment of three School Department revolving funds; each fund is to be used for receiving and expending up to \$25,000 annually for the purpose of the deposit of revenue for customer services provided by students and for the payment of corresponding expenses for the Automotive Technology, Carpentry and Graphics Communications Departments. [09/17/09 @ 10:16 AM]

PROGRAM AND SERVICES APPROVED 7-0 on 10-07-09**FINANCE APPROVED 6-0 (Schnipper not voting)****REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMITTEES**

#271-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) from bonded indebtedness for the purpose of purchasing a fire engine. [08/31/09 @ 2:55 PM]

PUBLIC SAFETY & TRANSPORTATION APPROVED 4-0-2 (Harney and Linsky abstaining; Coletti and Danberg not voting) on 10-07-09**FINANCE APPROVED 7-0****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 on 09-09-09***NOTE: Letter received from Mayor on 09/25/09 requesting that appropriation amount be amended to \$4,426,000.*****Finance Approved 5-1-2 as amended @\$4,426,000 on 9/30/09****PUBLIC FACILITIES APPROVED AS AMENDED 7-0 @\$4,426,000 on 10-05-09****ITEM RECOMMITTED TO FINANCE COMMITTEE on 10/05/09****FINANCE APPROVED AS AMENDED 7-0 @ \$4,426,000**

#301-09 COMMISSIONER OF PUBLIC WORKS requesting approval of the following mentioned sidewalk/driveway apron and/or curb betterments; said betterments to be levied under the provisions of MGL Chapter 83, Sec. 26, authorizing the assessment of betterments for sidewalk construction: [09/29/09 @ 4:38 PM]

	<u>Property Owner</u>	<u>Location</u>	<u>Book/Page</u>	<u>Amount</u>
1.	Sciretta, John & Sarah	6 Black Stone Terr. 72-21-13	051958/0528	\$1,519.50
2.	Birnhak, Jacqueline	9 Black Stone Terr. 72-21-9	026928/0485	\$802.00

3.	Thorn, Frank & Sondra	10 Black Stone Terr. 72-21-12	013534/0336	\$576.00
4.	Ansel, Jodie	15 Black Stone Terr. 028707/0522 72-21-10	\$506.00	
5.	Rigg, Donna Marie	1662 Commonwealth Ave. 32-26-5	047093/0326	\$942.00
6.	Blitz, Alan L.	1670 Commonwealth Ave. 32-26-4	019877/0180	\$1,098.00
7.	Bavington, Richard F.	15 Knowles St. 61-42-7	049466/0191	\$889.50
8.	Fallon, Karen & Timothy F.	31 Knowles St. 61-42-10	027882/0184	\$856.00
9.	Kaplan, Harvey	37 Knowles St. 61-42-11	028644/0488	\$838.50
10.	Monaco, Anthony & Mary Louise	25 Farlow Rd. 72-37-2	046009/0435	\$1,715.00
11.	Chrisholm, John & Margery F.	117 Fuller St. 32-34-6	043584/0227	\$2,359.50
12.	Bontempo, Joseph	420 Fuller St. 43-45-24	01056/0176	\$1,239.50
13.	Resnicow, Joan D.	162 Fuller St. 53-37-29	001047/0143	\$1,328.50
14.	Bernstein, Mitchel & Stacy	8 Lansing Rd. 53-38-8	043819/0028	\$1,872.50
15.	Johnsen, Robert & Joan Stearns	201 Fuller St. 32-28-16	029072/0185	\$1,432.00
16.	Koskinen, Michael F. & Ines R.	242 Fuller St. 53-37-13	013258/0098	\$2,569.50
17.	Kazimi, Mujid & Nazik D.	16 Manamet Rd. 64-20-15	013543/0467	\$1,363.50
18.	Laniado, Dov & Lisa	47 Manamet Rd. 64-11-7	031515/0108	\$1,187.00
19.	Weylman, Sally	39 Nonantum St. 72-19-6	049769/0049	\$856.00

20.	Fasciano, Karen	46 Nonantum St. 72-31-13	045871/0388	\$1,013.50
21.	Perkins, Sarah Lynch	52 Nonantum St. 72-31-12	047871/0388	\$1,137.50
22.	Mosher, Ralph & Jessica	58 Nonantum St. 72-31-11	011337/0214	\$943.50
23.	Vallabh, Rajesh & Monika J.	64 Nonantum St 72-31-10	031731/0383	\$1,171.00
24.	Waller, J. Garland	112 Nonantum St. 72-31-3	031579/0102	\$819.50
25.	Yang, Zhiyong	32 Shornecliff Rd. 72-33-5	041480/0024	\$1,150.50
26.	Kodis, Ralph & Christine	39 Shornecliff Rd. 72-31-19	011327/0729	\$1,047.00
27.	Cohan, Robert & Phuli	40 Shornecliff Rd. 72-33-4	029816/0019	\$1,591.00
28.	Newman, David	46 Shornecliff Rd. 72-33-3	049656/0048	\$1,241.00
29.	Necheles, Carmen	79 Shornecliff Rd. 72-31-24	040632/0226	\$2,727.00
30.	Notopoulos, Alexander	96 Shornecliff Rd. 72-34-5	020496/0020	\$996.00
31.	Colantonio, Victor & Dawn	99 Franklin St. 72-33-12	015256/0538	\$1,257.00
32.	Gluck, Rosald & Elizebeth Brody	160 Franklin St. 72-34-6	026056/0132	\$3,252.00
33.	Blanco, Carlos	185 Franklin St. 72-31-1	048928/0281	\$2,222.50
34.	Peckler, Maxwell D. & Mindy	188 Franklin St. 72-30-6	035606/0421	\$1,887.00
35.	Saemann, Ruth	24 Hood St. 72-38-3	000969/0071	\$1,311.00
36.	Gilpin, Brian	67 Marlboro St. 051518/0417 72-20-7	\$908.50	

FINANCE APPROVED 7-0

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 2 NAYS (Ald. Johnson, Parker), 1 ABSENT (Ald. Schnipper) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

ITEM RECOMMITTED TO PUBLIC FACILITIES & FINANCE COMMITTEES on 9/8:

#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]

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.

PUBLIC FACILITIES APPROVED AS AMENDED 6-0-1 @\$453,000

(Gentile abstaining) on 10-07-09

FINANCE APPROVED AS AMENDED 4-1-2 @ \$453,000 (Johnson opposed; Gentile and Parker abstaining)

EMERGENCY PREAMBLE APPROVED

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing assigned for Tuesday, November 10, 2009:

#303-09 MAURY LEDERMAN & LYDIA FINK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of a NONCONFORMING STRUCTURE to convert an existing screen porch to a new room increasing the floor area ratio from .61 to .63 at 22 WALTER STREET, Ward 6, on land known as Sec 62, Blk 24, Lot 16, containing approx 4,950 sf in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 20-21(2)(2)b) and 30-15(u)(4) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for October 21, 2009:

#351-09 ROBERT KELLY, for Edward Carey, 110 Staniford Street, petitioning for a sewer main extension to be constructed in STANIFORD STREET from an existing cleanout to be converted to a sewer manhole located at West Pine Street and Staniford Street 100'± northerly to a proposed sewer manhole in Staniford Street. (Ward 4) [10/13/09 @4:28 PM]

Public Hearing assigned for October 21, 2009:

#352-09 NSTAR ELECTRIC COMPANY petitioning for a grant of location to install 223'± of conduit in WOODWARD STREET from Woodward Street at Boylston Street northwesterly to Pole #478. (Ward 5) [10/01/09@ 2:12 PM]

Public Hearing assigned for October 21, 2009:

#353-09 NSTAR ELECTRIC COMPANY petitioning for a grant of location to install 375'± of conduit and two new manholes in MAPLE AVENUE from Church Street at Maple Avenue southerly to proposed Manhole #29138. (Ward 1) [09/22/09 @12:20 PM]

Public Hearing assigned for October 21, 2009:

#354-09 NSTAR ELECTRIC COMPANY petitioning for a grant of location to install 160'± of conduit in BEACON STREET from Manhole #16146 southwesterly 20'± to WYMAN STREET continuing 140'± southeasterly to Pole #479/11. (Ward 5) [09/22/09@12:21 PM]

Public Hearing assigned for October 21, 2009:

#355-09 NSTAR ELECTRIC COMPANY petitioning for a grant of location to install 310'± of conduit in WOODWARD STREET from Pole #478/49 southwesterly 285'± to BEACON STREET continuing 25'± southwesterly to Manhole #18408. (Ward 5) [09/22/09@12:21 PM]