

CITY OF NEWTON
IN BOARD OF ALDERMEN
BOARD ACTIONS

Monday, December 7, 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:

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #288-09 **HIS HONOR THE MAYOR** requesting to appropriate and expend one million four hundred thousand dollars (\$1,400,000) from bonded indebtedness for the purpose of funding the installation of four modular classrooms at the Oak Hill Middle School and for design work for modulars at the Day Middle School. [09/15/09 @ 1:28 PM]
FINANCE APPROVED on 11/16/09
PUBLIC FACILITIES APPROVED 6-0 on 11/4/09
ITEM CHARTERED 11/16/09 by ALD. SANGIOLO:
APPROVED 22 yeas 0 nays 2 absent (Coletti and Gentile)

REFERRED TO LAND USE COMMITTEE

- #242-09 **PANERA, LLC/LINEAR RETAIL NEWTON #1, LLC** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of a NONCONFORMING STRUCTURE for a restaurant in excess of 50 seats and a parking waiver of 25 spaces at 1239-1243 CENTRE STREET, Ward 6, NEWTON CENTRE, on land known as Sec 64, Blk 28, Lots 21 and 24, containing approximately 11,860 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(m), 30-11(d)(9) of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 4-0-2 (Mansfield, Sangiolo abstaining; Merrill not voting)
ITEM POSTPONED TO DATE CERTAIN OF 12/21/09

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #70-09(8) **HIS HONOR THE MAYOR** submitting proposed mid-year rate changes, effective January 1, 2010, to the FY10 Water and Sewer rates as most recently amended by Ordinance Z-49, dated 5/18/09, to eliminate the anticipated revenue shortfall in the Sewer Fund and in concert with

docket #70-09(9) to amend the Water and Sewer budgets. [11/10/09 @ 5:57 PM]

Motion to Suspend the Rules to allow Finance to Poll the Committee Approved by Voice Vote

Finance approved Option A 2-1-4 abstaining

Motion to accept without Written Reports from Public Facilities and Finance APPROVED by Voice Vote

MOTION TO SUBSTITUTE OPTION 4 (E) APPROVED 16 YEAS, 7 NAYS (Ald. Brandel, Fredman, Lennon, Mansfield, Parker, Swiston, Yates), 1 ABSENT (Ald. Gentile)

OPTION 4 (E) APPROVED 20 YEAS, 3 NAYS (Ald. Lennon, Parker, Swiston), 1 ABSENT (Ald. Gentile)

REFERRED TO LAND USE COMMITTEE

#102-06(10) **KESSELER DEVELOPMENT LLC** request for a one-year extension of time in which to exercise Special Permit/Site Plan Approval #102-06(9), granted on November 17, 2008, for construction of a condominium complex consisting of 3 structures, 1 multi-family residence of 52 dwelling units and 2 single-family attached dwelling structures with a total of 10 units, for a total of 62 dwelling units with accessory parking on land located on LaGRANGE STREET, Ward 8; said extension will run from November 17, 2009 to November 17, 2010. Ref: Sec 30-24(c)(4) of the City of Newton Rev Zoning Ord, 2007.

LAND USE APPROVED 7-0 on 11/17/09

APPROVED 18 YEAS 3 NAYS (Harney, Parker, Swiston) 3 ABSENT (Brandel, Coletti, Gentile)

REFERRED TO PUBLIC FACILITIES COMMITTEE

#368-08 **ALD. LINSKY** requesting approval of the Board of Aldermen of the design for improvements affecting the area where Walnut Street, Lowell Avenue and Watertown Street intersect including a traffic island, curb extensions and the dead ending of Lowell Avenue. [10/14/08 @ 12:53 PM]

On 11/18/09 PUBLIC FACILITIES APPROVED (B) A REQUEST FOR TRIAL OF ONE-WAY ON LOWELL AVE. FROM WALNUT ST. TO WATERTOWN ST. APPROVED 3-1-2 (Salvucci opposed, Lappin and Schnipper abstaining

(B) DENIED by VOICE VOTE

ITEM RECOMMITTED TO PUB. FACILITIES & FIN. 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 6-0-1 (Gentile abstaining) on 03-07-07

Finance motion to approve failed to carry 2-4-1 (Lennon, Salvucci, Gentile and Coletti opposed; Linsky abstaining) on 3-12-07

PUBLIC FACILITIES APPROVED AS AMENDED 5-0 @ \$250,000 on 10-15-07

FINANCE NO ACTION NECESSARY 6-0-1 (Parker abstaining, Freedman not voting)

Motion to Substitute No Action Necessary for Public Facilities Report to Make Reports Consistent Approved 12 YEAS, 10 NAYS (Ald. Freedman, Harney, Hess-Mahan, Johnson, Lappin, Mansfield, Parker, Shnipper, Yates, Baker), 2 ABSENT (Ald. Brandel, Gentile)

MOTION TO REFER TO THE 2010-2011 BOARD APPROVED BY VOICE VOTE

REFERRED TO ZONING & PLANNING & 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

FINANCE NO ACTION NECESSARY 7-0 (Parker not voting) on 11/23/09;

MOTION TO REFER TO 2010-2011 BOARD FAILS

MOTION TO MAKE REPORTS CONSISTENT TO NO ACTION NECESSARY APPROVED;

ITEM VOTED NO ACTION NECESSARY BY VOICE VOTE

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

FINANCE NO ACTION NECESSARY 7-0 (Parker not voting) on 11/23/09

MOTION TO MAKE REPORTS CONSISTENT TO NO ACTION NECESSARY FAILS IN PUBLIC FACILITIES;

ITEM VOTED NO ACTION NECESSARY BY VOICE VOTE

REFERRED TO ZONING & PLANNING COMMITTEE

#122-09 ALD. SANGIOLO on behalf of Armando Rossi requesting a discussion of the proliferation of signage in the city.

ZONING & PLANNING NO ACTION NECESSARY 7-0

MOTION TO AMEND REPORT TO REFER TO THE 2010-2011 BOARD WAS APPROVED BY VOICE VOTE

REFERRED TO POST AUDIT COMMITTEE

#375-09(2) COMMITTEE ON COMMUNITY PRESERVATION requesting explanations from the Inspectional Services and Fire Departments regarding requests for changes in the Brigham House Rehabilitation Project from the Project Plan that they had previously approved that resulted in increased project costs. [11/30/09 @ 10:33 AM]

MOTION TO ACCEPT TO THE DOCKET AND REFER TO THE 2010-2011 BOARD APPROVED BY VOICE VOTE

REFERRED TO COMMITTEE ON COMMUNITY PRESERVATION

Re-Appointment by His Honor the Mayor

#400-09 NANCY GRISSOM, 7 Orris Street, Auburndale, re-appointed as a member of THE COMMUNITY PRESERVATION COMMITTEE for a term to expire on August 1, 2012. (60 days 1/5/10) [11/16/09 @ 4:49 PM]

MOTION TO ACCEPT TO THE DOCKET AND REFER TO THE 2010-2011 BOARD APPROVED BY VOICE VOTE

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

ITEMS REFERRED TO LAND USE COMMITTEE

Application for a Class 2 Automobile Dealer License

#292-09 AUTO ANNEX, INC.

249 Centre Street

Newton Corner 02458

LAND USE APPROVED 7-0

Application for a Class 2 Automobile Dealer License

#161-09 REGAN INC.

2066 Commonwealth Avenue

Auburndale 02466

LAND USE APPROVED 7-0

2010 Auto License Renewals

Class 1

#304-09 CLARK & WHITE INC.
777 Washington Street
Newtonville
LAND USE APPROVED 6-0 (Merrill not voting)

#305-09 CLAY NISSAN OF NEWTON INC.
431 Washington Street
Newton Corner
LAND USE APPROVED 6-0 (Merrill not voting)

Class 2

#306-09 FROST MOTORS, INC.
624 Washington Street
Newtonville
LAND USE APPROVED 6-0 (Merrill not voting)

#308-09 AUTO EUROPA INC.
38 Ramsdell Street
Newton Highlands
LAND USE APPROVED 6-0 (Merrill not voting)

#315-09 MAP DEVELOPMENT & INVESTMENTS
d/b/a ALBEMARLE MOTORS INC.
175 North Street
Newtonville
LAND USE APPROVED 6-0 (Merrill not voting)

#317-09 NEWTON AUTO GROUP INC.
1235 Washington Street
West Newton
LAND USE APPROVED 6-0 (Merrill not voting)

#318-09 NEWTON CENTRE SHELL, INC.
1365 Centre Street
Newton Centre
LAND USE APPROVED 6-0 (Merrill not voting)

#319-09 NEWTON TRADE CENTER
103 Adams Street
Nonantum
LAND USE APPROVED 6-0 (Merrill not voting)

#320-09 OLD TIME GARAGE LTD.
1960 Washington Street
Newton Lower Falls
LAND USE APPROVED 6-0 (Merrill not voting)

#322-09 R.S. SERVICE INC.
361 Washington Street
Newton Corner
LAND USE APPROVED 6-0 (Merrill not voting)

#323-09 ROBERT'S TOWING INC.
926R Boylston Street
Newton Highlands
LAND USE APPROVED 6-0 (Merrill not voting)

#324-09 THE TRAVIS CORPORATION
d/b/a THE CAR STORE
19 Rolling Lane
Chestnut Hill
LAND USE APPROVED 6-0 (Merrill not voting)

#326-09 WASHINGTON STREET SUNOCO
875 Washington Street
Newtonville
LAND USE APPROVED 6-0 (Merrill not voting)

#327-09 CITY OF NEWTON
1000 Commonwealth Avenue
LAND USE APPROVED 6-0 (Merrill not voting)

CLASS 2 & 3

Application for a Class 2 Automobile Dealer License

#291-09 AUBURNDALE SERVICE CENTER, LLC d/b/a AUBURNDALE
MOBIL
2105 Commonwealth Avenue
Auburndale 02466
LAND USE APPROVED 7-0 (Brandel not voting)

2010 Auto License Renewals

#307-09 VILLAGE MOTORS GROUP INC.
d/b/a HONDA VILLAGE
371 Washington Street
Newton Corner (Class 1)
LAND USE APPROVED 7-0 (Brandel not voting)

- #311-09 GLOBAL VENTURES GROUP
d/b/a LUX AUTO PLUS
1197-1201 Washington Street
West Newton (Class 2)
LAND USE APPROVED 7-0 (Brandel not voting)
- #316-09 NEW ENGLAND MOTOR MART INC.
1221-1229 Washington Street
West Newton (Class 2)
LAND USE APPROVED 7-0 (Brandel not voting)
- #320-08(2) METROPCS MASSACHUSETTS LLC/ZUSSMAN 219 REALTY
TRUST request for an extension of time in which to exercise special permit #320-08, granted on January 5, 2009, to install for wireless communications 6 panel antennae inside a new fiberglass roof-mounted faux chimney; 1 GPS antenna mounted on the penthouse roof; 1 condenser on the roof; and associated equipment to be located beneath the parking area at the rear at 219 COMMONWEALTH AVENUE, Ward 7; said extension will run from January 5, 2010 to January 5, 2011. Ref: Sec 30-24(c)(4).
LAND USE NO ACTION NECESSARY 7-0 (Brandel not voting)
- #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.
LAND USE APPROVED 8-0

REFERRED TO LAND USE AND PROGRAMS & SERVICES COMMITTEES
ITEMS REFERRED TO ZONING & PLANNING COMMITTEE

Appointment by His Honor the Mayor

- #331-09 REVEREND HOWARD HAYWOOD, 69 Walker Street, Newtonville, appointed as a member of the PLANNING & DEVELOPMENT BOARD for a term to expire February 1, 2014 (60 days: 12/18/09).
ZONING & PLANNING APPROVED 6-0 (Ciccone not voting)

Appointment by His Honor the Mayor

- #378-09 MATTHEW R. CUDDY, 27 Laudholm Road, Newton, appointed to the ECONOMIC DEVELOPMENT COMMISSION for a term to expire December 1, 2012 (60 days: 1/15/10).
ZONING & PLANNING APPROVED 6-0 (Ciccone not voting)

- #103-09 ALD. MANSFIELD & PARKER proposing amendments to Chapter 30 to update criteria and regulations pertaining to development in Mixed Use Zoning Districts.
ZONING & PLANNING NO ACTION NECESSARY 7-0
- #303-07(2) ALD. YATES asking consideration of an amendment to the inclusionary zoning ordinance, 30-8(f), that if adopted by the Board of Aldermen will provide that fee payments be allocated in the first instance to the Planning & Department, while still preserving the ability of the Newton Housing Authority or others to apply for to use such funds.
ZONING & PLANNING NO ACTION NECESSARY 7-0
- #291-95 ALD. PARKER, BALSER, LIPSITT, MANSFIELD, & SAMUELSON requesting that Sec. 30-24 of the City of Newton Rev. Ords., 1995, be amended to require all large commercial development(s) to make a cash payment to be used for affordable/low-income housing. Such payments to be calculated individually for each development on the basis of costs incurred by the city; demands on infrastructure and services; increased need for area affordable housing; and other impositions to the city and community that result from the construction of such projects.
ZONING & PLANNING NO ACTION NECESSARY 7-0
- #193-06 ALD. VANCE proposing an ordinance that would require the owner of any residential property who is not otherwise required to give written notice to abutters and others of proposed modifications of the owner's residential structure to provide such written notice prior to the filing by such owner of an application for the building permit to construct such proposed modifications.
ZONING & PLANNING NO ACTION NECESSARY 7-0
- # 86-02 ALD. MANSFIELD proposing to amend Secs. 30-11(a)(9) and 30-11(d)(9) to require a special permit for restaurants having not more than 50 seats that are within 300 feet of a Residence District.
ZONING & PLANNING NO ACTION NECESSARY 7-0
- #59-03 ALD. SANGIOLO proposing amendments to Chapter 30-19 Section (j), *Lighting, Surfacing, and Maintenance of Parking Facilities*.
ZONING & PLANNING NO ACTION NECESSARY 7-0
- #371-01 ALD. PARKER, YATES, SANGIOLO, BASHAM, LIPSITT proposing an ordinance to require an appropriate review and approval process to control drainage and other environmental impacts in cases of major excavation or other topographic changes.
ZONING & PLANNING NO ACTION NECESSARY 7-0

- #164-09 ALD. HESS-MAHAN proposing the following amendments to the accessory apartment ordinances: (1) amend Sections 30-8(d)(1)a and 30-9(h)(1)a to explicitly allow the homeowner to live in the accessory apartment; (2) amend Section 30-9(h)(1) to allow accessory apartments in a single family residence located in Multi Residence 1 and Multi Residence 2 zoned districts; and (3) amend the provisions of Sections 30-8(d)(1)b and 30-9(h)(1)b to allow accessory apartments in residential buildings built 10 or more years.
ZONING & PLANNING REFERRED TO 2010-2011 BOARD
- #474-08 ALD. HESS-MAHAN & VANCE proposing that Chapter 30 be amended to transfer from the Board of Aldermen to the Zoning Board of Appeals and/or the Planning & Development Board the special permit granting authority for special permit/site plan petitions not classified as Major Projects pursuant to Article X of the Board Rules. [12-09-08 @ 3:26 PM]
ZONING & PLANNING REFERRED TO 2010-2011 BOARD
- #475-08 ALD. HESS-MAHAN, DANBERG, JOHNSON, SWISTON, & PARKER proposing that the City of Newton accept the provisions of GL chapter 43D, a local option that allows municipalities to provide an expedited permitting process and promote targeted economic development.
ZONING & PLANNING REFERRED TO 2010-2011 BOARD
- #111-07 ZONING TASK FORCE recommending amendments to 30-21(3)(c), referred to as the de minimis rule, by amending the existing language with provisions: (1) clarifying the applicability to and effect of the rule on (a) the minimum distance between buildings; and (b) all applicable dimensional controls; and (2) creating a new procedure for approving a de minimis extension of the nonconforming nature of a structure. [04-10-07 @4:17 PM]
ZONING & PLANNING REFERRED TO 2010-2011 BOARD
- #207-09(2) ALD. PARKER, DANBERG & MANSFIELD, proposing that chapter 30 be amended to allow additional seating in restaurants.
ZONING & PLANNING REFERRED TO 2010-2011 BOARD
- #336-08 ALD. LAPPIN requesting a discussion re the creation of an index for the zoning ordinances. [9-12-08 @10:31 AM]
ZONING & PLANNING REFERRED TO 2010-2011 BOARD
- #150-08 ALD. GENTILE proposing that Chapter 30 be amended to clarify that for a commercial vehicle to be parked legally at a residential property, it must be registered to the owner/occupant of that residential property. [4-15-08 @2:17PM]
ZONING & PLANNING REFERRED TO 2010-2011 BOARD

- #365-06 ALD. YATES requesting the establishment of an education program for realtors concerning properties in historic districts.
ZONING & PLANNING REFERRED TO 2010-2011 BOARD
- #294-03 ALD. BAKER, YATES, JOHNSON AND MANSFIELD requesting analysis and discussion of possible remedies for demolition of modest housing and replacement with oversized structures out of character with the surrounding neighborhood, including examining the experience of other communities, including those out of state, who have worked to address this problem. **(Recommitted by Full Board 8-14-06)**
ZONING & PLANNING REFERRED TO 2010-2011 BOARD
- #10-06 ALD. JOHNSON, DANBERG, SANGIOLO, BAKER, & HESS-MAHAN requesting the adoption of legislation to enable the establishment of neighborhood conservation districts in Newton.
ZONING & PLANNING REFERRED TO 2010-2011 BOARD
- #133-03 ALD. YATES proposing an amendment to Chapter 30 requiring a special permit for a so-called "snout house" (one with excessive/intrusive garage on the front) following the example of Fort Collins, Colorado.
ZONING & PLANNING REFERRED TO 2010-2011 BOARD
- #20-99 ALD. YATES proposing that Chapter 30 be amended by removing radio and television towers as allowed uses in the Mixed Use 1 district.
ZONING & PLANNING REFERRED TO 2010-2011 BOARD
- #440-04 ALD. JOHNSON, BAKER & LAPPIN proposing a definition of "accessory structure" which will include mechanical equipment.
ZONING & PLANNING REFERRED TO 2010-2011 BOARD
- #333-97(2) ALD. YATES proposing that Chapter 30 be amended to prohibit without a special permit in any zoning district the approval of a subdivision that would be accessed by any public way on which the Level of Service at the point of access is already a D, E, or F, for at least one hour per week or if the additional traffic to be generated by the subdivisions would cause the Level of Service at the point of access to a public way to fall to D, E, or F for at least one hour per week. [8-7-07 @2:05 PM]
ZONING & PLANNING REFERRED TO 2010-2011 BOARD
- #237-01 ALD. MANSFIELD proposing to amend Secs. 30-1, 30-11, 30-12, and 30-13 of the Revised Zoning Ordinances to clarify the definitions of and specify the distinctions between restaurants, retail food establishments, fast food establishments, and food processing and preparation as allowed and permissive uses in Business, Manufacturing and Mixed Use Districts.
ZONING & PLANNING REFERRED TO 2010-2011 BOARD

- # 7-99 ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.

ZONING & PLANNING REFERRED TO 2010-2011 BOARD

ITEMS REFERRED TO PROGRAMS & SERVICES COMMITTEE

Re-appointment by His Honor the Mayor

- #379-09 LISA DeFELICE, 280 Nevada Street, Newton, re-appointed as a member of the NEWTON CHILD CARE COMMISSION for a term to expire on January 1, 2012. [10/30/09 @ 2:59 PM]

PROGRAMS & SERVICES APPROVED 3-0-1 (Sangiolo abstaining; Brandel not voting)

Re-appointment by His Honor the Mayor

- #380-09 VANESSA ALLEN, 27 Whittier Road, Newton, re-appointed as a member of the NEWTON CHILD CARE COMMISSION for a term to expire on January 1, 2012. [10/30/09 @ 2:59 PM]

PROGRAMS & SERVICES APPROVED 3-0-1 (Sangiolo abstaining; Brandel not voting)

Re-appointment by His Honor the Mayor

- #381-09 BARBARA SULLIVAN, 89 Arlington St., Newton, re-appointed as a member of the NEWTON CHILD CARE COMMISSION for a term to expire on January 1, 2012. [10/30/09 @ 2:59 PM]

PROGRAMS & SERVICES APPROVED 3-0-1 (Sangiolo abstaining; Brandel not voting)

- #362-09 ALD. JOHNSON on behalf of the Green Decade Coalition requesting the designation of March 2010 as Alternative to Pesticides Month. [10/08/09 @ 11:51 AM]

PROGRAMS & SERVICES APPROVED 4-0 (Brandel not voting)

- #365-09 CLERK OF THE BOARD requesting the board of Aldermen amend Article V, Sections 1 and 2, of the Rules of the Board to include the option of electronic distribution of meeting notices and materials addition to delivery by mail or messenger. [10/16/09 @ 5:27 PM]

PROGRAMS & SERVICES APPROVED 5-0

- #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 outlined in Ordinance Z-12, passed on December 7, 2007. [08/06/09 @ 3:12 PM]

PROGRAMS & SERVICES APPROVED 5-0

- #292-08(2) PROGRAMS AND SERVICES COMMITTEE requesting that His Honor the Mayor develop a written policy of standards and processes that could be uniformly followed by community groups for the use of the branch library buildings. [11/07/08 @ 11:11 AM]

PROGRAMS & SERVICES NO ACTION NECESSARY 5-0

- #52-07 ALD. PARKER, SANGIOLO, MANSFIELD, HARNEY, DANBERG, VANCE, LINSKY, HESS-MAHAN, BURG, ALBRIGHT & JOHNSON requesting an ordinance amendment to create a health care advisory committee whose function would be to recommend measures to control the rate of increase of health insurance costs, as recommended by the Newton Finance & Management Working Group in 2005 and the Blue Ribbon Commission on the Municipal Budget in 2007.

[02/09/07 @ 12:36 PM]

PROGRAMS & SERVICES REFERRED TO 2010-2011 BOARD

- #82-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to allow the cities and towns to tax all telecommunications facilities in the City (which would yield at least \$1.6 million per year for Newton). [02/27/07 @ 10:21 PM]

PROGRAMS & SERVICES REFERRED TO 2010-2011 BOARD

- #363-09 ALD. SANGIOLO requesting a discussion to increase the tobacco seller license fee. [09/13/09 @ 1:07 PM]

PROGRAMS & SERVICES REFERRED TO 2010-2011 BOARD

- #125-09 THE POST AUDIT & OVERSIGHT COMMITTEE requesting creation of a public tree protection ordinance and amendment of the current tree ordinance as recommended in the Tree Preservation Ordinance Report.

[04/17/09 @ 9:14 PM]

PROGRAMS & SERVICES REFERRED TO 2010-2011 BOARD

- #298-09 ALD. MANSFIELD proposing Home Rule Legislation to amend **Article 2, Section 2-1(c) Composition; Eligibility; Election and Term** of the Newton Charter to establish four-year terms for Aldermen-at-Large with the provision for one Aldermen-at-Large to be elected from each ward at each biennial municipal election. [09-29-09 @ 6:45 PM]

PROGRAMS & SERVICES REFERRED TO 2010-2011 BOARD

- #306-08 ALD. BAKER, DANBERG, MANSFIELD & PARKER requesting discussion of how swimming at Crystal Lake might be lawfully and safely extended beyond mid-August. [08/26/08 @ 5:03 PM]
PROGRAMS & SERVICES REFERRED TO 2010-2011 BOARD
- #129-08 ALD. JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen stating that any new item submitted but not yet approved or accepted by the Full Board of Aldermen is prohibited from any formal or informal discussion by any formal, informal or special committee of the Board.
[03-24-08 @ 9:11 AM]
PROGRAMS & SERVICES REFERRED TO 2010-2011 BOARD
- #262-07 ALD. VANCE AND HESS-MAHAN seeking approval by the Board of Aldermen of a home rule petition to the General Court that would authorize an amendment to the charter of the City of Newton that would change the length of terms of the members of the Board of Aldermen to three years and would provide for electing one-third of the aldermen, one from each ward, every year. [08/22/07 @ 3:53 PM]
PROGRAMS & SERVICES REFERRED TO 2010-2011 BOARD
- #422-06(2) ALD. HESS-MAHAN requesting that a task force be established to meet and prepare a report and recommendations regarding the regulation of noise, air pollution and best practices with respect to the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers. [01/27/09 @ 3:47 PM]
PROGRAMS & SERVICES REFERRED TO 2010-2011 BOARD
- #370-06 ALD. SANGIOLO, PARKER, MANSFIELD requesting home rule legislation to allow advisory questions to be asked in a Newton special election.
PROGRAMS & SERVICES REFERRED TO 2010-2011 BOARD
- #346-99 ALD. SANGIOLO requesting creation of an ordinance that would prohibit dogs (leashed or unleashed) from all elementary school playgrounds.
PROGRAMS & SERVICES REFERRED TO 2010-2011 BOARD

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #376-09 HIS HONOR THE MAYOR submitting the FY11-15 Capital Improvement Program, totaling \$140,377,285 and the FY10 Supplemental Capital budget, which require Board of Aldermen approval to finance new capital projects over the next five years.
PROGRAMS & SERVICES REFERRED TO 2010-2011 BOARD

ITEMS REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

- #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]
PUBLIC SAFETY NO ACTION NECESSARY 6-0
- #456-08 ALD. DANBERG, LINSKY, ALBRIGHT, PARKER CICCONE, HARNEY AND HESS-MAHAN requesting a discussion of impacts resulting from the proposed Mass Turnpike Toll increases, including reinstatement of tolls at interchanges located within the City of Newton, and appropriate response from State and Local officials. [11-14-08 @ 11:58 AM]
PUBLIC SAFETY NO ACTION NECESSARY 5-0 (Vance not voting)
- #109-09 PLANNING DEPARTMENT Planning Department and 128 Business Council requesting a discussion of proposed new shuttle to serve portions of Waltham and Newton. [04/03/09 @ 2:26 PM]
PUBLIC SAFETY NO ACTION NECESSARY 5-0 (Vance not voting)
- #264-09 ALD. HESS-MAHAN proposing to amend Sections 19-166, 19-219 and 26-16 of the Revised Ordinances to allow certain two wheel vehicles, including motorized vehicles that must register as limited use vehicles pursuant to the MGL ch. 90 as amended by Chapter 523 of the Acts of 2008, to continue to park on sidewalks. [09/01/09 @ 11:40 AM]
PUBLIC SAFETY REFERRED TO 2010-2011 BOARD 6-0
- #147-09 ALD. VANCE, HESS-MAHAN AND DANBERG requesting discussion with members of the Administration of such possible adoption by Newton's city government of a program such as Zipcar's Fast Fleet vehicle-sharing and management system as a means of reducing the costs of vehicle usage by city employees and the impact of such usage on the environment. [05/11/09 @ 9:58 AM]
PUBLIC SAFETY REFERRED TO 2010-2011 BOARD 6-0

REFERRED TO PS&T COMMITTEE by TRAFFIC COUNCIL on 10/23/08

- #235-09 ALD. SANGIOLO, HARNEY & GENTILE on behalf of residents on
TC2(2)-08 Wolcott Street requesting that the traffic control signal located at Wolcott
and Lexington Streets be moved to a different location or removed
altogether. (Ward 4)

PUBLIC SAFETY REFERRED TO 2010–2011 BOARD 6-0

ITEMS REFERRED TO FINANCE COMMITTEE

- #386-09 HIS HONOR THE MAYOR requesting to transfer one thousand eight
hundred twenty-one dollars and nine cents (\$1,821.09) from office
equipment maintenance to equipment purchase in the Police Department
to buy out a lease on a copy machine.

FINANCE APPROVED 7-0 (Johnson not voting)

REFERRED TO PROGRAM & SERVICES AND FINANCE COMMITTEES

- #387-09 HIS HONOR THE MAYOR requesting to appropriate and expend one
hundred twenty-nine thousand, eight hundred dollars (\$129,800) from
Budget Reserve for the costs related to the special state elections in
December and January. [11/10/09 @ 5:57 PM]

PROGRAM & SERVICES APPROVED 5-0 on 11-18-09

FINANCE APPROVED 7-0 (Johnson not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #70-09(10) HIS HONOR THE MAYOR requesting amendments to the FY10 Water
and Sewer budgets be amended by reducing Sewer Bond Maturities by
\$300,000; reducing Sewer Bond Interest by \$87,000; increasing Water
Bond Maturities by \$300,000 and increasing Water Bond Interest by
\$87,000 to transfer the full cost of the water meter replacement debt to the
Water Fund and help eliminate the anticipated revenue shortfall in the
Sewer Fund in concert with docket nos. 70-09(8) and (9)

PUBLIC FAC. APPROVED 5-0-1 (Lappin abstaining) on 11-18-09

FINANCE APPROVED 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**

FINANCE APPROVED 8-0

- #299-08(2) HIS HONOR THE MAYOR requesting that the Board of Aldermen
accept the provisions of §19 of Chapter 32B (as amended) of the General
Laws to allow all subscribers for whom the City provides health insurance
to transfer to the Group Insurance Commission (GIC) pursuant to Section

19(e) of Section 32B, which authorizes the City to engage in so-called coalition bargaining re the issue of the City joining the GIC. [08-04-08 @ 12:35 PM]

FINANCE NO ACTION NECESSARY 6-1-0 (Johnson opposed, Freedman not voting)

#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]

FINANCE NO ACTION NECESSARY 7-0 (Freedman not voting)

#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.

FINANCE NO ACTION NECESSARY 7-0 (Parker not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#267-06(3)

ALD. PARKER, BURG, LINSKY, FISCHMAN, HESS-MAHAN, VANCE, HARNEY, JOHNSON, & DANBERG proposing Home Rule Legislation authorizing the City of Newton to apply the ordinance proposed in item #267-06(2) to assets held by the City's retirement system.

PROGRAM & SERV. NO ACTION NECESSARY 5-0 on 11-18-09

FINANCE NO ACTION NECESSARY 7-0 (Freedman not voting)

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

FINANCE NO ACTION NECESSARY 7-0 (Parker not voting)

**ITEM RECOMMITTED TO FINANCE COMMITTEE ONLY on 03/05/07
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
FINANCE NO ACTION NECESSARY 5-0-3 (Lennon, Linsky and
Parker abstaining) on 02-12-07
FINANCE NO ACTION NECESSARY 7-0 (Parker not voting)
11/23/09**
- #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]
FINANCE DENIED 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]
FINANCE DENIED 7-0 (Parker not voting)
- #207-07(4) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended to allow the adjustment of self-funded health insurance plan rates in the event that rates and any accumulated excess resources not meet actual resource requirements. [7-2-08 @ 12:12 PM]
FINANCE REFERRED TO 2010-2011 BOARD 8-0
- #207-07(2) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended, effective FY10, as follows:
(A) total resources devoted to all forms of employee compensation shall not exceed the estimated growth in total general fund revenue for the following fiscal year;
(B) funds for salary and wage adjustments shall not exceed the difference between total estimated revenue growth and resources needed to fund growth in health/dental and life insurance benefits and growth in the actuarial required contribution for the city's retirement system for each fiscal year;
(C) if collective bargaining contracts are not resolved at the time of budget submission, funds budgeted for such contracts shall be held in "municipal and compensation" reserve. [7-2-08 @ 12:12 PM]
FINANCE REFERRED TO 2010-2011 BOARD 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.)
FINANCE REFERRED TO 2010-2011 BOARD 7-0 (Parker not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #87-09 ALD. SANGIOLO, BRANDEL, FREEDMAN AND HESS-MAHAN requesting a Home Rule Petition to allow the City of Newton to require elected officials to contribute a higher percentage rate for health insurance benefits than is required for other employee groups. [03-10-09 @ 9:17 AM]
PROGRAM AND SERVICES APPROVED 5-1-1 (Baker opposed; Merrill abstaining; Parker not voting) on 04-15-09
FINANCE REFERRED TO 2010-2011 BOARD 6-0 (Johnson and Freedman not voting)

ITEMS REFERRED TO REAL PROPERTY REUSE COMMITTEE

- #150-09 DIRECTOR OF PLANNING & DEVELOPMENT requesting a discussion re the potential redevelopment of the Austin Street municipal parking lot in Newtonville for mixed-use development, including affordable housing.
REAL PROPERTY REFERRED TO 2010-2011 BOARD
- #212-08 ALD. YATES proposing that Section 2-7 be amended by requiring that branch libraries funded in whole or in part by neighborhood contributions be only made available to the original donor neighborhood association, its successor organization, or similar organization serving the same needs.
REAL PROPERTY REFERRED TO 2010-2011 BOARD
- #470-08 ALD. HESS-MAHAN & BRANDEL requesting a discussion with the Executive and Planning & Development Departments re the development of a city policy with respect to augmenting cell equipment rental income by leasing municipal properties.
REAL PROPERTY REFERRED TO 2010-2011 BOARD
- #160-09 DIRECTOR OF PLANNING & DEVELOPMENT requesting discussion of potential redevelopment of a block of land bounded by Willow, Centre and Lyman Streets, to include the existing 60,850 sq. ft. Fire Department headquarters and Station #3 site.
REAL PROPERTY REFERRED TO 2010-2011 BOARD

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 0 NAYS, 1 EXCUSED (Ald. Ciccone), 1 ABSENT (Ald. Gentile) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

- #309-09 CICCONO MOTORS
259 Walnut Street
Newtonville
LAND USE APPROVED 6-0 (Merrill not voting)
- #328-09 ECHO BRIDGE SALVAGE INC.
16-24 Maguire Court
Newtonville
LAND USE APPROVED 6-0 (Merrill not voting)
- #329-09 SCHIAVONE BROTHERS INC.
16-24 Maguire Court
Newtonville
LAND USE APPROVED 6-0 (Merrill not voting)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 0 NAYS, 1 EXCUSED (Ald. Fischman), 1 ABSENT (Ald. Gentile) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

- #172-98(2) WALCOTT CORPORATION petition to amend SPECIAL PERMIT/SITE PLAN APPROVAL #172-98 by increasing the number of seats in an existing restaurant from 74 to 100 seats and to waive ten additional parking spaces at 118 NEEDHAM STREET, Ward 5, NEWTON UPPER FALLS, on land known as Sec 83, Blk 12, Lots 3, 4, 5, and 6, in a district zoned MIXED USE 2. Ref: 30-24, 30-23, 30-13(e)(12), 30-19(c)(2), 30-19(d), 30-19(m) of the City of Newton Rev Zoning Ord, 2007 and special permit #172-98)
LAND USE APPROVED 6-0 (Fischman recused)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 1 NAYS (Ald. Hess-Mahan), 1 ABSENT (Ald. Gentile) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

- #108-09 ALD. HESS-MAHAN, ALBRIGHT, CICCONO, DANBERG, FISCHMAN, FREEDMAN, LAPPIN AND LINSKY requesting a discussion of the possibility of using a “non-transporting ambulance” equipped with safety equipment for routine emergency calls in lieu of a fire truck in order to save costs. [04/14/09 @ 1:56 PM]
PUBLIC SAFETY NO ACTION NECESSARY 5-0 (Vance not voting)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 2 NAYS (Ald. Linsky & Mansfield), 1 ABSENT (Ald. Gentile) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

- #425-02 ALD. PARKER, LINSKY, JOHNSON AND STEWART requesting ordinance change to allow a trial program sharing on-street parking on a given street by designating some areas as resident only (for residents of that street) and other areas for longer-term parking by Newton residents accessing public transportation and by employees of area businesses.
PUBLIC SAFETY NO ACTION NECESSARY 5-1 (Linsky opposed)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 1 NAYS (Ald. Mansfield), 1 ABSENT (Ald. Gentile) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

- #474-08(2) ALD. HESS-MAHAN & VANCE proposing that Article X of the Rules & Orders of the Board of Aldermen be amended to conform with a proposed amendment to Chapter 30 re transfer of the special permit granting authority to the Zoning Board of Appeals and/or the Planning & Development Board for projects that are not classified as Major Projects pursuant to Article X.
PROGRAMS & SERVICES REFERRED TO 2010-2011 BOARD LAND USE REFERRED 5-1 (Mansfield opposed; Brandel, Merrill not voting) TO 2010-2011 BOARD
- #238-01 ALD. MANSFIELD & SAMUELSON proposing to amend Sec. 30-1 and 30-11(g)(5) to clarify the definition of and restrict the permissive use “drive-in food service establishment” to Limited Manufacturing Districts only.
ZONING & PLANNING NO ACTION NECESSARY 6-1 (Danberg)
- #239-01 ALD. MANSFIELD proposing to amend Secs. 30-1, 30-11, 30-12, and 30-13 to establish a definition of and to specify appropriate zoning districts in which to conduct food catering businesses.
ZONING & PLANNING NO ACTION NECESSARY 7-0

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 1 NAYS (Ald. Salvucci), 1 ABSENT (Ald. Gentile) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

- #368-09 ALD. BAKER, LENNON AND COLETTI pursuant to Sec. 2-7 of the City Charter, recommending the re-appointment of David C. Wilkinson as Comptroller of Accounts; said term will be two years or until a successor is duly qualified. [10/27/09 @ 9:39 AM]
FINANCE APPROVED 7-0 (Salvucci not voting)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 0 NAYS, 1 EXCUSED (Ald. Sangiolo), 1 ABSENT (Ald. Gentile) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

- #382-09 AMY SANGIOLO, 389 Central Street, Newton, appointed as a member of the NEWTON URBAN TREE COMMISSION for a term to expire on December 1, 2012. [11/02/09 @ 4:19 PM]
PROGRAMS & SERVICES APPROVED 4-0-1 (Sangiolo abstaining)

A Public Hearing was Assigned for January 12, 2010 for the following Item:

- #388-09 MARCUS LAND INVESTMENTS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create a rear lot subdivision including a change of grade/combination of walls/berms in excess of 4 feet within setbacks in order to construct two single-family dwellings with a shared driveway on GODDARD STREET, Ward 8, on land known as Section 83, Block 3, Lot 30, containing approximately 23,797 sf of land in a district zoned SINGLE RESIDENCE 3. (Ref: Sec 30-24, 30-23, 30-15(r), 30-19(f)(1) and (2) and 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.