



City Council Actions
In City Council
Monday, May 15, 2023

Present: Councilors Baker, Bowman, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Humphrey, Kalis, Kelley, Krintzman, Laredo, Leary, Lipof, Lucas, Malakie, Noel, Norton, Oliver, Ryan, Wright & Albright.

Absent: Councilor Markiewicz

Clerk's Note: The full Council meeting can be viewed on the following link:
[Newton City Council - May 15, 2023 \(newtv.org\)](http://newtv.org)

The City Council discussed the following items on Second Call:

- #157-23 Appropriate \$1,000,000 to DPW's Vehicle Equipment Account**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million dollars (\$1,000,000) from June 30, 2022 Certified Free Cash to the Department of Public Works Vehicle Equipment Account to fund the vehicle replacements per the City's Vehicle Replacement Schedule as detailed in the FY24-FY28 C.I.P
Public Facilities Approved 5-0 on 05/04/23
Finance Approved 2-1-3 (Councilor Gentile opposed and Councilors Grossman, Malakie, Oliver abstaining)
City Council Approved 16 Yeas, 7 Nays (Councilors Gentile, Grossman, Krintzman, Malakie, Noel, Oliver, Albright), 1 Absent (Councilor Markiewicz)

Clerk's Note: Councilor Grossman requested this be placed on Second Call for further discussion on how to use Free Cash. Councilors Grossman, Noel, Oliver, and Gentile thought this item should be part of a broader discussion about how to spend Free Cash; thought this item should be considered together with the other 24 upcoming Free Cash items; and expressed concern about having enough funding for school department needs. Several other councilors agreed that there should be a broader discussion about how to spend Free Cash and acknowledged the importance of funding for the school department; however, they did not wish to hold this item back.

- #127-23 Appropriate \$10,000,000 from FY22 Free Cash**
HER HONOR THE MAYOR requesting authorization to appropriate and expend ten million dollars (\$10,000,000) in FY22 Free Cash for the Lincoln-Eliot Elementary School construction project.
Committee of the Whole Held 24-0
City Council Approved a Motion to commit this item to Finance Committee

15 Yeas, 8 Nays (Bowman, Crossley, Downs, Greenberg, Humphrey, Leary, Norton, Ryan)
1 Absent

Clerk's Note: Councilor Gentile put this on Second Call so that it could be committed to the Finance Committee for further discussion. Multiple councilors thought Councilor Gentile's proposal was well worth further discussion. Councilor Kalis read a statement sent from Councilor Markiewicz, who was not able to attend this meeting. Councilor Markiewicz's statement can be summarized as follows: capital expenses should be financed by long term debt and operating expenses should be financed by current revenue. This funding scheme matches the type of expense with the time period over which the benefit is realized. That is, capital projects have benefits that are realized over a long period of time, in contrast to operating expenses, which are realized in the short term.

Councilor Leary expressed concern that sending this back to Finance could negatively impact/delay the Lincoln Eliot project. Councilor Crossley thought the Trust idea was interesting, but was worried about the timing, and further expressed that there was already a plan on the table that worked and that re-working this plan might not give schools enough time to rethink their budget. Councilor Greenberg stated that her fear was that this delay would negatively impact the Horace Mann project.

Councilor Albright asked, in the event that this does go back to Finance, that Councilor Grossman could keep in close contact with the Mayor throughout this process, in order to get to a resolution quickly. Councilor Albright further recommended putting together a chart with timelines.

**The City Council voted without discussion 22 Yeas, 0 Nays, 2 Absent
 (Councilors Greenberg, Markiewicz) to Accept the Committee
 Recommendations on the following:**

#156-23 Transfer \$1,500,000 to improve the City's roadways, sidewalks and ramps
HER HONOR THE MAYOR requesting authorization to transfer the sum of one million five hundred thousand dollars (\$1,500,000) from DPW Admin-Full Time Salaries (0140121-511001 to DPW Admin-Paving Supplies (0140121-553300) to allow DPW to reach the target spending of \$9.5 million for FY23, with the goal of continuing to improve the city's roadways, sidewalks, and ramps.
Finance Approved 6-0 on 05/08/23
Public Facilities Approved 5-0

#157-23 Appropriate \$1,000,000 to DPW's Vehicle Equipment Account
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million dollars (\$1,000,000) from June 30, 2022 Certified Free Cash to the Department of Public Works Vehicle Equipment Account to fund the vehicle replacements per the City's Vehicle Replacement Schedule as detailed in the FY24-FY28 C.I.P
Finance Approved 2-1-3(Councilor Gentile opposed and Councilors Grossman, Malakie, Oliver abstaining) on 05/08/23
Public Facilities Approved 5-0

- #132-23** **5-58 for the Gath Pool Project at 256 Albemarle Road**
DESIGN REVIEW COMMITTEE petition, pursuant to 5-58, for schematic design and site plan approval at 256 Albemarle Road for the design of a new community recreation. lap pool, and splash pad as well as minor interior upgrades to the bathhouse facility.
Public Facilities Approved 6-0
- Clerk's Note:** The Public Facilities Committee Report had an incorrect vote count of Approved 5-0. Councilor Leary verbally corrected the record, stating that Public Facilities Approved Item #132-23 with a 6-0 vote.
- #166-23** **Appropriate funds for Phase III of the Gath Memorial Renovation Project**
COMMUNITY PRESERVATION COMMITTEE requesting authorization to appropriate and expend the sum of five million eight hundred thirty-four thousand three hundred and sixty-two dollars (\$5,834,362) to the control of the Planning & Development Department and authorize a general obligation borrowing of an equal amount for Phase III of the Gath Memorial Renovation Project and authorization to apply any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing, and marketing them, and any accrued interest received upon the delivery of the bonds or notes to the costs of the project and to reduce the amount authorized to be borrowed for the project by like amount.
Public Facilities Approved 6-0
- Clerk's Note:** The Public Facilities Committee Report had an incorrect vote count of Approved 5-0. Councilor Leary verbally corrected the record, stating that Public Facilities Approved Item #166-23 with a 6-0 vote.
- #161-23** **Acceptance of \$2,500 grant from the Mass Cultural Council**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of two thousand five hundred dollars (\$2,500) from the Mass Cultural Council for the purpose of supporting the Family FunFEST event scheduled for May 13 and 14, 2023.
Finance Approved 5-0 (Councilor Oliver not voting)
- #162-23** **Acceptance of \$15,830 grant from the Mass Cultural Council**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of fifteen thousand eight hundred thirty dollars (\$15,830) from Mass Cultural Council for the purpose of supporting Cultural Development's recovery efforts due to negative impact from the COVID-19 pandemic.
Finance Approved 5-0 (Councilor Oliver not voting)
- #156-23** **Transfer \$1,500,000 to improve the City's roadways, sidewalks and ramps**
HER HONOR THE MAYOR requesting authorization to transfer the sum of one million five hundred thousand dollars (\$1,500,000) from DPW Admin-Full Time Salaries (0140121-511001) to DPW Admin-Paving Supplies (0140121-553300) to allow DPW to reach the target spending of \$9.5 million for FY23, with the goal of continuing to improve the city's roadways, sidewalks, and ramps.
Public Facilities Approved 5-0 on 05/04/23
Finance Approved 6-0

- #160-23 Transfer \$21,950 for an Online Code Management Program**
HER HONOR THE MAYOR requesting authorization to transfer the sum of twenty-one thousand nine hundred and fifty dollars (\$21,950) from Acct # 0110111-511001 City Council-Full Time Salaries to Acct # 0110111-524100 City Council-Software Maintenance to fund the purchase of an Online Code Management program.
Finance Approved 6-0
- #151-23 Appropriate \$55,000 for the full and final settlement of Alison Larkin v City of Newton**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of fifty-five thousand dollars from June 30,2022 Certified Free Cash for the full and final settlement of Alison Larkin v. City of Newton et al (C.A. No 2085-CV-00283).
Finance Approved 6-0
- #152-23 Appropriate \$525,000 for the full and final settlement of John Doe, Jane Doe and David Doe v Newton Public Schools**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of five hundred twenty-five thousand dollars (\$525,000) from June 20, 2022 Certified Free Cash, for full and final settlement of John Doe, Jane Doe, and David Doe v Newton Public Schools et al (C.A. No. 19-CV-12293-PBS)
Finance Approved 6-0
- #125-23 Appropriate \$1,400,000 from FY22 Free Cash**
HER HONOR THE MAYOR requesting authorization to appropriate and expend one million four hundred thousand dollars (\$1,400,000) from FY22 Free Cash to provide a “bridge grant” to Newton Public Schools for the expected significant increase in student out-of-district cost in FY24.
Committee of the Whole Held 24-0 on 05/03/2023
Committee of the Whole Approved on 5/10/2023
16-0 (Councilors Baker, Downs, Kelley, Leary, Lipof, Norton not voting)
- #1-23(2) Proposed Water, Sewer and Stormwater Rates**
HER HONOR THE MAYOR submitting recommended Fiscal Year 2024 (FY24) Water/Sewer/Storm Water Rates for implementation on July 1, 2023 as follows:

FY23 Tiers & Rates for Water and Sewer

<u>HCF Per Quarter</u>	<u>Water Rate Per HCF</u>	<u>Sewer Rate Per HCF</u>
0-10	\$7.62	\$11.84
11-25	\$8.81	\$13.85
26-60	\$10.13	\$14.88
>60	\$12.63	\$17.11
Irrigation	\$13.92	n/a

FY 2023 Stormwater Fees

1-4 family dwellings \$114.00

Commercial Stormwater Fees: based on impervious area - \$0.056 per impervious square

foot.

City Council Approved 22 Yeas, 0 Nays, 1 Recused (Councilor Downs) 1 Absent

Clerk's Note: Item #1-23(2) was amended during the Committee of the Whole meeting to clarify that the rates listed are for FY24, and not FY23.

Motion to suspend the Rules to accept late filed items to be referred to Committee:

Referred to Public Safety & Transportation and Finance Committees

#188-23

Appropriate \$640,000 for the Newton Police IT Department

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of six hundred forty thousand dollars (\$640,000) from June 30, 2022 Certified Free Cash to a Newton Police Department Capital Account to fund several technology initiatives, including a Storage Area Network and significant technology infrastructure improvements.

Referred to Public Safety & Transportation and Finance Committees

#189-23

Appropriate \$250,000 for Police Patrol Overtime

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two hundred and fifty thousand dollars (\$250,000) of June 30, 2022 Certified Free Cash to Acct 0120103-513010 Police Patrol Overtime.

Referred to Finance Committee

#190-23

Appropriate \$30,000 for an IT Risk Assessment

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of thirty thousand dollars (\$30,000) from Acct 0111154-511001 Micro/Network-Full Time Salaries) for an IT Risk Assessment

Referred to Finance Committee

#191-23

Transfer \$100,000 to Snow & Ice Vehicle Contractors

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thousand dollars (\$100,000) from Acct #140123-513010 Snow & Ice Overtime to Acct # 0140123-529100 Snow & Ice Vehicle Contractors to "true up" the legal level of control for the cost for employee overtime versus contracted work for snow and ice removal.

Referred to Finance Committee

#193-23

Discussion regarding property tax overlay surplus

COUNCILORS GENTILE, GROSSMAN, CROSSLEY, LUCAS, LAREDO, LIPOF, BOWMAN, RYAN, DANBERG, ALBRIGHT, MALAKIE, BAKER, KALIS, KRINTZMAN, WRIGHT, NOEL, LEARY, AND DANBERG requesting a discussion with Director of Assessment Administration James Shaughnessy and City Comptroller Steve Curley regarding the status of the property tax overlay surplus account including an estimate as to how much money is available to be declared surplus, and eventually free cash, as of 5/1/2023.

Public Hearings were assigned for the following Items

Public Hearing to be assigned for June 8, 2023

#144-23

Citizens Group Petition to place a nonbinding advisory question on the ballot

PETER HARRINGTON ET AL., petitioning pursuant to Article 10, Sec. 10-2 of the City of Newton Charter, for the City Council to cause the following non-binding question to be placed on the November 7, 2023 municipal ballot: "Shall the City of Newton adopt new zoning laws to: 1. Allow new buildings of three and one-half and four and one-half stories in our village center business districts; 2. Allow the expansion of the lot size on which new developments can be built, without obtaining a special permit, from the current 10,000 square foot threshold to 30,000 sq ft; 3. Allow the reduction or elimination of parking space requirements in Village Centers; 4. Change Newton Ordinances to allow developers to build fewer affordable housing units and allow the affordable units to be occupied by tenants with more income than provided by Newton's Ordinances, unless Newton shows its requirements are economically feasible."

Public Hearing to be assigned for June 26, 2023

#38-22

Discussion and review relative to the draft Zoning Ordinance regarding village centers

ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)

Zoning & Planning Held 8-0;

Public Hearing Set for 06/26/23