



# Programs & Services Committee Report

## City of Newton In City Council

**Wednesday, March 22, 2017**

Present: Councilors Rice (Chair), Leary, Baker, Auchincloss, Kalis, Hess-Mahan, Schwartz and Sangiolo

Also Present: Councilors Yates, Cote and Norton

City Staff Present: Phil McNulty (Director, Newton Free Library), Lisa Dady (Director, Historic Newton), Maura O'Keefe (Assistant City Solicitor), Karyn Dean (Committee Clerk)

**#45-17      Resolution to commemorate Newton residents in World War I**  
COUNCILOR YATES proposing a Resolution to urge all relevant City agencies to commemorate the participation of Newton residents in World War I, honor their courage, idealism and suffering, and learn from the consequences of the war.

**Action:      Programs & Services Approved as amended 8-0**

**Note:** Councilor Yates explained that he has seen various remembrances of war related anniversaries by the City in the past. Since the 100<sup>th</sup> anniversary of the start of World War I is this year, he would like to see some recognition of that. There is a World War 1 memorial on the corner of Hyde and Pettee Streets in Upper Falls, but the last time any event took place there was when Mayor David Cohen took office. There have been no commemorations associated with the World War 1 memorial off of Centre Street in the recent past either. Memorial Day started as Decoration Day for Civil War veterans and Veteran's Day is the successor to Armistice Day marking the end of World War I.

Councilor Yates felt that a resolution calling for the educational institutions in the City such as the Library and the Museum to focus some of their attention on this historic event would be appropriate. He provided a list of possible books and films that could be presented at events which is attached to this report. He also provided two versions of a resolution which are also attached. Some Councilors raised concerned that the educational element tainted the honoring of the veterans in his original drafting of Resolution B, so he drafted a second option, Resolution A.

Phil McNulty, Director of the Library, noted that the book "With Their Bare Hands" was recently released which is a treatment of the American experience in the war and speaks to the geopolitical issues of the war and combat experience. It seems to be a very well-researched book. Lisa Dady, Director of the History Museum has scheduled the author, Gene Fax, for a speaking engagement. The Museum is working with the NE Genealogical and Historic Society in Boston on an exhibit called "Voices of War: Americans in World War I" which will open on April 18<sup>th</sup> and run through October in Boston. Two of the veteran's most featured in the exhibit are from Newton; Charles

Judd Farley and Bernard Goldfinkle. One was a Judge Advocate and the other an ambulance driver. Depending on how popular the exhibit is in Boston, perhaps it could be brought to Newton. In addition, the Museum hopes to bring the Society's genealogist here to do some training on genealogy and also do a program around a World War 1 cookbook

The second project being undertaken related to World War 1 is in conjunction with other City departments and includes the WPA mural that was found at Newton North during construction of the new high school. They will be working with interns to research the individuals depicted in the mural, many of whom fought in World War 1. When the conservation work has been completed on the mural, a panel of it will be installed at Newton North High School with a plaque commemorating those depicted.

#### Committee Comments/Questions

Some Committee members felt that the language in version B was too political for the purposes of this resolution. Councilor Sangiolo suggested adding the following to Resolution A and the Committee agreed:

"Whereas the City Council recognizes the importance of learning from the past"

It was also suggested that some event be organized for Memorial Day in cooperation with Post 440 and/or the Veteran's Affairs officer, as well. Councilor Yates pointed out that Veteran's Day is the successor to Armistice Day which commemorates the end of World War 1.

Councilor Sangiolo moved approval and the Committee voted in favor of the amended Resolution unanimously. The approved draft is attached.

#### **#300-16 Ordinance to register lobbyists**

COUNCILORS COTE, NORTON AND HARNEY proposing an ordinance to register lobbyists in the City of Newton.

**Action: Programs & Services Held 8-0**

**Note:** Councilor Cote explained that he started to speak with the Law Department about this issue after the last election and right after Austin Street had been voted. He had been approached by some people asking where some flyers and literature regarding Austin Street had come from and who paid for them. This prompted him to call the Secretary of State's office to inquire about lobbying requirements. The Secretary's office responded that there are federal and state lobbying regulations, but they were unaware of few, if any at the municipal level. If there is a statewide issue, such as the legalization of medical marijuana, lobbyists register at the state level to lobby within a City on that issue. Otherwise, there are no regulations on lobbying on local issues.

Councilor Cote noted that a state representative from Taunton, MA proposed a statewide bill which allows municipalities to opt in or out but it seemed like a lot of paperwork and it may have just stalled in Committee. The City of Boston has a proposed ordinance pending. He felt that full

transparency would be fairest to the residents so they know who they might be talking to, why they are advocating (or not) for a particular issue and if they are being paid to do so. He asked Maura O'Keefe, Assistant City Solicitor, to do some research and write a draft ordinance to register lobbyists in Newton. The draft ordinance was attached to the agenda.

Councilor Norton noted that she is a lobbyist and has to register with the state. She felt it was logical to do the same locally. During the Orr project discussions, for example, a man showed up often who said he was doing research and preparing reports just because he was interested, which she felt was highly unlikely and that he was probably a paid lobbyist. She felt that the public should know when someone is being paid to advocate to the City Council on a matter.

Councilor Cote added that he spoke to David Olson, City Clerk, about the process of registering and Mr. Olson felt that the impact on staff would be low and there would be no significant cost associated with it.

Ms. O'Keefe explained that lobbyist ordinances are found at the state level and cities with large populations of over a million residents like Los Angeles, Houston or San Diego. There are a couple of smaller municipalities that have them such as Providence, RI and a small town in Florida. Boston has a proposed ordinance as was mentioned by Councilor Cote. The draft ordinance she prepared is based on the Massachusetts state version, but simplified. The draft distills the intent and is targeted at bringing transparency to the process.

The definition of lobbyist in the draft ordinance is someone who is retained with or without direct or indirect compensation for the purpose of lobbying or someone who is employed by a lobbyist organization. This means anyone who is working on a regular basis, in their regular business, to influence a governmental matter, or promote some sort of outcome. A Committee member felt that might include all the Land Use attorneys, however, Ms. O'Keefe did not believe they would fall under this definition. Councilor Cote explained that they would be retained specifically as Land Use attorneys, not lobbyists, and lobbying was not their regular business.

#### Committee Comments/Questions

Councilor Cote said that Land Use Committee members get some calls asking who is behind certain campaigns for or against a project. He felt this would provide some transparency for that. Another Councilor, who sits on the Land Use Committee, said that he has never gotten any questions of that nature.

Many Committee members noted that they tend to know who all the players are in the City and did not see this as a problem and perhaps that is why there are no regulations on the municipal level. A well-known lobbyist was hired to work on the Washington Place project and most people knew who he was and that he was paid. Councilor Cote and Councilor Norton felt that most residents would not have known that he was a lobbyist and a registry would provide transparency for those who cared to look.

On the other hand, it was pointed out that during discussions of regulating tobacco in Newton, for example, there were instances of people coming in who represented the tobacco industry. However, they did generally announce at the meetings who they were and who they were representing.

A Councilor argued that a bigger issue comes from Councilors becoming unduly biased against a project because neighbors don't want it, rather than on the pro-development side.

Councilor Norton felt that if someone is promoting or advocating for a particular outcome to an elected official, the residents should know that. Others in Committee felt registering might have a chilling effect by imposing a regulatory burden. Speakers at public hearings are asked to give their address, and some do not even like to do that, so there could definitely be a chilling effect on participating in the issues.

A Committee member felt that there did not seem to be much of an interest in Committee to approve the ordinance. Big cities, states and the federal government require registering and regulation of the lobbying industry because there are large amounts of money involved. Lobbyists in Washington and in other big cities are on a scale that is very different than a smaller city.

There was some confusion as to who would be considered a "lobbyist". Ms. O'Keefe reiterated that would be anyone who received compensation for lobbying as their regular job, as defined above. There are exceptions built into the ordinance: Anyone representing or advocating for their own interests would not be included; officials acting in their official capacity would not be included; and an employee of a non-profit organization advocating for a constituent of that entity would not be included.

#### Follow Up

A Committee member asked to see Houston, San Diego, Los Angeles, Providence and Boston's ordinances at the next discussion.

Another Committee member said he was not opposed to the transparency this ordinance might bring but he would like to see a couple of examples of when this was a problem in Newton. He would also like to make sure it is not overly broad so that it creates a chilling effect on participation in issues, and also that it is not too burdensome to City staff to administrate this and make decisions on who should or should not be registered.

The Committee voted unanimously to hold this item.

**#158-16**      **Ordinance to require notice on gas pumps relative to climate change**  
COUNCILORS NORTON AND SANGIOLLO requesting an ordinance that requires a notice posted on retail gas station pumps within the City of Newton that informs consumers that burning gasoline contributes to climate change; and a link to a City

website page offering information regarding alternatives to gasoline powered transportation, including walking, biking, public transit and electric vehicles.

**Action:**       **Programs & Services Held 8-0**

**Note:** Councilor Norton explained that the concept behind this item to have warning labels on gas pumps is similar to the labeling of cigarettes or alcohol. These are products that are legal to use, however, pose detrimental health benefits. This is also consistent with other actions that the Council has been taking on climate change and environmental sustainability. This would be extremely forward thinking and acting – this is not yet happening anywhere else in the country at this time, but is under consideration in Seattle and several California communities. Even though people generally know the dangerous effects of burning gasoline, they don't always have it in the front of their minds. This will be a reminder when they use this product that is not healthy that there are cleaner and healthier alternatives. This is not a mandate to ban anything; it is just information and a warning. President Trump is attempting to reverse the fuel economy standards that President Obama put in place, which she felt was literally the single most significant thing any president has done on climate change. Therefore, action needs to come from the local level and Newton is the kind of leader community that others look to.

There are many regulations around gas pumps and there would need to be some research, if there is interest in Committee, to find out exactly how this could be implemented. Mitch Baker, the City's Sealer of Weights and Measures, inspects and calibrates the gas pumps around the City so he may be someone to consult on this to make sure this is allowable.

#### Committee Comments/Questions

It was asked who would pay for the labels. Councilor Norton said the label should only cost a few cents and the idea would be for the gas station owner to pay for it. Another Councilor noted that some gas stations have small monitors on the pumps running video and perhaps those could be utilized somehow.

The City inspection stickers on the pumps are on the tank, not the handle. It was suggested that perhaps the warning could be added to that sticker, but it may be too small. It would then more clearly be endorsed by the City of Newton rather than a separate more generic sticker might imply.

A Councilor wondered if the labeling would be effective. It was explained that research has shown that exposing people to the dangers of products in this way is in fact very effective. Repetition works and forces people to think. Children will see the labels while sitting in cars while their parents fill the tanks and the information will sink in. Being near the Mass Pike, many people come through Newton and some stop for gas and the concept can spread in a positive way.

There may be some pushback from the Council and the community about whether the City can require someone to label something one is selling as dangerous. Also, the idea of further government regulation is something people may not be interested in. There is an appetite among the public and legislators to do this sort of thing and maybe they need to choose their battles.

However, another Committee member said this is such an easy thing to do and this should not create a big problem.

A Committee member felt it would be wise to have gas station owners into Committee for the discussion as this directly affects them and their business. The Committee did the same when discussing the tobacco, plastic bag and leaf blower regulations. Councilor Norton agreed that it would be a good idea to invite the business owners. It could potentially also be the start of a conversation about a local action gas tax, which would be similar to the meal tax the City adopted.

Marcia Cooper stated that Green Newton has given back to the community in various ways. For instance, they funded, with Whole Foods and Waste Management, Inc. the printing of 30,000 recycle stickers. They have 50 volunteers go around the City and put them on 20,000 bins. They also donated the solar-lit bus stop at a cost of \$10,000. Currently, they are printing up leaf blower enforcement cards for the police to handout. Green Newton is a dues paying organization of volunteers with over 400 family memberships. They have no office or overhead and they would like to give back to the community and could help with this as well if that would be helpful. The recently passed resolutions on carbon fees and fossil fuel divestment may be small steps, but they all add up. There is obviously a serious problem with climate change, which does not recognize borders. Every community must take every step, big or small, and they do make a difference.

#### Follow Up

Councilor Norton will invite some gas station owners in for the next discussion of this item. She will also get more information about regulations on gas pumps and how the stickers would look and where they could be placed.

The Committee voted to hold this item unanimously.

**#56-16**      **Ordinance amendment to add statutory references to policy on housing practices**  
**COUNCILOR HESS-MAHAN** requesting an amendment to Chapter 12, Section 50(b) *Policy of the city regarding housing practices*, to add statutory references to Title VI of the Civil Rights Act of 1964; the Americans with Disabilities Act; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act; and any other applicable state or federal laws that were inadvertently omitted from the current ordinance.

**Action:**      **Programs & Services Held 8-0**

**Note:** Councilor Hess-Mahan explained that when the statement of the mission of fair housing of the City was passed, the decision was made by the Law Department to simply refer to the Fair Housing Act and the state Fair Housing Act. At the time, he would have liked to add more, but he felt it was more important to get something in place than to leave it blank.

He went to the Department of Housing and Community Development (DHCD) to get a list of all the fair housing laws that would apply and that was what generated this docket item. He would prefer to get the Law Department's input on this to be sure it is correct as to form and also whether there

might be other specific laws to include or some to exclude. He thought someone from the Law Department might be available to consult this evening, but unfortunately no one was.

It was asked what the impact of this would be. Councilor Hess-Mahan said that HUD finally passed the regulations which impose an affirmative duty to further fair housing if receiving federal funds such as CDBG or HOME funds. Because the City receives those funds, it is especially incumbent upon it to uphold all the fair housing laws.

While the Massachusetts Commission against Discrimination can enforce against landlords who discriminate in housing, there is nothing that binds the City except what is in this ordinance. If it excludes all of the other laws he added, such as the ADA, laws to protect seniors and veterans and others who receive public assistance, his concern is that it will appear that the City cannot be held to account for them and the City should be held at least as responsible as any private citizen. This is more of a statement of what the City's fair housing policy is and it should be laid out that there is more to it than the Fair Housing Acts that are currently listed. Landlords, developers and lawyers typically reference this section as well as the Mayor's Commission on Disability. It is a signal to professionals as well as the City's Boards and Commissions as to what is required and expected.

Councilor Hess-Mahan would have preferred to have kept the original language which stated what the City's fair housing obligations were. It was an important thing for the public to have because stating all the statutes and laws is far less clear. It stated what kinds of discrimination were prohibited and what the affirmative obligations were. During recodification, the Law Department decided to incorporate the Fair Housing Act by reference and any amendments to it because laws change from time to time. For instance, now transgender people are covered under state anti-discrimination law. So he understood that, but felt this would be a helpful amendment.

It was asked how well the City is doing in enforcing fair housing practices. Councilor Hess-Mahan explained that he is on the Fair Housing Committee which is trying to address a number of issues of fair housing. There were two studies done in 2006 which compared how various people were treated and what responses they got in the same situation when looking to rent an apartment to see if discrimination was occurring. The studies showed that people with disability were discriminated against about 50% of the time; a little less than 50% were discriminated against due to race.

Landlords are required, for instance, to provide a reasonable accommodation for a disability, such as allowing service dogs, providing ramps, adapting an apartment, etc. but many landlords are unaware of that or what they are required to do. These are evaluated based on the specific situations – there is no “list” of what reasonable accommodations might be.

#### Follow Up

Committee members agreed that this would be helpful to add to the ordinance but would like to have the Law Department review this before they approve. The Committee voted unanimously to hold the item until that time.

**Respectfully Submitted, John B. Rice, Chair**

### **Films to be Shown at Library**

"Tunes of Glory"--Stanley Kubrick, Director, Kirk Douglas, Star

"All Quiet on the Western Front" TV movie starring Richard Thomas

"Lawrence of Arabia", David Lean, Director

"Gallipoli"

"Wings"

Lord of the Rings Trilogy

### **Books for History Book Club and Exhibits**

Fall of the Ottomans--scheduled for this week

The Guns of August by Barabar Tuchman

Seven Pillars of Wisdom by T.E. Lawrence

Bios of Lawrence

Churchill's Folly

Bloodlands by Timothy Snyder

A Soldier of the Great War by Mark Happerin

All Quiet on the Western Front by Erich Maria Remarque

Lord of the Rings Trilogy and bios of Tolkien focusing on the influence of the War on his books

### **Focus on low visibility sites**

Memorial on Centre Street

Memorial on High/Pettee Streets



## RESOLUTION A

WHEREAS American participation in World War I began 100 years ago;

WHEREAS Newton residents participated in the War because of patriotism and support for its noble ambitions to save democracy and end war;

WHEREAS many Newton residents were wounded or killed in the War;

WHEREAS the battles of World War I are cited on the front of the War Memorial ;

WHEREAS the Newton participants in the War I are commemorated in memorials on High Street and Centre Street and other locations in the city;

WHEREAS a diorama in the War Memorial depicts a scene in the War in France;

WHEREAS Veterans' Day began as Armistice Day to mark the end of the War;

NOW THEREFORE BE IT RESOLVED that all relevant agencies of the City should commemorate the participation of Newton residents in the War, and honor their courage, idealism and suffering

## RESOLUTION B

WHEREAS the noble aspirations of World War I were not achieved;

WHEREAS the War led to World War II and the ongoing struggles in the Middle East;

WHEREAS those who do not learn from the past are condemned to repeat it;

NOW THEREFORE BE IT RESOLVED that Historic Newton, the Newton Free Library, the Newton School Department and other relevant city agencies should enable the citizens of Newton to learn more about the causes, conduct, and consequences of the War.

CITY OF NEWTON

IN CITY COUNCIL

April 3, 2017

RESOLUTION

TO COMMEMORATE NEWTON RESIDENTS' PARTICIPATION IN WORLD WAR 1

BE IT RESOLVED:

WHEREAS American participation in World War I began 100 years ago;

WHEREAS Newton residents participated in the War because of patriotism and support for its noble ambitions to save democracy and end war;

WHEREAS many Newton residents were wounded or killed in the War;

WHEREAS the battles of World War I are cited on the front of the War Memorial;

WHEREAS the Newton participants in the War are commemorated in memorials on High Street and Centre Street and other locations in the city;

WHEREAS a diorama in the War Memorial depicts a scene in the War in France;

WHEREAS Veterans' Day began as Armistice Day to mark the end of the War;

WHEREAS the City Council recognizes the importance of learning from the past;

NOW THEREFORE BE IT RESOLVED that all relevant agencies of the City should commemorate the participation of Newton residents in the War, and honor their courage, idealism and suffering.

Under Suspension of Rules  
Readings Waived and Approved  
yeas nays

(SGD) DAVID A. OLSON  
City Clerk