

CITY OF NEWTON
IN BOARD OF ALDERMEN
BOARD ACTIONS

Monday, November 2, 2009

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

Absent: Ald. Gentile

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

#357-09 HIS HONOR THE MAYOR requesting to appropriate and expend \$89,750 from tax revenue from the local option meals tax for the purpose of creating an economic development planner position and providing funds for related work broken down as follows: salaries \$29,500, benefits \$7,000, expenses \$33,250 and grants \$20,000. [10/13/09 @ 5:25 PM]
FINANCE APPROVED AS AMENDED 5-3 @\$72,250 (Lennon, Coletti and Johnson opposed)
MOTION TO POSTPONE TO NOVEMBER 12 APPROVED BY VOICE VOTE

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]
PROGRAMS & SERVICES DENIED 7-0 (Parker not voting)
DENIAL APPROVED BY VOICE VOTE

#124-09(2)B) 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]
ITEM DIVIDED INTO A, B, & C - all to take effect January 1, 2010
(Items A&C were voted on First Call)
B) Motion to add the text “No member shall serve as chairman of the same committee for more than three consecutive terms.” to Board Rules Article 1 Section 2B

PROGRAMS & SERVICES APPROVED 4-1-2 (Baker opposed; Freedman and Hess-Mahan abstaining; Parker not voting)

MOTION TO AMEND TO INSTITUTE WITH THE NEW BOARD FAILS TO CARRY 20 NAYS, 3 YEAS (Ald. Linsky, Vance, Yates), 1 ABSENT (Ald. Gentile)

ITEM B FAILED TO CARRY 16 NAYS, 7 YEAS (Ald. Brandel, Harney, Johnson, Linsky, Parker, Sangiolo, Swiston), 1 ABSENT (Ald. Gentile)

- #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]
FINANCE MOTION TO APPROVE FAILED TO CARRY 1-3-1 (Parker in favor; Johnson, Salvucci and Gentile opposed; Coletti abstaining; Lennon, Schnipper and Freedman not voting)
VOICE VOTE APPROVED POSTPONEMENT TO NOVEMBER 16.

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

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, October 26, 2009

Appointment by His Honor the Mayor

- #248-09 JANE SENDER, 47 Kingswood Road, Auburndale, appointed as an *alternate* member of the NEWTON CONSERVATION COMMISSION for a term to expire April 30, 2012 (60 days: 11/7/09) *Resume attached.*
ZONING & PLANNING APPROVED 6-0 (Harney not voting)

Re-appointment by His Honor the Mayor

- #293-09 LAURIE MALCOM, 95 Algonquin Road, Chestnut Hill, re-appointed as an *Alternate realtor* member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire July 1, 2012. (60 days 12/04/09) [09/28/09 @ 10:34 AM]. *Resume attached.*
ZONING & PLANNING APPROVED 6-0 (Harney not voting)

Re-appointment by His Honor the Mayor

- #332-09 JONATHAN SALES re-appointed as an *alternate attorney* member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire July 1, 2012 (60 days: 12/18/09). *Resume attached.*
ZONING & PLANNING APPROVED 6-0 (Harney not voting)

Re-appointment by His Honor the Mayor

#333-09 BETH CORR, 240 Elliot Street, Newton Upper Falls, re-appointed as an alternate resident member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire July 1, 2012 (60 days: 12/18/09). *Resume attached.*

ZONING & PLANNING APPROVED 6-0 (Harney not voting)

#294-09 ALD. VANCE AND BAKER requesting that the Board of Aldermen adopt 780 CMR Appendix 120AA, known as the Massachusetts Stretch Energy Code, so as to take effect in the City of Newton, as of this coming January 2010, as provided by state regulation.

ZONING & PLANNING APPROVED 7-0

#295-09 ALD. VANCE AND BAKER requesting a resolution to His Honor the Mayor urging that he approve the adoption of 780 CMR Appendix 120AA, known as the Massachusetts Stretch Energy Code in the City of Newton, as required by state regulation. [09/25/09 @ 3:36 PM]

ZONING & PLANNING NO ACTION NECESSARY 7-0

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, October 21, 2009

Appointment by His Honor the Mayor

#336-09 JACK WITTENBERG, 146 Allerton Road, Newton Highlands, appointed as a member of the NEWTON URBAN TREE COMMISSION for a term to expire on October 1, 2012. (60 days 12/18/09) [10/02/09 @ 2:44 PM]

PROGRAMS & SERVICES APPROVED 7-0 (Parker not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#360-09 ALD. SANGIOLO AND JOHNSON requesting establishment of revolving account to accept and expend up to \$50,000 in donations for the purpose of fencing or other improvements to off leash dog areas.

FINANCE APPROVED 7-0-1 (Gentile abstaining) on 10/26

PROGRAMS & SERVICES APPROVED 7-0 (Parker not voting)

#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]

ITEM DIVIDED INTO A, B, & C - all to take effect January 1, 2010

A) Motion to Substitute the Number Nine for Seven and to delete the phrase “provided that the Board may determine to choose the members by ballot” in Board Rules Article 1 Section 2A

PROGRAMS & SERVICES APPROVED 4-0-3 (Sangiolo, Freedman, Hess-Mahan abstaining; Parker not voting)

ITEM B) WAS PLACED ON SECOND CALL.

C) Motion to delete the text “subject to the approval of the President” from Board Rules Article 1 Section 2C

PROGRAMS & SERVICES APPROVAL FAILED TO CARRY 2-3-2 (Merrill, Hess-Mahan, Baker opposed; Freedman Brandel abstaining; Parker not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, October 21, 2009

- #391-08(2) PUBLIC SAFETY & TRANSPORTATION COMMITTEE appointing a Subcommittee to assess and offer recommendations regarding any further changes to the act of #391-08. Subcommittee members are Ald. Linsky, Coletti and Swiston. (01/21/09 @ 9:00 PM]
NO ACTION NECESSARY 5-0 (Coletti, Danberg 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.
APPEAL APPROVED 6-1 (Vance opposed; Coletti not voting) ITEM RETURNED TO TRAFFIC COUNCIL TO REVERSE ITS VOTE
MOTION TO SUSPEND THE RULES TO ALLOW THE COMMITTEE CHAIR TO POLL THE COMMITTEE APPROVED BY VOICE VOTE
PUBLIC SAFETY APPROVES REFERRAL TO THE 2010-2011 BOARD 6-0-2
- #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]
PUBLIC SAFETY NO ACTION NECESSARY 7-0 (Coletti not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, October 21, 2009

NOTE: The Committee recommended an emergency preamble with the following item, which will require a separate two-thirds vote by the Board.

- #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 FACILITIES APPROVED 6-0 (Albright and Mansfield not voting)
EMERGENCY PREAMBLE APPROVED

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #361-09 **HIS HONOR THE MAYOR** requesting to appropriate and expend one million eight hundred thirty-six thousand dollars (\$1,836,000) for funding inflow and infiltration projects in the City Sewer system. The sources of funding will be a loan of \$1,009,800 and a grant of \$826,200. [10/13/09 @ 5:24 PM]
FINANCE APPROVED 8-0 of 10/26/09
PUBLIC FACILITIES APPROVED 6-0-1 (Lennon abstaining; Mansfield not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #59-09(2) **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend an additional eighty five thousand four hundred dollars (\$85,400) from bonded indebtedness for the purpose of entering into a contract with NORESCO to perform energy audits on the remaining municipal and school buildings that have not been audited.
FINANCE APPROVED 8-0 on 10/26/09
PUBLIC FACILITIES APPROVED 6-0-2 (Gentile and Lennon Abstaining)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #59-09(3) **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend three million six hundred seventy thousand dollars (\$3,670,000) from bonded indebtedness for the costs related to energy savings improvements to be undertaken by NORESCO, an Energy Services Company, at the Bigelow Middle School, Brown Middle School, Oak Hill Middle School, Education Center, City Hall, Police Headquarters, Police Annex, and Police Garage; said savings are designed to generate savings sufficient to offset the cost of the project. [09/29/09 @ 4:57 PM]
FINANCE APPROVED 8-0 on 10/26/09
PUBLIC FACILITIES APPROVED 7-0-1 (Gentile abstaining)

REFERRED TO FINANCE COMMITTEE

Monday, October 26, 2009

- #300-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand dollars (\$150,000) from Budget Reserve for the purpose of settling a claim filed against the City of Newton due to a motor vehicle accident. [09/29/09 @ 4:56 PM]
FINANCE APPROVED 5-0 (Lennon, Schnipper and Freedman not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #59-09(2) HIS HONOR THE MAYOR requesting authorization to appropriate and expend an additional eighty five thousand four hundred dollars (\$85,400) from bonded indebtedness for the purpose of entering into a contract with NORESKO to perform energy audits on the remaining municipal and school buildings that have not been audited. [09/29/09 @ 4:57 PM]
PUBLIC FACILITIES APPROVED 6-0-2 (Gentile, Lennon abstaining) on 10/21/09
FINANCE APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #59-09(3) HIS HONOR THE MAYOR requesting authorization to appropriate and expend three million six hundred seventy thousand dollars (\$3,670,000) from bonded indebtedness for the costs related to energy savings improvements to be undertaken by NORESKO, an Energy Services Company, at the Bigelow Middle School, Brown Middle School, Oak Hill Middle School, Education Center, City Hall, Police Headquarters, Police Annex, and Police Garage; said savings are designed to generate savings sufficient to offset the cost of the project. [09/29/09 @ 4:57 PM]
PUBLIC FACILITIES APPROVED 7-0-1 (Gentile abstaining) on 10/21/09
FINANCE APPROVED 8-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #360-09 ALD. SANGIOLO AND JOHNSON requesting establishment of a revolving account to accept and expend up to \$50,000 in donations for the purpose of fencing or other improvements to off leash dog areas. [10/01/09 @ 4:13 PM]
PROGRAMS & SERVICES APPROVED 7-0 (Parker not voting) on 10/21/09
FINANCE APPROVED 7-0-1 (Gentile abstaining)

- #270-09 HIS HONOR THE MAYOR requesting acceptance of a contribution of two hundred thousand dollars (\$200,000). First, one hundred thousand dollars (\$100,000) from Newton Girls Soccer and second, one hundred thousand dollars (\$100,000) from Newton Youth Soccer, and authorization to expend two hundred thousand (\$200,000)

with the terms of a Deed of Gift dated July 27, 2009 for the purpose of maintenance, refurbishment and replacement of the fields currently under construction at Newton South High School. [09/01/09 @ 1:44 PM]

FINANCE APPROVED 4-0 (Lennon, Schnipper, Freedman and Parker not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#361-09 HIS HONOR THE MAYOR requesting to appropriate and expend one million eight hundred thirty-six thousand dollars (\$1,836,000) for funding inflow and infiltration projects in the City Sewer system. The sources of funding will be a loan of \$1,009,800 and a grant of \$826,200. [10/13/09 @ 5:24 PM]

PUBLIC FACILITIES APPROVED 6-0-1 (Lennon abstaining; Mansfield not voting) on 10/21/09
FINANCE APPROVED 8-0

#356-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend \$16,171.45 from receipts reserved to the Health Department for the purpose of expenses related to the flu clinics and other wellness related activities and that this item be declared an *emergency measure* necessary to protect the health and safety of the people and property of the City of Newton in accordance with Section 2-9 of the Newton City Charter, which requires a separate 2/3 vote of the Board of Aldermen. [10/13/09 @ 5:24 PM]

FINANCE APPROVED 8-0
APPROVED WITH EMERGENCY PREAMBLE

#266-09(3) HIS HONOR THE MAYOR requesting authorization to increase from \$50,000 to \$70,000 the revolving fund approved on September 21, 2009 to provide for additional funds anticipated from the Centers for Disease Control for control and prevention directed specifically toward the H1N1 virus. [10/13/09 @ 5:24 PM]

FINANCE APPROVED 8-0

#70-09(5) HIS HONOR THE MAYOR requesting that Board Order #70-09(3), the FY10 Budget, be amended by changing the funding source for \$65,528.08 from Capital Stabilization to Receipts Reserved for Debt Service – Newton South High School in accordance with Department of Revenue guidelines that require funds be reserved for payment of debt costs for the remaining life of bonds for a project. Final reimbursement (\$881,707) for NSHS was received in August 2009. [10/13/09 @ 5:25 PM]

FINANCE APPROVED 8-0

REFERRED TO POST AUDIT & OVERSIGHT COMMITTEE

Tuesday, October 27, 2009

REFERRED TO POST AUDIT & OVERSIGHT AND FINANCE COMMITTEES

#300-08 ALD. JOHNSON AND SWISTON requesting discussion with Mayor David Cohen and Superintendent Jeffrey Young as to the procedures that are in place to ensure accountability of their staff in respect to adherence to the authorization of purchasing and expenditures policy and procedures. [07-21-08 @ 9:03AM]

POST AUDIT REFERRED TO 2010-2011 BOARD 4-0

#178-04(3) ALD. LAPPIN requesting a report from the Commissioner of Public Buildings regarding why no progress has been made on the implementation of the construction project database approved by the Board of Aldermen on April 20, 2004.

POST AUDIT REFERRED TO 2010-2011 BOARD 4-0

#375-08 ALD. PARKER, JOHNSON, LINSKY AND SWISTON requesting follow-up discussion on the Payments-In-Lieu-of-Taxes (PILOT) budget resolution passed by the Board of Aldermen as part of the Fiscal year 2009 operating budget discussion. [10-14-08 @3:35 PM]

POST AUDIT REFERRED TO 2010-2011 BOARD 4-0**REFERRED TO PUB SAF & TRANS. AND POST AUDIT & OVERSIGHT**

#26-03 ALD. COLETTI requesting discussion with Executive Department and Fire Department regarding status of fire stations, repairs, and capital improvements in light of cuts in capital improvement plan of necessary health and safety repairs to redirect the emphasis on the fire station repair program.

PUBLIC SAFETY VOTED NO ACTION NECESSARY on 1/21/04**POST AUDIT NO ACTION NECESSARY 4-0****REFERRED TO PROG & SERVICES & POST AUDIT & OVERSIGHT**

#371-06 ALD. COLETTI respectfully docketing under section 2-11 of the Newton City Charter an investigation of the facts surrounding the failure to properly certify the proper number of citizen signatures relative to the site plan referendum question.

PROGRAMS & SERVICES. VOTED NO ACTION NECESSARY on 12/05/07**POST AUDIT NO ACTION NECESSARY 4-0**

#401-08 ALD. JOHNSON, ALBRIGHT AND LINSKY requesting discussion of the overall project management and communication of the Newton North High School Project. [11-10-08 @ 8:53 AM]

POST AUDIT REFERRED TO 2010-2011 BOARD 4-0

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 19 YEAS, 4 NAYS (Ald. Harney, Salvucci, Sangiolo, Swiston), 1 ABSENT (Ald. Gentile) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:

- #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]
PROGRAMS & SERVICES APPROVED AS AMENDED 7-0
(Sangiolo not voting)

A PUBLIC HEARING WAS ASSIGNED FOR THE FOLLOWING ITEM:

Public Hearing was assigned for November 12, 2009:

- #70-09(6) DIRECTOR OF ASSESSMENT ADMINISTRATION submitting for Board of Aldermen review and approval FY10 Municipal Property Tax Levy Distribution Percentages among residential, open space, commercial and industrial classes of Real Property.

VOICE VOTE APPROVED A SUSPENSION OF THE RULES TO ALLOW THE FOLLOWING LATE FILED ITEM TO BE INCLUDED IN THE DOCKET AND REFERRED TO THE FINANCE COMMITTEE.

- #70-09(7) HIS HONOR THE MAYOR requesting a supplemental appropriation of one million one hundred eighty four thousand three hundred fifty dollars (\$1,184,350) from Overlay Surplus for the purpose of reducing anticipated General Fund Revenue in the FY10 Budget. [10/30/09 @ 2:54 PM]